

# Expropriation Bill submitted to Parliament

The Expropriation Bill 2020 has been submitted to Parliament for introduction.



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The bill, which is set to replace the Expropriation Act of 1975 that is inconsistent with the Constitution, was gazetted on 09 October 2020.

The bill is part of the work of government in ensuring that a comprehensive land redistribution for agricultural purpose, human settlements and industrial development is implemented.

Announcing the publishing of the Expropriation Bill of 2020 during an Inter-Ministerial Committee on land Reform media briefing held in Pretoria on Sunday, Deputy President David Mabuza said that the publication of this important bill is a cogent indication that government is indeed at work to realise redress and fulfil the aspirations of the people to have an equitable society.

“It is a recognition of the urgency required to address the injustices of the past and restore land rights in a responsible manner, whilst ensuring that food security is maintained; that equitable spatial justice is achieved; and that continuation of investment to expand our industrial base is secured,” Mabuza said.

Public Works and Infrastructure Minister Patricia de Lille said the bill is part of the government’s comprehensive approach to land reform and redressing spatial inequality, and improving access to services and opportunities.

“The bill is part of the comprehensive land redistribution and agricultural development programme. Expropriation of property with nil compensation is not a silver bullet. It is only but one acquisition mechanism that in appropriate cases will enable land reform and redress, as agreed by the Presidential Advisory Panel Report on Land Reform and Agriculture,” De Lille said.

The Minister added that government is committed to restitution, redistribution and land tenure, as recommended by the Advisory Panel. The panel was appointed by President Cyril Ramaphosa in 2018, to provide a unified perspective on expropriation for the land in the wider context of persisting land inequities and unsatisfactory land and agrarian reform, and urban land development and distribution.

“The bill brings certainty to South Africans and investors because it clearly outlines how expropriation can be done and on what basis. This legislative certainty is critical as we rebuild our economy and invest in our communities,” De Lille said.

## **The Bill states:**

- It may be just and equitable for nil compensation to be paid where land is expropriated in the public interest, having regard to all relevant circumstances, including but not limited to where the land is not being used and the owner’s main purpose is not to develop the land or use it to generate income, but to benefit from appreciation of its market value;
- Where an organ of state holds land that it is not using for its core functions and is not reasonably likely to require the land for its future activities in that regard, and the organ of state acquired the land for no consideration;
- Notwithstanding registration of ownership in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), where an owner has abandoned the land by failing to exercise control over it;
- Where the market value of the land is equivalent to, or less than, the present value of direct state investment or subsidy in the acquisition and beneficial capital improvement of the land and when the nature or condition of the property poses a health, safety or physical risk to persons or other property;
- When a court or arbitrator determines the amount of compensation in terms of section 23 of the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996), it may be just and equitable for nil compensation to be paid, having regard to all relevant circumstances.

Parliament will now follow its processes to consider the bill and every South African will have the opportunity to participate as Parliament considers, debates and consults on the bill.

A copy of the bill can be found on the government gazette: <http://www.gpwonline.co.za/Gazettes/Pages/Published-Separate-Gazettes.aspx>

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