

## PROCLAMATION NOTICES • PROKLAMASIE KENNISGEWINGS

### PROCLAMATION 149 OF 2024

#### EXTENSION OF SECURITY OF TENURE ACT 62 OF 1997

#### REGULATIONS AND GUIDELINES IN TERMS OF THE EXTENSION OF SECURITY OF TENURE ACT: AMENDMENT

The Minister of Agriculture, Land Reform and Rural Development made Regulations and Guidelines in the Schedule in terms of section 28(1), (2) and (3) of the Extension of Security of Tenure Act, 1997 (Act No.62 of 1997).

The effective date for these Regulations is 1st April 2024.

  
**MS ANGELA THOKOZILE DIDIZA**

**MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

## **SCHEDULE A**

### **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 L and have the matter referred to court.

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)
<b>OCCUPIER / FAMILY MEMBER</b>				
<b>NAME</b>				
<b>SURNAME</b>				
<b>DATE OF BIRTH</b>				
<b>IDENTITY NUMBER</b>				
<b>TEL NO.</b>				
<b>FAX NO/ EMAIL ADDRESS</b>				
<b>CELL NO.</b>				
<b>REASONS FOR APPLICATION FOR A GRANT</b>				
<b>2.1 HAVE YOU OR FAMILY MEMBER RECEIVED AND HOUSE OR LANDS FROM THE STATE OR ORGAN OF THE STATE?</b>				
<b>2.2 IF YES, ATTACH A SIGNED LOCAL MUNICIPALITY CONFIRMATION LETTER</b>				

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

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

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

<b>THE REASON THE INTENDED BENEFICIARIES REQUIRE SUITABLE ALTERNATIVE ACCOMMODATION</b>

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



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

<b>FULL PARTICULARS OF THE OWNER OR PERSON IN CHARGE</b>			
<b>NAME</b>			
<b>SURNAME</b>			
<b>DATE OF BIRTH</b>			
<b>IDENTITY NUMBER</b>			
<b>TEL. NO.</b>			
<b>FAX NO./ EMAIL ADDRESS</b>			
<b>CELL NO.</b>			
<b>RESIDENTIAL ADDRESS</b>			
<b>REGISTERED DESCRIPTION OF LAND THAT THE APPLICATION RELATES TO FARM NAME</b>			
<b>FARM ADDRESS (property description)</b>			
<b>PROVINCE</b>			
<b>DISTRICT MUNICIPALITY</b>			
<b>LOCAL MUNICIPALITY</b>			
<b>PROPERTY DESCRIPTION (FARM ADDRESS)</b>			
<b>OCCUPIERS (occupiers to whom accommodation and, or services were provided)</b>			
<b>NAME &amp; SURNAME</b>	<b>DATE OF BIRTH</b>	<b>IDENTITY NUMBER (ATTACH COPIES)</b>	<b>ID CONTACT DETAILS I.e. Cellphone number, Telephone number email address</b>

<b>3.2 REASONS</b>			
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:** \_\_\_\_\_

Form K



**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. \_\_\_\_\_ / person in charge/occupier/ former \_\_\_\_\_ labour tenant as \_\_\_\_\_  
LTA)

SIGNED at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2022

LA1: CIVIL

Legal Aid  
South Africa

Your voice. For justice.

Independent and within reach.

FORM L

GREY SHADED AREAS ARE MANDATORY FIELDS AND MUST BE COMPLETED

CASE CLASSIFICATION ☐ CIVIL ACTION ☐ CIVIL MOTION ☐ LEAVE TO APPEAL ☐ PETITION ☐ APPEALCOURT DETAILS ☐ DISTRICT COURT ☐ REGIONAL COURT ☐ HIGH COURT ☐ SCA ☐ CC

SEAT OF COURT

CASE NO.

ESTATE NAME

If applicable

ESTATE NO.

If applicable

MATTER TYPE

NEXT COURT DATE

/ / 20

INCIDENT DATE

(Claim sounding in money)

/ / 20

APPLICANT NAME

SURNAME

ID NUMBER

GENDER ☐ Male ☐ Female

NATIONALITY

☐ SA Citizen☐ Other

Home Address

DATE OF BIRTH OR ESTIMATED AGE:

APPLICANT IS

☐ CHILD / MINOR  
UP TO 18 YEARS☐ ADULT  
18-60 YEARS☐ SENIOR CITIZEN  
60+ YEARS

Postal Address

MARITAL STATUS

☐ Single☐ Married☐ Widowed☐ DivorcedPreferred method of  
written communication:☐ SMS☐ Post☐ Email☐ N/A

RACE

☐ African☐ Indian☐ Other☐ White☐ Coloured

Cell No:

Email:

HOME LANGUAGE

DISABILITY

ALTERNATIVE CONTACT

Name &amp;

Relationship:

Contact No:

Is the applicant a Minor?

☐ YES ☐ NO

⇒ IF YES, provide name of parent/guardian

Is this application on behalf of a Minor?

☐ YES ☐ NO

⇒ IF YES, provide Minors name.

MEANS TEST If the answers to all the questions below is ☐ NO the applicant is not required to complete the full means test.

Do you have an income?

☐ YES ☐ NO

Do you have any assets?

☐ YES ☐ NO

Are you employed?

☐ YES ☐ NODo you or any of your family control any  
company or trust or legal entity?☐ YES ☐ NODo you or your spouse expect to receive any money or property from a  
deceased estate and/or are either of you beneficiaries of any trust?☐ YES ☐ NO

Name of employer

Occupation

SPOUSES DETAILS

NAME

ID NUMBER / DATE OF BIRTH

**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 finalisation of this matter.

/ / 20



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	
<b>Total: Gross Income:</b>	=	R	+	R	= R
<b>Less: PAYE Deduction</b>	-	R	+	R	= R
<b>Less: Rebates</b>	-	R 7400 or R 8000			= R
(No Legal Aid in case of a plus balance) <b>TOTAL = R</b>					

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	
<b>TOTAL NET VALUE</b>	=	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) <b>TOTAL = R</b>					

**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 ☐ ☐PE DISCRETION EXERCISED ☐ ☐

SIGNATURE OF HoO \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/20\_\_

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.



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	
<b>Total: Gross Income:</b>	=	R	+	R	= R
<b>Less: PAYE Deduction</b>	-	R	+	R	= R
<b>Less: Rebates</b>	-			R 7400 or R 8000	= R
(No Legal Aid in case of a plus balance) <b>TOTAL = R</b>					

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	
<b>TOTAL NET VALUE</b>	=	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) <b>TOTAL = R</b>					

**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 ☐ ☐ ☐PE DISCRETION EXERCISED ☐ ☐

SIGNATURE OF HoC \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/20\_\_

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.