

A MOVE TOWARDS ELECTRONIC DEEDS REGISTRATION SYSTEMS (E-DRS)

Category: Privacy Law, Infosec, and POPIA, Technology Law
written by Nonhlanhla Ngwenya | March 20, 2019



Let's imagine a time when all you had to do to uncover who owns a property was go to a public website and do a public deed search, which would reveal the deed holder. This process may even provide an electronic deed to the holder. As a property owner this would save you time and in most circumstances it saves you money when you desired to sell and transfer your property ownership. We live in times where paper documents are being replaced by electronic ones. The time doesn't seem too far away where the business of transfer for land will be done with simplicity and effectiveness of an efficient electronic deed's registration.

A substantial phase towards electronic deeds registration is the proposed Electronic Deeds Registration Systems Bill [B 35-2017], which has been adopted by the Portfolio Committee on Rural Development and Land Reform. The Bill was published by the Minister of Rural Development and Land Reform on 7 December 2017 and is essentially the enabling legislation to develop an electronic deeds registration system.

In accordance with Section 5 of the Bill, the Chief Registrar of Deeds must, subject to the Electronic Communications and Transactions Act, develop, establish and maintain the electronic deeds registration system using information and communications technologies for the preparation, lodgement, registration, execution and storing of deeds and documents. This Bill speaks to the framework that will welcome the computerisation of the entire process within the purview of the Registrar. This will surely result in time and cost savings as efficiency will be maximised.

In beginning to modernise its land registration infrastructure and by automating property registration the records of the Registrar of Deeds will progressively digitise. When the process is complete, the land registry will assure the electronic lodgement of property transfers. Over time property transfer applications will only be accepted online and the information technology system will start to screen applications in a fast and efficient way.[\[1\]](#)

By harnessing technology in the land registration process, lawyers will enjoy a vast improvement in public services. With Electronic Deeds Registration Systems, business would be able to transit into a much friendlier landscape where the service is available over the Internet, and law firms can lodge

documents from the comfort of their offices.

Contact us for more good, clear, precise advice.

[\[1\]](#) Examine data on World Bank Doing Business Report published May 2018 which discusses Fifty-one economies—including Mauritius, Netherlands, Sierra Leone, Portugal, Samoa and Swaziland. Singapore, Indonesia, Ghana, Zambia, Ghana, Zambia, Canada, Latvia, Lithuania, Peru, Portugal France, Germany, Latvia and Senegal— computerized their registries in the past 10 years. In Denmark, over a period of five years, the time to transfer property was cut from 42 to four days. Last accessed March 18 2019
<http://www.doingbusiness.org/en/data/exploretopics/registering-property/good-practices> .