

A photograph of an elderly woman with a joyful expression, wearing a patterned headscarf and a light blue floral shirt. She is holding a basket filled with fresh produce, including yellow squash and green leafy vegetables. The background is a soft-focus outdoor setting with green foliage.

The citizens' manual

▶ How to lodge a land claim

Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended in 2014

Reversing the legacy of the 1913 Natives' Land Act



**COMMISSION ON RESTITUTION OF
LAND RIGHTS**

A man wearing a red jacket, a blue shirt, and a white cap with a dark band is walking through a field of tall, golden-brown grass. He is holding a blue lantern with a lit flame in his left hand. The background shows a sunset with a bright sun low on the horizon, casting a warm glow over the scene. The sky is a mix of orange and yellow, and there are some trees in the distance.

This brochure is for claimants who lost rights in land after 19 June 1913.

It is illegal to submit a fraudulent claim, including not disclosing other potential interested parties.

It is also illegal for a person to prevent or obstruct another from lodging a claim.

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► FOREWORD



On 25 November 1994, the first President of a democratic South Africa, the late Mr Nelson Rolihlahla Mandela, signed the Restitution of Land Rights Act into law. The Restitution Act provides for restitution or equitable redress to persons and communities who were dispossessed of land rights,

after 19 June 1913, as a result of past racially discriminatory laws or practices, and who have lodged a claim with the Commission on Restitution of Land Rights.

The Restitution of Land Rights Amendment Act, 2014 extends the date for lodgement of land claims for those who did not claim by the initial deadline of 31 December 1998. The new deadline for the lodgement of land claims is 30 June 2019.

As at 31 March 2014 a total of 77 622 land claims had been settled by the Commission on Restitution of Land Rights. This has resulted in 3.078 million hectares of land approved for settlement (of which 1.6 million hectares were transferred to beneficiaries). A total of 371 191 households involving 1.83 million individuals have benefited from the settlement of these claims. The beneficiaries of the settled claims include 138 487 female-headed households.

Since 1995, the total expenditure for the land restitution programme as at 31 March 2014 was R24.411 billion inclusive of R7.063 billion paid as financial compensation for beneficiaries who opted for cash payment.

An amount of R15.889 billion was paid for land acquisition; and R1.458 billion was awarded as grants to support beneficiaries who opted for land restoration.

If the claimants who opted for financial compensation had chosen land restoration, an additional 1.99 million hectares of land would have been restored.

Approximately 8 471 land claims that were lodged before the 1998 cut-off date have not yet been resolved, while others have only been settled in part. These outstanding claims will be processed simultaneously with the new claims; with priority for payment given to those that were lodged before 1998.

The Commission on Restitution of Land Rights is committed to assist all those who qualify for restitution of land rights, in line with the provisions of the Constitution of South Africa.

Lodging a land claim is a free government service. You do not have to pay any amount of money to lodge a land claim.

Your claim is your right.

A handwritten signature in black ink, appearing to read 'Nomfundo Gobodo', written over a light blue horizontal line.

Nomfundo Gobodo
Chief Land Claims Commissioner

► BACKGROUND

- The right to restitution is one of the rights in the Bill of Rights of the Constitution of the South Africa. The restitution process is regulated by the Restitution of Land Rights Act, 1994.
- The Restitution of Land Rights Act established the Commission on Restitution of Land Rights and the Land Claims Court. The Commission is required to solicit claims, assist those who want to lodge claims, investigate the claims and attempt to resolve them through negotiation and mediation. The Land Claims Court is a specialist court that adjudicates disputes on issues relating to land claims and rights of farm dwellers.
- The Restitution of Land Rights Act in its original form required that land claims be lodged by no later than 31 December 1998.
- The Restitution of Land Rights Act has now been amended to allow those who missed the initial deadline to lodge their claims.

► WHAT IS A LAND CLAIM?

A land claim is a written request made by a person, a direct descendant of a person, an estate or a community for the return of land, rights in land or other equitable redress that has been lodged with the Commission of Restitution of Land Rights in the prescribed manner.

► WHAT IS A LAND RIGHT?

