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**Amendment to the Land Acquisition Act as inserted in the General Laws Amendment Bill.
Proposed and voted in favour by parliament on 6 December, 2001.
(original amendment text, gazetted 6 November, follows)**

ON NEW CLAUSE INSERTED AFTER CLAUSE 22 (NOW CLAUSE 26),

The Minister of Justice, Legal and Parliamentary Affairs moved:

After clause 22 ending on line 37 on page 1 l. of the Bill, to insert the following clause, the subsequent clauses being renumbered accordingly

"27 Amendment of Cap. 20:10

1) The Land Acquisition Act [Chapter 20:10]. is amended

(a) in section 8-

(i) in subsection (1) by the insertion of the following proviso after proviso (ii)-

"(iii) where land is offered for acquisition by the owner in terms of subsection (2), (3) or (4) of section 6A or subsection (2) or (3) of section 6B and accepted by the acquiring authority, it shall not be necessary for the acquiring authority to make an order in terms of this subsection, and such land shall vest immediately in the acquiring authority upon acceptance of the offer as if an order had been made in terms of this subsection.";

ii) by the repeal of subsection (2) and the substitution of--

"(2) Immediately after making an order in terms of subsection (1) an acquiring authority may-

(a) in relation to land other than agricultural land acquired for resettlement purposes, exercise any right specified in that order if the exercise of that right does not require the eviction of the owner or occupier of the land concerned; and

(b) in relation to any agricultural land required for resettlement purposes, exercise any right of ownership, including the right to survey, demarcate and allocate the land concerned for agricultural purposes, without undue interference to the living quarters of the owner or occupier of that land:

Provided that this subsection shall not permit an acquiring authority, other than the President or a Minister, to do anything which interferes with rights acquired in terms of the Mines and Minerals Act [Chapter 21:05] without the permission in writing of the Minister responsible for mines.";

iii) by insertion after subsection (6) of the following subsection

"(7) Any owner or occupier of the land concerned or other person who, after an order is made in terms of subsection (1), interferes with the exercise by the acquiring authority of any right in terms of subsection (2) or anything done pursuant to the exercise of such right, without the permission in writing of the acquiring authority, otherwise than in the exercise of rights acquired in terms of the Mines and Minerals Act [Chapter 21:05], shall be guilty of an offence and liable to a fine not exceeding twenty thousand dollars or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.";

(b) by the repeal of section 9 and the substitution of

"9 Eviction of owner or occupier

The following provisions shall, subject to subsection (5) of section seven and subsections (3) and (4) of section eight, apply to the vacation by the owner or occupier of land acquired in terms of this Act-

(a) in relation to land other than agricultural land acquired for resettlement purposes, any person who, immediately prior to the date on which an order is made in terms of subsection (1) of section eight, owned, occupied, held or used the land to which such order relates shall, if so required by not less than three

months' notice in writing by the acquiring authority, cease to occupy, hold or use that land, and if he fails to do so, he shall be liable to be evicted by order of a competent court;

(b) in relation to any agricultural land required for resettlement purposes, the making of an order in terms of subsection (1) of section eight shall constitute notice in writing to the owner or occupier to cease to occupy, hold or use that land immediately on the date of service of the order upon the owner or occupier, and if he fails to do so, he shall, he shall be liable to be evicted by order of a competent court.

Provided that the owner or occupier of that land may remain in occupation of his living quarters on that land for a period of not more than three months after the date of service of the order.";

(c) in section 10 in subsection (1) by the repeal of paragraph (a) and the substitution of--

"(a) a copy of the order made in terms of that subsection or, where no such order was required in terms of proviso (iii) to that subsection, written confirmation to that effect; and".

(2) Sections 8, 9 and 10 of the principal-Act as amended by this Act shall be deemed to have come into operation on the 23rd May, 2000:

Provided that where an order in terms of subsection (1) of section 8 of the principal referred to in paragraph (b) of section 9 of the principal Act, and the date from which the period of three months referred to in the proviso to that paragraph shall be counted, shall be the date of commencement of this Act."

