



OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: GAUTENG

No. 9 Bailey Lane, Arcadia, 0007 | Private Bag X 03, Arcadia, 0007

Tel: (012) 310 6500 | Fax: (012) 323 0312

Enquiries: Desiree Kgole
Desiree.Kgole@drdlr.gov.za

FOR ATTENTION: Vusi Masango
BY E-MAIL/FAX: vmasango@srk.co.za

CONFIRMATION REGARDING LAND CLAIM IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 22 OF 1994, AS AMENDED

Kindly note that according to our provincial database **there is a claim** lodged on the property/ies mentioned below:

PORTION 1 & 2 OF THE FARM BAVIAANSPOORT 330, REG DIV JR, GAUTENG.

The office of the Regional Land Claims Commission has taken reasonable care to ensure accuracy in compiling the above information. However, the Commission shall not be held legally liable for any damages, which any person may suffer as a result of the information given above.

In conclusion, please note that **follow up enquiries should be forwarded to Ms. Edith Mokgoko** who could be reached at the following contact details: Tel: (012) 310-6620 or via e-mail at edith.mokgoko@drdlr.gov.za.

Yours faithfully

MS. C. BENYANE
CHIEF DIRECTOR
OFFICE OF THE REGIONAL LAND CLAIMS COMMISSION
GAUTENG PROVINCE
DATE: 28/8/16



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Enquiries: Desiree T Kgole
Telephone: (012) 310-6500/6578

Dear Mr / Ms Vusi Masango

LAND CLAIMS ENQUIRY – PORTION 1 & 2 OF THE FARM BAVIAANSPOORT 330, REG DIV JR, GAUTENG.

We refer to your letter dated **21 August 2018**.

We confirm that there are existing land claims against the Property. The claims were lodged as per attached list of claimants.

The claim was lodged in terms of the Restitution of Land Rights Amendment Act, 2014 (Act No 15 of 2014) ("the Amendment Act") which, amongst others, reopened the lodgement of claims for a period of five years.

The validity of the Amendment Act was challenged in the Constitutional Court. The Constitutional Court found the Amendment Act to be invalid because of the failure of Parliament to facilitate public involvement as required by the Constitution. The Amendment Act ceased to be law on 28 July 2016.

The Constitutional Court ordered that the claims that were lodged between 1 July 2014 and 27 July 2016 are validly lodged, but it interdicted the Commission from processing those claims until the Commission has finalised the claims lodged by 31 December 1998 or until Parliament passes a new law providing for the re-opening of lodgement of land claims. Parliament was given until 27 July 2018 to pass such a law.

The Commission will therefore not be processing the above claim until it finishes claims lodged by 31 December 1998 or until Parliament passes a new law providing for re-opening of lodgement of claims. It is important to note that the provisions of section 11 (7) of the Restitution of Land Rights Act, 1994 do not apply until after the Commission has accepted the claim for investigation and published its details in the Government Gazette. That will only be done on the happening of either event in the previous paragraph.

For further enquiries please contact

Solomon Maruma at solomon.maruma@drdlr.gov.za , telephone 012 310 6588

Edith Mokgoko at Edith.mokgoko@drdlr.gov.za , telephone 012 310 6573

Yours faithfully

**MS C BENYANE
CHIEF DIRECTOR
OFFICE OF THE REGIONAL LAND CLAIMS COMMISSION
GAUTENG PROVINCE
DATE: 28/8/18**



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Other claimants who also lodged their claims on **BAVIAANSPOORT 330 JR.**

R/3/116/260/24411	LEKHULENI BUTANA PETRUS	2014-10-03
R/3/116/260/23566	MABENA JOSEPH	2014-10-01
R/3/118/262/52095	MAHLANGU DLANGA JOHANNES	2015-03-11
R/3/116/260/66192	FAKUDE SIBUSISO MICHEAL	2015-06-02
R/3/116/260/148802	MSIZA JOSIAH JOHANNES	2016-05-12



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1. Section 11(7) of the Restitution of Land Rights Act provides as follows:

11 (7) Once a notice has been published in respect of any land -
(a) no person may in an improper manner obstruct the passage of the claim
aA) no person may sell, exchange, donate, lease, subdivide, rezone or develop the land in question without having given the regional land claims commissioner one month's written notice of his or her intention to do so, and, where such notice was not given in respect of

- (i) any sale, exchange, donation, lease, subdivision or rezoning of land and the Court is satisfied that such sale, exchange, donation, lease, subdivision or rezoning was not done in good faith, the Court may set aside such sale, exchange, donation, lease, subdivision or rezoning or grant any other order it deems fit;**
- (ii) any development of land and the Court is satisfied that such development was not done in good faith, the court may grant any order it deems fit;**

The above section has been misinterpreted to mean that once a claim has been lodged the land owner cannot sell, donate, develop, lease, exchange or donate. While in actual fact it means the land owner cannot do those things listed in (i) above after a notice of claim has been published in a government gazette notice without giving one month notice of your intention to do so to the Regional Land Claims Commissioner having a jurisdiction over such land and/or property.

After the claim has been found to be valid the office must publish a gazette notice of claim first in a government gazette notice, and if anyone wants to do anything listed in (i) above must give a written notice to the RLCC.