

REPUBLIC OF SOUTH AFRICA

Right To Own Bill

(As introduced to the PEOPLE OF SOUTH AFRICA)

(By the South African Institute of Race Relations (IRR))

[#WhatSACanBe—2-2025]

To reaffirm that property rights are a cornerstone of human rights, economic growth, social stability, upward socio-economic mobility, and individual freedom; to repeal laws permitting expropriation without compensation and any other form of expropriation that inequitably harms private owners; to establish mechanisms for equitable and market-driven land reform and transparent property registration; to incentivise investment, infrastructure development, and skills training; to address unlawful occupation of land and streamline eviction procedures; to strengthen governance, funding, and anti-corruption measures regarding land reform; to establish the Special Directorate for the Protection of Property Rights within the National Prosecuting Authority to investigate and prosecute offences that undermine property rights; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 25 of the Constitution of the Republic of South Africa, 1996, recognises property rights as a fundamental component of human rights, requiring just and equitable compensation for expropriations;

AND WHEREAS secure property rights are essential for personal dignity, economic freedom, social stability, and the empowerment of historically disadvantaged individuals;

AND WHEREAS it is necessary, so as to economically emancipate those deprived of the ability to securely own property, to repeal legislation permitting expropriation without compensation and replace it with

transparent, market-oriented processes that promote equitable access to property, secure tenure, and a climate conducive to investment;

AND WHEREAS the formalisation of informal settlements and the unlocking of underutilised state-owned land can enhance economic growth, foster entrepreneurship, and create jobs, consistent with non-racial and merit-based principles;

AND WHEREAS the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), in its current form, imposes undue burdens on lawful property owners and creates barriers to lawful evictions;

AND WHEREAS it is necessary to strengthen mechanisms for the investigation and prosecution of property rights offences through the establishment of the Special Directorate for the Protection of Property Rights, forming part of and reporting to the National Prosecuting Authority, will advance the realisation of effective property rights protection;

AND WHEREAS it is expedient to strengthen the administrative and funding provisions for housing vouchers and land digitisation, to ensure effective implementation without undue delay, as well as to enhance anti-corruption measures and proactive transparency in land reform processes;

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows: —

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CHAPTER 1

DEFINITIONS AND OBJECT OF ACT

1. Definitions

In this Act, unless the context indicates otherwise—

“property” means property as contemplated in section 25 of the Constitution and includes movable and immovable, tangible and intangible property;

“expropriation” means the compulsory acquisition or taking control of property by the state or an organ of state;

“compensation” means payment reflecting the fair market value of the property and any associated costs or losses;

“informal settlements” means dwellings not formally registered or recognised in municipal cadastral systems;

“housing vouchers” means market-driven subsidies provided to low-income households for acquiring or upgrading residential property;

“Department” means the Department responsible for administering this Act, as designated by the President;

“public-private partnership” means a contractual agreement between a public sector institution and a private sector entity aimed at delivering or financing land-related infrastructure or services;

“Special Directorate for the Protection of Property Rights” or “SDPPR” means the specialised unit established under section 18, forming part of and reporting directly to the National Prosecuting Authority, which is responsible for detecting, investigating, and prosecuting offences affecting or undermining property rights, including unlawful dispossession, illegal occupation, fraud, corruption, and related criminal conduct;

“underutilised state-owned land” means land under the control of a national, provincial, or municipal entity that is not being used or is being underutilised relative to its developmental or economic potential.

2. Object of Act

The object of this Act is to—

- (a) reaffirm property rights as a cornerstone of human rights, economic growth, social stability, and individual freedom;
- (b) repeal provisions allowing expropriation without compensation and expropriation with inequitable compensation that is below market value, and ensure that any expropriation is justly compensated;
- (c) simplify and modernise property ownership and registration systems;
- (d) formalise tenure in informal settlements and other areas lacking secure land rights, including tribal trust lands, land administered by Community Property Associations, and former apartheid-era ‘homelands’, by ensuring the issuance of comprehensive, legally recognised title deeds for all residents;
- (e) unlock underutilised state-owned land for economically productive purposes;
- (f) incentivise entrepreneurial and private sector involvement in property and infrastructure development;
- (g) promote inclusive, non-racial, merit-based reforms aligned with the Constitution;
- (h) provide for mechanisms that foster transparency, skills development, and anti-corruption measures in land reform;

- (i) Promote the freedom to contract and freely dispose of property, ensuring minimal interference with voluntary transactions and robust legal protection of private property rights; and
- (j) ensure a robust administrative and funding framework that holds government accountable for the cost and implementation of the housing voucher system and related reforms.

