

SI 394 of 1998
Administrative Court (Land Acquisition) Rules 1998
Statutory Instrument 394 of 1998
Amended by SI's 143A , 172 of 2004, and 11 of 2005.

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The Administrative Court (Land Acquisition) Rules, 1998, as amended by these rules, shall apply to every application for an authorizing or confirming order under section 7 of the Land Acquisition Act [Chapter 7:01] that has not been determined on the date of commencement of these rules:

Provided that any papers already lodged with the Registrar of the Administrative Court on such date shall not be required to be lodged again.

[inserted by Section 8 of S.I. 143A of 2004 gazetted on the 9th July, 2004.]

IT is hereby notified that the Chief Justice and the Minister of Justice, Legal and Parliamentary Affairs, in terms of section 12 of the Administrative Court Act [Chapter 7:01], have approved the following rules made by the Presidents of the Administrative Court:—

Title

1. These rules may be cited as the Administrative Court (Land Acquisition) Rules, 1998.

Interpretation

2. (1) In these rules—

“appropriate fee” means the fee prescribed for the matter concerned in the First Schedule;

“authorising or confirming order” means an order in terms of section 7 of the Land Acquisition Act authorising or confirming, as the case may be, the acquisition of land;

“form” means the appropriate form prescribed in the Second Schedule;

“Land Acquisition Act” means the Land Acquisition Act [Chapter 20:10];

- (2) Any word or expression to which a meaning has been assigned in the Land Acquisition Act shall bear the same meaning in these rules.

(3) Any reference in these rules to the acquisition of land shall be construed as including—

- (a) the taking of materials from land; or
- (b) the acquisition of any other property or any interest or right in property, where the Land Acquisition Act applies to such an acquisition.

(4) Where anything is required by these rules to be done within a particular number of days, a Saturday, Sunday or public holiday shall not be reckoned as part of such period.

[amended by S.I.143A of 2004 with effect from 9th July, 2004.]

Reference to Court of question relating to acquisition of part of piece of land

3. (1) Where an acquiring authority wishes, in terms of subsection (2) of section 6 of the Land Acquisition Act, to refer to the Court a question whether or not he must acquire the whole of a piece of land, he shall lodge with the Registrar a notice in form LA 1 accompanied by—

- (a) a copy of the preliminary notice of intention to acquire part of the land concerned; and
- (b) a copy of the notice calling upon the acquiring authority to acquire the whole of the piece of land concerned; and
- (c) an affidavit setting out the facts relied upon by the acquiring authority; and
- (d) the appropriate fee.

(2) As soon as possible after lodging a notice and documents referred to in subrule (1) with the Registrar, the acquiring authority shall cause them to be served on the owner of the land concerned.

(3) Within fifteen days after being served with documents in terms of subrule (2), the owner of the land concerned may lodge with the Registrar an affidavit setting out the facts on which he relies and shall cause a copy of any such affidavit to be served as soon as possible on the acquiring authority.

Application to Court for authorising or confirming order, and set-down and hearing thereof

[substituted by S.I. 143A of 2004 with effect from 9th July, 2004.]

4. (1) An application for an authorising or confirming order shall be lodged with the Registrar in form LA 2 and shall—

- (a) describe the land concerned; and
- (b) state the names and addresses of the persons to whom notice of the application has been given in terms of subsection (3) of section 7 of the Land Acquisition Act; and
- (c) be accompanied by—
 - (i) an affidavit attested by or on behalf of the acquiring authority and setting out the purpose of the acquisition of the land concerned; and
 - (ii) the appropriate fee.

(1a) An application lodged in terms of subsection (1) may be accompanied by any other statement (whether sworn or unsworn) or documentation that the applicant may wish to submit in support of the application.

[inserted by S.I. 172 of 2004 with effect from 13th August, 2004.]

(2) Notice of an application for an authorising or confirming order shall be given in terms of subsection (3) of section 7 of the Land Acquisition Act in form LA 3 and shall be accompanied by copies of the application and the affidavit referred to in paragraph (c) of subrule (1).

