

# How to use these notes

The notes for the Self-Study Deeds Course were compiled for **self-study purposes** and are intended to help students prepare for the conveyancing examination. It was written for people who have no exposure to a conveyancing practice, and who have no knowledge of deeds. In order to present the extensive amount of information on conveyancing in a way that will be accessible to the student, the course notes have been divided into four parts, namely:

Part 1	Conveyancing Practice and the Deeds Registries Act
Part 2	Sectional Titles and Deeds Office Procedure
Part 3	Conveyancing Practice and Other Applicable Acts
Part 4	Practical Examples - (volume of examples)

- **Parts 1, 2 and 3** consist of **explanatory notes** in which conveyancing practice and the applicable acts are explained.
- **Part 4** consists of **practical examples** relating to Parts 1, 2 and 3.

You are advised to put each part in a separate file to make your study easier, but in particular part 4, the **practical examples**, so that they can easily be used in conjunction with the explanatory notes. The explanatory notes (parts 1, 2 and 3) contain frequent references to relevant examples in the volume of examples (part 4).

Each part (1, 2 & 3) is divided into different chapters, and each chapter is presented with its own index at the beginning.

- **Part 1** focuses on **conveyancing practice** in general and in particular on the ***Deeds Registries Act*** and the ***Regulations*** in terms thereof.
- **Part 2** focuses on the ***Sectional Titles Act*** and the ***Regulations*** in terms thereof. It also deals with the ***Procedure in the Deeds Registry***.
- **Part 3** focuses on **other applicable acts** pertaining to conveyancing practice, as prescribed by the syllabus. It deals with the ***most important general laws*** prescribed in the syllabus.

The **syllabus** is updated annually by the examiners appointed for this purpose. A copy of the latest syllabus can be downloaded from our website. These notes, however, have been compiled over the years to comply with the most essential requirements of the syllabus.

# Hints for study and examination purposes

## 1 The format of the examination

1.1 In order to be able to adequately prepare yourself for the conveyancing examination you should know **what the format of examination** will be. The examination consists of *two written papers*. (See *paragraph 2 of the syllabus*.)

1.2 The **first paper** was compiled so as to examine your knowledge of the practice and procedures of conveyancing. It tests your ability of preparing *deeds, certificates, powers of attorney, applications, consents and other documents*. The first paper, therefore, primarily tests your knowledge of **preparation**, in other words, your **drafting skills**. However, a number of short questions are always included to test your theoretical and practical knowledge of the work. This is a 4-hour paper and is usually written between 08h30 and 12h30 in the morning. Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. (See *paragraph 2.1 of the syllabus*.)

1.3 The **second paper** consists of short and paragraph-type questions aimed at testing your **theoretical and practical knowledge** of the Deeds Registries Act, the Sectional Titles Act and all the other acts concerning conveyancing, as prescribed in the syllabus. This is a 2-hour paper and is usually written on the same day as the first paper from 14h30 to 16h30 in the afternoon. Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. (See *paragraph 2.2 of the syllabus*.)

“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.”  
(*Paragraph 2.3 of the syllabuses*).

## 2 What is provided in the exam?

Copies of the ***Deeds Registries Act*** and the ***Sectional Titles Act*** as well as the ***regulations*** and the ***prescribed forms*** in terms of both of these Acts are provided in the **first paper**, but not in the second paper. The first paper is therefore a so called “open book” exam, but not the second paper.

### 3 How will these assist me in the exam?

You should know your work well and not expect to rely on searching in the exam in the acts or regulations for information. There is simply no time to do so. However, you should know how to use the **prescribed forms** in the exam. You don't have to learn them by heart, but you must know which form to choose in order to draft the relevant document asked in a particular question. They are of great importance in the **first paper**.

### 4 How much time do I need to prepare for the exam?

We often get this question, but the answer depends on a number of things, for example: your ability to master the huge volume of work, the time that you have available to prepare for the examination, your commitment, your personal circumstances and other commitments, etc. **As a general rule we recommend that four to six months of committed study would be an ideal and realistic time frame for your preparation.** However, a large number of our students have attended our courses in February/March for the May exam, and in July/August for the September exam and have passed straight away with the first attempt. It is therefore possible to do it in less than the recommended time frame, but it would be extremely challenging. Some of their testimonies can be viewed on our website.

