



FREE SA

FOUNDATION FOR RIGHTS OF
EXPRESSION AND EQUALITY

9 April 2025

To: The Chief Registrar of Deeds
Office of the Chief Registrar of Deeds
20 Steve Biko Road Agriculture Place
Arcadia, Pretoria, 0002

Email: carlize.knoesen@dalrrd.gov.za copy: george.tsotetsi@dalrrd.gov.za

Dear Ms Carlize Knoesen,

RE: FREE SA // CHIEF REGISTRAR OF DEEDSLETTER OF DEMAND: Racial Classification Requirements in Chief Registrar's Circular No. 3 of 2025

1. We write on behalf of the Foundation for Rights of Expression and Equality (Free SA), a civil rights organisation dedicated to upholding the principles of democracy, transparency, and constitutional governance in the Republic of South Africa. Free SA advocates for the public's rights to equality, non-discrimination, and fair treatment by organs of state, and it acts to ensure that all laws and administrative actions conform with the spirit and letter of the Constitution.
2. We refer to the publication of Chief Registrar's Circular No. 3 of 2025, which outlines amendments to regulations under the Deeds Registries Act, 1937 (Act No. 47 of 1937). This circular introduces, among other matters, a requirement for the completion and lodgement of Form LLL, which compels individuals involved in property-related transactions to disclose personal information, including their race, gender, citizenship, and nationality. According to the circular, this information is purportedly intended for statistical and land audit purposes.
3. We are compelled to place on record our serious constitutional concerns with the above-mentioned requirement—specifically, the demand for racial classification. This element of the circular is, in our view, unconstitutional and fundamentally incompatible with the founding values of the Constitution, particularly non-racialism, as enshrined in section 1(b) of the Constitution of the Republic of South Africa, 1996.

4. We note the historical context in which compulsory racial classification was employed by the apartheid regime, most infamously codified through the Population Registration Act, 1950 (Act No. 30 of 1950). This Act formed a pillar of systemic racial discrimination and was repealed precisely to dismantle the machinery of formal, state-enforced racial categorisation. Its repeal marked a pivotal moment in the transition to constitutional democracy and was aimed at eradicating racially discriminatory laws and practices.
5. We are not aware of any Act of Parliament that currently provides lawful authority for the state to compel individuals to disclose their race, nor for the state to verify or process such information for administrative purposes of this kind. If such an Act does exist, we request that the Chief Registrar urgently identify and clarify its provisions, especially with reference to its compatibility with the Constitution.
6. Even if a legitimate governmental objective were to be cited in support of collecting racial data (e.g., for purposes of redress, audits, or transformation policy development), the means adopted must still comply with constitutional constraints. Compulsory racial classification by the state, in our considered view, cannot be reconciled with the post-apartheid constitutional order. In its current form, this regulation constitutes an impermissible infringement of constitutional rights and values, including those protected under sections 1, 9, 10 and 14 of the Constitution.
7. In light of the above, we respectfully demand written responses to the following questions:
 - 7.1. How will the race of a person, as recorded in Form LLL, be verified? Will this be based solely on self-identification, or will any form of verification or categorisation be performed or required by the state?
 - 7.2. In terms of which Act of Parliament or other enabling legislation does the Chief Registrar's Circular derive lawful authority to compel the disclosure of racial classification? More specifically, how does the Deeds Registries Act, 1937 (Act 47 of 1937) empower you to have issued the Circular requiring racial classification identification?
 - 7.3. Who will have access to the data collected in Form LLL? How will this data be protected, anonymised, and used? Will it ever be linked to identifiable individuals for purposes beyond statistical or audit use?
 - 7.4. Will there be any option for individuals to opt out of disclosing their race, and if not, what constitutional justification is relied upon for denying such an option?
 - 7.5. What is meant by "land audit purposes", one of the stated reasons for this question in form LLL?
8. We request a formal and substantive response to this letter within twenty-one (21) days of receipt hereof. Should we not receive a satisfactory response within the stipulated time, we reserve the right to pursue all legal remedies available to us.

9. We trust that the seriousness of this matter will be recognised and that your office will respond in a manner consistent with the Constitution and the democratic values it enshrines.

Yours sincerely,

Paul Maritz

Executive Director