



## LAW SOCIETY OF SOUTH AFRICA

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# CONVEYANCING EXAMINATION SYLLABUS (2010 Issue)

*(Last revision December 2009)*

## 1. **INTRODUCTION**

It is required of examiners appointed in terms of s14(1)(e) of the Attorneys Act 53 of 1979 for the purposes of conducting examinations in respect of the law, practice and procedure of conveyancing, to satisfy themselves, on the basis of written and oral examinations, that candidates have satisfactorily answered the questions put to them and have shown that they possess sufficient practical knowledge of the said subjects.

## 2. **EXAMINATION CRITERIA**

The written examination comprises two papers.

### 2.1 **First paper (08:30 - 12:45)**

The first paper is designed to test the competence of a candidate mainly in the practice and procedure of conveyancing and consists of questions which require candidates to draft such deeds, certificates, applications, consents, agreements, and other documents as will indicate whether candidates possess sufficient practical knowledge. 200 marks are awarded to this paper.

### 2.2 **Second paper (14:00 - 16:15)**

The second paper will consist of short questions. It is designed to test the knowledge of the candidates of various statutes and ordinances, applicable to conveyancing. 100 marks are awarded to this paper.

### 2.3 **Pass requirements**

An aggregate of 50% for the two written papers constitutes a pass mark and candidates will, in the normal course, not be required to present themselves for an oral examination if an aggregate of 50% or more is achieved. The examiners do, however, have the right to request an oral examination of any candidate to satisfy themselves that a candidate has sufficient

knowledge of the subjects. Candidates who achieve an aggregate of 40% to 49% have failed the examination but will qualify for an oral examination. A candidate who achieves an aggregate of less than 40% fails and is required to rewrite the examination.

The first paper is a four-hour paper (08:30 - 12:45) and the second paper a two-hour paper (14:00 - 16:15). Candidates, will, in both papers, be granted an additional 15 minutes to study the questions before they write to accommodate those who are not writing in their own language.

### 3. **REQUIREMENTS**

For these examinations candidates are required to:

- 3.1 be fully conversant with the Acts (and their regulations) pertaining to land registration in a deeds registry namely ***Deeds Registries Act*** 47 of 1937 and ***Sectional Titles Act*** 95 of 1986 and the relevant government notices, circulars issued by the Chief Registrar and provincial registrars and resolutions adopted at Registrars' Conferences. The Candidates will be provided with the The Deeds Registries Act 47 of 1937 and The Sectional Titles Act 95 of 1986 and regulations issued in terms thereof **for the first paper only**. Candidates are **NOT** required to memorise the prescribed forms which appear in the regulations in terms of the ***Deeds Registries Act*** and the ***Sectional Titles Act*** as copies of these forms will be provided **for the first paper. The aforesaid acts, regulations and forms will not be made available to the candidates for the second paper**; and
- 3.2 be fully aware of the responsibilities of conveyancers and of the professional conduct expected from conveyancers;
- 3.3 to have a working knowledge of the particular sections of the acts and ordinances pertaining to conveyancing (ie in addition to those mentioned in par 3.1) and the various High Court and the Supreme Court of Appeal judgments applying thereto, particularly the following:

***Administration of Estates' Act***, 66 of 1965 sections 1, 35(12), 37 - 42, 49, 80, 81 and 94.

***Advertising on Roads and Ribbon Development Act***, 21 of 1940 sections 1, 7 and 11.

***Agricultural Holdings (Transvaal) Registration Act*** 22 of 1919 ("Northern Provinces" candidates only) sections 1, 5 and 6

***Alienation of Land Act***, 68 of 1981 – The entire act.

***Births and Deaths Registration Act***, 51 of 1992 sections 23-26.

***Black Communities Act***, 4 of 1984 sections 53, 54, 56, 57 and 57B.

***Childrens Act 38 of 2005***, sections 17-21.

***Civil Union Act 17 of 2006*** – The entire act

***Close Corporations Act***, 69 of 1984 sections 1, 27(1), 40, 46, 52 and 55.

***Collective Investment Schemes Control Act***, 45 of 2002 – sections 52 – 61.

**Companies Act**, 61 of 1973 sections 1, 29C, 29D, 35, 38, 44, 226, 228, 322, 323 and 324.

**Constitution of the Republic of South Africa Act**, 108 of 1996 sections 103 and 166.

**“Deeds Practice Manuals” issued by Juta in December 2006**

**Development Facilitation Act** 67 of 1995 sections 1, 36 - 38, 41, 43, 46, 55, 59 and 61 - 65.

**Donation tax imposed by the Income Tax Act**, 58 of 1962: candidates are expected to know the rate of donations tax and what exemptions exist – sections 54 to 64.

