

Chapter 20:26

PREVIOUS CHAPTER**RURAL LAND OCCUPIERS****(PROTECTION FROM EVICTION) ACT**

Acts 13/2001, 14/2002.

ARRANGEMENT OF SECTIONS**Section**

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ACT

To protect certain occupiers of rural land from eviction; and to provide for matters connected with or incidental thereto.

[Date of commencement: 5 June 2001]

1 Short title

This Act may be cited as the Rural Land Occupiers (Protection from Eviction) Act, 2001

2 Interpretation

(1) In this Act—

“fixed date” means the 1st March, 2001;

“protected occupier” means a person referred to in subsection (1) of section three.

(2) Any word or expression to which a meaning has been assigned in the Land Acquisition Act [Chapter 20:10] shall have the same meaning when used in this Act.

3 Restraint on eviction, etc of certain occupiers of rural land

(1) A person occupying rural land who, but for this Act, would be subjected to any legal proceedings for an order referred to in subsection (2), shall be a protected occupier of rural land for the period referred to in subsection four, if—

(a) he was occupying the land on the fixed date and is still occupying the land at the date of commencement of this Act; and

(b) he occupied such land in anticipation of being resettled by an acquiring authority on that or any other land for agricultural purposes in terms of the Land Acquisition Act [Chapter 20:10]; and

(c) he qualifies for settlement on that or any other land in accordance with the relevant administrative criteria fixed by an acquiring authority for the resettlement of persons for agricultural purposes.

(2) Notwithstanding anything to the contrary in any other law, but subject to this Act, no court shall issue any order for the recovery of possession from a protected occupier of any rural land, or the ejection therefrom of a protected occupier, or the payment of damages by such protected occupier in respect of the occupation or trespass of such land during any period referred to in section four.

(3) Any order referred to in subsection (2) that was issued in relation to any protected occupier before the date of commencement of this Act shall be suspended and of no force or effect during any period referred to in section four

(4) Notwithstanding anything to the contrary in any other law, but subject to this Act,

no protected occupier shall be liable for any statutory or non-statutory offence of trespass upon or unauthorized entry into rural land in respect of which he is a protected occupier.

(5) Subsection (4) shall apply notwithstanding any court order that was issued in relation to any protected occupier before the date of commencement of this Act.

(6) For the purposes of this section, "land" does not include any building permanently attached to the land.

4 Period of protected occupation

The period during which a person shall be a protected occupier of rural land —

(a) in relation to which a preliminary notice identifying such land as being required for resettlement purposes or an acquisition order was issued on or before the date of commencement of this Act, shall be—

(i) the period during which such preliminary notice is in force in terms of the Land Acquisition Act [Chapter 20:10]; or

(ii) the period during which such acquisition order is pending before the Administrative Court for confirmation in terms of the Land Acquisition Act [Chapter 20:10]; or

(iii) if the Administrative Court refuses to grant an order authorising or confirming the acquisition of the land, a period of one year after the date of such refusal; or

[amended by the General Laws Amendment (No.2) Act 2002 promulgated on the 24th January, 2003 - with retrospective effect, in terms of clause 47 - from the 4th February, 2002 - Editor.]

(iv) a period of six months after such preliminary notice or acquisition order is withdrawn or revoked in terms of the Land Acquisition Act [Chapter 20:10], unless, within that period, a fresh preliminary notice or acquisition order is issued in respect of the same land;

as the case may be; or

(b) in relation to which no preliminary notice identifying such land as being required for resettlement purposes has been issued at the date of commencement of this Act, shall be a period of six months from the date of commencement of this Act:

Provided that—

(i) if within that period an acquiring authority issues such notice in respect of that land, the provisions of paragraph (a) shall apply;

(ii) if a person who is a protected occupier of land referred to in this paragraph subsequently occupies land referred to in paragraph (a) before the expiry of a period of six months from the date of commencement of this Act, such person shall be deemed to be a protected occupier of that land in terms of that paragraph.

5 Evidence of protected occupation

If in any proceedings for the recovery of possession of rural land identified for resettlement purposes, or the ejectment therefrom of any person, or the payment of damages by any person in respect of the occupation or trespass of such land, an acquiring authority certifies that—

(a) the person concerned—

(i) was occupying the land on the fixed date and was still in occupation of the land at the date of commencement of this Act or is occupying the land pursuant to proviso (ii) to paragraph (b) of section four; and

(ii) occupied such land in anticipation of being resettled by an acquiring authority on that or any other land for agricultural purposes in terms of the Land Acquisition Act [Chapter 20:10]; and

(iii) qualifies for resettlement in terms of paragraph (c) of subsection (1) of section three;

or

(b) the period during which the person concerned is a protected occupier of rural land in terms of section four has not expired;
it shall be presumed, unless the contrary is shown, that the person concerned is a protected occupier, or that the period during which the person concerned is a protected occupier has not expired, as the case may be.

6 Act not to bind the State

(1) This Act shall not bind the State.

(2) For avoidance of doubt, no person shall—

(a) be a protected occupier of any land held by or registered in the name of the State; or

(b) continue to be a protected occupier of land which had been subjected to an acquisition order, after the date on which the title of the State to such land is registered in terms of section 10 of the Land Acquisition Act [Chapter20:10].

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