CHAPTER 2

REPEAL OF EXPROPRIATION WITHOUT COMPENSATION AND EXPROPRIATION WITH INEQUITABLE COMPENSATION BELOW MARKET VALUE

3. Repeal of laws permitting expropriation without compensation and expropriation with inequitable compensation that is below market value.

- (1) The following laws or provisions are hereby repealed to the extent that they permit expropriation without compensation and expropriation with inequitable compensation that is below market value:
 - (a) The Expropriation Act of 2024; and
 - (b) Any other legislation or regulation authorising expropriation without compensation and expropriation with inequitable compensation that is below market value.
- (2) Any future expropriation of property must involve fair compensation, an independently verifiable public-interest justification, and legal recourse for affected owners.

- (3) No amendment, regulation, or government action under this Act or any other law may retroactively diminish or nullify the lawfully acquired property rights of an owner.
- (4) Where existing laws, regulations, or administrative practices contravene subsection (1), such measures are deemed invalid to the extent of that retroactivity.
- (5) In the event of any conflict between this Act and any other law governing expropriation, this Act prevails to the extent of the inconsistency.

CHAPTER 3

JUST AND EQUITABLE COMPENSATION

4. Amount of Compensation

- (1) No expropriation is considered just and equitable unless the owner is compensated at the market value of the expropriated property as it would be valued absent the expropriation or any special purpose thereof.
- (2) In determining whether the public interest justifies an expropriation, there must be clear evidence that the purpose of the expropriation is sufficiently compelling to warrant payment of the compensation envisaged in subsection (1), taking into account prevailing fiscal and monetary constraints.
- (3) Where the property in question is used for a business that employs more than one person per 100 hectares, and the purpose of the expropriation is land reform, the compensation must be sufficient to enable the business to relocate and maintain at least the same level of

revenue and employment at an alternative site, thereby preventing job losses directly attributable to the expropriation.

- (4) If the history of the property's acquisition or use includes state-sanctioned abuses—such as forced removals under discriminatory laws or exploitative practices akin to slavery—and the expropriation aims to further land reform, such history must be taken into account in assessing just and equitable compensation. The severity and direct impact of these historical abuses on the property's lineage may justify setting compensation at the upper range of the property's fair market value but under no circumstances may the total compensation exceed the current fair market value.
- (5) If the calculated market value of a property targeted for expropriation is deemed inconsistent with the broader public interest associated with the expropriation's purpose, the proposed expropriation must be abandoned.
- (6) The extent of direct state investment or subsidy in acquiring or improving the property may be factored into the total compensation under subsection (1), provided that such investment or subsidy was made within the last twenty years under the same owner or end-user.

5. Time and Manner of Compensation

- (1) No expropriation shall be deemed just and equitable unless, prior to registration of transfer, the full compensation has either been paid or secured to the satisfaction of the transferring attorney, consistent with established conveyancing practices.
- (2) Where a property is used for a business employing five or more persons, the need to safeguard those employment opportunities may justify paying the compensation up to 12 months in advance of the

transfer date, thereby facilitating a business transition that minimises harm to employees' prospects.

6. Structured Payment Arrangements

- (1) If the current use of the property is a business whose compensation is paid significantly in advance to protect employment prospects, such payment may be effected either through instalments or as a lump sum, provided that full payment is concluded before transfer of ownership occurs.

CHAPTER 4

HOUSING VOUCHERS AND MARKET-DRIVEN INCENTIVES

7. Establishment of Housing Voucher Programme

- (1) The Department must, in consultation with the National Treasury, establish a housing voucher programme for low-income households.
- (2) The programme must include mechanisms for distributing and redeeming vouchers in both public and private markets.
- (3) Vouchers may be used for property purchases, rentals or the construction of basic housing.