**Estate Agency Affairs Act**, 112 of 1976 – section 32.

**Expropriation Act**, 63 of 1975 – sections 1, 3, 8 and 9.

**Financial Intelligence Centre Act**, 38 of 2001.

**Formalities in respect of Leases of Land Act**, 18 of 1969 - the entire Act.

**Housing Consumer’s Protection Measures Act**, 95 of 1998 - sections 1, 13 and 18.

**Immigration Act**, 13 of 2002 – sections 42 and 49.

**Immovable Property (Removal or Modification of Restrictions) Act**, 94 of 1965 – sections 1 and 6 - 9.

**Income Tax Act**, 58 of 1962 Eight Schedule (relating to Capital Gains Tax) – Paragraphs 1, 44, 45, 46, 48 and 51; and Section 35A.

**Insolvency Act**, 24 of 1936 sections 2, 5, 17, 18, 35, 80bis, 86 - 88, 127A and 129.

**Intestate Succession Act**, 81 of 1987 - the entire Act.

**Land Survey Act**, 8 of 1997 – sections 14, 20 and 38.

**Matrimonial Property Act**, 88 of 1984 – sections 1, 11, 12, 14 - 16 and 22.

**Recognition of Customary Marriages Act 120 of 1998**, the whole act.

**Removal of Restrictions Act**, 84 of 1967 – sections 1, 2 and 6.

**Share Blocks Control Act**, 59 of 1980 – sections 1, 8, 8A, 14(1) and the provisions of Schedule 1.

***Subdivision of Agricultural Land Act***, 70 of 1970 - the entire Act.

***High Court Rule*** No 63 - candidates must be aware of this rule and have an insight of the rule but are not expected to know the rule off by heart.

***Transfer Duty Act***, 40 of 1949 – sections 1 - 14, 16 and 20.

***Trust Property Control Act***, 57 of 1988 – sections 1, 4 and 6.

***Value Added Tax Act***, 89 of 1991 - as a guide candidates are referred to the Law Society of South Africa's publication, Consulta 10: "VAT for Lawyers", chapters 4 and 5. (This publication may be ordered from the Continuing Legal Education Department).

***Provincial Ordinances*** relating to local authorities, township development, subdivision and consolidation of erven, charges and levies, and related matters as may apply in the province where the candidate practises.

Resolutions of Registrars' Conferences which impact on the law, practice and procedure of conveyancing.

Any regulations issued in terms of the aforesaid Acts and Ordinances

**NOTE:**

Candidates must also study the following Acts and have a sufficient knowledge of them to enable them to answer possible questions which will however in total not be awarded more than 10% of the marks in any given paper, namely: -

***Housing Development Schemes for Retired Persons Act***, 65 of 1988 – sections 1-4, 6, 7 and the Regulations.

***Less Formal Townships Establishment Act***, 113 of 1991 – sections 1, 26.

***Property Time Sharing Act***, 75 of 1983 – sections 1, 4 and the Regulations.

***Restitution of Land Rights Act***, 22 of 1994 (as amended) – sections 1, 2 and 3.

***Upgrading of Land Tenure Rights Act***, 112 of 1991 – section 1.

***The Extension of Security of Tenure Act***, 62 of 1997 – section 1.

***National Credit Act*** No 34 of 2005 – the whole act

GENERAL

Candidates must have a practical knowledge of conveyancing and are therefore

urged to also study the following material in preparation for the exam:

- Registrars Conference Resolutions 1938-2009 (Butterworths)
- Chief Registrars Circulars (Butterworths)
- Relevant Registrars Circulars (Local Deeds Registry)
- Articles and views published in the South African Deeds Journal (SADJ)
- Deeds Practice Manuals published by Juta
- LEAD offers a mentorship program for those candidates who are not exposed to practical conveyancing