A land right is a registered or unregistered right in land, the interests of labour tenants and sharecroppers, customary law interests or beneficial occupation for a period of more than 10 years.

People must have occupied land **OR** must have proof in the form of a document, e.g. a title deed, permission to occupy, etc, for them to have a right in land.



▶ WHO CAN LODGE A LAND CLAIM?

A person or a community who was dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices, and who did not receive just and equitable compensation at the time of dispossession, can claim for restitution of that right in land or equitable redress.

▶ CATEGORIES OF CLAIMANTS

- Individual dispossessed of a land right.
- A direct descendant of a person with a land right (such as the wife or children).
- A juristic person, such as a company or a trust.
- An executor or an administrator of an estate of a deceased person.
- A representative of a community.

▶ WHO MAY NOT LODGE A CLAIM?

- Those who have claimed before and received redress (land or financial compensation) may not claim again for the same right lost.
- If you have lodged a claim before, but have not yet been compensated, please verify that the provincial office has your original claim before you resubmit a claim. Do not lodge a new claim if your claim is still being processed.
- It is illegal to submit a fraudulent claim, including not disclosing other potential interested parties.



▶ WHERE CAN YOU GO TO LODGE A LAND CLAIM?

There are 14 lodgement offices throughout the country. Please dial the toll-free number **0800 007 095** for the contact details of the office closest to you or visit any of the following offices:

GAUTENG

- ▶ 9 Bailey Street
(Cnr Steve Biko and
Johannes Ramokhoase Streets)
Arcadia, Pretoria

FREE STATE

- ▶ Old Postbank Building,
Cnr East Burger and Selbourne Streets
Bloemfontein

KWAZULU-NATAL

- ▶ Umhlaba House, 139 Langalibalele Street
Pietermaritzburg
- ▶ 158-160 High Street
Vryheid

EASTERN CAPE

- ▶ Old SARS building, 22 Station Street
East London
- ▶ 66 Prince Alfred Street
Queenstown

NORTHERN CAPE

- ▶ Hyesco Arcade, 4-8 Old Main Road
Kimberley

NORTH WEST

- ▶ Unit 4, Bathhaping Street
(Next to SARS building)
Mmabatho, Mahikeng
- ▶ Prime Plaza building, 52 Market Street
Vryburg

WESTERN CAPE

- ▶ Van der Sterr Building, Rhodes Avenue
Mowbray, Cape Town
- ▶ 33 Shamrock Place, 97 York Street
George

LIMPOPO

- ▶ 61 Biccard Street
Polokwane

MPUMALANGA

- ▶ Restitution House, 30 Samora Machel Drive
Mbombela
- ▶ 23 Hi-Tech House,
Cnr Botha and Rhodes Streets
eMalahleni



▶ WHAT DOCUMENTS MUST YOU BRING TO LODGE A CLAIM?

- A certified copy of your South African green bar-coded identity document or Smart ID card.
- A signed letter authorizing you to act on behalf of your family or community, signed by two witnesses (power of attorney), if you are acting on behalf of your family or community.
- A list of the people you represent.
- A letter from the Master of the High Court if you are the executor of an estate.
- A written decision from a community meeting, signed by the person who facilitated the meeting, if lodging on behalf of a community (community resolution).

Mobile office units will go to identified areas in all the provinces to enable any claimant who cannot come to our offices to claim. Information on all the lodgement offices is also available on www.ruraldevelopment.gov.za

▶ WHAT INFORMATION IS REQUIRED?

- The description of the property, e.g. farm name and number or erf or stand number in an urban area.
- Information about the department or state organ that acquired the land, e.g. Department of Native Affairs.
- The year of dispossession.
- What compensation was paid at the time?
- Particulars of the person who lost the right.
- Particulars of the claimant and the capacity in which you are acting, e.g. community representative, son, executor of an estate, etc.
- History of land dispossession.

▶ HOW TO SUBMIT A CLAIM

Claims must be lodged at a designated lodgement office on a prescribed form, which will be captured electronically during lodgement.