8. Eligibility and Use of Housing Vouchers

- (1) A person who is a South African citizen and meets the income threshold determined by the Minister is eligible for housing vouchers.
- (2) Housing vouchers are valid only for the calendar year in which they are issued, unless extended by the Minister.

- (3) The Minister may, by notice in the Gazette, introduce a co-payment mechanism to encourage responsible utilisation of higher-cost housing options.

9. Private Sector Incentives

- (1) Private developers constructing affordable housing or regenerating urban areas may qualify for tax exemptions or other incentives, subject to criteria prescribed by regulation.
- (2) Approval processes for housing development projects aligned with this Act must be expedited by relevant authorities.
- (3) The Department must annually review the effectiveness of the housing voucher programme and table a report before Parliament.

10. Implementation Plan and Periodic Review

- (1) The Minister must, within six months of the commencement of this Act, table in Parliament a fully costed implementation plan for the housing voucher programme, including any digitisation measures contemplated in section 12.
- (2) The plan referred to in subsection (1) must specify how national and municipal budgets will be adjusted or reallocated to fund voucher distribution, technological infrastructure, administrative staffing, and other related expenses.
- (3) A requirement to produce the plan referred to in subsection (1) may not be invoked to suspend or delay the coming into operation of any provision of this Act.
- (4) The Department must, at least once every two years, conduct a review of the real value of housing vouchers to ensure they remain aligned with prevailing housing market conditions.

- (5) Based on the review contemplated in subsection (4), the Minister may, by notice in the Gazette, adjust the value of housing vouchers or the relevant eligibility thresholds to maintain the programme's effectiveness.
- (6) A summary of each review contemplated in subsection (4), including any recommended adjustments, must be tabled in Parliament within 30 days of completion of the review.

CHAPTER 5

TENURE SECURITY FOR INFORMAL SETTLEMENTS

11. Formalisation of Tenure

- (1) The Minister must, in consultation with municipalities, tribal authorities, Community Property Associations, private entities, and community organisations, develop and implement expedited programmes to issue comprehensive, legally recognised title deeds to residents in all areas lacking secure land rights, including informal settlements, tribal trust lands, land administered by Community Property Associations, and former apartheid-era homelands.
- (2) Community Title deeds issued in terms of subsection (1) must confer robust property rights protections, including the right to peaceful occupation, the right to use, develop, and lawfully dispose of such property, and the right to pledge or encumber the land.
- (3) Such programmes must be subject to inclusive community consultations that respect local customs, cultural practices, and existing governance structures.
- (4) The Minister may, by regulation, make provision for any administrative or procedural matter necessary for the proper

implementation, oversight, or enforcement of this section, including dispute resolution mechanisms and safeguards against dispossession.

12. Public-Private Partnerships for Informal Settlements

- (1) Private sector investments in basic infrastructure for informal settlements, including roads and utilities, may be granted tax credits or other incentives as determined by the Minister.
- (2) Municipalities may negotiate development agreements with private partners, provided such agreements comply with the Public Finance Management Act, 1999 (Act No. 1 of 1999), and any other applicable legislation.

CHAPTER 6

UTILISATION OF UNDERUTILISED STATE-OWNED LAND

13. Audit and Classification of Underutilised State-Owned Land

- (1) All underutilised state-owned land must be audited and classified within 12 months of the commencement of this Act.
- (2) The Department must publish the audit results and ensure a transparent process for public input.
- (3) Within six months of completing the audit contemplated in subsection (1), the Department must establish and maintain a publicly accessible immovable asset registry, covering all state-owned immovable property. The registry must be:
 - (a) updated on a regular basis to reflect changes in classification, usage, and ownership status;

- (b) accessible to the public free of charge, in digital format where practicable, subject to any applicable privacy or security legislation; and
- (c) accompanied by clear guidelines on how members of the public may submit corrections or comments regarding the accuracy of the data.

