

## **Expropriation Bill has been passed by Parliament**

The Expropriation Bill which sets out the rules by which the government can lay claim to land in the public interest and for public purpose, is now set to be signed by the President of the Republic of South Africa, after being passed by both the National Council of Provinces (NCOP) as well as the National Assembly.

The Bill was before the National Assembly for the second time after receiving the Bill back from the National Council of Provinces (NCOP) with two proposed changes, which have since been effected.

The Bill was first adopted by the Portfolio Committee on Public Works in February this year (2016) before being presented to the two houses of Parliament (National Assembly and the NCOP) for consent.

The Bill will be sent to the President for assent. The passing of the Bill by the two houses of Parliament follows a number of years of wide-ranging consultations, debates on loads of submissions and robust multiparty discussions in the Public Works Portfolio Committee meetings.

The Bill proposes to introduce measures that differ significantly from the Expropriation Act of 1975 and it is a progressive departure from the ineffective willing-buyer, willing-seller approach. The willing buyer- willing seller principle forced government to pay extravagant costs for land, and this in turn frustrated the redistribution process.

The Bill proposes a principle of expropriation through just and equitable compensation which is in line with Section 25 of the Constitution that empowers government to expropriate land by offering a fair and reasonable compensation.