



Mthatha Ratepayers & Residents
Association (MRRA)

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The Honourable Chairperson of Expropriation Committee
Parliament
Cape Town

Date : 06 July 2015

Dear Sir/Madam

RE:SUBMISSIONS AND OBJECTIONS ON CERTAIN OF PROVISIONS OF THE EXPROPRIATION BILL

In the above matter, please find our humble submissions and objections on certain provisions of a Bill published in the Government Gazette No.38418 of 26 January 2015, for your convenience and possible arrangement for our oral submissions and objections before the Honourable Committee

Our document is hereto annexed as Annexure "MRRA 1".

Yours in moving South Africa forward.



Noxolo Pohlwana

Secretary

Executive members: G.M.Majova-Chairperson,B.Malgas-Deputy Chairperson,N.Pohlwana-Secretary,N.Bunn-Deputy Secretary, E.Sutton-Treasurer,N.Langeni-Deputy Treasurer, M.Mpongwana-Public Relations Officer.



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ANNEXURE-“MRRA 1”
THE EXPROPRIATION BILL,

TO : The Expropriation Bill Committee
FROM : Ratepayers-Executive
SUBJECT MATTER : Formal objections and submissions to the Expropriation
Bill,Government Gazette No.38418 of 26 January 2015.
DATE : 06th July 2015.

We wish to start off by saying, we thank and appreciate the opportunity afforded to us within the letter and the spirit of the Constitution of the Republic of South Africa,1996 ,read with the Promotion of the Administrative Justice **Act No.3 of 2000**,to have an input in the Expropriation Bill before it is passed into a law.

Summary of areas to consider

PREAMBLE

The Expropriation Act should be made in a manner that will redress the results of the past racial discrimination considering the plight of the previously marginalized and disadvantaged communities. The problem with the market value is the “willing seller willing buyer principle” which oppresses the very previously marginalized and disadvantaged people. In our view, a standard should be set to expropriate the property or land in a manner that will benefit the people of South Africa equitably in this era of our democracy.

CHAPTER 1

DEFINITIONS AND APPLICATIONS OF THE ACT

The word “**compensation**” is not defined in the Bill and it should be properly defined to avoid undue benefits and inequitable benefits.

APPLICATION OF THE ACT

Executive members: G.M.Majova-Chairperson,B.Malgas-Deputy Chairperson,N.Pohlwana-Secretary,N.Bunn-Deputy Secretary, E.Sutton-Treasurer,N.Langeni-Deputy Treasurer, M.Mpongwana-Public Relations Officer.



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Section 2(3) of the Bill should be structured accordance with the provisions of the Constitution, and in a manner that redresses the racial discrimination of the past.

CHAPTER 3

Investigation and gathering of information for purposes of expropriation

In terms of **section 5(2)** (a) of the Bill, legal experts, traditional leaders, Social workers, surveyors should be authorised to enter the property with the necessary workers.

Section 6 (1) of the Bill should also provide for broader consultation with the traditional leaders and the community of the affected areas, not only the municipal manager.

CHAPTER 4

The rights and obligations of the owner or holder of a registered or unregistered right should be fully explained from the onset in the expropriation process contemplated in **section 7 and 8** of the Bill to avoid unnecessary legal battles which may defeat the very object of expropriation.

CHAPTER 5

Section 14 (1) of the Bill should be structured to redress the results of the racial discrimination or the imbalances of the past, of course, this should not mean to live in the past, but to use the past to determine the future of the people of South Africa living in diversity and enjoying just and equitable benefits. There should be a set standard for compensation to avoid exorbitant claims which can defeat the object of compensation hence “ willing seller willing buyer” should be done away with.

CHAPTER 6

A court in terms of **section 21** of the Bill should be the last resort after all the avenues have been fully exhausted as court processes may keep the expropriation matter at ransom or defeat its object.

CHAPTER 7

Firstly, section 24(2)(a)-(c) of the Bill should be structured in a manner which provides service and publication of documents in all the **11** languages contained in the Constitution of the Republic of South Africa to avoid a language barrier which may defeat the object of public consultation for inputs in the Bill. The Bill is in English only and has not catered for the great number of the illiterate people in our midst.

Secondly, in our view the Expropriation Bill Committee should have decentralized the consultation process and visited all the provinces ,regions and local communities and hold various gatherings instead of centralizing it in Cape Town, so that the law can be easily applied effectively, bearing in



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mind ignorance of the law may be an excuse in this constitutional democracy when a matter is being adjudicated.

Thirdly, it is our humble submission that the period for the consultation process on the Bill be extended for a broader and a proper consultation as the expropriation matter is a thorny issue which requires dexterity to avoid the National Assembly to walk into any barrage of criticism.

We object to section **24(7)** of the **Bill**, translation of the communication to the addressee should be initiated by the Responsible Committee in Parliament to cater for the illiterate people especially from the rural areas.

In order for section **27** of the Bill to be in force and effect, there should be no language barrier and people should at least be taken on board from the white paper level, Bill and to an Act of Parliament so as to develop the law abiding citizens.

Lastly, in terms of section 32 the advantages and disadvantages of the Expropriation Act, 2015 to have retrospective effect from 1994, should be thoroughly interrogated and, if possible, be considered for adequate adjudication over matters already instituted. This is also in consideration of the Acts repealed wholly in the Schedule on page 23 of the Bill.

DATED AND DULY SIGNED AT MTHATHA ON THIS 6TH DAY OF JULY 2015

Noxolo Pohlwana (MRS) on behalf of the above Association

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