(3) Any person who wishes to oppose the grant of an authorising or confirming order shall, within five days after receiving notice of the application for the order in terms of subrule (2)—

[amended by S.I. 143A of 2004 with effect from 9th July, 2004.]

- (a) lodge with the Registrar a notice in form LA 4—
 - (i) specifying clearly the nature of his objections; and
 - (ii) accompanied by an affidavit setting out any facts relied on by him;

and

(b) serve a copy of the notice and any affidavit referred to in paragraph (a) on the acquiring authority.

(3a) A notice lodged in terms of subsection (3) may be accompanied by any other statement (whether sworn or unsworn) or documentation that the respondent may wish to submit in support of the application.

[inserted by S.I. 172 of 2004 with effect from 13th August, 2004.]

(4) An application for an authorizing or confirming order shall not be set down for hearing unless—

(a) where an applicant is to be represented by a legal practitioner at the hearing of the application, the legal practitioner—

(i) within a reasonable time of receiving a notice of opposition to the grant of an authorizing or confirming order, lodges with the Registrar heads of argument clearly out-lining the submissions he intends to rely on and setting out the authorities, if any, which he intends to cite; and

[amended by S.I. 172 of 2004 with effect from 13th August, 2004.]

(ii) immediately afterwards, delivers a copy of the heads of argument to the person (hereinafter called “the respondent”) opposing the grant of an authorizing or confirming order and lodges with the Registrar proof of such delivery;

(b) where a respondent is to be represented by a legal practitioner at the hearing of the application, the legal practitioner—

(i) within five days of receiving a copy of the heads of argument in terms of subparagraph (ii) of (a), lodges with the Registrar heads of argument clearly outlining the submissions he intends to rely on and setting out the authorities, if any, which he intends to cite;

[amended by S.I. 11 of 2005 with effect from 28th January, 2005]

and

(ii) immediately afterwards, delivers a copy of the heads of argument to the applicant and lodges with the Registrar proof of such delivery.

(5) Where heads of argument that are required to be lodged in terms of paragraph (b) of subrule (4) are not lodged on behalf of the respondent within the period specified in that provision—

(a) the applicant may, at any time before the matter is set down for hearing in terms of subrule (8), and without notice to the respondent, apply to a President of the Court in chambers for the Application for an authorizing or confirming order to be granted by default; or

(b) if no chamber application in terms of paragraph (1) is made or granted, the respondent concerned shall be barred and the Court may deal with the matter on the merits.

[substituted by S.I. 172 of 2004 with effect from 13th August, 2004.]

(6) Where an applicant or respondent is not to be represented at the hearing by a legal practitioner, he may, if he so wishes, lodge heads of argument with the Registrar, in

which event he shall comply with paragraph (a) or paragraph (b), as the case may be, of subrule (4).

(7) After the affidavits referred to in subrules (1) and (3) (together with any statements or other documents referred to in subrules (1a) and (3a)) and heads of argument referred to in subrule (4) have been lodged with the Registrar, no further papers may be lodged without leave of the Court.

[substituted by S.I. 172 of 2004 with effect from 13th August, 2004.]

(8) As soon as possible after the time has elapsed for—

(a) a person who wishes to object to the grant of an authorizing or confirming order to lodge a notice in terms of subrule (3); or

(b) a person to lodge heads of argument where he is required or chooses to do so in terms of subrule (4) or (6);

as the case may be, the Registrar shall set the matter down for hearing on a date and at a time and place selected by him in accordance with any instructions given to him by a President of the Court, and he shall forthwith give notice of the date, time and place to the parties to the application:

Provided that all the parties shall receive not less than two days' notice of the date, time and place of the hearing.

[substituted by S.I. 172 of 2004 with effect from 13th August, 2004.]

