

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
LAND AFFAIRS GENERAL
AMENDMENT BILL**

[B 53—98]

(As agreed to by the Portfolio Committee on Land Affairs (National Assembly))

[B 53A—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
ALGEMENE
WYSIGINGSWETSONTWERP
OP GRONDSAKE**

[W 53—98]

(Soos goedgekeur deur die Portefeuljekomitee oor Grondskake (Nasionale Vergadering))

[W 53A—98]

ISBN 0 621 28436 X

AMENDMENTS AGREED TO

LAND AFFAIRS GENERAL AMENDMENT BILL
[B 53—98]

CLAUSE 2

Clause rejected.

NEW CLAUSES

1. That the following be new Clauses to follow Clause 1:

Substitution of section 8 of Act 22 of 1994

2. The following section is hereby substituted for section 8 of the Restitution of Land Rights Act, 1994:

“Performance of work of Commission

8. (1) The [administrative] work incidental to the performance of the functions of the Commission shall be performed by officers appointed and seconded to the Commission in terms of the provisions of [section 15(3)(a) of] the Public Service Act, 1994 (Proclamation No. 103 of 1994), and designated in general or for a specific purpose by the Minister after consultation with the Commission.

(2) In making a designation in terms of subsection (1), the Minister and the Commission shall seek to ensure that the staff of the Commission shall be broadly representative of the South African population.

(3) Designated officers shall perform their functions under the control and supervision of the Chief Land Claims Commissioner or regional land claims commissioner, as the case may be.”.

Amendment of section 35A of Act 22 of 1994, as inserted by section 26 of Act 63 of 1997

3. Section 35A of the Restitution of Land Rights Act, 1994, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) If at any stage during proceedings under this Act or any other Act conferring jurisdiction upon the Court it becomes evident that there is any issue which might be resolved through mediation and negotiation, the Court may make an order—”.

Amendment of section 42C of Act 22 of 1994, as inserted by section 30 of Act 63 of 1997

4. Section 42C of the Restitution of Land Rights Act, 1994, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may from money appropriated by Parliament for this purpose and on such conditions as he or she may determine, grant an advance or a subsidy for the development or management of, or to facilitate the settlement of persons on, land

which is the subject of an order of the Court in terms of this Act or an award in terms of section 42D, to—

- (a) any claimant to whom restoration or the award of a right in land has been ordered;
- (b) any person who has waived any or all of his or her rights to relief in terms of section 42D;
- (c) any person resettled as a result of **[the]** an order of the Court.”.

Amendment of section 33 of Act 3 of 1996, as amended by section 42 of Act 63 of 1997

5. Section 33 of the Land Reform (Labour Tenants) Act, 1996, is hereby amended by the insertion of the following subsection after subsection (2):

“(2A) At the instance of any interested person, including a person who avers that he or she is a labour tenant, irrespective as to whether or not such person has lodged an application in terms of section 17, the Court may determine whether a person is a labour tenant.”.

CLAUSE 17

1. On page 8, after line 45, to insert the following paragraph:

- (a) by the substitution for the definition of “court” of the following definition:
 “ ‘court’ means a competent court having jurisdiction in terms of this Act, including a Special Tribunal established under section 2 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996);”;

CLAUSE 18

1. On page 10, after line 29, to add the following paragraph:

- (d) by the substitution for subsection (7) of the following subsection:
 “(7) The provisions of **[the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970),]** any law regulating the subdivision of land shall not apply to land on which a development is undertaken in terms of this Act.”.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 17 of Act 62 of 1997

27. Section 17 of the Extension of Security of Tenure Act, 1997, is hereby amended by the insertion of the following subsections after subsection (2):

- “(2A) A Special Tribunal established under section 2 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), may, in proceedings arising out of that Act—
- (a) decide whether a person is an occupier as defined in section 1;
 - (b) make an order for eviction under this Act and shall have all powers necessary or reasonably incidental thereto;

(c) where it finds that a person has unlawfully obtained consent to reside on land under any of the circumstances mentioned in section 2(2)(a) to (g) of the Special Investigating Units and Special Tribunals Act, 1996, exclude such person from the application of the provisions of this Act.

(2B) A Special Investigating Unit established under section 2 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), may investigate any matter relevant to the exercise by a Special Tribunal of the powers mentioned in subsection (2A).”.

LONG TITLE

1. On page 2, in the third line, after “as” to insert:

to provide for the secondment of officers to the Land Claims Commission; to further regulate mediation and negotiation; and

2. On page 2, in the fourth line, after “land;” to insert:

to amend the Land Reform (Labour Tenants) Act, 1996, so as to authorise the Land Claims Court to determine whether a person is a labour tenant or not;

3. On page 2, in the 11th line, after “as” to insert:

to extend the definition of “court” also to include a Special Tribunal established under section 2 of the Special Investigating Units and Special Tribunals Act, 1996: and to regulate the powers of a Special Tribunal and a Special Investigating Unit in relation to this Act; and