
GENERAL NOTICE

NOTICE 63 OF 2015

DEPARTMENT OF PUBLIC WORKS EXPROPRIATION BILL, 2015

The Minister for Public Works intends introducing the Expropriation Bill, 2015 in Parliament during the fourth quarter of 2014/15. A summary of the Bill is hereby published in accordance with Rule 241(1) of the Rules of the National Assembly and Rule 186(1) of the Rules of the National Council of Provinces.

The Expropriation Bill seeks to align the Expropriation Act, 1975 with the Constitution, 1996 and to provide a common framework to guide the procedures for expropriation of property by organs of state. The Bill does not seek to interfere with existing powers of expropriation conferred by specific legislation. The Bill, rather, seeks to provide certainty for all affected parties, by prescribing uniform procedures to be followed by all expropriating authorities when exercising their powers.

The Bill introduces measures that differ significantly from the Expropriation Act, 1975. Noteworthy is the recognition and compensation of unregistered rights in property in all expropriations and the embodiment of the constitutional principle of *just administrative action* by, amongst other measures –

- (a) providing for the publication of an intended or actual expropriation, incorporating the rationale for such expropriation;
- (b) providing for notices of an intended or actual expropriation, incorporating the rationale for such expropriation, to be served on or delivered to all known affected persons; and
- (c) affording interested parties an opportunity to raise objections and make representations to an expropriating authority, and requiring that authority to consider such submissions before taking a decision whether or not to proceed with an expropriation.

The Bill provides for the determination of just and equitable compensation for expropriation in accordance with the principles contained in section 25(3) of the Constitution, 1996. The Bill also confirms the power of the Minister of Public Works to expropriate property for purposes connected with the execution of his/her mandate. The Bill does not grant expropriating powers to any other functionary.

The Bill will be available on the website of the Department of Public Works (www.publicworks.gov.za) once it has been certified by the Chief State Law Advisor and introduced in Parliament, and also by contacting:

The Director-General
Department of Public Works
Private Bag X65
PRETORIA 0001

Attention: Andre Meyering / Johannes Lekala
Telephone: 012-406-1566 / 012-406-1567
Facsimile: 086-272-4553 / 086-272-4554
E-mail: andre.meyering@dpw.gov.za / johannes.lekala@dpw.gov.za