(9) A legal practitioner shall not be precluded from making a submission or citing an authority that was not outlined or set out in the heads of argument lodged in terms of subrule (4), unless the Court considers that—

(a) the submission or authority was omitted from the heads of argument with the intention of misleading the other party; or

(b) to permit the legal practitioner to make the submission or cite the authority would prejudice the other party in a manner that could not be remedied adequately by a postponement or an appropriate order of costs.

(10) At the hearing of an application for an authorizing or confirming order—

(a) unless the court otherwise orders, the applicant shall be heard in argument in support of the application, and thereafter the respondent's argument against the application shall be heard and the applicant shall be heard in reply;

(b) the Court may allow oral evidence:

Provided that if one of the parties has been barred the Court shall deal with the application as though it were unopposed.

[Subrules (4) to (10) inserted by S.I. 143A of 2004 with effect from 9th July, 2004.]

5. [Repealed by SI 143A of 2004 with effect from the 9th July, 2004.]

Reference to Court of disputes concerning compensation: land other than designated rural land

6. (1) Where an acquiring authority or a claimant wishes to refer to the Court in terms of subsection (2) of section 24 of the Land Acquisition Act any question relating to—

(a) the claimant's right to compensation in terms of the Land Acquisition Act; or

(b) the amount of compensation payable to the claimant in terms of Part V of the Land Acquisition Act;

he shall lodge with the Registrar a notice in form LA 6 accompanied by—

(i) a copy of the preliminary notice and any order in terms of subsection (1) of section 8 of the Land Acquisition Act relating to the land concerned; and

(ii) a copy of the claim for compensation submitted in terms of subsection (1) of section 22 of the Land Acquisition Act; and

(iii) where the dispute relates to the amount of compensation payable—

- A. a statement of the latest offer of compensation made by the acquiring authority; and
 - B. where the notice is being lodged by the acquiring authority, a statement of the basis on which the compensation was offered; and
 - C. where the notice is being lodged by the claimant, a statement of the amount of compensation he considers he should be paid and the basis on which it should be assessed;
- and
- (iv) the appropriate fee.

(2) As soon as possible after lodging a notice and documents referred to in subrule (1) with the Registrar, the acquiring authority or claimant, as the case may be, shall cause them to be served on the other party to the application.

(3) Within fifteen days after being served with documents in terms of subrule (2), a party to an application may lodge with the Registrar an affidavit setting out his contentions in regard to the reference and the facts on which he relies, and shall cause a copy of any such affidavit to be served as soon as possible on the other party.

Appeal against determination that land is derelict

7. (1) Where a person wishes to appeal against a declaration by the Derelict Land Board in terms of subsection (5) of section 42 of the Land Acquisition Act that any land is derelict, he shall lodge with the Registrar a notice of appeal in form LA 7 accompanied by—

- (a) a copy of the declaration appealed against or a precise description of the land concerned; and
- (b) an affidavit setting out the facts on which he relies for his contention that the land concerned is not derelict; and
- (c) the appropriate fee.

(2) As soon as possible after lodging a notice and documents referred to in subrule (1) with the Registrar, the appellant shall cause them to be served on the chairman or secretary of the Derelict Land Board.

(3) Within fifteen days after being served with documents in terms of subrule (2), the Derelict Land Board shall lodge with the Registrar—

- (a) a copy of the report of the Chief Land Officer which gave rise to the Board's declaration in regard to the land concerned; and
- (b) a copy of the notice published in terms of subsection (1) of section 42 of the Land Acquisition Act in regard to the land concerned; and
- (c) a copy of the minutes or other record of the Board's proceedings at which it considers declaring the land concerned to be derelict; and
- (d) an affidavit setting out the grounds on which the Board's declaration was based;

and as soon as possible thereafter shall cause copies of the documents to be served on the appellant.

Other applications in terms of the Land Acquisition Act

8. (1) Where a person wishes to make an application to the Court in terms of the Land Acquisition Act, other than an application referred to in section 4 or 6, he shall lodge with the Registrar—

- (a) a notice setting out the nature of the application and the grounds on which it is made; and
- (b) where any facts are relied on to support the application, an affidavit by a person who can swear positively to those facts.

