

Briefing Portfolio Committee on Land Reform and Rural Development:

Progress on Legislation Development

Date: 04 June 2025



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Department:
Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA



Purpose

To brief the Committee on the progress on the development of two priority bills namely:

- ☐ Equitable Access to Land Bill
- ☐ Communal Land Bill



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Outline

- ☐ Purpose
- ☐ Introduction
- ☐ Equitable Access to Land Bill
- ☐ Communal Land Bill
- ☐ Communal land policy
- ☐ Recommendations



Introduction

The focus areas will be as follows:

- ☐ The problem statement
- ☐ The limitation to the current legislative frameworks
- ☐ How will the proposed legislation address the limitations
- ☐ Timelines for the development of bills
- ☐ The status of policy on communal land

EQUITABLE ACCESS TO LAND BILL

PROBLEM STATEMENT: CURRENT LIMITATIONS AND OBJECTS OF BILL

CURRENT LIMITATIONS

- ☐ No framework legislation required in terms of section 25(5)(8) enacted.
- ☐ Existing legislation (Act 126 Of 1993) although amended by Act 26 of 1998 still not sufficient for redistribution in general.
- ☐ Willing seller/buyer principle.
- ☐ Existing legislation not in consonance with current Expropriation Act, 2024



EQUITABLE ACCESS TO LAND BILL

OBJECTS OF BILL

- ☐ Derives mandate directly from section 25(5)(8)
- ☐ Access to land principles (implementation principles)
- ☐ Access to land plans (implementation road map)
- ☐ Acknowledges need for access to land by the State
- ☐ Acknowledges State's obligation to redistribute land
- ☐ Enables determination of excess land
- ☐ Regulates/limits land ownership by foreign persons
- ☐ Enables establishment of government component to assist in implementing the Act



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EQUITABLE ACCESS TO LAND BILL

Revised Timelines

June 2025: Office of Chief State Law Adviser (OCSLA) for pre-certification opinion

☐ July: Cabinet approval to publish Bill for public comment

☐ August- September: Publication for comment

☐ October: Cabinet final approval to publish Bill for introduction in Parliament

☐ November: OCSLA final certification for tabling Bill in Parliament

☐ January 2026: NEDLAC Consultation

☐ March 2026: Introduction of Bill in Parliament.



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COMMUNAL LAND BILL

PROBLEM STATEMENT: CURRENT LIMITATIONS AND OBJECTS OF BILL

CURRENT LIMITATIONS

- ☐ Communal land (13%) still regulated in terms of pre-1994 *apartheid* legislation
- ☐ Different laws apply in different parts according to old territorial authorities (former *homelands*)
- ☐ There is no law of general application as required by section 25(6) of the Constitution
- ☐ Act (Communal Land Rights Act 11 of 2004) enacted in 2004 declared unconstitutional.



COMMUNAL LAND BILL

OBJECTS OF BILL

- ☐ Application of Act, throughout the Republic
- ☐ Land currently held in trust by the State transferred to occupying communities and persons
- ☐ Land transferred in ownership
- ☐ Land ownership to be registered at Deeds Office
- ☐ Comparable redress
- ☐ Democratic land administration (land administration committees and community rules)
- ☐ Municipal services on communal land



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COMMUNAL LAND BILL

TIMELINES

- ☐ Current: Drafting being finalised
- ☐ August 2025: Obtaining OCSLA pre-certification opinion
- ☐ October: Cabinet approval to publish for comment
- ☐ November-December: Publication for comment
- ☐ February 2026: Cabinet approval to table Bill in Parliament
- ☐ April 2026: OCSLA final certification to table Bill in Parliament
- ☐ June 2026: NEDLAC Consultation
- ☐ August 2026: Introduction of Bill in Parliament.



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Communal land policy

- ❑ Policy on communal land developed parallel to the Bill
- ❑ Main policy objectives-
 - ❑ Transfer of communal land held in trust by the State (organs of State) in ownership to communities and persons occupying it.
 - ❑ Communal land administration.



Recommendations

It is recommended that the Portfolio Committee take note of the progress on the development of the two bills.



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THANK YOU



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