14. Redistribution and Development of State-Owned Land

- (1) The redistribution of underutilised state-owned land must prioritise agricultural and entrepreneurial uses, as well as low-income housing.
- (2) Where appropriate, land must be allocated via public auctions or other transparent allocation processes.
- (3) Strategic allocations are permitted only where justified by demonstrable public interest.

CHAPTER 7

MODERNISING LAND REGISTRATION AND BUREAUCRATIC EFFICIENCY

15. Digitisation of Land Records

- (1) The Department must develop a phased digitisation plan so that all land records are accessible online within two years from the signing of this Act.
- (2) Online portals must offer real-time access to land ownership and registration status, subject to data privacy laws.
- (3) The costed implementation plan envisaged under section 7(1) must specify how digitisation will be funded and monitored to ensure timely completion.

16. Simplified Registration Processes

- (1) Land registration applications must be processed and finalised within 15 working days of submission, barring exceptional circumstances.
- (2) A one-stop service for property-related transactions must be established in every municipality to streamline building approvals and registration formalities.

CHAPTER 8

SKILLS DEVELOPMENT AND JOB CREATION

17. Skills Training

- (1) The Department must promote scholarships and training for land valuers, surveyors, and property lawyers to address capacity gaps.
- (2) Mentorship programmes must support emerging homeowners, micro-developers, and farmers seeking to build, improve, or manage property sustainably.

CHAPTER 9

ANTI-CORRUPTION AND TRANSPARENCY MECHANISMS

18. Establishment of the Special Directorate for the Protection of Property Rights

- (1) This Act hereby establishes a specialised investigative unit, to be known as the Special Directorate for the Protection of Property Rights (SDPPR), which forms part of and reports directly to the National Prosecuting Authority.

- (2) The SDPPR shall function under the direction and control of the National Director of Public Prosecutions.
- (3) The SDPPR is responsible for—
 - (a) detecting, investigating, and prosecuting offences affecting or undermining property rights, including unlawful dispossession, illegal occupation, fraud, corruption, and related criminal conduct;
 - (b) gathering, collating, and analysing information or intelligence necessary for carrying out its mandate effectively; and
 - (c) cooperating with other law enforcement agencies, government departments, and any relevant entity in the performance of its functions.
- (4) The Director of the SDPPR shall be appointed by the National Director of Public Prosecutions in accordance with criteria determined in consultation with the Minister and the Cabinet member duly tasked with the administration of justice.
- (5) All officers and personnel serving in the SDPPR shall be appointed in accordance with applicable laws and any criteria determined by the National Director of Public Prosecutions, with due regard to specialised skills and expertise.
- (6) Subject to the Constitution and all applicable laws, barring those in contradiction to this Act, officers of the SDPPR shall have the power to investigate, search, seize, arrest, and perform any other acts incidental to such powers for property rights–related offences, and shall refer matters to the National Prosecuting Authority for prosecutorial decision-making.

- (7) Officers of the SDPPR shall exercise their powers in a manner that respects human rights, maintains lawful procedures, and safeguards the dignity of all persons involved.
- (8) The Director of the SDPPR is accountable to the National Director of Public Prosecutions for the performance and administration of the Special Directorate for the Protection of Property Rights.
- (9) The SDPPR shall prepare and submit periodic reports to the National Director of Public Prosecutions, who shall make such reports available to Parliament in accordance with applicable oversight procedures.
- (10) The SDPPR is subject to any monitoring or investigative mechanisms provided for by law, including parliamentary oversight and any other relevant independent oversight body.
- (11) The Minister may, in consultation with the Cabinet member duly tasked with the administration of justice and the National Director of Public Prosecutions, make regulations regarding—
 - (a) the qualifications, appointment, training, and conditions of service of officers;
 - (b) disciplinary processes and codes of conduct;
 - (c) operational procedures and standards for investigations;
 - (d) mechanisms for inter-agency cooperation; and
 - (e) any other matter necessary for the proper implementation of this section.

19. Public Registers

- (1) The Department must maintain a public register of all land reform beneficiaries and property transactions under this Act.

- (2) Independent audits of land reform programmes must be conducted annually and published on the Department's website.

