



KWAZULU-NATAL LEGISLATURE

AN ACTIVIST PEOPLE-CENTRED LEGISLATURE

NEGOTIATING MANDATE

TO: HON MK MMOIEMANG, MP
CHAIRPERSON OF SELECT COMMITTEE ON
TRANSPORT, PUBLIC SERVICE AND
ADMINISTRATION, PUBLIC WORKS AND
INFRASTRUCTURE

NAME OF BILL: EXPROPRIATION BILL

NUMBER OF BILL: B23B-2020

DATE OF DELIBERATION: 13 NOVEMBER 2023

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Public Works met on Monday, the 13th November 2023, and agreed to mandate the KwaZulu-Natal delegation to **support** the **Expropriation Bill [B23B-2020]** with the consideration of the following proposed amendments:

1. The Committee is concerned that a reliance on the landowner, the Department and the Municipality to provide information of the unregistered rightsholders renders them, including labour tenants, vulnerable. The remedy provided for by the Bill – that overlooked rightsholders may ask for compensation after the fact – will disadvantage the unidentified unregistered rightsholders as they will not be in a position to negotiate the compensation. They recommend that the Bill requires an independent land rights enquiry by the Expropriating Authority in order to verify the presence and identity of unregistered rights holders on land identified for expropriation.

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2. The Committee also notes that any communication from the Expropriating Authority to unregistered rightsholders should be directly to the rightsholders, rather than through the owner of the land or another representative authority (like a traditional council).
3. Unregistered rights – the Bill still does not make clear which unregistered rights are being referred to.
4. The Bill needs to clarify how unregistered right holders would be identified and who in those households will receive notice, this is because women are not usually seen as having rights to land or access to land independently from men. The Bill needs to make specific provision for notice to women, households headed by women and by children.
5. 20 days' period is inadequate time for people to serve notice of rights in land. The period should be extended at least 90 days to allow enough time for people to give notice of their rights.

Clause 1

6. Definition of Expropriation – this definition is too narrow and adds encumbrances which are not present in the constitutional use of the word expropriation. This definition of expropriation should be scrapped or re-written in a broader sense.

Clause 2 (2)

7. "Reasonable terms" must be defined in the definitions to prevent half-hearted or failed activities within the Department resulting in a default of pursuing expropriation.

Clause 3 (1)

8. They propose that Clause 3 (1) is adjusted to read as follows: "Subject to the provisions of chapter 5, the minister may expropriate property for the public purpose or in the public interest with the exception of land expropriated for land reform." And a new clause,
9. 3(2) Land to be expropriated for the purposes of land reform must be deemed appropriate in a court of law.

Clause 5

10. (7) The clause should read: if the property in question is damaged through an act contemplated in subsection (2), an affected person may deliver written demand to the expropriating authority and the expropriating authority must repair the damage to the

original standard which is acceptable to the property owners or compensate for the damage without undue delay.

Section 9 (3) (b)


11. They recommend that the clause read: "The expropriating authority may recover any amount of depreciation caused by the wilful failure of an expropriated owner or the expropriated holder to maintain the property."

Section 12 (3)

12. They propose that it should be entirely changed to read: "It may be just and equitable for nil compensation to be paid where land is expropriated in the public interest, having regard to all relevant circumstances and having been valued as such by the courts."

Section 19

13. They propose that Section 19(9) be adjusted that the costs of legal counsel for all parties should be carried by the State.


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HON N. NTOMBELA, MPL
ACTING CHAIRPERSON: PUBLIC WORKS
PORTFOLIO COMMITTEE

13.11.2023
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DATE