Amendment put and agreed to.

New clause inserted after 22 (Now clause 26), put and agreed to.

Clauses 23 and 24 put and agreed to.

ON NEW CLAUSES INSERTED AFTER CLAUSE 24

The Minister of Justice, Legal and Parliamentary Affairs moved:

After clause 24 ending on line 51 on page 12 of the Bill, to insert the following the subsequent clauses being renumbered accordingly

"30 Amendment of section 4 of Cap. 20:26

The Rural Land Occupiers (Protection from Eviction) Act [Chapter20:26] (Act No. 13 of 2001) is amended in section 4 in paragraph (a) by the deletion from subparagraph (iii) of "six months" and the substitution of "one year".

(Original proposed amendment, gazetted 9 November)

Statutory Instrument 338 of 2001
[CAP. 10:20]

Presidential Powers (Temporary Measures) (Land Acquisition)
(No. 2) Regulations, 2001

His Excellency the President, in terms of section 2 of the Presidential Powers (Temporary Measures) Act [Chapter 10:20], hereby makes the following regulations:

Title

1. These regulations may be cited as the Presidential Powers (Temporary Measures) (Land Acquisition) (No. 2) Regulations, 2001 .

Amendment of section 8 of Cap. 20:10

2. Section 8 of the Land Acquisition Act [Chapter 20:10] (hereinafter called "the principal Act") is amended

(a) by the repeal of subsection (2) and the substitution of"

(2) Immediately after making an order in terms of subsection (1) an acquiring authority may

(a) in relation to land other than agricultural land required for resettlement purposes, exercise any right specified in that order if the exercise of that right does not require the eviction of the owner or occupier of the land concerned; and in relation to any agricultural land required for resettlement purposes, exercise any right of ownership, including the right to survey, demarcate and allocate the land concerned for agricultural purposes, without undue interference to the living quarters of the owner or occupier of that land:

Provided that this subsection shall not permit an acquiring authority, other than the President or a Minister, to do anything which interferes with rights acquired in terms of the Mines and Mineral Act [Chapter 21:05] without the permission in writing of the Minister responsible for mines.";

p. 2147

(b) by the insertion after subsection (6) of the following subsection

"(7) Any owner or occupier of the land concerned or other person who, after an order is made in terms of subsection (1), interferes with the exercise by the acquiring authority of any right in terms of subsection (2) or anything done pursuant to the exercise of such right, without the permission in writing of the acquiring authority, otherwise than in the exercise of rights acquired in terms of the Mines and Minerals Act [Chapter 21:05], shall be guilty of an offence and liable to a fine not exceeding twenty thousand

dollars or imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

New section substituted for section 8 of Cap. 20:10

3. Section 9 of the principal Act is repealed and the following substituted

"9 Eviction of owner or occupier

The following provisions shall, subject to subsection (5) of section seven and subsections (3) and (4) of section eight, apply to the vacation by the owner or occupier of land acquired in terms of this Act

(a) in relation to land other than agricultural land required, for resettlement purposes, any person who, immediately prior to the date on which an order is made in terms of subsection (1) of section eight, owned, occupied, held or used the land to which such order relates shall, if so required by not less than three months' notice in writing by the acquiring authority, cease to occupy, hold or use that land, and if he fails to do so, he shall be liable to be evicted by order of a competent court;

(b) in relation to any agricultural land required for resettlement purposes, the making of an order in terms of subsection (1) of section eight shall constitute

p. 2148

notice in writing to the owner or occupier to cease to occupy, hold or use that land immediately on the date of service of the order upon the owner or occupier, and if he fails to do so, he shall be liable to be evicted by order of a competent court:

Provided that the owner or occupier of that land may remain in occupation of his living quarters on that land for a period of not more than three months after the date of service of the order."

Savings

4. Sections 8 and 9 of the Land Acquisition Act [Chapter 20:10] as amended by these regulations shall be deemed to have come into operation on the 23rd May 2000.

p. 2149