(2) As soon as possible after lodging documents referred to in subrule (1) with the Registrar, the applicant shall cause them to be served on the other party to the application.

(3) Within five days after being served with documents in terms of subrule (2), a party to an application may lodge with the Registrar a document setting out his contentions in regard to the application and the facts on which he relies, and shall cause a copy of any such affidavit to be served as soon as possible on the other party:

Provided that, if the party relies on any facts in opposing the application, he shall lodge an affidavit verifying those facts.

9. [Repealed by SI 143A of 2004 with effect from the 9th July ,2004.]

Set-down for hearing

10. (1) As soon as possible after the time has elapsed for—

(a) an owner of land to lodge an affidavit in terms of subrule (3) of rule 3;

or

(b) [repealed by S.I. 143A of 2004 with effect from 9th July, 2004.]

(c) a claimant or acquiring authority to lodge an affidavit in terms of subrule (3) of rule 5 of subrule (3) of rule 6; or

(d) the Derelict Land Board to lodge documents in terms of subrule (3) of rule 7; or

(e) a respondent in an application to lodge documents referred to in subrule (3) of rule 8;

the Registrar shall set the matter down for hearing on a date and at a time and place selected by him in accordance with any instructions given to him by a President of the Court, and he shall forthwith give notice of the date, time and place to all interested parties:

Provided that all the parties shall receive not less than five days' notice of the date, time and place of hearing.

(2) Where an application is to be considered in connection with an appeal, the Court may proceed to determine the appeal immediately after determining the application. Heads of argument in matters other than applications for authorizing or confirming orders

[substituted by S.I. 143A of 2004 with effect from 9th July, 2004.]

11. (1) At any time after he has received all the papers in an application, appeal or reference to which these rules apply (other than an application governed by rule 4), the Registrar may call upon all or any party who is represented by a legal practitioner to lodge with the Registrar, within such reasonable period as the Registrar may specify, a document setting out the main heads of his argument together with a list of authorities to be cited in support of each head.

[amended by S.I. 143A of 2004 with effect from 9th July, 2004.]

(2) A party who is called upon to lodge heads of argument in terms of subrule (1) shall comply with the request within the period specified by the Registrar, and immediately after doing so shall deliver a copy of the document to every other interested party whom he knows or has reason to believe will appear at the hearing of the application, appeal or reference.

Address for services

12. Any address specified by a party to an application, appeal or reference referred to in these rules shall be deemed to have been chosen by him as his domicilium citandi for the purposes of these rules.

Service of process

13. (1) Any notice, application or other document required to be served in terms of these rules may be served in any of the ways specified in section 40 of the Interpretation Act [Chapter 1:01].

(2) If there is a reason to doubt that a document served on a person by post or by delivery to his residence or place of business or domicilium citandi had actually come to his knowledge, the President of the Court presiding over the matter concerned shall treat such service as invalid.

Departure from rules

14. A President of the Court may, for good cause shown, condone any non-compliance with these rules.

Repeal

15. The Land Acquisition (Compensation Court) Rules 1979, published in Statutory Instrument 913 of 1979, are repealed.

First Schedule (Section 2)

APPROPRIATE FEES

Provision of rules Appropriate fee

§

Rule 3 (reference of question of acquisition of part of piece of land) 120

Rule 4 (application for authorising or confirming order) 120

Rule 5 (reference to Court for review of compensation assessed for acquisition of designated rural land) 100

Rule 6 (reference to Court of dispute concerning acquisition of land other than designated rural land) 120

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Second Schedule (Section 2)

FORMS

Form LA 1

LAND ACQUISITION ACT [Chapter 20:10]

REFERENCE OF QUESTION RELATING TO ACQUISITION OF PART OF
PIECE OF LAND

To the Registrar of the Administrative Court,
and to:

