

Expropriation Bill finally approved by Parliament

Background

There have been several attempts since 2008 to replace the 1975 Expropriation Act. The latest attempt was the Expropriation Bill that was tabled in Parliament on 15 October 2020. After a lengthy parliamentary process the Bill was finally passed by Parliament on 27 March 2024.

Amendments

The Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure adopted a number of amendments to the Bill, which amendments were approved by the Portfolio committee on Public Works and Infrastructure. These amendments include a new clause 2(3) which provides for the compulsory acquisition of property directly or indirectly by a third-party beneficiary through an expropriating authority in the public interest. Moreover, amendments were made to clause 10 dealing with the manner in which compensation to be claimed for unregistered rights after the date of expropriation. Quite a few changes were also made to clause 20, which deals with urgent expropriations. In the main, these amendments propose giving prior (but truncated) notification of the intended expropriation to an owner or holder who stands to lose their property and to elicit comments from them before actually taking the property.

Way forward

The Bill has now been sent to the President for assent. There are now timelines within which the President is required to sign a Bill, but it is highly likely that this will be done prior to the elections which are scheduled for 29 May 2024.

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