**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 3402**

**INTERNAL QUESTION PAPER [No 36-2022 SIXTH PARLIAMENT]
DATE OF PUBLICATION: 23 SEPTEMBER 2022**

**3402. Mr B N Herron (Good) to ask the Minister of Agriculture, Land Reform and Rural Development:**

1. Whether, considering the July 2016 Constitutional Court judgment relating to new order claims which found the Amendment to the Restitution of Land Rights Amendment Act, Act 15 of 2014, unlawful, many land claims made in the period 1 July 2014 to 31 July 2016 were declared validly lodged, but interdicted from processing and finalising, and noting that all claims made within the specified period have now fallen in the unresolved category, and given that after the ruling, no new claims have been lodged and/or processed, with her department being unable to provide clarity and/or time frames as to when it will address the legitimate land claims, any progress has been made in drafting new legislation in accordance with the July 2016 Constitutional Court judgment, so that all legitimate land claims can be resolved; if not, (a) why not and (b) how does she intend to resolve the long outstanding issue; if so, at what stage is the Bill;

(2) (a) what total number of claims have been received in the period that are now classified as unresolved and (b) by what date does the Commission on Restitution of Land Rights envisage to re-open the claims? **NW4213E**

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

1. (a)(b) A Private Members Bill was introduced by the African National Congress on 16 August 2017 during the Fifth Parliament and lapsed when Parliament rose at the end of their term. The Commission on Restitution of Land Rights (the Commission) is currently dealing with old order claims lodged before 31 December 1998 and is not in a position to process new claims as there is no legislation nor budget allocated to do so. The Commission reports to the Land Claims Court every six months on progress of outstanding Old order claims in line with LAMOSA 2 order, the last report was submitted on 30 June 2022.
2. (a) 163 383 new order claims

(b) When Parliament enacts new legislation to allow the processing of these New Order claims or the Commission settles all the outstanding old order claims lodged by 1998 as ordered by the LAMOSA Constitution Court judgment in 2018.

 **END**