

Signing of Conveyancing Documents Overseas

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INTRODUCTION

Where transfer documents are to be signed by Sellers or Purchasers outside of the Republic of South Africa, there are very strict requirements governing such signing which must be adhered to. These requirements have been imposed to ensure that the identity of the signatories are confirmed by a responsible person so as to guarantee the legitimacy and reliability thereof.

SIGNING OF CONVEYANCING DOCUMENTATION OUTSIDE SOUTH AFRICA

There are 2 options for the signing of transfer and bond documents abroad. Documents can be signed with either a Notary Public or at the South African Embassy / Consulate. In both instances, an appointment will need to be scheduled. Documents signed at the South African Embassy / Consulate do not require any further certification or verification as it is deemed to have been signed on South African soil. The originals can simply be returned to the Conveyancers.

If the documents are signed before a Notary Public, an "Apostille Certificate" must be affixed to the documents, provided the country where the documents are being signed is a Hague country.

Should you however be signing with a Notary Public in either Northern Ireland, Swaziland, Botswana, United Kingdom of Great Britain, Lesotho or Zimbabwe an Apostille Certificate is not required.

In all instance, before the original documents are sent to South Africa, we recommend that a scanned copy of the signed documents be sent to the Conveyancers via e-mail to confirm that same have been correctly signed and will be acceptable to the Deeds Office.

THE APOSTILLE CERTIFICATE

The function of the Notary is to properly identify the signatory of the documents. The function of the Apostille Certificate is to authenticate the legal standing of the Notary in his/her country. The Apostille Certificate is authenticated by the governing body of the Notary, usually the high court who will complete, stamp and sign the certificate.

The Notary will direct you to such offices. An example of an Apostille Certificate and explanation of the content is annexed hereto.

The above can be a time-consuming process and in the case of the notary an expensive process. Where possible the conveyancing documents should be signed in South Africa or the use of special power of attorney should be employed. It should be noted that the above applies only to the signing of conveyancing documents. Sale agreements signed in foreign countries are valid and binding without the need to sign at an embassy or Notary.

Example of an Apostille:

APOSTILLE	
(Convention de La Haye du 5 octobre 1961)	
1. Country:	
This public document	
2. has been signed by	
3. acting in the capacity of	
4. bears the seal/stamp of	
Certified	
5. at	6. the
7. by	
8. N°	
9. Seal/stamp:	10. Signature:



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