



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE REGISTRAR OF DEEDS, PRETORIA, PRIVATE BAG X 183, CORNER PRETORIUS AND BOSMAN STREETS, PRETORIA,
0001.TEL: (012) 338 7000, FAX: (012) 338 7103

REGISTRAR'S CIRCULAR 16 of 2015 CONSENTS TO BE ISSUED BY MUNICIPALITIES

1. Purpose

This circular is issued as a guideline to deal with consents to be issued by Municipalities.

2. Background

Prior to the implementation of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (hereafter referred to as SPLUMA), conditions referring to another controlling authority were dealt with by the issuing of consent by that controlling authority.

3. Requirements of SPLUMA

Section 45(6) of SPLUMA determines that where a condition of title, a condition of establishment of a township or an existing scheme provides for a purpose with the consent or approval of the administrator, a Premier, the townships board or any controlling authority, such consent may be granted by the municipality and such reference to the administrator, a Premier, the townships board or controlling authority is deemed to be a reference to the municipality. Section 33(2) of SPLUMA determines that where an application or authorisation is required in terms of any other legislation for a related land use, such application must also be made or such authorisation must also be requested in terms of that legislation.

4. Conclusion

4.1 CONDITIONS of Title or a CONDITION of establishment of a township or an existing scheme requiring consent or approval of the administrator, a Premier, the townships board or a controlling authority, will from 1/07/2015 be issued by the **municipality**. SPLUMA does not refer to the Municipal Planning Tribunal as the decision making authority, consents will therefore be issued by the Townships Board.

4.2 CONSENTS required in terms of Legislation not repealed by SPLUMA (e.g. Act 21 of 40, Act 70 of 70 etc.) must be issued by that **Controlling Authority**, as Section 45(6) of SPLUMA refers only to conditions. SPLUMA does not specify "Controlling Authority". The function is therefore not assigned or delegated to the Municipality.

This circular will come into operation on 01/07/2015 (in accordance with SPLUMA which will come into operation on 1/07/2015 as per gazette notice number 38828 published on 27/05/2015).



REGISTRAR OF DEEDS
PRETORIA

Date: 01/07/2015