20. Accountability Measures

- (1) State officials involved in land allocations or valuations must declare all conflicts of interest.
- (2) A whistleblower protection programme, administered in consultation with the Department of Justice, must encourage the reporting of corruption.

21. Proactive Publication of Land for Expropriation or Redistribution

- (1) The Department must publish, on a quarterly basis and in user-friendly formats, details of all land parcels identified for expropriation or redistribution, along with justifications for their selection.
- (2) Such publication must exceed the scope of any basic register, enabling civil society and other stakeholders to scrutinise proposed or pending actions before final decisions are taken.
- (3) Failure to disclose such details without valid reasons constitutes a breach of transparency obligations under this Act, and those responsible may be subject to disciplinary proceedings or legal action, as provided in regulations made under section 42.

CHAPTER 10

ILLEGAL OCCUPATIONS AND EVICTIONS

22. Overriding Provisions for Unlawful Occupations

- (1) This Chapter applies to unlawful occupiers of land, repealing any contradictory provisions law.
- (2) In the event of any conflict between this Chapter and any other law, the provisions of this Chapter prevail to the extent of the inconsistency.
- (3) The purpose of this Chapter is to—
 - (a) protect lawful owners' rights to reclaim and control their property;
 - (b) streamline eviction procedures to prevent protracted disputes; and
 - (c) ensure that socio-economic factors do not unreasonably inhibit owners' ability to evict unlawful occupiers.

23. Standard Eviction Procedures

- (1) A property owner or lawful holder of rights to property may apply to a competent court for an eviction order if—
 - (a) the occupier has no legal right to occupy the land; and
 - (b) the owner has given the occupier reasonable notice to vacate, as prescribed by regulation.
- (2) The court must grant an eviction order if it is satisfied that the occupation is unlawful, without requiring proof of alternative accommodation or socio-economic considerations, and subject only to the notice requirements prescribed.
- (3) Where applicable, municipalities may offer emergency or transitional housing assistance under separate programmes, but such assistance does not delay or negate the eviction process or the owner's rights.
- (4) The duration of occupation on the land does not create any right to remain, and no additional obligations are imposed on the owner to provide alternative housing.

- (5) An eviction order under this Act automatically includes a prohibition on reoccupation by the same unlawful occupiers.
- (6) Should the evicted occupiers unlawfully reoccupy the property, the property owner may apply on an *ex parte* basis for an immediate writ of ejectment, enforceable without further hearing.
- (7) Upon granting an eviction order in terms of subsection (2), the court must direct and authorise the sheriff of the court to enforce the eviction. Where necessary, the sheriff may request the assistance of the South African Police Service or a municipal police service to remove the unlawful occupier and secure the property.

24. Urgent Evictions

- (1) Where there is evidence of imminent harm, damage to property, or other unlawful activities by the occupier, the owner may apply for an urgent eviction order.
- (2) A court considering an urgent eviction application must—
 - (a) prioritise the application on the court roll; and
 - (b) grant the eviction upon determining that the occupier's continued presence poses a threat to life, property, or public safety.
- (3) The owner must, within 10 days of executing an urgent eviction, submit a report to the relevant local authority detailing the circumstances and confirming compliance with this Chapter.
- (4) An urgent eviction order under this Act automatically includes a prohibition on reoccupation by the same unlawful occupiers.
- (5) Should the evicted occupiers unlawfully reoccupy the property, the property owner may apply on an *ex parte* basis for an immediate writ of ejectment, enforceable without further hearing.

- (6) In granting an urgent eviction order under subsection (2), the court must direct and authorise the sheriff of the court to enforce the eviction immediately. The sheriff may, where required, call upon the South African Police Service or a municipal police service to assist in executing the eviction, ensuring any immediate threats to life, property, or public safety are mitigated.

25. Evictions by Organs of State

- (1) An organ of state may bring eviction proceedings in the public interest if—
- (a) there is a demonstrable threat to public health, safety, or environmental well-being; or
 - (b) the continued unlawful occupation substantially impedes a valid public project.
- (2) For an eviction instituted by an organ of state—
- (a) the definition of “public interest” must be narrowly construed;
 - (b) any delay caused by a state-initiated eviction must not unduly burden a private landowner’s property rights; and
 - (c) where a property owner incurs losses due to prolonged state-initiated proceedings, the organ of state may be required to compensate the owner for proven damages, subject to the court’s discretion.