Forms will not be distributed. You have to visit a lodgement office to claim. You have until **30 June 2019** to lodge a land claim. Mobile lodgement offices will visit your district during the claim period.

▶ STEPS TO FOLLOW IN THE LAND CLAIM PROCESS



► WHAT CAN YOU EXPECT?

The Commission on Restitution of Land Rights personnel must assist you in completing your claim.

NO CLAIM FORM WILL BE DISTRIBUTED TO MEMBERS OF THE PUBLIC.

YOU ARE NOT REQUIRED TO PAY ANY AMOUNT OF MONEY TO LODGE A CLAIM.

Your documentation will be captured electronically and a notification of receipt will be issued to you on site. If you do not receive a notification letter on site, your claim has not been properly submitted. Please insist on a notification letter.

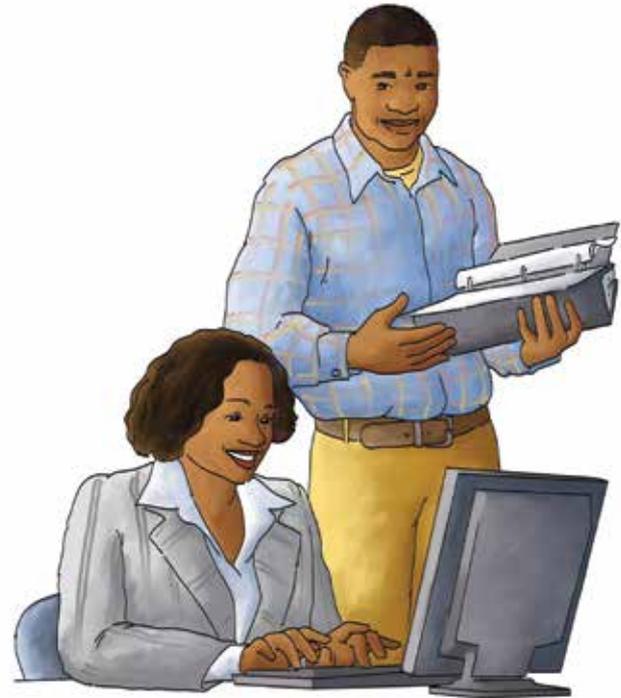
Always quote your unique reference number (as it appears in your notification letter) in all your correspondence with the Commission.

► PROCESS AFTER LODGEMENT

The Commission will now investigate the merits of your claim. If there are disputes, the Commission will mediate and attempt to resolve the disputes. The Commission will advise you about progress on your claim at regular intervals or upon your request.

► HOW TO FOLLOW UP ON YOUR CLAIM

You can phone the toll-free number **0800 007 095** or contact the provincial office for information on progress on your claim.

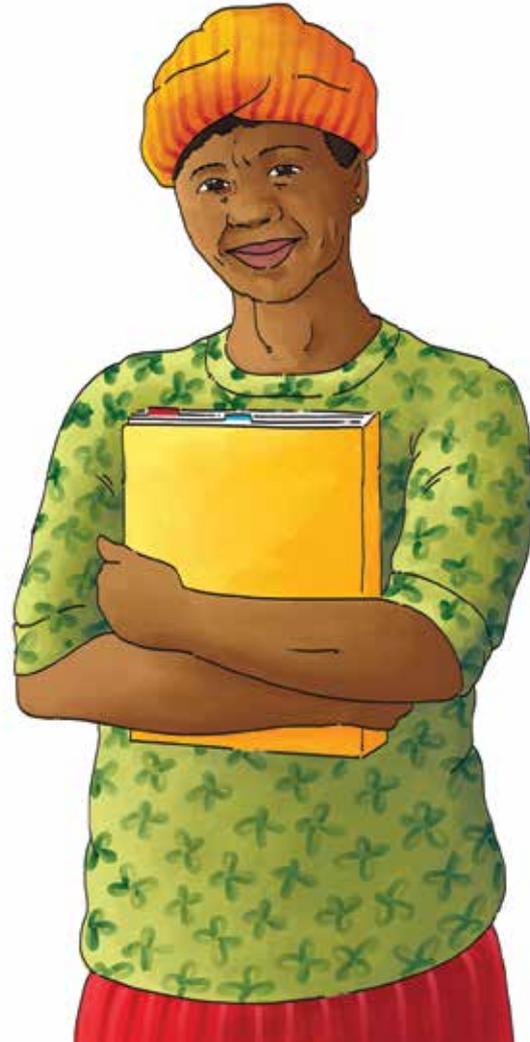


► SUPPORTING DOCUMENTATION

The Commission on Restitution of Land Rights requires information to make a determination about whether a claim is valid and can be processed.

