

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**LAND AFFAIRS GENERAL
AMENDMENT BILL**

[B 64—99]

*(As agreed to by the Portfolio Committee on Agriculture and Land Affairs
(National Assembly))*

[B 64A—99]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP**

**ALGEMENE
WYSIGINGSWETSONTWERP OP
GRONDSAKE**

[W 64—99]

*(Soos goedgekeur deur die Portefeuljekomitee oor Landbou en Grondsake
(Nasionale Vergadering))*

[W 64A—99]

ISBN O 621291471

AMENDMENTS AGREED TO

LAND AFFAIRS GENERAL AMENDMENT BILL [B 64-99]

CLAUSE 4

Clause rejected,

CLAUSE 5

1. On page 6, from line 20, to omit paragraph (b).

NEW CLAUSE

1. That the following be a new Clause:

Insertion of section 26A in Act 22 of 1994

5. The following section is hereby inserted in the Restitution of Land Rights Act, 1994, after section 26:

“Secondment of judges and appointment of acting judges to Land Claims Court

26A. (1) Notwithstanding sections 22(3), (4), (5), (6), (7), (8) and (9), 23, 25 and 26, the Minister of Justice must, after consultation with the Minister, at the expiry of the fixed term contemplated in section 22(5) cause such number of judges of the High Court as may be necessary to be seconded to serve as judges of the Court.

(2) The Minister may request the Minister of Justice to appoint an acting judge of the Court in accordance with section 175(2) of the Constitution for such period as may be necessary.

(3) The President of the Republic shall, after consultation with the Minister of Justice, designate one of the seconded judges or an acting judge appointed under subsection (2), to act as President of the Court.

(4) Proceedings in which—

(a) a seconded judge or acting judge has participated and which have not been disposed of during the secondment or the term of service or, having been disposed of before or after such secondment or term, are reopened; or

(b) a judge of the Court appointed under section 22 has participated and which have not been disposed of at the expiry of the fixed term contemplated in subsection (1) or, having been disposed of before or after such expiry, are reopened,

must be disposed of by that judge.”.

CLAUSE 7

1. On page 6, in line 42, to omit “15 December 2000” and to substitute “31 March 2001”.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 9 of Act 62 of 1997, as amended by section 28 of Act 61 of 1998

10. Section 9 of the Extension of Security of Tenure Act, 1997, is hereby amended by the addition of the following subsection:

“(3) For the purposes of subsection (2)(c), the Court must request a probation officer contemplated in section 1 of the Probation Services Act, 1991 (Act No. 116 of 1991), to submit a report within a reasonable period—
 (a) on the availability of suitable alternative accommodation to the occupier;
 (b) indicating how an eviction will affect the constitutional rights of any affected person, including the rights of the children, if any, to education;
 (c) pointing out any undue hardships which an eviction would cause the occupier; and
(d) on any other matter as may be prescribed.”.

CLAUSE 13

1. On page 8, after line 41, to add the following subsection:

(2) Section 10(a) shall be deemed to have come into operation on 1 January 2000.

LONG TITLE

1. On page 2, in the sixth line, to omit all the words after “conditions” up to and including “subsidy” in the seventh line.
2. On page 2, in the ninth line, after the first “Act” to insert:

and to provide for the secondment of judges and appointment of acting judges to the Land Claims Court
3. On page 2, in the fifteenth line, after “as” to insert:

to require the submission of a report to the Court by a probation officer for the purposes of section 9(2)(c);