



**DEPARTMENT: LAND AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

Office of the Chief Registrar of Deeds, Private Bag X918, PRETORIA, 0001 - Tel (012) 338-7000, Fax (012) 328-3347

**MEMORANDUM**

**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED vs CHIEF REGISTRAR OF DEEDS AND OTHERS: CASE NUMBER 9447/2009**

REFERENCE : A. 6/9/8

**THE REGISTRAR OF DEEDS**

1. Please find herewith a copy of a Court Order of the Gauteng North High Court, dated 13 March 2009, and which sets aside registrars' conference resolutions RCR 1/2004, RCR 13/2005, RCR 9/2007 and RCR 10/2008.
2. The effect of the Order is that, it is now certain that section 118(1) of the Municipal Systems Act is not applicable with regard to expropriation transfers and vesting transfers.
3. This matter will be referred to conference for the formal withdrawal of the resolutions mentioned above.
4. I trust that you will find the above in order.

A handwritten signature in black ink, appearing to be 'G D N Tsotetsi', written over a large, faint oval stamp.

**CHIEF REGISTRAR OF DEEDS**

**DATE: 16 March 2009**

Enquiries : G D N Tsotetsi  
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CASE NO: 9447/2009

**IN THE HIGH COURT OF SOUTH AFRICA  
(NORTH GAUTENG HIGH COURT, PRETORIA)**

PRETORIA 13 MARCH 2009

BEFORE THE HONOURABLE MR JUSTICE MAKGOBA

In the matter between :

SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED

APPLICANT

AND

THE CHIEF REGISTRAR OF DEEDS

1<sup>ST</sup>

RESPONDENT

THE MINISTER OF AGRICULTURE AND LAND AFFAIRS

2<sup>ND</sup>

RESPONDENT

THE MINISTER FOR PROVINCIAL AND LOCAL  
GOVERNMENT

3<sup>RD</sup>

RESPONDENT


HAVING HEARD counsel(s) for the party(ies) and having read the documents filed of record

**IT IS ORDERED**

1. THAT this application be heard as an urgent application in terms of rule 6(12) and that the applicant's non-compliance with the forms, time limits and forms of service prescribed by the uniform rules of court be condoned.
2. THAT an order in terms of which the first respondent, in his capacity as provided for in section 2(1)(a) of the Deeds Registries Act 47 of 1937 be ordered to instruct all the Registrars of Deeds to continue with the execution of properly prepared deeds of transfers in terms of section 31(1) of the Deeds Registries Act 47 of 1937 in respect of the properties which vested in and passed to the applicant by virtue of section 7(2) of the South African National Roads Agency Ltd and National Roads Act 7 of 1998, without insisting on the production of a certificate as contemplated by section 118 of the Local Government: Municipal Systems Act 32 of 2000.
3. THAT the order in prayer 2 supra will serve as an interim order pending the outcome of the decision of the application by the Minister of Transport to the third respondent to exempt the applicant from the provisions of section 2(1) of the Local Government: Municipal Property Rates Act 6 of 2004.

- 4. THAT an order reviewing and setting aside the resolution adopted by the Registrars of Deeds of South Africa on 14 December 2008 requiring the production of a certificate contemplated by section 118 of the Local Government: Municipal Systems Act 32 of 2000 in respect of Deeds of Transfer in terms of section 31(1) of the Deeds Registries Act 47 of 1937 relating to the properties which vested in and passed to the applicant by virtue of section 7(2) of the South African National Roads Agency Ltd and National Roads Act.
- 5. THAT an order reviewing and setting aside the resolutions adopted by the Registrars of Deeds during 2005 (under reference number RCR13/2005) and 2007 (under reference number RCR9/2007) in respect of properties expropriated by the Minister of Transport on behalf of the applicant by virtue of section 41 of the South African National Roads Agency Ltd and National Roads Act 7 of 1998.
- 6. THAT the first respondent shall pay the costs of the application such costs to include the costs of two counsel.

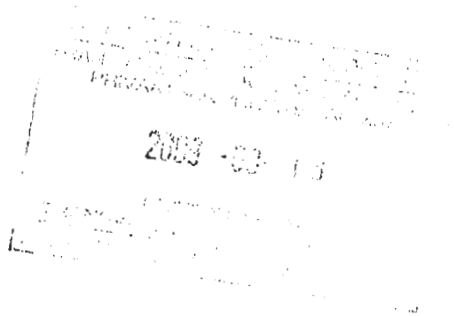
BY THE COURT



REGISTRAR

**1** Att: KRUYSHAAR

HIGH COURT TYPIST: H POTGIETER



2008-02-15