

CIRCULAR TO SAACPP MEMBERS

CONSTITUTIONAL COURT JUDGMENT MUNICIPAL PROPERTY RATES

Members will be aware of the growing number of disputes concerning municipal property rates and the manner in which different municipalities appear to apply different interpretations in regard thereto.

The use of land for mining and quarrying, as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) (MPRDA) and regulated by the National Department of Minerals and Energy, is often the subject of controversy and disputes – not only in regard to the permissible use of land as regulated in terms of a municipal land use scheme, but also in regard to municipal property rates and associated matters.

In the attached summary (courtesy of law firm DBM Attorneys – N Makuyana), a recent and important constitutional judgment is described which may give some direction to the aforesaid subject.

The complete judgment is available on the SAACPP website (for downloading) if members so require.

A report by SAPOA, also dealing with irregular property rates charging, is also enclosed. The negative impact on property development is mounting.

Per: SAACPP



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