



rural development
& land reform

Department
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

Regional Land Claims Commission: Free State & Northern Cape
4th Floor, Hyscoo Arcade • 4 – 8 Old Main Road • KIMBERLEY, 8301
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Mr. Joseph Fletcher
P.O.Box 151
Kimberley
8300

"REGISTERED POST"

**RE: NON COMPLIANCE OF CLAIM WITH SECTION 2 AND 11
OF THE RESTITUTION OF LAND RIGHTS ACT, NO. 22 OF 1994
AS AMENDED**

The above matter bears reference.

We hereby advise that the Commission has conducted an investigation as to whether your Land Claim meets the Criteria set out in the Restitution of Land Rights Act (The Act).

The Commission's findings are as follows:

- (AI)
- N.B. {
- 1) The claim does not satisfy the requirements as set out in section 2 and 11 of the Act.
 - 2) Our investigations have revealed that the Korana, Griqua and the San people were indeed dispossessed of their land when the Dutch and later the British arrived at the Cape of Good Hope. However the dispossessions took place prior to the cut-off date of the 13 June 1913.
 - 3) Furthermore, the land claim form mentions All Cape Lands including Northern Cape Province, Eastern Cape Province and the whole of Northern Cape. This, in our view, renders your land

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P. O. Box 2458, Kimberley, Tel (053) 8075700 Fax (053) 831 6501.

Commission with its investigation and research into your claim, you are hereby requested to submit this information to our offices within 90 days of receipt of this letter.

Further take note that actions and/or decisions performed by a functionary of the Commission constitute Administrative Action as defined in the Promotion of Administrative Justice Act, 2000 (PAJA) and may be reviewed in terms of Section 36 of the Act which states that

(1) Any party aggrieved by any act or decision of the Minister, Commission or any functionary acting or purportedly acting in terms of this Act may apply to have such act or decision reviewed by the Court.

(2) The Court shall exercise all of the Supreme Court's powers of review with regard to such matters, to the exclusion of the provincial and local divisions thereof.

Therefore we further advise that should you be aggrieved by the decision of the Commission in terms of the Act you are hereby afforded an opportunity to respond to the reasons for the decision following which you have the right to apply to have such decision reviewed by the Court in terms of Section 36(1) of the Act.

Yours faithfully



MR. LEJANE HARRY MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2012/08/05