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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 1388 OF 2022****GOVERNMENT NOTICE****NO.****2022****EXTENSION OF SECURITY OF TENURE ACT 62 OF 1997****REGULATIONS IN TERMS OF THE EXTENSION OF SECURITY OF TENURE ACT:
AMENDMENT**

The Minister of Agriculture, Land Reform and Rural Development intends in terms of section 28(1) of the Extension of Security of Tenure Act, 1997 (Act No.62 of 1997) to make the regulations in the Schedule.

Interested persons are invited to send written comments on the proposed regulations within 30 days from the date of publication of this notice to the Minister, for the attention of the Director-General: Department of Agriculture, Land Reform and Rural Development, 184 Jeff Masemola Street, Pretoria, 0001 (Email: Nongaba.Mehlomakulu@dalrrd.gov.za).

A handwritten signature in black ink, appearing to read 'A T Didiza'.
A T DIDIZA**MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT.**

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SCHEDULE

Definitions

1. In these regulations, "**regulations**" means the regulations published under Government Notice No. R1632 of 18 December 1998 as amended by General Notice 72 of 16 February 2018;

"**Department**" means the Department of Agriculture, Land Reform and Rural Development;
and

"**the Act**" means the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) as amended.

Qualifying income

2. An amount for the purposes of paragraph (c) of the definition of "occupier" in section 1(1) of the Act shall be an income of R13, 625.00 per month which refers to a person's gross monthly cash wage or salary.

Application for certification as an owner or person in charge

3. (1) An application by a person for certification as an owner or person in charge as defined in section 1(2)(a) of the Act must be submitted to the Director-General on Form A or must conform substantially to Form A in the Annexure.

(2) In the event of the Director-General approving such an application, the Director-General must issue a certificate on Form B or a certificate conforming substantially to Form B in the Annexure.

Notice to remove a trespassing animal

4. A notice to an occupier to remove a trespassing animal in terms of section 7(1) of the Act must be in writing and shall be completed on Form C or must conform substantially to Form C in the Annexure.

Notice to leave the land upon death of occupier

5. A notice to an occupier's spouse or dependent to leave the land after the death of the occupier in

terms of section 8(5) of the Act must be completed on Form D or must conform substantially to Form D in the Annexure.

Notice of intention to evict the occupier

6. A notice to evict which must be given to an occupier, municipality, or head of a provincial office of the Department in terms of section 9(2)(d) of the Act must be completed on Form E or F or must conform substantially to Form E or F in the Annexure, as the case may be.

Notice to remedy breach of agreement

7. A notice to an occupier to remedy a breach of agreement in terms of section 10(1)(b) of the Act must be completed on Form G or must conform substantially to Form G in the Annexure.

Notice of private prosecution

8. A notice of private prosecution to a public prosecutor in terms of section 23(5)(b) of the Act must be completed on Form H or must conform substantially to Form H in the Annexure.

Manner of service

9. (1) Service of a notice in terms of section 7(1), 8(5) or 10(1)(b) of the Act on an occupier must be effected-
 - (a) by reading the highlighted part of a copy of the notice to the occupier in the official language which the occupier understands best and thereafter delivering to the occupier one copy of the notice in that language and another copy in another official language, where the notice is completed on Form C, D or G in the Annexure; or
 - (b) by reading the portion equivalent to the said highlighted part, of a copy of the notice to the occupier in the official language which the occupier understands best and thereafter delivering to the occupier one copy of the notice in that language and another copy in another official language, where the notice conforms substantially to Form C, D or G in the Annexure, respectively.
- (2) Service of a notice in terms of section 9(2)(d)(i) of the Act on an occupier must be effected by the sheriff within whose area of jurisdiction the land in question is situated-
 - (a) by reading the highlighted part of a copy of the notice to the occupier in the official language which the occupier understands best and thereafter delivering to the

occupier one copy of the notice in that language and another copy in another official language, where the notice is completed on Form E in the Annexure; or

(b) by reading the portion equivalent to the said highlighted part, of a copy of the notice to the occupier in the official language which the occupier understands best and thereafter delivering to the occupier one copy of the notice in that language and another copy in another official language, where the notice conforms substantially to Form E in the Annexure.

(3) Where necessary, an interpreter must be used for reading the highlighted part of a copy of a notice contemplated in subregulation (1) or (2).

(4) Where the person serving a notice in terms of subregulation (1) or (2) is unable to serve the notice on the occupier personally, service must be effected-

(a) by leaving a copy of the notice in an official language which the occupier is reasonably believed to understand best, and in another official language, at the occupier's place of residence with a person apparently in charge of the premises at the time of delivery and apparently not less than 16 years of age;

(b) by affixing a copy of the notice in an official language which the occupier is reasonably believed to understand best, and in another official language, to the door of the occupier's place of residence; or

(c) by sending a copy of the notice in an official language which the occupier is reasonably believed to understand best, and in another official language, by registered mail to the occupier's last known postal address.