26. Criminal Liability for Facilitating Unlawful Occupation

- (1) Any individual or entity that solicits, arranges, or profits from enabling unlawful occupation of land commits an offence.
- (2) This includes but is not limited to—

- (a) intermediaries or syndicates receiving payment from unlawful occupiers; and
 - (b) persons who falsely represent rights of occupation to vulnerable individuals.
- (3) A person convicted under this section is liable to a fine or imprisonment for a period not exceeding five years, or both.
- (4) The South African Police Service or any municipal law-enforcement service with jurisdiction, once properly notified of an unlawful occupation or presented with a valid eviction order under this Act, must act expeditiously to investigate, prevent further unlawful occupation, and render any assistance necessary to effect a lawful eviction.
- (5) A failure by the South African Police Service or municipal police service to take reasonable steps under subsection (4), without adequate justification, renders the responsible police authority liable in accordance with applicable laws and disciplinary procedures. An aggrieved party may seek appropriate relief or damages in a competent court.

27. Explicit Repeal or Amendment of Conflicting Provisions in Act 19 of 1998

- (1) The following sections of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), are hereby repealed or amended to the extent of their inconsistency with this Act:
- (a) Sections 4(6) and 4(7), which distinguish occupiers based on duration of occupation, are repealed;

- (b) Section 7, requiring compulsory mediation by municipalities, is repealed;
 - (c) Section 8, criminalising any eviction without a court order, is amended to allow for urgent evictions in the narrow circumstances provided for in section 21 of this Act;
 - (d) Sections 4(10) and 5, requiring courts to consider occupiers' socio-economic circumstances and alternative accommodations, are repealed to the extent that they impose obligations on owners beyond those set out in this Chapter;
 - (e) Section 6, concerning eviction by organs of state, is amended to comply with section 22 of this Act;
 - (f) Section 3, prohibiting payment for unlawful occupation, is extended to cover enablers and syndicates as provided for in section 23 of this Act; and
 - (g) Section 9, conferring jurisdiction on magistrates' courts, is amended to expedite hearings on evictions and minimise appeals.
- (2) All references to “just and equitable” factors in Act 19 of 1998 that exceed the scope of ownership rights and lawful occupation under this Chapter are repealed or amended as necessary to give effect to this Act.
- (3) Any reference in Act 19 of 1998 to socio-economic considerations or alternative accommodation must be construed in a manner that does not burden the lawful owner's property rights beyond the requirements of this Chapter.

CHAPTER 11
INFRASTRUCTURE AND ECONOMIC DEVELOPMENT
LINKAGES

28. Infrastructure Priorities

- (1) Public infrastructure linked to land reform must prioritise roads, utilities, and transportation networks in newly formalised settlements.
- (2) Rural electrification and water infrastructure must be expanded to support agricultural land redistribution.

29. Budget Allocation

- (1) Municipalities must allocate at least 20% of their annual infrastructure budgets to land reform initiatives, unless exempted by the Minister for compelling reasons.
- (2) The Department, in conjunction with the National Treasury, may issue guidelines on integrating infrastructure planning with land reform objectives.

CHAPTER 12

DECENTRALISATION OF LAND REFORM DECISION-MAKING

30. Powers of Municipal and Provincial Authorities

- (1) Municipal and provincial authorities may adapt land reform initiatives to local economic conditions, subject to national standards under this Act.
- (2) Such authorities may also implement property registration and formalisation schemes within their jurisdictions.

31. National Oversight

- (1) The Minister must ensure compliance with constitutional principles and prevent misuse of decentralised powers.

- (2) The Department may intervene where local authorities fail to meet minimum performance standards.

CHAPTER 13

MONITORING, EVALUATION, AND PERFORMANCE

FRAMEWORK

32. Annual Performance Reports

- (1) The Department must publish annual performance reports detailing title deeds issued, land distributed, housing vouchers redeemed, and investment flows.
- (2) Such reports must be tabled in Parliament within 30 days of publication.

