

PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

**Provincial Gazette**  
**Igazethi Yephondo**  
**Provinsiale Koerant**

**Vol. 19**

BISHO/  
KING WILLIAM'S TOWN, 25 MAY 2012

**No. 2766**  
**(Extraordinary)**

**IMPORTANT NOTICE**

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**GENERAL NOTICE**

**No. 156**

**NOTICE OF EXPROPRIATION**

**ISSUED BY SENQU MUNICIPALITY, AS MUNICIPAL NOTICE NO 51 OF 2012, BY THE OFFICE OF THE MUNICIPAL MANAGER.**

This notice is addressed the DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM (in its' capacity both as legal owner and as representative of all and any persons who may seek to assert rights recognized in terms of the Interim Protection of Informal Land Rights Act 31 of 1996, hereinafter referred to as "the Owner"); C/O THE PROVINCIAL CHIEF DIRECTOR (Attention: Ms Zodwa Mashologu), PO BOX 1958, EAST LONDON, 5200

**PLEASE TAKE NOTICE THAT** the **SENQU MUNICIPALITY** (hereinafter referred to as "the Municipality") acting in terms of the powers vested in the Municipality in terms of *inter alia* section 156(1)(b) of the Constitution and Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, Act 63 of 1975, as amended, ("the Expropriation Act"), **HEREBY EXPROPRIATES** the following property for public purposes, with the intent of establishment by the Municipality of a land-fill facility on the specified property situated within Farm Sterkspruit 82 (Administrative Area), situated in the Senqu Local Municipality, Herschel Registration Division, Eastern Cape Province, being unregistered State Land measuring approximately twelve (12), hectares, as appears more fully from the co-ordinate list below (hereinafter referred to as "the Property").

Coordinate List		System WG27		
BM1	-34 189.54	80 938.7	1523.88	12 mm Round Peg in Concrete
BM2	-34 613.79	81 169.20	1536.04	12mm Iron Peg In Concrete
BM3	-34 863.55	81 547.78	1545.34	12mm Iron Peg In Concrete
BM4	-33 837.18	82 012.87	1529.77	13mm Iron Peg In Concrete
A	-33 977.93	81 611.12		
B	-33 984.30	81 623.70		
C	-34 024.43	81 636.74		
D	-34 078.09	81 477.53		White painted wooden plank
E	-34 277.96	81 538.76		White painted wooden plank
F	-34 369.99	81 773.35		White painted wooden plank

G	-33 909.06	81 982.09		White painted wooden plank
H	-34 020.91	81 648.22		
I	-33 980.79	81 635.18		
J	-33 968.37	81 641.66		
Survey diagrams of the property may be viewed on the municipal notice board of at Senqu Local Municipality in Lady Grey.				

**PLEASE TAKE FURTHER NOTICE:**

1. That the Expropriation Date is the 31<sup>st</sup> of July 2012, from which date ownership of the Property shall vest in the Municipality.
2. That the Municipality shall take possession of the Property on the 31<sup>st</sup> day of July 2012.
3. That in terms of section 12(1)(a)(i) an amount R42 000 (Forty two thousand rand) equivalent to the sum of money necessary to make good any actual financial loss caused by the said expropriation together with such amounts that may become payable in terms of section 12(2) of the Expropriation Act (hereinafter referred to as "the Compensation Offered") and to be paid by the Municipality to the Owner, either in cash or in kind, is hereby offered as compensation in terms of the provisions of the said Act.
4. Please take further notice of the provisions of Section 9(1) of the Expropriation Act as read with section 9(1) of the Housing Act which provides *inter alia* that: "(1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Municipality a written statement indicating – (a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in Section 12(1)(a)(i) and (ii) or (b) and full particulars as to how such amounts are made up; (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in Section 12(1) (a)(i) and (ii) or (b) and full