(5) Service of a notice on an occupier who is under the age of 18 years may be effected by citing the name of the occupier on a notice served on an adult member of the household in which the occupier is ordinarily resident.

(6) Service of a notice on a municipality or provincial office of the Department in terms of section 9(2)(d)(ii) or (iii) of the Act or on a public prosecutor in terms of section 23(5)(b) of the Act must be effected-

(a) by handing a copy of the notice to the highest ranking municipal manager or any person apparently authorised to act on his or her behalf, in the case of a municipality;

(b) by handing a copy of the notice to the head of the provincial office concerned or any person apparently authorised to act on his or her behalf, in the case of a provincial office of the Department;

(c) by handing a copy of the notice to the public prosecutor concerned or any person apparently authorised to act on his or her behalf, in the case of a public prosecutor;

(d) by sending a copy of the notice by registered mail to the municipality, provincial office or office of the public prosecutor concerned; or

(e) by transmitting a copy of the notice by telefax, electronic means or Email to the municipality, provincial office or office of the public prosecutor concerned.

(7) Service of all notices required to be served in terms of these regulations must be effected between 06h00 and 20h00 on any day, unless otherwise directed by a court.

(8) Where service is effected by hand, an additional copy of the notice must be prepared, and the person receiving the notice must be requested to sign and date this copy and return it to the person serving the notice.

Presumption relating to time of service

10. Where service is effected by registered mail, it shall be presumed that service was effected on the seventh day following the day on which the notice was mailed, unless the contrary is proved.

Proof of service

11. (1) It shall be presumed, unless the contrary is proved, that service of a notice in terms of these regulations has been duly effected if the party alleging such service produces in court-

(a) an acknowledgment of receipt signed by the person on whom the notice was required to be served or by a person accepting service on his or her behalf;

(b) a return of service from the sheriff indicating that service was duly effected in terms of regulation 9;

(c) in the case of service by registered mail, the relevant mailing agency certificate; or

(d) in the case of service by electronic means or Email, a copy of the relevant transmission slip showing the date and time of service.

(2) If the court hearing a matter is not satisfied that service was effected in accordance with these regulations or if the court is not satisfied that a copy of the notice was in fact received by the person on whom it was required to be served, it may make such order as it deems fit.

Criteria for recognition in respect of promotion of implementation of rights conferred by Act

12. (1) In considering whether to recognise a particular person, body or institution for the purposes of section 2(3) of the Act, the Minister shall have regard to:

- (a) the competence of such person, body or institution to promote the implementation of the rights conferred by the Act;
- (b) the cost-effectiveness of any proposal made by such person, body or institution regarding the implementation of the rights conferred by the Act;
- (c) the experience that such person, body or institution has in assisting people who do not have secure tenure of their homes;
- (d) the financial controls that such person, body or institution undertakes to impose on the use of any funds that may be made available by the Minister;
- (e) relevant language skills of such person, body or institution; and
- (g) any other criteria that the Minister may consider to be relevant.

(2) If at any stage after the recognition of a person, body or institution under section 2(3) of the Act the Minister becomes aware of allegations of financial impropriety against such person, body or institution, he or she may, after establishing the truthfulness of such allegations, withdraw such recognition, cancel any agreement with that person, body or institution, or impose special conditions in respect of continued recognition of that person, body or institution.

Criteria for recognition in respect of development

13. (1) In considering whether to recognise a person or body for the purposes of section 4(4) of the

Act, the Minister shall have regard to:

- (a) the competence of such person or body to facilitate, implement or undertake a development;
- (b) the cost-effectiveness of any proposal made by such person or body regarding the facilitation, implementation or undertaking of the development in question;
- (c) the experience that such person or body has in facilitating, implementing or undertaking developments of the kind contemplated in section 4 of the Act;
- (d) the financial controls that such person or body undertakes to impose on the use of any subsidies which may be granted by the Minister;
- (e) the degree of support that such person or body enjoys among the owners, occupiers and government departments concerned;
- (f) relevant language skills of such person or body; and
- (g) any other criteria that the Minister may consider to be relevant.

(2) If at any stage after the recognition of a person or body under section 4(4) of the Act the Minister becomes aware of allegations of financial impropriety against such person or body, he or she may, after establishing the truthfulness of such allegations, withdraw such recognition, cancel any agreement with that person or body or impose special conditions in respect of continued recognition of that person or body.

The manner of lodgment of applications for tenure grants

14. (1) An application for a tenure grant in terms of section 4 (1) (a) to (e) of the Act must be submitted to the Director-General—
- (a) by hand;
 - (b) by registered mail;
 - (c) electronically on the Department's official website address.

(2) The Director-General shall, from the date of the commencement of these regulations, establish and keep a Register of all applications received in terms of sub-regulation (1) above.

