

EASTERN CAPE PROVINCIAL LEGISLATURE

OFFICE OF THE CHAIRPERSON PC ON ROADS AND PUBLIC WORKS



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Date: 26 April 2016

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Reference: Expropriation Bill

NEGOTIATING MANDATE

To : The Chairperson: Select Committee on Public Services

Name of Bill : Expropriation Bill
 Number of Bill : [B 4B – 2015]
 Date of Deliberation : 26 April 2016

1. Vote of the Legislature

The province votes in favour of the Bill and mandates the Eastern Cape Delegate to the NCOP to negotiate in favour of the Bill and negotiate within the following parameters : -

2. Period to respond to notification of municipal property rates and other charges in terms of section 19

In terms of section 19 (2) (2) "If land which has been expropriated is subject to the charges contemplated in subsection (1), the municipal manager must, within 20 days of receipt of a copy of the notice of expropriation in terms of section 8(2)(c)(i), inform the expropriating authority in writing of such charges, as at the date contemplated in section 9(2) or (4): Provided that if the expropriating authority is the municipal council of the municipality where the land is situated, the notice is not required."

2.2 Section 19 (3) further states that

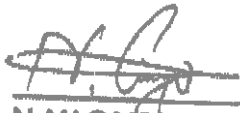
"(a) The expropriating authority must in writing, by registered mail, inform the expropriated owner or expropriated holder of any outstanding charges contemplated in subsection (1).

(b) If the said amount is not disputed in writing by the expropriated owner or

expropriated holder within 10 days of the notification, the expropriating authority may utilise as much of the compensation money in question as is necessary for the payment, on behalf of the expropriated owner or expropriated holder, of any outstanding charges contemplated in subsection (1)".

- 2.3 The Province views these timelines as not being sufficient noting the operational challenges of Municipalities as well as the carefulness and constitutional compliance within which Expropriation must be done.
- 2.4 The Province thus recommends 30 days instead of 20 days in respect to Section 19 (2) and 20 days instead of 10 days in respect of Section 19 (3) (b) of the Bill.

Regards,



N MLOMBILE – CINGO, MPL
CHAIRPERSON: PC ON ROADS AND PUBLIC WORKS

