

**NOTICE OF BREACH OF MATERIAL AND FAIR TERM OF AGREEMENT  
BETWEEN OWNER/PERSON IN CHARGE AND OCCUPIER**

NOTICE IN TERMS OF SECTION 10(1)(b) OF THE EXTENSION OF  
SECURITY OF TENURE ACT, 1997

[Note: a separate notice must be served on every occupier in the household, excluding children under the age of 18. Children under the age of 18 can be cited in a notice served on an adult member of the household in which they are ordinarily resident.]

To:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[fill in the name and address of the occupier]

**Children under the age of 18:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

[use more space if necessary]

[Note to person serving this notice: You must read out the highlighted part in an official language which the occupier understands. If you yourself are not fluent in that language, you must use an interpreter. A copy of this notice must then be given to the occupier in that language, and in another official language. If possible the copy given to the occupier should be signed and dated by him or her and returned to the owner or person in charge as proof of service]

**This is an important notice. It is being given to you in terms of the Extension of Security of Tenure Act, which was passed by Parliament in 1997.**

**It is alleged that you have breached the following material and fair term of your agreement with the owner/ person in charge:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[List the term of the agreement which has been allegedly breached.]

**The details of the alleged breach are as follows:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Set out the nature of the alleged breach. Additional pages may be attached if necessary.]

**The land to which this notice relates is commonly known as:**

\_\_\_\_\_  
\_\_\_\_\_

[Give a full description of the land to which this notice relates, including any residential or grazing land, and any land which is being used for cultivation.]

Signed at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_  
[Fill in the name of the district or closest town or city and today's date.]

\_\_\_\_\_  
[Sign here and state whether acting as owner or person in charge. If the person in charge, state the capacity in which he or she is acting]

Full name of owner or person in charge of the land: \_\_\_\_\_

Contact tel. no.: \_\_\_\_\_

Contact address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by me at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ h \_\_\_\_\_  
[Fill in the name of the district or closest town or city, today's date and the time when the notice was received. ]

\_\_\_\_\_  
[It is advisable for the occupier or other person receiving the notice to sign here.]

I certify that this notice was served at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_  
at \_\_\_\_\_ h \_\_\_\_\_  
[Fill in name of district or closest town or city, today's date and the time when the notice was served.]

\_\_\_\_\_  
[Signature of person serving this notice.]

\_\_\_\_\_  
[Full name of person serving this notice:]

Capacity: \_\_\_\_\_

Contact tel./fax no.: \_\_\_\_\_

Contact address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### More information

The Extension of Security of Tenure Act gives you the right to live on the land where you were staying on 4 February 1997, or at any time thereafter, provided you had the permission of the owner or person in charge. It also gives you the right to carry on using any other land which the owner or person in charge gave you permission to use on or after that date.

The Act makes it possible, in certain circumstances, for these rights to be brought to an end. The owner or person in charge must act fairly, and follow the procedures set out in the Act.

The Act says that, if you break a material and fair term of such an agreement, the owner or person in charge may apply to court for an eviction order. However, before this happens, the owner or person in charge must give you at least one month's written notice to put the matter right. This is what this notice is about.