(Name and address of owner of piece of land concerned)

A preliminary notice has been issued in terms of section 5 of the Land Acquisition Act [Chapter 20:10] on the (date) for the acquisition of the following land:

(Describe the land intended to be acquired)

The land is part of the following piece of land:

(Describe the piece of land which the land to be acquired forms a part)

The owner of the land has called upon the acquiring authority, in terms of section 6 of the said Act, to acquire the whole of the piece of land concerned. The acquiring authority, however, considers that the intended acquisition will not render the remainder of the piece of land unsuitable for the purpose for which it was being used or was bona fide intended to be used immediately before the preliminary notice was served on the owner.

The matter is therefore referred to the Administrative Court for its determination in terms of subsection (2) of section 6 of the said Act.

By this notice, the owner of the land is called upon, within fifteen days after service of this notice upon him, to lodge with the Registrar of the Administrative Court an affidavit setting out the facts on which he relies and, as soon as possible thereafter,

cause a copy of the affidavit to be served on the acquiring authority at the address given below.

(Date) (Acquiring authority)

(Address)

Notes:

1. This notice must be accompanied by:
 - (a) a copy of the preliminary notice of intention to acquire part of the land concerned; and
 - (b) a copy of the owner's notice calling upon the acquiring authority to acquire the whole of the piece of land; and
 - (c) an affidavit setting out the facts relied upon by the acquiring authority; and
 - (d) the appropriate fee.
2. The acquiring authority must ensure that a copy of this notice, together with copies of the documents specified in note 1, is served on the owner of the land concerned as soon as possible after it is lodged with the Registrar of the Administrative Court.

Form LA 2

LAND ACQUISITION ACT [Chapter 20:10]

APPLICATION FOR ORDER AUTHORIZING OR CONFIRMING ACQUISITION OF PIECE OF LAND

To the Registrar of the Administrative Court.

A preliminary notice was issued in terms of section 5 of the Land Acquisition Act [Chapter 20:10] on the (date) for the acquisition of the following piece of land:

(Describe the land intended to be acquired)

*An order for the acquisition of the piece of land in terms of section 8 of the said Act came into force on the (date)

The owner of the land has lodged a written objection to the acquisition of the piece of land in terms of section 5(1)(a)(iii) of the said Act.

The acquiring authority therefore applies to the Administrative Court in terms of subsection (1) of section 7 of the said Act for an order *authorizing/confirming the acquisition of the piece of land.

Notice of this application has been given to the following persons in terms of subsection (3) of section 7 of the said Act:

(Give the names and addresses of all the persons to whom notice has been given)

(Date) (Acquiring authority)

(Address)

Notes:

1. This application must be accompanied by:
 - (a) an affidavit attested by or on behalf of the acquiring authority and setting out the purpose of the acquisition of the land concerned; and
 - (b) the appropriate fee.
2. The acquiring authority must ensure that the owner of the land concerned is notified of this application as soon as possible after it is lodged with the Registrar of the Administrative Court. The notification must be in Form LA 3 and must be accompanied by a copy of this application.
(*Delete the inapplicable)

Form LA 3

LAND ACQUISITION ACT [Chapter 20:10]
NOTICE OF APPLICATION FOR ORDER AUTHORIZING OR CONFIRMING
ACQUISITION OF PIECE OF LAND

To:

(Name and address of owner of piece of land concerned)

Take notice that, following your objection to the acquisition of the following piece of land:

(Describe the piece of concerned)

an application for an order *authorizing/confirming its acquisition was lodged with the Registrar of the Administrative Court on the (date) in terms of section 7 of the Land Acquisition Act [Chapter 20:10]. A copy of the application and its supporting affidavit accompany this notice.

If you wish to oppose the grant of the order, you must do so by lodging a notice of your objection in form LA 4 with the Registrar of the Administrative Court, together with an affidavit setting out any facts you rely on, and serve a copy on the undersigned at the address given below.

