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THE ATTACK ON PROPERTY RIGHTS LAND COURT BILL Bill by Bill the noose tightens around the necks of property owners *by Chanté du Preez*

On 20 September 2022, the Portfolio Committee on Justice and Correctional Services (the Committee) adopted the report on the Land Court Bill (the Bill).

The adoption comes as no surprise following the Portfolio Committee on Public Works and Infrastructure's adoption of the Expropriation Bill on 7 September 2022.

The Bill is supposedly expected to resolve challenges under the Restitution of Land Rights Act and was affirmed in a media statement issued by the Parliamentary Communication Services on behalf of the Committee's Chairperson, Mr Bulelani Magwanishe, which stated that:

"... the Restitution Act never envisaged a permanent court with permanent judges. Instead the Land Claims Court was established as a dedicated court with a limited lifespan to deal with claims for restitution of land. However, the restitution process became protracted and is still not completed. A lack of permanency of judges presiding over matters before the Court and the absence of a permanent seat has contributed to the slow processing of and backlogs in land restitution claims to the dissatisfaction of land claimants.

The Bill proposes to establish a specialist Land Court, with its judgements appealable to the full bench of that Court, to deal with all land-related matters as regulated by legislation. This in order to facilitate the speedy disposal of cases and contribute towards the development of appropriate jurisprudence in relation to land matters."

NEASA reaffirms its position in its commentary on the Bill; that land restitution is supported where those who were historically or are currently deprived of their assets by the State, are compensated. Further, that where a government has stolen property from an

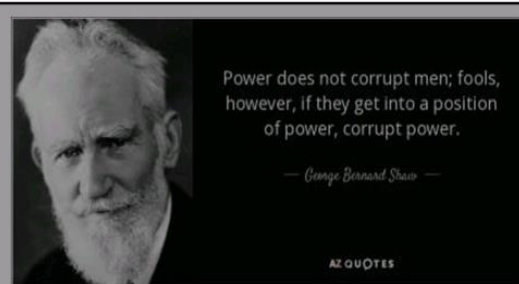
individual or community (historically or currently) compensation must be made.

However, the Court, with its expected wide and exclusive jurisdiction, in view of this current dispensation and progression of the Expropriation Bill, will do everything but facilitate the speedy disposal of cases and/or contribute towards the development of appropriate jurisprudence in relation to land matters. Instead, the most probable outcome is the anticipation of an increase in backlogs in land claims, the undermining of landowners' rights and suffering of equitable processes which will project its unavoidable flaws.

The Bill will be sent to the National Assembly for adoption, after which it will be referred to the National Council of Provinces. We will continue to keep employers abreast of developments in this regard.

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(Form JJJ added by GNR. 62 of 25 January 2019)
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