This includes the history of occupation, and may also include documentation from archives, deeds registrations, information relating to companies and information relating to dispossessions (by whom and how they were carried out), where relevant.

Any additional documentation that can support the Commission to expedite your claim will be welcome. Please ensure that such documentation is properly submitted together with your claim and that receipt of your documentation has been acknowledged by the Commission.



▶ GOVERNMENT DEPARTMENTS AND AGENCIES THAT CAN ASSIST YOU WITH INFORMATION

REGISTRAR OF DEEDS

Title deeds, Notices of Expropriation, rights registered against the title, property descriptions, details of owners at different times.

SURVEYOR GENERAL

Description of properties, now and at the time of dispossession.

MASTER OF THE HIGH COURT

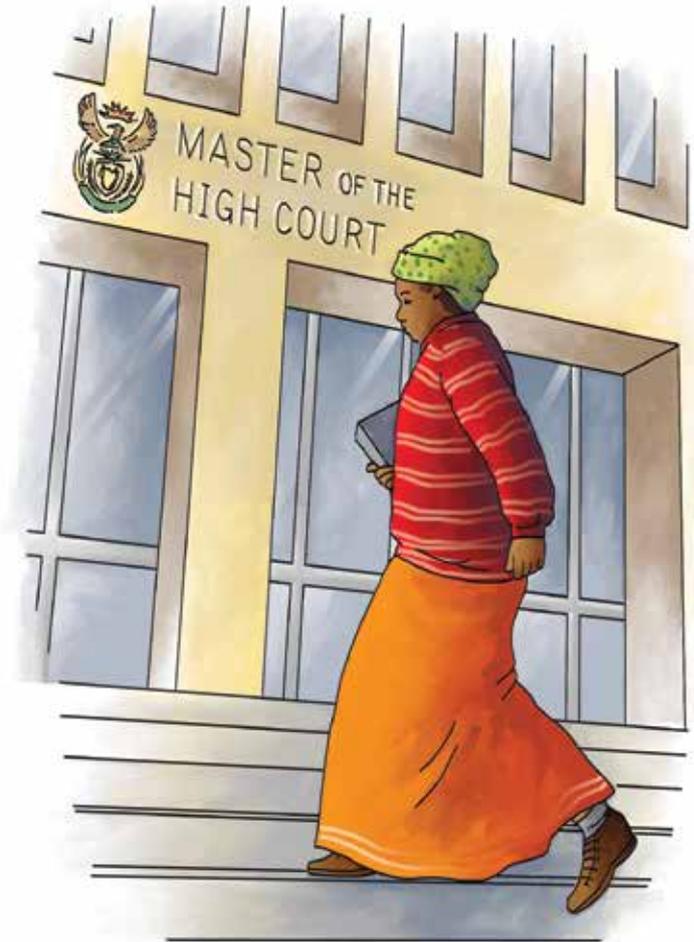
Information on deceased estates and trusts.

NATIONAL AND PROVINCIAL ARCHIVES

Information relating to land dispossessions: how and by whom they were carried out.

Information regarding the contact details of the government departments and agencies listed above can be obtained by dialing the toll-free number:

0800 007 095 or by visiting the website:
www.ruraldevelopment.gov.za.





CONTACT DETAILS:

Private Bag X833, Pretoria, 0001
184 Jeff Masemola Street, Pretoria
Fax: (012) 328 7133
Toll-free: 0800 007 095
E-mail: claim@ruraldevelopment.gov.za
Website: www.ruraldevelopment.gov.za