33. Independent Reviews

- (1) An independent review of progress must be facilitated every three years, with findings submitted to Parliament for scrutiny.
- (2) The Minister must ensure that recommendations from these reviews are duly considered and implemented where feasible.

CHAPTER 14

NON-RACIAL AND MERIT-BASED PRINCIPLES

34. Promotion of Non-Racial and Merit-Based Reforms

- (1) All reforms, allocations, and initiatives under this Act must uphold non-racial principles, focusing on economic inclusion and individual initiative.

- (2) Empowerment programmes must prioritise merit, entrepreneurship, and skill-building, consistent with the Constitution's equality provisions.

CHAPTER 15

GOVERNANCE, ENFORCEMENT, AND COMPLIANCE

35. Governance and Enforcement

- (1) The Department, in collaboration with provincial or municipal bodies, is responsible for overseeing compliance with this Act.
- (2) The Department may delegate certain functions to suitably qualified entities, subject to written terms of reference.

36. Offences and Penalties

- (1) A person who knowingly falsifies property records, misappropriates housing vouchers, or engages in corrupt practices under this Act is guilty of an offence.
- (2) Upon conviction, such person is liable to a fine or imprisonment for a period not exceeding five years, or both.

37. Sanctions and Collaboration with Other Agencies

- (1) The Department may suspend or revoke the accreditation or licence of a developer or professional found to be in material breach of this Act.
- (2) The Department must collaborate with the Auditor-General, the Public Protector, the South African Police Service, and any other relevant law enforcement agencies to address non-compliance or corruption.

38. Land Reform Oversight Committee

- (1) A Land Reform Oversight Committee (LROC) is hereby established to—
 - (a) receive and investigate allegations of fraud or corruption related to expropriations, housing vouchers, or unlawful occupation facilitation;
 - (b) recommend remedial actions or legal proceedings to the relevant authorities; and
 - (c) monitor overall compliance with the anti-corruption and transparency obligations set out in this Act.
- (2) The LROC must publish an annual report on the outcome of its investigations and the status of any remedial measures taken by implicated parties or authorities.
- (3) The composition, powers, and detailed procedures of the LROC must be prescribed by regulations under section 42, ensuring its impartiality and independence.

CHAPTER 16

DISPUTE RESOLUTION

39. Internal Appeal

- (1) A person or entity aggrieved by a decision of the Department under this Act must lodge an internal appeal with the Department within 30 days of becoming aware of that decision.
- (2) The Department must decide on the appeal within 60 days of receipt, providing written reasons.

40. Mediation

- (1) If a dispute is not resolved through the internal appeal process, the parties may refer the matter to mediation by a mediator appointed by agreement or, failing agreement, by the Minister.
- (2) Mediation must be concluded within 90 days, unless extended by written agreement.

41. Judicial Review

A party dissatisfied with the outcome of an appeal or mediation may apply for judicial review in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

CHAPTER 17

TRANSITIONAL ARRANGEMENTS

42. Phased Implementation

- (1) The Minister must, within three months of the commencement of this Act, publish a roll-out plan specifying timeframes for establishing the housing voucher programme, formalising tenure, and digitising land records.
- (2) Implementation may be phased in across different provinces or municipalities, taking into account administrative capacity and local conditions.

43. Existing Programmes and Grandfathering of Titles

- (1) Any existing land reform or subsidy programme that substantially overlaps with the objectives of this Act must be reviewed by the

Department to determine whether it should be consolidated into the framework established under this Act.

- (2) A private entity or individual holding lawful title or licence prior to the commencement of this Act is deemed licensed under this Act but must meet the accreditation requirements within a period determined by the Department.

44. Socio-Economic Impact Assessment

- (1) The Department must conduct or commission a Socio-Economic Impact Assessment (SEIA) within 12 months of this Act's commencement to evaluate its impact on property rights, housing affordability, and economic growth.
- (2) The findings of the SEIA must be published for public comment.

