



Office of the Registrar of Deeds Mpumalanga, at Nelspruit, Tel (013) 756 4000, Fax (013) 756 4092,  
Private Bag X 11239, NELSPRUIT, 1200

## **NOTICE TO CONVEYANCERS AND EXAMINERS**

**SUBJECT: Amendment of Examiners and Conveyancer Notice, dated, 12 July 2022: RE: Notice of Application to Appeal Judgment of Supreme Court of Appeal regarding lodgement of Spatial Planning and Land Use Management (SPLUMA) By-Law Certificates for Registration of Deeds.**

### **1. PURPOSE**

To provide clarity and amend Conveyancer and Examiner's Notice dated 12 July 2022.

### **2. BACKGROUND**

On 08 July 2022 Emalahleni Local Municipality has applied to the Constitutional Court (**CCT191/22**) for the leave to appeal the judgment and order by the **Supreme Court of Appeal in the matter between: Govan Mbeki Local Municipality & 1 Other v Glencore Operations South Africa (Pty)Ltd & 4 others- Case No.334/2021 & Case No.338/2021** which was handed down on the 17<sup>th</sup> of June 2022.

The office of the Registrar of Deeds Mpumalanga issued a notice dated, 12 July 2022 to the effect that the office will continue to implement the sections of the Municipal By-laws on Spatial Planning and Land Use Management of **all** municipalities. This was further supplemented by the letter dated 22 July 2022, addressed to Steve Tshwete Local Municipality and Middleburg Legal Practice Association to confirm the above notice.

### **3. MOTIVATION**

As per legal principle, the Office of the Registrar of Deeds Mpumalanga was made to believe that the effect of the appeal was that the whole judgement and the order is suspended until the appeal is finalised.

The Office of Registrar of Deeds, after various engagements with legal fraternity, sought legal opinion from Office of Chief Registrar of Deeds: Litigation and Compliance Monitoring.



According to the legal opinion that we received, read together with section 18 of Supreme Court Act 10 of 2013, the effect of the appeal is that the judgement and the order in the above-mentioned case was suspended as far as it relates to Govan Mbeki Local Municipality and Emalahleni Local Municipality, since the Registrar of Deeds and Steve Tshwete Local Municipality did not appeal the Judgement and order of the initial court.

Based on the above, the Office of the Registrar of Deeds was made aware and believe that the above-mentioned appeal does not suspend the ruling of the High Court in the Glencoe case as it relates to Steve Tshwete Local Municipality.

Therefore, the Office of the Registrar of Deeds has resolved to align itself with the legal opinion and will refrain from insisting to call for section 82 compliance certificate in terms of the Steve Tshwete By-law on Spatial Planning and Land Use Management, 2016.

#### **4. CONCLUSION**

Examiners and conveyancers are therefore informed that the lodging of section 82 compliance certificate of the Steve Tshwete By-law on Spatial Planning and Land Use Management, 2016 is no longer required until further notice.

Therefore, Deeds Registry Mpumalanga "Notice to the Examiners and conveyancer dated 12 July 2022" is hereby amended to the effect that the office will call for the lodging of by-law certificate of other municipalities, except for compliance certificate in terms of section 82 of the Steve Tshwete By-law on Spatial Planning and Land Use Management.

#### **5. DATE OF IMPLEMENTATION**

This notice is with effect from 10 October 2022.



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**REGISTRAR OF DEEDS: MPUMALANGA**  
**DATE: 7 October 2022**

