rural development
& land reform
Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS
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CHIEF REGISTRAR'S CIRCULAR NO. 4 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 or shorter than the prescribed 60 days.

3. It is clear from the provisions of section 118 that an obligation is placed on a Registrar of Deeds to see that the expiry date on a certificate complies with the provisions of section 118(1A) of Act No. 32 of 2000. The provisions of section 4 of the Interpretation Act, 1957 (Act No. 33 of 1957) finds application in this regard. The said section reads as follows:

> *"When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday".*

4. In order to comply with the provisions of section 118(1A) of Act No. 32 of 2000, it is advisable that registrars of deeds regard certificates as valid for a period of 60 days from the date of issue regardless of the disclosure of an expiry date that does not comply with the provision of Act No. 32 of 2000.

5. Chief Registrar's Circulars 10 of 2004, 11 of 2005, 8 of 2008 and 2 of 2018 are hereby withdrawn and substituted with this Circular.

6. This provisions of this circular apply in respect of certificates lodged on or after 02 July 2018.

CHIEF REGISTRAR OF DEEDS
DATE: 08 MAY 2018

REFERENCE : A. 14/P
RINGBINDER : 44

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
DEEDS TRAINING
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