



PHYSICAL RESOURCES MANAGEMENT

Steve Vukile Tshwete Complex, Zone 6 Zwelitsha, 5608, Private Bag X0032, Bisho, 5605 REPUBLIC OF SOUTH AFRICA;
Enquiries: **Mr T Pefole** Tel: +27 (0)40 608 4097 • Fax: +27 (0)40 608 4249 cell: 063 2929 942

Website: www.eceducation.gov.za

TO : DEPUTY DIRECTOR GENERAL
CLUSTER CHIEF DIRECTORS
DISTRICT DIRECTORS
ALL SCHOOL PRINCIPALS

FROM : ACTING DDG DC & IOM

SUBJECT : CIRCULAR NO 6: SAFE KEEPING OF TITTLE DEEDS BY THE DEPARTMENT OF PUBLIC
WORKS AND INFRASTRUCTURE

DATE : 7 DECEMBER 2021

Dear colleagues.

1. This communique seeks to advise all colleagues on matters to be considered when engaging with infrastructure related alterations and additions in all facilities occupied by the department.
2. As the custodian of provincial immovable assets in terms of the Eastern Cape Land Disposal Act, Act 7 of 2000 read together with the Government Immovable Asset Management Act, Act 19 of 2007, the Department of Public Works and Infrastructure (DPWI) is responsible for the safe-keeping of all **original owner copies of Title Deeds** and related Surveyor-General diagrams.
3. Historically most of the Title Deeds of some Schools were sent by the former Cape Provincial Administration (CPA) to school headmasters for safe-keeping at the school premises.
4. Title Deeds are critical legal documents when dealing with land administration matters related to school immovable property. In terms of the Section 55 of South African Schools Act, Act 84 of 1996, reading together with Proclamation 924 of 1997 (dated 13 June 1997), as well as Deeds Office Circulars CRC29/1998 and CRC10/2002 all Schools (as listed in Proclamation 1149 of 1992) are state-owned property and need to be endorsed in the name of the relevant Province, as it is a Schedule 6 function in terms of the Constitution.
5. In order to execute the endorsement for confirmation of vesting, as well as other deed endorsements (e.g. for servitudes, long term leases, etc.), both original Title Deeds are required. Should the owners copy not be available, the Department need to request a replacement Deed in terms of Section 68 of the Deeds Registries Act, Act 47 of 1937.
6. Should a replacement deed be acquired, the former deed will become null void. As there are costs involved, the Department need to avoid to apply unnecessarily replacement deeds.

7. Your District is therefore requested to facilitate the formal attainment of original Title Deeds from all schools vide the Principal and/or school governing body (SGB).
8. The Principal of each school must confirm in writing through a sworn affidavit that he/she is not in possession of the schools deed(s), should it not be archived at the school.
9. The handing over of these original deeds will be accepted formally by the Department and formally handed over to the DPWI for archiving.
10. Schools are welcomed to keep copies of the deed for own record and reference purposes. Copies of the endorsement deeds will also be kept by the Department for providing it to the school for the same purpose.
11. The original Deeds will be kept within fire-and-water resistant strong room as prescribed by the National Archives of South Africa Act, Act 43 of 1996 at DPWI.
12. Districts, Principals and SGBs are requested to ensure that this recall is fulfilled by the 31st January 2022.
13. The original documents and / or the sworn affidavits must be sent to the DPWI on the address below either in person or by courier to and for the attention of:

- **Mr. Danie Pretorius (DPWI Director: Planning and Information)**
Department of Public Works and Infrastructure
Property House
Phalo Drive
Bhisho, 5605

14. Should individual school communities have any further enquiries, they are free to contact the following officials

- Mr. D Pretorius (DPWI Director: Planning and Information)
 - Email: Danie.pretorius@ecdpw.gov.za
 - Tel: 040 602-4129 or 082 373-9292
- Ms A Mnisi (ECDoE Deputy Director: Property Management)
 - Email Amukelani.mnisi@ecdoe.gov.za
 - Tel: 060 530-3799

Yours in Education


Mr TJZ Mtyida

DDG DC & IOM

13. 01. 2022

DATE