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Restitution of Land Rights Amendment Act invalid

17:28 (GMT+2), Thu, Thursday, July 28, 2016

By Gerhard Uys

The Constitutional Court on Thursday found the Restitution of Land Rights Amendment Act invalid.

Glenn Farrad, programme manager for the Association for Rural Advancement (AFRA), said the judgement pointed to an urgent need for South Africa to act according to the law and Constitution.

"To have reopened the process in the manner which policymakers saw fit, was clearly disadvantageous to communities which had lodged claims, and were awaiting resolution," Farrad told *Farmer's Weekly*.

He added that it was difficult to say how many claims still needed to be processed as government had changed the way in which claims were categorised, but the number was estimated to be around 80 000.

Together, the Land Access Movement of South Africa, AFRA, Nkuzi Development Association, Moddervlei Communal Property Association, Makuleke Communal Property Association and Popela Communal Property Association approached the Constitutional Court with a two-pronged complaint, saying that the passing of the act in 2014 did not involve proper public participation, and that reopening the process would negatively affect claims that were completed before 31 December 1998.

"The court found that Parliament failed to allow for proper consultation before passing the law in accordance with section 72(1)(a) of the Constitution," a statement from the Constitutional Court read.

Additionally, the Chief Land Claims Commissioner is interdicted from processing land claims lodged from 1 July 2014, the release read.

The Department of Rural Development and Land Reform sent out a statement saying that the Commission was in the process of analysing the

judgement and will send out a more detailed response in due course.

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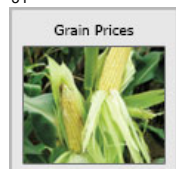


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This week's poll

Have you received any aid or assistance for drought relief?



Yes, it has been a saving grace.



I received some assistance, but not enough.



No, I don't know how or where to apply.



I have not been affected by the drought.

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Last week's poll

How do you guard against stock theft on your farm?

I am a member of a community watch group on WhatsApp. (29.08%)

Security guards patrol my farm day and night. (21.99%)

I have high fences and gates that are locked at all times. (33.33%)

There's no need for preventative measures. I haven't been targeted yet. (15.6%)

