

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
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STATUS Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Nokeng Tsa Taemane Local Municipality v Dinokeng Property Owners Association & Others (518/09) [2010] ZASCA 128 (30 September 2010)

The Supreme Court of Appeal today upheld an appeal against a judgment of the North Gauteng High Court.

The High Court had set aside the assessment tariffs determined by the appellant for areas falling within its municipal jurisdiction for the financial years 2003/2004 and 2004/2005 respectively on the basis that the process leading to the determinations were patently flawed and further that there was no compliance, strict or substantial, with the relevant statutory provisions.

The Supreme Court of Appeal held that the two notices issued in terms of s 10G (7) (c) of the Local Government Transition Act 209 of 1993 on 28 May 2003 and 8 June 2004 were properly advertised in terms of the relevant section. The court further held that the operating and capital budgets, which included assessment rate tariffs for properties within the appellant's municipal area for the 2003/2004 and 2004/2005 financial years were valid. The court further warned against courts usurping the powers of municipalities to determine rates and taxes within their municipal boundaries.