



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS
Private Bag X918, Pretoria, 0001; Tel: 012 338 7000

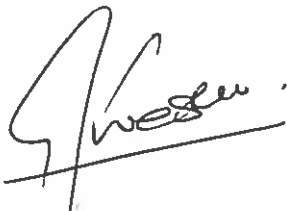
CHIEF REGISTRAR'S CIRCULAR NO. 2 OF 2018

LODGEMENT OF RATES CLEARANCE CERTIFICATES IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT NO.32 OF 2000)

1. In terms of section 118 (1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), a Registrar of Deeds is restrained from registering the transfer of property except on production of a prescribed certificate, issued by the municipality in which that property is situated, which certifies that all amounts that became due in respect of that property during the two years preceding the date of application for the certificate, have been fully paid.
2. In terms of section 118 (1A) of the Act, a prescribed certificate is valid for a period of 60 days from the date of issue thereof. However, it is a prevailing practice of certain municipalities to issue such certificates for a period longer than the prescribed 60 days.
3. Where a rates clearance certificate bears a period of validity longer than the prescribed period of 60 days, the Registrar of Deeds shall, subject to the provisions of section 4 of the Interpretation Act (Act No. 33 of 1957), only calculate 60 days of such period from date of issue of the certificate in line with section 118(1A) of the Act. *The remainder of the period must consequently not be considered for the purposes of registration of transfer.*
4. Chief Registrar's Circulars 10 of 2004, 11 of 2005 and 8 of 2008 are hereby withdrawn and substituted with this Circular.

5. Date of Commencement of the Circular

This circular will come into operation on 10 May 2018. The method of calculation referred to in paragraph 3 is therefore applicable to all deeds lodged on or after 10 May 2018.



CHIEF REGISTRAR OF DEEDS

DATE: 9/4/2018

REFERENCE : A. 14/P

RINGBINDER : 44

CHIEF REGISTRAR OF DEEDS

REGISTRARS OF DEEDS

DEEDS TRAINING

DIRECTOR: LAW SOCIETY OF SOUTH AFRICA

: PRETORIA

MANAGER: LEXIS NEXIS PUBLICATIONS

: DURBAN

CHAIRPERSON: PROPERTY LAW COMMITTEE

: PRETORIA



cooperative governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

Private Bag X804, Pretoria, 0001 Tel: (012) 334 0600, Fax: (012) 334 0603
cnr Hamilton and Johannes Ramokhoase Street, Arcadia, Pretoria

Reference: 14/1/2/1/1

Ms Antoinette Reynolds
Registrar of Deeds
Deeds Office
Private Bag X833
PRETORIA
0001

Dear Ms Reynolds

**LODGEMENT OF RATES CLEARANCE CERTIFICATE IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT NO. 32 OF
2000)**

The communiqué to the Department regarding the prevailing practices by various municipalities on the issuing of rates clearance certificate that exceeds the prescribed period in terms of Section 118 (A) of the Municipal Systems Act bears reference.

As part of the consultation process by your department, DCoG acknowledges the receipt of the draft circular (copy attached) to be issued by the Deeds Office on the above subject matter. DCoG agrees and supports of the contents of the draft circular in restricting the period of validity of rates clearance certificates.

Your office is welcome to contact Ms Kelly Govender: Administrative Officer on Tel: 012 334 4959 or email: kellyg@cogta.gov.za for more information related to this matter.

Kind regards

MR TD MOTLASHUPING
ACTING DEPUTY DIRECTOR-GENERAL: INSTITUTIONAL DEVELOPMENT

DATE: 20/03/2018