CHAPTER 18 REGULATIONS

45. Power to Make Regulations

- (1) The Minister may make regulations regarding—
 - (a) the implementation and administration of the housing voucher programme;
 - (b) private sector incentives in terms of sections 6 and 9;
 - (c) co-payment structures and income thresholds for voucher eligibility;
 - (d) digitisation and standards for land registration processes;
 - (e) skills training criteria and labour-intensive requirements;
 - (f) procedures for appeals, mediation, and collaboration with law enforcement agencies;

- (g) the establishment and functioning of the Land Reform Oversight Committee under section 35; and
 - (h) any other matter necessary to give effect to this Act.
- (2) Regulations under subsection (1) must be made in consultation with relevant Ministers, including the Minister of Finance and the Minister responsible for Cooperative Governance and Traditional Affairs, where appropriate.

CHAPTER 19

REPEAL OF CONFLICTING LEGISLATION

46. Repeal of Conflicting Legislation

Any law that is inconsistent with this Act is hereby repealed to the extent of such inconsistency.

CHAPTER 20

SHORT TITLE AND COMMENCEMENT

47. Short Title and Commencement

This Act is called the Right to Own, 2025, and comes into operation six months after its publication in the Government Gazette or on a date fixed by the President by proclamation in the Gazette, whichever is earlier.

**MEMORANDUM ON THE OBJECTS OF THE RIGHT TO OWN #WHATSACANBE BILL,
2025**

1. Background and Rationale

This Bill seeks to reaffirm property rights as fundamental human rights, essential for personal dignity, economic freedom, and social stability. It repeals expropriation without compensation (EWC) provisions, expropriation with inequitable compensation, and introduces market-based solutions to enhance access to land, secure tenure in informal settlements, incentivise private investment, elevate as priority illegal infringements on property rights for prosecution, and drive broader economic growth.

2. Summary of the Bill

Repeal of below-market value expropriation: Ensures future expropriations require fair compensation and legal recourse.

Housing Vouchers & Funding: Establishes a fully costed housing voucher system, periodically reviewed to remain aligned with market conditions; clarifies budgetary responsibilities of national and municipal authorities.

Formalisation of Tenure: Simplifies issuing of title deeds in informal settlements.

Underutilised State Land: Calls for transparent auditing and efficient redistribution or development of unutilised public land.

Digitisation & Efficiency: Modernises land records and registration processes.

Skills & Job Creation: Emphasises labour-intensive projects, training, and mentorship.

Anti-Corruption: Requires proactive publication of expropriation/redistribution details and establishes a Land Reform Oversight Committee with investigative powers.

Creation of NPA Special Directorate: Creates new law enforcement capacity through the SDPPR for the NPA to effectively investigate crimes related to property rights, elevated in prosecutorial priority, in South Africa.

Unlawful Occupations: Streamlines eviction procedures, repealing or amending inconsistent provisions in the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998.

Dispute Resolution & Transitional Measures: Provides internal appeal, mediation, judicial review mechanisms, plus phased roll-outs and a Socio-Economic Impact Assessment.

3. Financial Implications

The Bill's implementation requires a fully costed plan for housing vouchers, digitisation, and administrative oversight, ensuring government accountability without hindering the reforms. The Land Reform Oversight Committee may also entail modest operational costs.

4. Constitutional Implications

Aligns with section 25 of the Constitution by protecting property rights, guaranteeing just compensation for expropriation, and preserving owners' rights against unlawful occupation. The Bill fortifies the principle that secure property rights are indispensable to individual autonomy and social progress.

5. Consultation

The Department must consult the National Treasury, provincial and local authorities, civil society organisations, and private stakeholders to refine regulations and funding mechanisms, ensuring balanced implementation.

6. Parliamentary Procedure

This Bill must be dealt with in accordance with the procedure prescribed by the Constitution of the Republic of South Africa and the Joint Rules of Parliament.

7. Socio-Economic Impact Assessment (SEIA)

The Bill mandates a SEIA within 12 months of commencement to evaluate its influence on property rights, housing affordability, evictions, anti-corruption measures, and broad economic growth, ensuring an equitable and transparent process.