



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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REGISTRAR'S CIRCULAR 01 of 2015

1. Purpose

To determine what documentation is required to uplift a Rule Nisi order that was noted as an interdict, against the name or property of a person.

2. Background

A Rule Nisi order is an order of court and must be noted as an Interdict in the Deeds Office. A Rule Nisi order calls upon the Respondent to appear in court on a later date and show cause, if any, why the order should not be made final.

On the date of return, the court will either:

- 1) Extend the original order to a later date or
- 2) Discharge the original order or
- 3) Confirm the original order and make it a final order.

A Rule Nisi order that has been extended or made final does not create any problems in the Deeds Office if notification thereto is received, as it remains as an Interdict against the name or property of a person.

In many cases the Deeds Office receive no indication what the final order of the court was. The Rule Nisi order would then remain as an Interdict against the name or property of a person, even though the order was either discharged or not made final.

It often happens that transactions are lodged in the Deeds Office for registration purposes, only to find that a Rule Nisi order, that was either discharged or not made final remains as an Interdict against the name or property of a person.

3. Problem

The Applicant never cooperates to attend to the upliftment of the Interdict. It is always the Respondent (against whose name or property the Interdict is noted) who would allege that the matter was either never enrolled or never served before court on the return date. As a discharged Rule Nisi order or Rule Nisi order that was never enrolled remains as an Interdict against the name or property of a Respondent, it often happens that the Registrar of Deeds is threatened with a claim for punitive costs.

4. Documents to be lodged to uplift a Rule Nisi

If a Rule Nisi order was extended, or discharged, or made final, an order of court must be obtained from the Registrar of the High Court. This order of court must be filed at the Interdict section. This will be dealt with in the same manner as a "Rescinded" order of court and will be filed with the original Rule Nisi order. The original Rule Nisi order will then be endorsed to indicate that it has been extended, or discharged, or made a final order.

This circular will come into operation with immediate effect.

A handwritten signature in black ink, appearing to read 'Mang' followed by a large, stylized flourish.

REGISTRAR OF DEEDS
PRETORIA

Date: 29.01.2015