### 5 How do I approach the notes?

5.1 Part 1 and 2 mainly aims at the preparation for **paper 1**, whereas Part 3 aims at preparing you for **paper 2**. However, your theoretical knowledge obtained from Parts 1 and 2 will also be examined in the second paper.

5.2 First “scan” (read) through Part 1 at a fairly fast speed in order to obtain an overall impression, and then go back to the beginning and study each chapter in more detail.

5.3 Test your knowledge by looking at previous examination papers while studying these notes. It will give you an idea of how the questions will be asked and what will be expected from you in the exam.

### 6 Where do I find model answers and examination questions?

6.1 **Model answers** of (at least) the past three years' examination papers are supplied to you with these notes. They are our own model answers. Older model answers of can be downloaded from our website by using your special registration number for access thereto.

6.2 You are advised to obtain the **question papers** on your own from the section *Legal Education and Development* of the Law Society of South Africa, "LEAD". Its head office is in Pretoria and these can be purchased at a small fee from the sales department which can be reached at the following telephone number - **(012) 341-2841**.

7 Are these notes sufficient?

7.1 These notes are undoubtedly the most comprehensive set of notes to prepare for the conveyancing examination and you are advised to study them well. They have over the years proved to be sufficient in order to prepare and to pass the exam. Various testimonies of successful candidates can be viewed on our website.

7.2 Besides these notes you are required to obtain at least the following -

- a copy of the **Deeds Registries Act 47** of 1937 and the **Regulations** thereto, but in particular a copy of the **prescribed forms** annexed as a schedule to the Regulations.
- a copy of the **Sectional Titles Act 95** of 1986 and the **Regulations** thereto, but in particular a copy of the **prescribed forms** annexed as a schedule to the Regulations.

The prescribed forms of these two Acts are extremely important. You don't have to memorise them, but must be able to use them in the exam. They can and must be downloaded from our website.

8 How do I get new updates of these notes?

8.1 A unique characteristic of this course is that you have the opportunity to update your notes by obtaining the newest edition containing the latest developments. The notes are generally updated once or twice per year.

8.2 As soon as you have registered with us, your name is automatically placed on a database. You will then receive, *Deo Volente*, a notice by SMS, e-mails and/or through the post informing you when a new supplement will be available and at what cost.

8.3 It is your responsibility to inform us of any change of your cell phone, e-mail and personal mail addresses to ensure that you receive these notifications.

8.4 The cost of the new updated material depends on how much work was involved in preparing it and also on the volume of pages affected by the supplement (a new edition).

## 9 Information on the cover page of the exam paper

9.1 Since the first paper mainly tests your **preparation skills** it is of utmost importance that you consider the examiner's requirements contained on the first page of the examination paper - (see a copy thereof on the next page). You must adhere to all requirements, but I would like to call your attention to point 6 of the examination paper -

*"Deeds and documents to be drawn must comply fully with the requirements of the Deeds Registries Act and regulations, i.e. as if intended for lodgement in a deeds registry."*

9.2 See Part 1, chapter 4, "Deed of Transfer", paragraph 3, of these notes where the **rules applicable to the preparation of deeds and documents** are discussed. Adhere to these rules when writing the examination! In other words, provide a preparation clause, leave the first half page blank and start the deed with the heading in the centre of the page - that is of all deeds of transfer, certificates of registered title and mortgage bonds. Only write on one side of the page. Number the pages of every document you prepare. Cross out open spaces, etc. Adhere to all rules and rather ask for a second answering sheet!

9.3 However, it is not sufficient to clinically prepare the deed adhering to the above rules. The examiners require the deed to be prepared **"as if intended for lodgement in a deeds registry"**. In other words, you have to *sign* the preparation clause, *sign* the deed or document and *initial* every page thereof in the name of the persons who are supposed to sign such a deed or document. Let *witnesses sign* the deed or document where necessary. **In other words, show the examiner that you know how such a deed, certificate, power of attorney, application, consent, etc. will look just before registration.**

## 10 Visit a deeds registry in your area

If you do not have the opportunity to visit a deeds registry regularly I advise you to accompany a practising conveyancer at least three times to a deeds registry and ask him or her to explain the entire process from **lodgement of the document to its registration**. This knowledge will be particularly useful in your oral examination.

## 11 Good luck and all the best

I wish you all the best and success with your preparation.

