**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 118**

**INTERNAL QUESTION PAPER [No 2-2019 SIXTH PARLIAMENT]  
DATE OF PUBLICATION: 28 JUNE 2019**

**118. Mrs A Steyn (DA) to ask the Minister of Agriculture, Land Reform and Rural Development:**

1. What number of land claims have been gazetted, but not yet processed by the Land Claims Commission;
2. whether she has found that the gazetting of land claims has a negative impact on the (a) value of the property and (b) owners’ ability to secure bank loans; if not, in each case, what is the position in this regard; if so, what are the relevant details in each case;

(3) whether all land claims that have been found to be invalid have been degazetted; if not, (a) why not and (b) what number of invalid land claims still need to be degazetted; if so, what are the relevant details? **NW1078E**

**THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:**

1. 3 358

(2)(a)(b) Section 11(1) of the Restitution of Land Rights Act requires the Commission to publish in the gazette all land claims that are deemed compliant with Section 2 of the Act. To not publish claims that are deemed compliant with the Act will constitute non-compliance with the Act. The Commission has not conducted any scientific studies to determine the impact of the gazetting of claims on affected properties. However, even if such studies were to confirm a negative impact of gazetting of land claims on property values, such impact would not be reason enough for the Commission not to execute the legislative imperative as imposed by Section 2 of the Restitution of Land Rights Act.

(3) (a) Section 11A of the Restitution of Land Rights Act provides for Withdrawal or Amendment of a gazette notice ONLY where either a party affected by the publication, typically a land owner, makes representations to the Commission with information conclusive to the Commission that the claim is non-compliant or the Commission, through detailed investigation, finds information that indicates that the claim is non-compliant.

Since the decision to withdraw a gazette notice is tantamount to the dismissal of the claim, the Commission follows a 2 stage process which is in line with the provisions of administrative justice towards claim dismissal.

In the first stage, the Commission provides the claimant with the notice or letter of an intention to dismiss the claim where after the claimant is provided with a minimum of 30 days to provide the Commission with conclusive reasons and or additional information that may convince the Commission not to dismiss the claim.

The 2nd stage consists of the issuing of the final dismissal letter where the notice period lapses without the claimant providing convincing additional information or where the information so provided is not convincing.

In all instances affected land owners are made aware when land claims are dismissed or when land claimants opt for other forms of settlement such as financial compensation.

(b) The Commission does not gazette invalid claims.