(3) The Director-General shall enter into the Register the details of all applications for grants received from the date of the commencement of these regulations.

(4) The Director-General shall keep the Register up to date and the Register shall be open to the public, subject to the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

Applications for tenure grants

15. (1) An application for a tenure grant in terms of section 4 (1) (a) – (d) of the Act must be completed in the form of Form I contained in Annexure I, and must contain-

- (a) the full particulars of the occupier, former occupier or family members;
- (b) the registered description of the land to which the application relates, specifying the farm name or names;
- (c) the name and details of the owner, or person in charge, of the land to which the application relates;
- (d) confirmation from Municipality that the applicant never received any assistance from the State for permanent security of tenure;
- (e) information that will assist the Director-General to determine the nature and extent of the rights of occupiers, former occupiers or family members, including:
 - (i) details of the land the intended occupiers, former occupiers or family members occupy, or occupied, for residential purposes,
 - (ii) the purpose that the land will be used for;
 - (iii) immovable or movable assets owned by the occupier, former occupier or family member.

(2) An application for a tenure grant in terms of section 4 (1) (e) of the Act must be completed in the form of Form J contained in Annexure I, and must contain –

- (a) the full particulars of the owner or person in charge;
- (b) the registered description of the land to which the application relates, specifying the farm name or names;
- (c) the full details of the occupiers to whom accommodation and, or services are to be provided and or rendered;
- (d) the nature and extent of the accommodation, and, or services to be provided by the owner or person in charge to the occupiers or former occupiers;
- (e) an itemized activity plan and cost of services and or accommodation to be provided or rendered;
- (f) An affidavit and or letter of consent from the occupiers or former occupiers or family

members confirming their acceptance for accommodation and or services to be provided and or rendered.

Conditions of application of tenure grants

16. Applications for tenure grants in terms of section 4 (1) (a) - (e) of the Act may only be made if:
- (a) An order for the eviction of occupier or former occupier or family member on the land to which the application relates has been granted by a competent court; or a threat of eviction and insecure tenure by the occupier or former occupier or family members;
 - (b) In respect of applications for grants in terms of section 4(1) (e), there shall be a written undertaking from the applicant that the land upon which the accommodation and or services to be rendered or provided will be transferred in full title to the occupiers or former occupiers or family members first before grants can be paid for the compensation of such.

Conditions for alienation of acquired land through tenure grant

17. (1) It shall be a condition of tenure grants referred to in section 4 (1) (b) (c) (d) and (e) of the Act that the beneficiaries of the tenure grant shall not sell or otherwise alienate land acquired with such tenure grant within a period of 10 years from the date on which the property was acquired by that person unless the land has first been offered to the Director-General, who must either accept or reject the offer in writing within 90 calendar days of receipt.
- (2) It shall be a condition of tenure grants to acquire land that the beneficiaries' successor in title shall not sell or otherwise alienate the land unless it has first been offered to the Director-General, who must either accept or reject the offer in writing within 90 calendar days of receipt.

The probation officer's report

18. The probation report must provide for the following information:
- (a) the legal framework upon which the report is based;
 - (b) objectives of the report;
 - (c) whether the municipality and the Department had an obligation to occupiers in the prevailing circumstances; and
 - (d) when and how the municipality and the Department could fulfil the obligations;
 - (e) persons consulted on or directly affected by the report;
 - (f) agreements entered into by persons consulted or directly affected by the report; and

(g) the minutes of the consultation meetings

Additional information required for a data base

19. The database contemplated in section 15C (1)(b) must have the following additional information:
- a) the number of occupiers that have insecure land tenure;
 - b) the number of occupiers with no access to housing;
 - c) the number of occupiers with no access to basic services; and
 - d) the number of occupiers with no access to sustainable development.

Guidelines on procedures for dealing with disputes

20. (1) A person involved in a dispute relating to the administration of the Act may seek assistance from the nearest offices of the Department.
- (2) The nearest office of the Department must attempt to resolve the dispute.
- (3) If the attempt is unsuccessful, the nearest office of the Department must refer the matter to the Director-General to facilitate mediation or arbitration in accordance with sections 21 and 22 of the Act, respectively.
- (4) Reference of a matter for mediation or arbitration shall be made on application form K in Annexure I
- (5) If mediation or arbitration is unsuccessful, the Department must assist the person to obtain legal representation through Legal Aid South Africa by completing Form in Annexure L and have the matter referred to court.

Repeal of regulations

21. The regulation published by Government Notice No. R1632 of 18 November 1998 and amended by General Notice 72 of 16 February 2018 is hereby repealed.

