

MATATIELE LOCAL MUNICIPALITY

LAND INVASION POLICY



MATATIELE

LOCAL MUNICIPALITY

2022-23 financial year

MATATIELE MUNICIPALITY
POLICY ON THE PREVENTION OF LAND INVASION

1.1.1 PREAMBLE

The Matatiele Local Municipality recognises the right of its residents to life and to be treated with dignity.

Council acknowledge its residents right to housing as contained in Clause 25 of the Bill of Rights of the Constitution of the Republic of South Africa, and further admit that such right may be limited as provided for in Clause 36 of the same bill of Rights.

Council will in its efforts and endeavours of housing and settling its residents in need of housing and accommodation take into cognisance the provision and the spirit of all legislations relevant to housing and land settlements control.

Council realizes that, there exist a great need for accommodation amongst its low income group or less fortunate residents, and that land for township development is scare within its area of jurisdiction.

Council will do all in its power to ensure orderly development of places of residents for all its residents.

This policy underpinned and based on the provision of the Prevention of illegal Eviction form and Unlawful occupation of Land Act (Act 19 of 1998) and Extension of Tenure Security Act (Act 62 of 1997)

The main purpose of the Land Invasion Policy is to safeguard the Land Tenure Rights of vulnerable groups and promote awareness of those rights at Local Municipal level.

South African Constitution guarantees rights to land and tenure by all population groups in the country but all of this must be carried through in a legislative manner

1.1.2 OBJECTIVES

- To assist municipality to control and manage the land available in terms of open spaces and the commonage.
- To share implementation experiences with an intention to complement each other as implementer and Land Rights vanguards in the Wards as the whole.

- It is desirable that this Land Invasion Policy should enable all structures (chiefs and Councillors) to monitor and analyse the trends of land invasions cases to measure the effectiveness of the legislation in place for future refinements of such.
- To prevent land invasions within municipal jurisdiction.

1.1.3 Foundation

- a) Council acknowledge that as a local government, land owner and the authoritative institution regulating the manner in which all areas under its jurisdiction has to develop according to its Integrated Development Plan and Land development objectives.
- b) Council has legal and moral obligation to provide land for the development of residential areas to accommodate its residents in an orderly and proper manner as far as possible and within its financial constraints.
- c) Council accepts that the immigration from rural areas to urban areas for whatever reason is a phenomenon of urbanisation and such must occur in a managed manner and must be in line with its pre- determined settlement strategy and any deviation there from is unlawful.

1.1.4 Legal Provisions

- a) Council acknowledge that it has legal and moral obligation to provide alternative accommodation to residents / Invaders who have been so residing for more than six (6) months if so required to relocate as provided for by Act 19 of 1998.
- b) No person has a right to allow, encourage, motivate, organise and /or instigate the occupation of land of whatever nature without an expressed and written consent of Council.

1.1.5 Legislation Relating to Land Occupation and Eviction

The eviction of persons is regulated by law. The following legislation regulates different situations and is applicable for purposes of this document:

- The Extension of Security of Tenure Act, 1997 (Act No.62 of 1997) (ESTA)

- The prevention of illegal Eviction and Unlawful Occupation of Land Act, 1998 (Act No 19 of 1998 (PIE),
- The Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996)
- The Trespass Act, 1959 (Act No. of 1959)

1.1.6 Administrative Control Measures

a) Council henceforth will endeavour to demolish and impound any shack or structure that is being erected within area of jurisdiction without its consent.

(b) Where a shack or structure has been put up for more than three (3) days and the action of immediate eviction was not taken, a notice of illegal occupation of land shall be issued, advising the occupant to remove the structure or shack immediately. The legal section is to be notified and same must prepare and urgent application to the Court for and eviction order. The eviction must be accomplished within three (3) months.

1.1.7 Private Property Occupation (Include farm land)

a) Where a private land owner allow permit the occupation of land for habitation purposes by a group of people who are in his/ her employ or not, Council shall insist that its building Health and Security Regulations be adhered to by the landowner.

1.1.8 Awareness campaigns

Awareness campaigns on land invasion will be done annually through means such as Municipal website, Municipal Facebook page and public gatherings, pamphlets etc

Policy number

Council Resolution (CR) Number

CR



MR. L. MATIWANE
MUNICIPAL MANAGER

28/07/2022

DATE



CLLR. S. MNGENELA
MAYOR

28/07/2022

DATE



CLLR. N. NGWANYA
SPEAKER OF COUNCIL

28/07/2022

DATE