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

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

REGISTRARS CIRCULAR 03 OF 2020

POWERS AND FUNCTIONS OF CONTROLLING OFFICER IN TERMS OF SECTION 11(8) (a) OF THE ADVERTISING OF ROADS AND RIBBON DEVELOPMENT ACT 21/1940

1. PURPOSE OF THIS CIRCULAR.

To provide clarity given judgement on the 3 November 2020 in the matter between Riversands Developments (PTY) LTD and 3 others under case number 55768/2020 in the High Court of South Africa (Gauteng Division, Pretoria)

2. BACKGROUND

The Spatial Planning and Land Use Management Act 16 of 2013 (herein referred to as SPLUMA) came into operation on 1 July 2015 (Notice 26 in GN 38828 dated 27 May 2015)

The Regulations to the Act came into operation on the 3 November 2015.
Section 33(2) of SPLUMA prescribes that where an application or authorization is required in terms of any other legislation for a related land use, such an application must also be made or such authorization must also be requested in terms of that legislation. Consents required in terms of Legislation not repealed by SPLUMA, (e.g. Advertising of Roads and Ribbon Development Act 21/1940 etc.) must also be issued by that controlling authority.

Examiners requested in terms of Section 33(2) of SPLUMA that where authorization is also regulated in terms of another law, the relevant municipality and the authority in terms of that legislation exercise their powers jointly in an integrated document or by separate documents as provided for in section 30 of SPLUMA.

3. WAY FORWARD

In the judgement referred to in paragraph (1.) above it was ordered that the powers and functions of the controlling authority in terms of section 11(8) (a) of the Advertising on Roads and Ribbon Development Act 21/1940 ("the Advertising Act') have devolved upon and been assigned to the City Council.

Examiners must accept the consent of the relevant municipality in which jurisdiction the property falls as the necessary written approval of the controlling in terms of section 11(8) of the Advertising on Roads and Ribbon Development Act 21/1940 for the removal of conditions on application of the registered owner in terms of section 11(9) of the Advertising on Roads and Ribbon Development Act 21/1940 in cases where the conditions were imposed in terms of Act 21/1940'

4. ANNEXURE

Court order, case 55768/2020 dated 3 November 2020.

5. EFFECTIVE DATE.

This circular withdraws reference to Act 21/1940 in paragraph 12 of circular 11/2017 and comes into operation with immediate effect

Registrar of Deeds
Pretoria
Date: 12/11/2020

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

CASE NO: 55768/20

Held at Pretoria on 3 November 2020 before

Honourable Justice de Vos

In the matter between:

RIVERSANDS DEVELOPMENTS (PTY) LTD	First Applicant
RIVERSANDS DC (PTY) LTD	Second Applicant
and	
THE REGISTRAR OF DEEDS, PRETORIA	First Respondent
PREMIER OF THE GAUTENG PROVINCE	Second Respondent
CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY	Third Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG/PRIVAATSAK X67 PRETORIA 0001
2020 -11- 03
JUDGE'S SECRETARY REGTERS KLERK
GRIFFIER VAN DIE HOË HOF VAN SUID AFRIKA GAUTENG AFDELING, PRETORIA

DRAFT ORDER

Having considered the papers filed of record and having heard counsel on behalf of the applicants it is hereby ordered that:

1. The applicants' non-compliance with the forms and service and time-periods provided in the Uniform Rules of Court is condoned.

03/11/20.

2. The powers and functions of the "*controlling authority*" in terms of section 11(8)(a) of the Advertising on Roads and Ribbon Development Act 21 of 1940 ("**the Advertising Act**") have devolved upon and been assigned to the third respondent ("**the City**").

3. The City has granted the necessary written approval as the "*controlling authority*", in terms of section 11(8) and (9) of the Advertising Act, for the removal of title-deed conditions 5.III(i), (ii) and (iii) on page 6 of Deed of Transfer No T81393/2010 ("**the Title-Deed Conditions**").

4. The first respondent ("**the Registrar**") is ordered forthwith to cancel the Title-Deed Conditions in terms of section 11(8) and (9) of the Advertising Act.

5. In the absence of opposition by the respondents and the Registrar's notice to abide the order of this court, there is no order as to costs.

By order of Court

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG, PRIVAATSAK X67 PRETORIA 0001
2020 -11- 03
JUDGE'S SECRETARY REGTERS KLERK
GRIFFIER VAN DIE HOË HOF VAN SUID AFRIKA GAUTENG AFDELING, PRETORIA

Registrar

03/11/20