ANNEXURE

Form A

APPLICATION FOR CERTIFICATION AS OWNER OR PERSON IN CHARGE OF STATE LAND

APPLICATION IN TERMS OF SECTION 1(2)(a) OF THE EXTENSION OF SECURITY OF TENURE ACT,
1997

To: The Director-General
Department of Land Affairs
Private Bag X833
Pretoria 0001

I, _____ [fill in name of applicant], the undersigned, acting in my capacity as _____ [fill in designation of applicant], hereby apply for a certificate referred to in section 1(2)(a) of the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) authorising me to act as owner/person in charge [delete whichever is not applicable] for all purposes contemplated in that Act of the land described as:

[Give the full Deeds Office description of the land, if any. In the case of a farm, this must include the portion, name and number of the farm, and the name of the district in which the farm is situated.]

The grounds on which this application is based are as follows:

[List the grounds on which the application is based, including, in the case of a tribal authority, the grounds on which it is alleged that the applicant represents the tribe concerned. Attach additional pages if necessary.]

In support of this application I attach the following documents:

[List and attach any relevant supporting documents.]

Signed at _____ [name of town or city] on this _____ day of _____

[Fill in the name of the district or closest town or city and today's date.]

[Signature and full name of applicant.]

[Designation.]

Applicant's return address (including tel.no., fax no. and contact person) _____

Applicant's telephone no. _____

Applicant's facsimile no. _____

Contact person _____

Form B

CERTIFICATE TO ACT AS OWNER OR PERSON IN CHARGE OF STATE LAND**CERTIFICATE ISSUED IN TERMS OF SECTION 1(2)(a) OF THE EXTENSION OF SECURITY OF
TENURE ACT, 1997**

To: _____

[Fill in name, designation and address of applicant.]

I, _____ [fill in name of Director-General or person signing certificate on his or her behalf] the undersigned, acting in my capacity as Director-General/duly designated officer [delete whichever is not applicable] of the Department of Land Affairs, hereby certify, in terms of section 1(2)(a) of the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997), that _____ [fill in applicant's name], in his/her capacity as _____ [fill in applicant's designation], is authorised to act as owner/person in charge [delete whichever is not applicable] for all purposes contemplated in that Act, of the land described as:

[Give the full Deeds Office description of the land concerned if any. In the case of a farm, this must include the portion, name and number of the farm, and the name of the district in which the farm is situated.]

This certificate is issued subject to the following conditions:

[Set out the conditions to which the authority to act as owner or person in charge is subject.]

Signed at _____ [name of town or city] on this _____ day of _____

 [Signature and full name of the person signing this certificate.]

 [Designation]

Contact person: _____

Contact tel. no. _____

Address: _____

NOTICE TO REMOVE TRESPASSING ANIMALS

NOTICE IN TERMS OF SECTION 7(1) OF THE EXTENSION OF SECURITY OF TENURE ACT, 1997

[Note that the issuing of this notice does not exempt the owner or person in charge from complying with the requirements of applicable pound ordinances or regulations.]

To: _____

[Fill in the name and address of the occupier.]

[Note to person serving this notice: You must read out the highlighted part in an official language which the occupier understands. If you yourself are not fluent in that language, you must use an interpreter. A copy of this notice must then be given to the occupier in that language, and in another official language. If possible the copy given to the occupier should be signed and dated by him or her and returned to the owner or person in charge as proof of service.]

This is an important notice. It is being given to you in terms of the Extension of Security of Tenure Act, which was passed by Parliament in 1997.

This notice is given to you by

[List the name of the owner or person in charge of the land.]

to inform you that the following animal/s

[Give a full description of the animal/s concerned.]

have been found without permission on the land commonly known as:

[Give the common description of the land on which the animals is/are alleged to have been trespassing.]

In order to prevent the animal/s from damaging the land, it/they is/are currently being kept at:

 [Give a detailed description of the current location of the animals if different from above. Otherwise, strike out this part of the notice.]

You must fetch the animal/s within _____ hours of receiving this notice. If you do not do so, it/they may be impounded in accordance with applicable pound ordinances or regulations. The cost of impounding the animal/s will be charged to you.

[Note: the period of notice given in this paragraph must not be less than 72 hours.]

The summary contained in this notice of your legal position is incomplete. If you want any further information, you should contact a lawyer, a non-government organisation or the Department of Land Affairs.

Signed at _____ on this _____ day of _____

[Fill in the name of the district or closest town or city and today's date.]

 [Sign here and state whether acting as owner or person in charge. If person in charge, state in which capacity he or she is acting.]

Full name of owner or person in charge of the land: _____

Contact tel. no.: _____

Contact address: _____

Received by me at _____ on this _____ day of _____ at _____ h _____

[Fill in the name of the district or closest town or city, today's date and the time when the notice was received.]

 [It is advisable for the occupier or other person accepting service on his or her behalf to sign here.]

I certify that this notice was served at _____ on this _____ day of _____ at _____

h _____

[Fill in the name of the district or closest town or city, today's date, and the time when the notice was served.]

[Signature of person serving this notice.]

