

CHIEF REGISTRAR'S CIRCULAR NO. 29 OF 2013

LODGEMENT OF RATES CLEARANCE CERTIFICATES THAT DO NOT COMPLY WITH THE PROVISIONS OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT NO. 32 OF 2000

1. Rates clearance certificates that have been electronically generated, do not comply with the provisions of section 118 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). These certificates are processed and submitted (by vendors) to local authorities. The said certificates are then printed from the *vendor's website* and provided with a certificate (by the conveyancer) to the effect that it is the '*true copy of the rates clearance certificate that has been drawn from the vendor's (name) website*'.
2. Section 118 of Act 32 of 2000 is prescriptive and does not afford the Registrar of Deeds any discretion in respect of the '*production to that registrar of deeds of a prescribed certificate*'. The format of the prescribed certificate is contained in the Regulations to Act 32 of 2000 and provides for a signature by a Municipal Manager. The Act does not provide for *copies* of such certificates to be lodged.
3. Pending an amendment to Act 32 of 2000, or until otherwise advised by the Minister of the Department: Provincial and Local Government, all Registrars of Deeds must strictly adhere to the provisions of section 118, in so far it relates to the lodgement of a prescribed rates clearance certificate. This certificate must be lodged in *original* form.
4. Rates clearance certificates issued in the manner referred to in paragraph 1 may be accepted for registration purposes only until **14 February 2014**. However, all rates clearance certificates accompanying transactions lodged for registration on or after **17 February 2014**, must strictly comply with the prescribed form and be lodged in original form.



CHIEF REGISTRAR OF DEEDS

DATE: 6 December 2013

REFERENCE: A. 6/2/P
RINGBINDER 68

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
THE CHIEF: JUSTICE TRAINING
DIRECTOR: LAW SOCIETY OF SOUTH AFRICA : PRETORIA
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