



Land Reforms

What precautions can you take when you are leasing/buying/selling/owning a property?

Restitution: Enquire from the Regional Land Claims Commissioner's office in Pietermaritzburg that there are no registered restitution claims over the land .

Contact details are 033 - 3558400 (Tel) or 033- 3423409 (Fax)

Address:

Regional Land Claims Commission

Private Bag X9120

Pietermaritzburg

3200

Letting and Contracts:

In cases where property is let. It should be specially agreed that no additional persons may be accommodated on the property, other than those specified in the lease.

Buying and Selling of Land:

Avoid standard contracts that are freely used by estate agents.

Avoid purchase agreements in which property is sold "voetstoots".

Avoid purchase agreements that render the property subject to unspecified limitations laid down by the authorities.

If the seller cannot guarantee free and unhindered ownership, it is in the interest of the prospective buyer to avoid the transaction.

Granting of Residence

The rights of beneficiaries who have been granted 99 year leasehold rights or residence servitudes should be recorded against the title deed of the land.

Sellers of property must disclose the contractual arrangements for residence and utilisation rights in the sales contract.

Labour and Residence Agreements

If workers are given residence on the property as part of their employment contracts , it is advisable that labour and residence agreements clearly state the residence and service provisions in writing.

Well planned agri-residence sites /agri-villages offer a safer residence option.

Keep a record of persons who are contractually authorised to reside on the property.

Avoid drastic action where the rights of persons are terminated. Follow the legal directions to the letter.

Situations to avoid

Avoid labour and residence disputes that can end up in the relevant courts for settlement , and can lead to precedents.

Rather try the dispute settlement mechanisms specifically provided by the law.

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