Full name of person serving this notice: _____

Capacity: _____

Contact tel no.: _____

Contact address: _____

More information

The Extension of Security of Tenure Act gives you the right to live on the land where you were staying on 4 February 1997 or at any time thereafter, provided you had the permission of the owner or person in charge. It also gives you the right to carry on using any other land which the owner or person in charge gave you permission to use on or after that date.

The Act says that if an animal which belongs to you or which you are looking after is found on land belonging to somebody else, without permission, it may be taken to the pound. Before this happens, the owner or person in charge of the land must give you at least 72 hours' notice. During this time you may go and collect the animal from where it is being kept.

Form D

**NOTICE TO TERMINATE RESIDENCE RIGHT OF SPOUSE OR DEPENDANT OF LONG-TERM,
PROTECTED OCCUPIER[sic]**

NOTICE IN TERMS OF SECTION 8(5) OF THE EXTENSION OF SECURITY OF TENURE ACT, 1997

[Note: a separate notice must be served on every occupier in the household, excluding children under the age of 18. Children under the age of 18 can be cited in a notice served on an adult member of the household in which they are ordinarily resident.]

To:	Children under the age of 18:
_____	1. _____
_____	2. _____
_____	3. _____

[fill in the name and address of the occupier] [use more space if necessary]

[Note to person delivering this notice: You must read out the highlighted part in an official language which the occupier understands. If you yourself are not fluent in that language, you must use an interpreter. A copy of this notice must then be given to the occupier in that language, and in another official language. If possible the copy given to the occupier should be signed and dated by him or her and returned to the owner or person in charge as proof of service.]

This is an important notice. It is being given to you in terms of the Extension of Security of Tenure Act, which was passed by Parliament in 1997.

The notice is the first step in the procedure which the owner or person in charge has to follow in order to go to court to get an eviction order. It concerns the land commonly known as:

[Give a full description of the land as it is commonly known, including residential and grazing land, and any land which is being used for cultivation.]

If you do not leave the land within _____ of receiving this notice, the owner or person in charge may ask the court for an order saying that you can be evicted.

[Note: The period of notice given must not be less than 12 months.]

The summary contained in this notice of your legal position is incomplete. If you want any further information you should immediately contact a lawyer, a non-government organisation or the Department of Land Affairs.

Signed at _____ on this _____ day of _____

[Fill in the name of the district or closest town or city and today's date.]

[Sign here and state whether acting as owner or person in charge. If person in charge, state capacity in which he or she is acting.]

Full name of owner or person in charge of the land: _____

Contact tel. no.: _____

Contact address: _____

Received by me at _____ on this _____ day of _____ at _____ h _____

[Fill in the name of the district or closest town or city, today's date and the time when the notice was received.]

[It is advisable for the occupier or person accepting service on his or behalf to sign here.]

I certify that this notice was served at _____ on this _____ day of _____ at _____ h _____

[Fill in the name of the district or closest town or city, today's date and the time when the notice was served.]

[Signature of person serving this notice.]

Full name of person serving this notice: _____

Capacity: _____

Contact tel/fax no: _____

Contact address: _____

More information

The Extension of Security of Tenure Act gives you the right to live on the land where you were staying on 4 February 1997 or at any time thereafter, provided you had the permission of the owner or person in charge. It also gives you the right to carry on using any other land which the owner or person in charge gave you permission to use on or after that date.

The Act makes it possible, in certain circumstances, for these rights to be brought to an end. The owner or person in charge must act fairly, and follow the procedures set out in the Act.

In this case, because your right to live on the land was dependent on an aged or disabled person who had been living on the land for more than 10 years, the Act gives you special protection. Just because that person has died does not mean that you have to leave the land immediately. The owner or person in charge of the land must first give you at least one year's written notice. When the notice period comes to an end, you may remain on the land until the owner or person in charge gets a court order to evict you. Before this happens, you must be given at least two further months' written notice of the date on which the owner or person in charge intends going to court.

[Give a summary of all the grounds on which the eviction order will be sought. Additional pages may be attached if necessary.]

The land to which this notice relates is commonly known as:

[Give a full description of the land as it is commonly known, including residential and grazing land, and any land which is being used for cultivation.]

The land is officially described as: _____

[Give the full Deeds Office description (if any) of the land on which the occupier is residing. In the case of a farm, this must include the portion, name and number of the farm, and the name of the district in which the farm is situated.]

The summary contained in this notice of your legal position is incomplete. For further information you should immediately contact a lawyer, a non-governmental organisation or the Department of Land Affairs.

Signed at _____ on this the _____ day of _____

[Fill in the name of the district or closest town or city and today's date.]

[Sign here and state whether acting as owner or person in charge. If person in charge, state in what capacity he or she is acting]

Full name of owner or person in charge of the land: _____

Contact tel. no.: _____

Contact address: _____

Received by me at _____ on this the _____ day of _____ at _____ h _____

[Fill in the name of the district or closest town or city, today's date and the time when the notice was received.]

[It is advisable for the occupier or other person receiving the notice to sign here.]