**Gawie le Roux**

and, also on behalf of my colleague Erinda Frantzen

# DIE REPUBLIEK VAN SUID-AFRIKA

TRANSPORTBESORGINDEKSAMEN

## DEEL 1

13 SEPTEMBER 2006 4 Uur 08:30-12:45

*Kandidate kry 15 minute om die vraestel deur te lees voor hulle begin skryf. Geen kandidaat mag tydens hierdie tyd in die antwoordboek begin skryf nie. Die eksamen van 4 uur volg dan.*

### LET ASSEBLIEF OP DIE VOLGENDE:

1. Skryf asseblief die nommer wat aan u toegeken is op die omslag van u antwoordboek.
2. Kandidate **moet** leesbaar en netjies skryf. Wat vir die kandidaat (wat aan sy eie handskrif gewoon is) leesbaar mag lyk, is nie altyd leesbaar vir die eksaminatore nie. Daar kan **nie** van die eksaminatore verwag word om skrif te ontsyfer nie, nog minder is dit regverdig (teenoor ander kandidate) om te verwag dat die eksaminatore dit moet doen. Indien die handskrif van die kandidaat **nie duidelik** leesbaar vir die eksaminatore is nie, loop die kandidaat gevaar om baie punte te verloor. **GEBRUIK SLEGS 'N VUL- OF BALPUNTPEN VIR U ANTWOORDE.**
3. Gebruik asseblief net **een** kant van elke bladsy.
4. Besonderhede, veral die beskrywing van eiendomme, mag verander word om te voldoen aan die heersende praktyk in u aktekantoor. Indien 'n vraag egter betrekking het op plaaseland, mag die beskrywing **NIE** verander word na dié van 'n erf in 'n dorp nie.
5. Kandidate moet sodanige verdere besonderhede verskaf as wat nodig mag wees om die verlangde dokument behoorlik op te stel, afkortings (ID XXX), alfabetiese simbole vir name, "ens"/"...." is dus onaanvaarbaar.
6. Aktes en dokumente wat opgestel word, moet voldoen aan die vereistes van die Akteswet en regulasies, met ander woorde asof bedoel vir indiening by die aktekantoor.
7. Kandidate **MOET ALLE** vrae beantwoord.
8. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling ingeroep as 'n totaal van 50% en meer behaal is nie. Indien 'n kandidaat 'n totaal van tussen 40% en 49% behaal slaag hulle nie die eksamen nie en sal hy/sy 'n mondelinge moet aflê ten einde die eksaminatore te oortuig dat hy/sy wel oor voldoende kennis beskik om die eksamen te slaag. Kandidate wat minder as 40% behaal sal nie kwalifiseer vir 'n mondeling nie en drup dus hierdie eksamen.

TOTALE PUNTE: [200]

# THE REPUBLIC OF SOUTH AFRICA

CONVEYANCING EXAMINATION

## PART 1

13 SEPTEMBER 2006 4 Hours 08:30-12:45

*Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answerbook during this period. The examination of 4 hours then follows.*

### PLEASE NOTE:

1. Please write the number allocated to you on the cover of your answer book.
2. Candidates **must** write legibly and neatly. What may appear to a candidate (being accustomed to his own handwriting) to be legible, may **not** be legible to the examiners who cannot be expected to guess what has been written, nor would it be correct or fair (to other candidates) to expect the examiners to do so. If a candidate's handwriting is not **clearly** legible to the examiners, the candidate runs the risk of losing many marks. **ANSWERS MUST BE WRITTEN ONLY IN INK OR WITH A BALLPOINT PEN.**
3. Please use only **one** side of each page.
4. Details, especially the description of properties, may be changed to comply with the practice prevailing at your deeds office. However, if a question relates to farm property, the description may **NOT** be changed to that of an erf in a township.
5. Candidates must furnish such further details as may be necessary to draw properly the required deeds or documents, eg abbreviations (ID XXX), alphabetical symbols for names, and "etc"/"...." are unacceptable.
6. Deeds and documents to be drawn must comply fully with the requirements of the Deeds Registries Act and regulations, i.e. as if intended for lodgement in a deeds registry.
7. Candidates **MUST ANSWER ALL** questions.
8. Except if a special reason exists, a candidate will not be required to do an oral if 50% aggregate or more is attained. If a candidate achieves an aggregate of between 40% and 49% he/she will have failed the examination and will be required to do an oral in order to convince the examiners that he/she does have sufficient knowledge to pass the exam. Candidates who attain less than 40% will not qualify for an oral and will have failed this examination.

TOTAL MARKS: [200]