

Threat to property

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TJ STRYDOM

A LAW that would allow the state to seize private property is closer to being enacted.

Tomorrow is the deadline for public comment on the Expropriation Bill, which would give the minister of public works sweeping powers to expropriate private property — ranging from homes to business premises, and even shares and other investments — “in the public interest”.

Critics of the proposed legislation say it is vague and could severely damage the country's investment credentials.

But yesterday Deputy Minister of Public Works Jeremy Cronin told The Times that the bill “makes

Bill gives state sweeping powers to seize assets

the current Expropriation Act, which dates back to 1975.

Cronin said the government would not “whimsically” expropriate

assets for property rights.” Respect for property rights and intellectual property protection were listed among the country's strengths in the World Economic Forum's Global Competitiveness Report for 2013.

South Africa came 26th among 144 countries on protection of property rights and 20th on the protection of intellectual property, the report showed.

Property, Booyesen said, was so broadly defined in the bill that it would include movable assets such as vehicles and works of art. It also refers to “a right in, or to, property”.

The Bible even says a woman is not allowed to wear men's clothing
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ate once the bill was enacted.

But Manus Booyesen, a partner at law firm Webber Wentzel, warned that the bill, if enacted in its current form, would “have severe impli-

“This means that shares in a company, as well as various rights in property — including intellectual property rights and incorporeal rights, such as prospecting and mining rights — could be expropriated under the bill,” said Booyesen.

On compensation, Booyesen said “there is no guarantee that you will get market value”.

The bill lists several factors that a court should take into account when considering the validity of an expropriation — and market value is just one of them.

“The list is not exhaustive, meaning that “any other factor” could also be taken into account.

This, Booyesen argued, would

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Property seizures on the cards

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create uncertainty and was “a risk to foreign, and any, investment in this country”.

The bill does more than merely empower the minister to expropriate property for a “public purpose”, as provided for in the current act.

It also allows the minister to expropriate property in the “public interest”.

Though this is in line with the constitution, Booyesen said the bill did not provide additional criteria to help in the assessment of what would be in the “public interest”.

But Cronin downplayed this, saying expropriation could still be challenged in court “if [the expropriation] is just to enrich somebody's cousin”.

Cronin said the definition of property was deliberately kept “general” and that the bill was drafted on legal advice “to not get trapped into a definition”.

The DA's spokesman on public works, Anchen Dreyer, said she

was concerned that the bill, if it became law, would undermine security of property ownership.

“Security of ownership is essential for investment, foreign as well as domestic, and for starting or expanding businesses. If this right is tampered with, there will be little

POPPY LOUW

DENIM jeans are as important to journalists as their pens and notebooks so, without thinking, I put on my favourite pair and went to work.

Two hours later I found myself trying to ignore stares in the middle of Atteridgeville amid hundreds of thousands of Zion Christian Church members.

I have heard stories about women of the church not being

allowed to wear trousers, and that they must always cover their head when they leave home, so I was fascinated at the sight of all these uniformed women.

Clueless of my crime, I thought I would try my luck and do a story I had not been assigned to.

I was there, so I might as well. My fantasy of interviewing members of the biggest church in South Africa soon flew out the window when I realised that my outfit went against their idea of

what a woman should wear.

“You will not be allowed to go inside, *ses*,” a uniformed marshal said to me outside the Lucas Moripe Stadium, where a prayer assembly was held this weekend.

Hours later my colleague emerged and told me how “rough” it had been for him inside the stadium because he wasn't wearing a jacket.

Media coverage was kept to a bare minimum, with the Daily Sun being the only newspaper that was

end of that year because of concerns in the consultation stages that it would severely damage the property market and discourage investment.

Cronin said the bill was still being discussed by the National Economic Development and Labour Council.

treated well.

My colleague was told other newspapers were not popular with the church because of all the “negative” stories written about it.

A friendly female marshal was kind enough to explain what the regalia stance was all about.

“The Bible says a woman is not allowed to wear men's clothing. You can walk around the neighbourhood with your pants, dear. But there is no hope of you being allowed in with those pants on.”

JEANS A SHOWSTOPPER AT ZCC ASSEMBLY