I certify that this notice was served at _____ on this the _____ day of _____
at _____ h _____

[Fill in name of district or closest town or city, today's date and the time when the notice was served.]

[Signature and stamp of sheriff serving this notice.]

Full name of sheriff serving this notice: _____

Designation: _____

Contact tel./fax no.: _____

Contact address: _____

More information

This is an important notice. It is being given to you in terms of the Extension of Security of Tenure Act, which was passed by Parliament in 1997. The Act gives you the right to live on the land where you were staying on 4 February 1997, or at any time thereafter, provided you had the permission of the owner or person in charge. It also gives you the right to carry on using any other land which the owner or person in charge gave you permission to use on or after that date.

The Act makes it possible, in certain circumstances, for these rights to be brought to an end. The owner or person in charge must act fairly, and follow the procedures set out in the Act. The first step that the owner or person in charge must take is to end your right of residence after which you must be given this notice. This notice means that the owner or person in charge of the land plans going to court in two months' time or sometime thereafter to ask that an eviction order be issued against you. The court hearing the matter will be either the magistrate's court in your area, or the Land Claims Court in Randburg (Gauteng) or, if you agree, the provincial division of the High Court responsible for the area in which you are staying. The owner or person in charge must ensure that you are told when and where the case will be heard.

Form F

**NOTICE TO MUNICIPALITY AND DEPARTMENT OF LAND AFFAIRS OF INTENTION TO APPLY FOR
EVICTION ORDER**

**NOTICE IN TERMS OF SECTION 9(2)(d)(ii) AND (iii) OF THE EXTENSION OF SECURITY OF TENURE
ACT, 1997**

[Where service of this notice is effected by hand, an additional copy of the notice must be prepared. Such copy shall be signed and dated by the person receiving it and returned to the person serving the notice as proof of service.]

To: The Chief Executive Officer/Town Clerk/
 Deputy Town Clerk/Assistant Town Clerk
 [Delete whichever is not applicable.]

[Fill in the name and address of the municipality in whose area of jurisdiction the land is situated.]

And to: The Provincial Director
 Department of Land Affairs

[Fill in the address of the relevant provincial office.]

Please take note that _____ [list period of not less than two months] after you receive this notice I, the undersigned _____ [fill in the name of the person who intends seeking the order for eviction], acting in my capacity as owner/person in charge [delete whichever is not applicable] intend applying for an order to evict _____ [fill in name of occupier] from the land described below.

Land to which this notice relates: _____

[Give a full description of the land on which the occupier is residing as it is commonly known, including any residential or grazing land, and any land which is being used for cultivation. Also give the full Deeds Office description (if any) of the land. In the case of a farm, this must include the portion, name and number of the farm, and the name of the district in which the farm is situated.]

The grounds on which the eviction order will be sought are as follows: _____

[Give a summary of all the grounds on which the eviction order will be sought. Additional pages may be attached if necessary.]

I confirm that the said occupier's right of residence has been terminated in accordance with section 8 of the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997). [Attach copy of the notice of termination.]

Signed at _____ on this the _____ day of _____ [Fill in the name of the district or closest town or city and today's date.]

[Sign here].

[Capacity]

Name and contact address/tel. no of owner or person in charge of the land

Received by me on this the _____ day of _____ at _____ h _____
[Fill in the name of the district or closest town or city, today's date and the time when the notice was received.]

[Signature and name of person receiving this notice.]

[Designation]

The details of the alleged breach are as follows: _____

[Set out the nature of the alleged breach. Additional pages may be attached if necessary.]

The land to which this notice relates is commonly known as: _____

[Give a full description of the land to which this notice relates, including any residential or grazing land, and any land which is being used for cultivation.]

Signed at _____ on this the _____ day of _____ [Fill in the name of the district or closest town or city and today's date.]

[Sign here and state whether acting as owner or person in charge. If the person in charge, state the capacity in which he or she is acting]

Full name of owner or person in charge of the land: _____

Contact tel. no.: _____

Contact address: _____

Received by me at _____ on this the _____ day of _____ at _____ h _____

[Fill in the name of the district or closest town or city, today's date and the time when the notice was received.]

[It is advisable for the occupier or other person receiving the notice to sign here.]

I certify that this notice was served at _____ on this the _____ day of _____ at _____ h _____

[Fill in name of district or closest town or city today's date and the time when the notice was served.]

[Signature of person serving this notice.]

[Full name of person serving this notice:]

Capacity: _____

Contact tel/fax no.: _____

Contact address: _____

More information

The Extension of Security of Tenure Act gives you the right to live on the land where you were staying on 4 February 1997, or at any time thereafter, provided you had the permission of the owner or person in charge. It also gives you the right to carry on using any other land which the owner or person in charge gave you permission to use on or after that date.

The Act makes it possible, in certain circumstances, for these rights to be brought to an end. The owner or person in charge must act fairly, and follow the procedures set out in the Act.

