

**LAH3701
SECOND PAPER
LAND AND HOUSING**

May/June 2017

Duration 2 Hours

100 Marks

EXAMINATION PANEL AS APPOINTED BY THE DEPARTMENT

Closed book examination.

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EXAMINERS:

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This paper consists of 13 pages

Answer all questions in their numerical order

Question 1

1.1 The question below requires information at the underlined parts. In column 2, fill in the year during which a historical event took place, or legislation was passed or applicable. Fill in the relevant historical event in column 3. Name the relevant act in column 4. See the example under 1 below.

[10]

No	Date	Historical event	Legislation
1	1913		<u>Black Land Act 27 of 1913</u>
2	1948	_____	

3	1950		_____

4	_____		Promotion of Bantu Self-government Act
5	_____	The homelands of Bophuthatswana, Ciskei, Transkei and Venda established as independent states	
6	_____		Abolition of Racially Based Land Measures Act Upgrading of Land Tenure Rights Act

[TURN OVER]

			Less Formal Township Establishment Act
7			Interim Constitution of the Republic of South Africa Provision of Land and Assistance Act Land Reform (Labour Tenants) Act
8	27 April 1994		
9	1996		
10	1997		
11			Prevention of Illegal Eviction from and Unlawful Occupation of Land Act Transformation of Certain Rural Areas Act

[TURN OVER]

Question 2

Fill in the missing words.

(a) Right from the start of colonial occupation, the use of _____ had a racial bias, and was discriminatory and divisive. As far as the _____ colonisers were concerned, the occupation of the Cape Colony in _____ became an issue of power and race. The Dutch assumed that the land over which they could claim _____ was *res nullius* (i.e. property belonging to no one) and that they could own and occupy it. Later, they moved northwards and eastwards to find new farming land. In the process, they deprived the _____ and the _____ of their grazing and hunting lands by force of arms in order to take occupation of the land. [6]

(b) Name four homelands that were declared independent states by the apartheid government from 1976–1981. [4]

(c) Briefly define land tenure. [2]

(d) With reference to authority, explain fully what ownership is. [4]

[TURN OVER]

(iii)

(iv)

Total

[20]

Question 3

(a) Mary was born in 1999 and wants to know more about land-tenure rights in South Africa prior to 1994. She comes to you for information on them. Mention and briefly explain six of the eight forms of land-tenure rights applicable in South Africa. [15]

[TURN OVER]

(b) Indicate whether the following statements are **True** or **False**.

- (i) A deprivation of property is essentially a restriction or limitation on the right to property
_____ [2]
- (ii) The Subdivision of Agricultural Land Act 70 of 1970 deals with, inter alia, the way property can be expropriated
_____ [2]
- (iii) Expropriation involves the actual taking away or acquisition, by the state, of private property for public use in order to facilitate the state's functions and duties in the public interest
_____ [2]
- (iv) The taking away of private land by the state in order to build public facilities like roads and dams is an example of deprivation of a property
_____ [2]
- (v) Land redistribution does not involve restoring lost rights or providing access to land, but simply amending the law so that weak and insecure rights acquire legal recognition and protection
_____ [2]

Total **[20]**

Question 5

Martina du Bois is renting a two-bedroom townhouse in Malamulele from Jacques Venter for a period of 24 months. However, Martina experiences several problems with her rental of the property. Despite always paying her rental on time, and providing the necessary proof, Jacques claims not to have received any payment, and continuously threatens to lock Martina out of the property. Jacques also threatens to forfeit her deposit. It transpires that Jacques' wife has been squandering the rental money. Martina comes to you for advice in your capacity as a paralegal. Answer the following questions.

(a) Which body has jurisdiction to hear Martina's complaint against her landlord, Jacques?
_____ [2]

(b) From the facts mentioned above, give two examples of issues that this body in (a) above has jurisdiction to hear

- (i) _____ [2]
- (ii) _____ [2]

[TURN OVER]

(c) In terms of the Rental Housing Amendment Act, 2007, several key changes to the Act prevent landlords from taking the law into their own hands. Give four examples of the key changes that were effected by the Rental Housing Amendment Act of 2007 [8]

(i)

(ii)

(iii)

[TURN OVER]

(iv) _____

(d) Fill in the relevant beneficiaries who are protected by each of the statutes mentioned below [6]

No	Legislation	Beneficiaries
(i)	Rental Housing Act 50 of 1999	
(ii)	Land Reform (Labour Tenants) Act 3 of 1996	
(iii)	Extension of Security of Tenure Act 62 of 1997 (ESTA)	
(iv)	Prevention of Illegal Eviction and Unlawful Occupation of Land Act 19 of 1998	
(v)	National Building Regulations and Building Standards Act 103 of 1977 (NBRBSA)	
(vi)	Interim Protection of Informal Land Rights Act 31 of 1996	

Total [20]

TOTAL [100]

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