



LAH3701

MAY/JUNE 2017

LAND AND HOUSING

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Subject

Number of paper

Date of examination

Examination centre

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LAH3701 SECOND PAPER

May/June 2017

LAND AND HOUSING

Duration

2 Hours

100 Marks

EXAMINATION PANEL AS APPOINTED BY THE DEPARTMENT

Closed book examination.

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EXAMINERS:

FIRST DR BO MMUSINYANE SECOND PROF IM KNOBEL EXTERNAL ADV SS SERUMAGA

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		Black Land Act 27 of 1913
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

	1.	 	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		
40	4007		
10	1997		
]		
11			Prevention of Illegal Eviction from
			and Unlawful Occupation of Land
			Act
			Transformation of Certain Rural
			Areas Act

inhabitants of Southern Africa Southern Africa were	Riebeeck is considered to have been one of the early Briefly explain to him who the actual early inhabitants of [10]
-	
otal	[20]

-	tion 2	
	the missing words. Right from the start of colonial occupation, the use of had a racial bias, and	was
(4)	discriminatory and divisive As far as the colonisers were concerned,	
	occupation of the Cape Colony in became an issue of power and race	
	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 occup	
	Later, they moved northwards and eastwards to find new farming land. In the process, t	hey
	deprived the and the of their grazing and hunting lands	s 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	nent [4]
(c)	Briefly define land tenure	[2]
(d)	With reference to authority, explain fully what ownership is	[4]
	[TURN OVE	ER]

	
	
	
	
State and explain four ways in which ownership can be limited	
(i) 	
(11)	
(II)	
(11)	
(11)	
(II)	
(II)	
(II)	
(II)	

(III)	
(IV)	
otal	[20]
uestion 3	his in Carith Africa
) Mary was born in 1999 and wants to know more about land-tenure rig prior to 1994. She comes to you for information on them. Mention and b	nts in South Africa griefly explain six of
the eight forms of land-tenure rights applicable in South Africa.	[15]
	
	ITURN OVERI

	
	-
	_
b) Explain the difference between sectional title ownership and rights in share block schen	nes [5]
	

	LAH3701 May/June 2017
Total	[20]
	[20]
Question 4 (a) Thabo Schalk was shown a lease agreement entered into Baadie, and Pick in Pay supermarket, whereby Pick in Pay least to operate a food supermarket for a period of 15 years. The agreement between John Baadie and Pick in Pay was register of Rural Development and Land Reform offices, if e. Deeds Office is not sure if this lease agreement is considered by law You are a friend to Thabo Schalk, Advise him fully, with reference his uncle's long lease agreement is "property" or not	ased John Baadie's store The said 15 years' lease ered with the Department Office in Pretoria Thabo's w to be "property" or not

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(b) li	ndicate whether the following statements are True of False.
(A deprivation of property is essentially a restriction or limitation on the right to property
	[2]
(The Subdivision of Agricultural Land Act 70 of 1970 deals with, inter alia, the way property can be expropriated
	[2]
(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
(1	[2] The taking away of private land by the state in order to build public facilities like
(1	roads and dams is an example of deprivation of a property
	[2]
()	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	1001
IOIAI	[20]
period of 2 property Di claims not t property Ja squandering	Bois is renting a two-bedroom townhouse in Malamulele from Jacques Venter for a 4 months. However, Martina experiences several problems with her rental of the espite always paying her rental on time, and providing the necessary proof, Jacques o have received any payment, and continuously threatens to lock Martina out of the icques also threatens to forfeit her deposit. It transpires that Jacques' wife has been gothe rental money. Martina comes to you for advice in your capacity as a paralegal following questions.
	h body has jurisdiction to hear Martina's complaint against her landlord, Jacques?
	[2]
. ,	the facts mentioned above, give two examples of issues that this body in (a) above urisdiction to hear
(1)	[2]
(11)	[2]

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

No	Legislation	Beneficiaries
(1)	Rental Housing Act 50 of 1999	
(11)	Land Reform (Labour Tenants) Act 3 of 1996	
(111)	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]
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