The Act says that, if you break a material and fair term of such an agreement, the owner or person in charge may apply to court for an eviction order. However, before this happens, the owner or person in charge must give you at least one month's written notice to put the matter right. This is what this notice is about.

Form H

NOTICE TO PUBLIC PROSECUTOR OF INTENTION TO INSTITUTE PRIVATE PROSECUTION

NOTICE IN TERMS OF SECTION 23(5)(b) OF THE EXTENSION OF SECURITY OF TENURE ACT, 1997

[Where service of this notice is effected by hand, an additional copy of the notice must be prepared. Such copy shall be signed and dated by the person receiving it and returned to the person serving the notice as proof of service.]

The Public Prosecutor

[fill in name and address of public prosecutor]

Please take note that I/we, the undersigned _____

[fill in the names of the persons whose rights or interests have been prejudiced by the alleged offence] am/are considering instituting a private prosecution against

_____ [give full names of alleged offenders] in terms of section 23(4) of the Extension of Security of Tenure Act (Act No. 62 of 1997)].

The alleged offence to which this notice relates is as follows:

[Give full details of the events surrounding the alleged unlawful eviction.]

The land to which this notice relates is:

[Give the physical address and the full Deeds Office description of the land on which the alleged unlawful eviction took place. In the case of a farm, this must include the portion, name and number of the farm, and the name of the district in which the farm is situated.]

If, within 14 days of receiving this notice you have not communicated to me/us in writing that you intend prosecuting this matter yourself, I/we intend instructing _____ [give full name/s of attorney/advocate] to institute a private prosecution on my/our behalf.

Your attention is drawn to section 23(5) of the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997).

Signed at _____ on this the _____ day of _____
[Fill in the name of the district or closest town or city and today's date]

1. _____
2. _____
3. _____

[Signature/s of person/s issuing this notice.]

Full name/s:

1. _____
2. _____
3. _____

Return address:

[The return address may be the address of a legal representative.]

Contact person: _____

Tel. No _____

Fax No. _____

Received by me on this the _____ day of _____ at _____ h _____

[Fill in the name of the district or closest town or city, today's date and the time when the notice was served.]

[Signature of public prosecutor or person apparently authorised to act on his or her behalf.]

you at least one month's written notice to put the matter right. This is what this notice is about.

Form I

APPLICATION FOR A TENURE GRANT IN TERMS OF SECTION 4(1) a - e OF EXTENSION OF SECURITY OF TENURE ACT 67 OF 1997

4(1) (a)	4(1) (b)	4(1) (c)	4(1) (d)	4(1) (e)
----------	----------	----------	----------	----------

OCCUPIER / FAMILY MEMBER	
NAME	
SURNAME	
DATE OF BIRTH	
IDENTITY NUMBER	
TEL. NO.	
FAX NO./ EMAIL ADDRESS	
CELL NO.	

REASONS FOR APPLICATION FOR A GRANT	
2.1 HAVE YOU OR FAMILY MEMBER RECEIVED AND HOUSE OR LANDS FROM THE STATE OR ORGAN OF THE STATE?	
2.2 IF YES, ATTACH A SIGNED LOCAL MUNICIPALITY CONFIRMATION LETTER	

REGISTERED DESCRIPTION OF LAND			
FARM NAME			
FARM ADDRESS (property description)			
PROVINCE			
DISTRICT MUNICIPALITY			
LOCAL MUNICIPALITY			
PROPERTY DESCRIPTION (FARM ADDRESS)			
OWNER OF LAND OR PERSON IN CHARGE			
NAME			
SURNAME			
DATE OF BIRTH			
IDENTITY NUMBER			
FARM NAME			
TEL. NO.			
FAX NO./ EMAIL ADDRESS			
CELL NO.			
LAND USE			
ASSETS OWNED BY THE OCCUPIER /FAMILY MEMBER	IMMOVABLE		MOVABLE

RIGHTS OF BENEFICIARIES IN LAND	
5.1 DETAILS OF THE LAND THE INTENDED BENEFICIARIES OCCUPY, OR OCCUPIED, FOR RESIDENTIAL PURPOSES	
FARM NAME	
FARM ADDRESS (property description)	
PROVINCE	
DISTRICT MUNICIPALITY	
LOCAL MUNICIPALITY	
PROPERTY DESCRIPTION (FARM ADDRESS)	

5.2 DETAILS OF THE INTENDED PURPOSE THAT THE LAND WILL BE USE FOR		
FARM NAME		
FARM ADDRESS (property description)		
PROVINCE		
DISTRICT MUNICIPALITY		
LOCAL MUNICIPALITY		
PROPERTY ADDRESS)	DESCRIPTION	(FARM ADDRESS)
5.3 DETAILS OF THE ASSETS OWNED BY THE OCCUPIER /FAMILY MEMBER		
IMMOVABLE ASSESTS	MOVABLE ASSETS	

