

What is the latest on the Expropriation Bill?

Background

The Expropriation Bill was tabled in Parliament on 15 October 2020. After public hearings and deliberations in the Portfolio Committee on Public Works and Infrastructure, it was eventually passed by the National Assembly on 22 September 2022. It was then sent to the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure in the National Council of Provinces.

Latest developments

Further deliberations on the Expropriation Bill followed in the Select Committee on 24 November and 6 December 2023 and on 7 February 2024. On 6 December 2023, the parliamentary legal advisor presented the Select Committee with further proposed amendments to the Expropriation Bill. At that stage, the Committee could not proceed with the adoption of the so-called C-List on the Expropriation Bill as the Department of Public Works and Infrastructure requested further consultation on Clause 20 which deals urgent expropriation in order to ensure its constitutionality. The Committee then resolved to finalise the proposed amendments to the Expropriation Bill in February 2024.

On 7 February 2024, the Select Committee adopted the proposed amendments. 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. 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 version of the Bill incorporating these amendments, has now been sent to provinces, and the provinces would send their own final mandates on the Bill to the Select Committee. Thereafter, the Bill will be referred to the National Assembly for concurrence before it is sent to the President for assent.

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