*particulars as to how such amounts are made up; (c) if the property expropriated is land and any amounts is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land; (d) if the property being expropriated is land – (i) which prior to the date of notice was leased as a whole or in part by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing; (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof; (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building-contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof; (e) the address to or at which the owner desires that further documents in connection with the expropriation may be posted or delivered or tendered. Provided that the Municipality may at its discretion extend the said period of sixty days, and that, if the Owner requests the Municipality in writing within thirty days as from the date of notice to extend the said period of sixty days, the Municipality shall extend such period by a further sixty days."*

**5.** Please take further notice of the provisions of Section 12(3)(a) of the Expropriation Act which provides *inter alia* that: "*(3)(a) Interest at the standard interest rate determined in terms of Section 26(1) of the Exchequer Act, 1975 (Act 66 of 1975), shall, subject to the provisions of subsection (4), be payable from the date on which the Municipality takes possession of the property in question in terms of Section 8(3) or (5) on any outstanding portion of the amount of compensation payable in accordance with subsection (1):...*" and the provisions of subsection 12(3)(a)(ii) of the Expropriation Act which provides *inter alia* that: "*(ii) if the owner fails to comply with the provisions of Section 9(1) within the appropriate period referred to in the said section, the amount so payable shall during the period of such failure and for the purpose of the payment*

*of interest be deemed not to be an outstanding amount."*

**6.** Please take further notice of the provisions of Section 13(3) of the Expropriation Act which provides *inter alia* that: "*If the owner of expropriated property fails to comply with the provisions of Section 9(1)(d)(i) and the Municipality did not, prior to the payment of any compensation money to the owner, become aware of the existence of the lease in respect of such property, the Municipality shall not be obliged to pay compensation to the lessee concerned in respect of the termination of his rights, but such owner shall be liable to any such lessee for damage sustained by him in consequence of the termination of his rights.*"

**7.** Please take further notice of the provisions of Section 19(1) of the Expropriation Act, read with Section 21(4) of the Expropriation Act, which provides *inter alia* that if the property, expropriated under the Expropriation Act was immediately prior to the date of expropriation encumbered by a mortgage bond and the owner and the mortgagee have not notified the Municipality in terms of Section 19 in regard to the payment of compensation or the terms of compensation being paid, then the Municipality shall, subject to provisions of Section 19(3) pay the amount of such compensation to the Master of the High Court.

**8.** Please take further notice that the owner is hereby requested to deliver or cause to be delivered to the Municipality at the address mentioned below within 60 (sixty) days, the Title Deed to the expropriated property or if it is not the owner's possession or under the owner's control, written particulars of the name and address of the person in whose possession or control it is. Reference is further made to the provisions of Section 9(6) of the Expropriation Act, in terms whereof it is an offence to refuse or fail to comply with sufficient reasons, with this request.

**9.** Please take further notice that the owner's attention is further directed to the provisions of Section 9(5) of the Expropriation Act in terms whereof any person who willfully furnishes false or misleading particulars in any written instrument or document which he may, by virtue of the provisions

of Section 9(1) of the Expropriation Act, deliver or cause to be delivered to the Municipality, shall be guilty of an offence and be liable on conviction to be punished as if he had been convicted of fraud.

**10.** Please take further notice that the owner is advised of all his rights, duties and obligations as set out fully in the Expropriation Act and nothing mentioned in this Notice shall detract from the rights, duties and obligations of the owner as provided for in the Expropriation Act.

**11.** Please take further notice that all responses in terms of this Notice of Expropriation must be addressed to the Municipal Manager of the Municipality, being:

**THE MUNICIPAL MANAGER,  
SENQU LOCAL MUNICIPALITY,  
19 MURRAY STREET**

**LADY GREY, 9755**

**Tel: 051 603 1308 Fax: 051 603 0445 REFERENCE: LULAMA  
GOLOGOLO**

**SIGNED AT LADY GREY ON THIS 23rd DAY OF MAY 2012.**

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**M.M. YAWA**

MUNICIPAL MANAGER

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