THE REASON THE INTENDED BENEFICIARIES REQUIRE SUITABLE ALTERNATIVE ACCOMMODATION

EFFORTS THAT HAVE BEEN MADE BY THE APPLICANT TO OBTAIN SUITABLE ALTERNATIVE ACCOMMODATION FROM THE LOCAL MUNICIPALITY

Form J

APPLICATION FOR A TENURE GRANT IN TERMS OF SECTION 4 (1) (e) OF EXTENSION OF SECURITY OF TENURE ACT 67 OF 1997

FULL PARTICULARS OF THE OWNER OR PERSON IN CHARGE	
NAME	
SURNAME	
DATE OF BIRTH	
IDENTITY NUMBER	
TEL. NO.	
FAX NO./ EMAIL ADDRESS	
CELL NO.	
RESIDENTIAL ADDRESS	

REGISTERED DESCRIPTION OF LAND THAT THE APPLICATION RELATES TO	
FARM NAME	
FARM ADDRESS (property description)	
PROVINCE	
DISTRICT MUNICIPALITY	
LOCAL MUNICIPALITY	
PROPERTY DESCRIPTION (FARM ADDRESS)	

OCCUPIERS (occupiers to whom accommodation and, or services were provided)			
NAME & SURNAME	DATE OF BIRTH	IDENTITY NUMBER (ATTACH ID COPIES)	CONTACT DETAILS i.e. Cellphone number, Telephone number email address

3.2 REASONS			
HAVE THE OCCUPIER OR FAMILY MEMBER RECEIVED LAND OR HOUSE FROM THE STATE OR ORGAN OF THE STATE?			
IF YES, ATTACH SIGNED LOCAL MUNICIPALITY CONFIRMATION LETTER			

THE NATURE AND EXTENT OF THE ACCOMMODATION, AND, OR SERVICES TO BE PROVIDED BY THE OWNER OR PERSON IN CHARGE TO THE OCCUPIERS;

AN ITEMIZED PLANS AND COST OF SERVICE TO BE RENDERED

AN AFFIDAVIT FROM THE OCCUPIERS SETTING CONFIRMING THAT THEY RECEIVED THE SERVICE (ATTACH)

Applicant:
Date:



agriculture, land reform & rural development
Department
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Mediation Application form

I Ms / Mrs / Mrs _____ ID Number _____
Residing at _____

Requests the Department of Agriculture Land Reform and Rural Development, to appoint a mediator in terms of section 21(1) of the Extension of security of Tenure Act / section 36 of the Land Reform Labour Tenancy Act to provide mediation services on the below detailed issues.

My (our) desired outcome from this mediation is

Applicant

Capacity (e.g. farm owner / person in charge/occupier/ former occupier/ labour tenant as defined in ESTA and LTA)

SIGNED at _____ on this the _____ day of _____
2022



A. GROSS MONTHLY INCOME		SINGLE APPLICANT	SPOUSE/ PARTNER ONLY COMPLETE IF HOUSEHOLD
Salary		R	R
Allowances	+	R	R
Subsidy	+	R	R
Bonuses	+	R	R
Interest	+	R	R
Rentals	+	R	R
Maintenance received	+	R	R
Other	+	R	R
Total: Gross Income:	=	R	+ R = R
Less: PAYE Deduction	-	R	+ R = R
Less: Rebates	-	R 7 400	or R 8 000 = R
(No Legal Aid in case of a plus balance) TOTAL = R			

B. ASSETS		SINGLE APPLICANT	SPOUSE/ PARTNER ONLY COMPLETE IF HOUSEHOLD
Fixed property: Reasonable market value		R	R
Less Bonds	-	R	R
Sub-total	=	R	R
Movable Property		R	R
Investments & Savings	+	R	R
Monies due to applicant	+	R	R
TOTAL NET VALUE	=	R	+ R = R
LESS R128,000 if no fixed property or LESS R640,000 if there is fixed property and applicant resides in the property			
(No Legal Aid in case of a plus balance) TOTAL = R			

DECLARATION I declare that the above mentioned information is true, correct and complete. I understand that a false declaration could lead to the suspension of legal aid, and in appropriate circumstances, to criminal prosecution. I hereby give my consent to Legal Aid SA to verify the information provided with other independent institutions. I hereby consent to the processing of my personal information by Legal Aid SA in relation to obtaining legal representation in my matter and for the use of such information where required to undertake my legal matter and to the retention of such information for a period of 7 years after the closure/finalisation of this matter.

SIGNATURE OF APPLICANT: / / 20

HoO DISCRETION EXERCISED

SIGNATURE OF HoO / / 20

PE DISCRETION EXERCISED

SIGNATURE OF PE / / 20

Client has been informed that he/she exceeds the means test and the HoO/PE discretion but that he/she has a final appeal to the Chief Legal Executive.

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