
PROVINCE OF WESTERN CAPE

**WESTERN CAPE LESS FORMAL
TOWNSHIP ESTABLISHMENT
AMENDMENT ACT, 2007**

PROVINSIE WES-KAAP

**WES-KAAPSE WYSIGINGSWET
OP MINDER FORMELE
DORPSTIGTING, 2007**

No 6, 2007

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Less Formal Township Establishment Act, 1991, so as to make further provision relating to the amendment of notices which designated land as land for less formal settlement; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Amendment of section 3 of Act 113 of 1991

1. Section 3 of the Less Formal Township Establishment Act, 1991, is amended by the insertion of the following subsection after subsection (3): 5

“(3A) *(a)* If it is a condition of a notice referred to in subsection (1) that any part of the designated land may be used for certain purposes only or may not be used for certain purposes, the Administrator may, if there is an urgent need to do so, at any time amend the notice to provide that part of the designated land may be used for any other purpose, or for a purpose previously not allowed in terms of the notice, as the case may be. 10

(b) In the case of land referred to in subsection (1)(b), the notice may not be amended as envisaged in paragraph (a) unless the owner of the land has consented thereto in writing.

(c) Before the Administrator amends a notice as envisaged in paragraph (a), the Administrator shall— 15

- (i) advertise the proposed amendment to all persons likely to be affected by it; and

(ii) afford those persons reasonable opportunity to make representations.

(d) A person who has suffered damage as a result of the amendment to a notice as envisaged in paragraph (a) may, within a period of three years after such amendment, claim compensation for the damage from the Administrator.

(e) The Administrator shall compensate the claimant for the damage with the amount agreed to between the Administrator and the claimant, or in the absence of an agreement, with the amount determined by arbitration, in which case the provisions of the Arbitration Act, 1965 (Act 42 of 1965), shall apply *mutatis mutandis*.

(f) In this subsection “advertise” means to serve a notice on all persons or entities who in the opinion of the Administrator or relevant local authority, as the case may be, has an interest in the matter and whose address he knows or can obtain and, if the Administrator or said local authority so decides, to publish in the *Provincial Gazette* and in the press a notice—

- (i) specifying the place where and the hours during which particulars of the matter will be available for inspection, and
- (ii) stating that objections may be lodged with a person specified in the notice before a date likewise specified, being not less than 30 days after the date on which the notice is so served or is so published.”

Short title and commencement

2. This Act is called the Western Cape Less Formal Township Establishment Amendment Act, 2007.