(Date) (Acquiring authority)

(Address)

Note: This notice must be served on the owner of the piece of land concerned together with a copy of the application for an authorizing or confirming order and the affidavit that was lodged with the application.

(*Delete the inapplicable)

Form LA 4

LAND ACQUISITION ACT [CHAPTER 20:10]
NOTICE OF INTENTION TO OPPOSE APPLICATION FOR ORDER
AUTHORIZING OR CONFIRMING ACQUISITION OF PIECE OF LAND

To the Registrar of the Administrative Court,
and to:

(Name and address of acquiring authority)

Take notice that the application by the above acquiring authority for an order
*authorizing/confirming the acquisition of the following piece of land:

(Describe the land intended to be acquired)
is opposed on the following grounds:

(State the grounds on which the application is opposed: if the space on this form is not
sufficient, use a separate piece of paper)

(Date) (Acquiring authority)

(Address)

Notes:

1. The objector must lodge this notice with the Registrar of the Administrative Court within fifteen days after notice of the application was served on him.
2. If the objector relies on any facts to support the grounds of his objection, an affidavit setting out those facts must be lodged with the Registrar together with this notice.
3. A copy of this notice, together with any affidavit referred to in note 2, must be served on the acquiring authority as soon as possible after it has been lodged with the Registrar.

(*Delete the inapplicable)

Form LA 5

LAND ACQUISITION ACT [CHAPTER 20:10]

REFERENCE TO ADMINISTRATIVE COURT FOR REVIEW OF ASSESSMENT
OF COMPENSATION FOR ACQUISITION OF DESIGNATED RURAL LAND

To the Registrar of the Administrative Court,

and to:

(Name and address of other party to the reference)

and to the Compensation Committee:

The following piece of designated rural land:

(Describe the piece of land)

owned by

(Set out the name and address of the owner of the piece of land)

*has been/is being compulsorily acquired in terms of the Land Acquisition Act
[Chapter 20:10] by:

(Set out the name and address of the acquiring authority)

The Compensation Committee, in terms of subsection (4) of section 18 of the said
Act, has fixed the compensation payable in respect of the acquisition as follows:

(Set out the amount of compensation fixed by the Committee; where different amounts have been specified in respect of different items, such as farm buildings, these amounts should be stated separately)

It is contended that, in assessing this compensation, the Compensation Committee did not observe the following principles prescribed or referred to in section 19 or 21 of the said Act:

(State the principles which it is contended the Compensation Committee did not observe, if the space on this form is not sufficient, use a separate piece of paper)
The assessment is therefore referred to the Administrative Court in terms of subsection (1) of section 23 of the said Act for review of the Compensation Committee's decision.

(Date) (Party seeking the review)

(Address)

Notes:

1. This notice must be lodged with the Registrar of the Administrative Court within sixty days after the person seeking the review was notified of the Compensation Committee's assessment, and it must be lodged together with:
 - (a) a copy of the preliminary notice and any order in terms of subsection (1) of section 8 of the Land Acquisition Act relating to the land concerned; and
 - (b) a statement, verified by affidavit, of the amount of compensation which the person making the reference considers should be paid and the basis on which he considers the compensation should be assessed; and
 - (c) the appropriate fee.
2. As soon as possible after lodging this notice with the Registrar, the party seeking the review must serve copies of it, together with copies of documents referred to in note 1, on the other party to the review and on the Compensation Committee.
3. Within fifteen days after being served with this notice and the accompanying documents, the Compensation Committee must lodge with the Registrar of the Administrative Court:
 - (a) a copy of the designated valuation officer's preliminary assessment of the compensation payable, prepared in respect of the land concerned in terms of subsection 91) of section 18 of the Land Acquisition Act; and
 - (b) a copy of the Compensation Committee's estimate of the compensation payable, prepared in respect of the land concerned in terms of paragraph (a) of subsection (3) of section 18 of the Land Acquisition Act; and
 - (c) a copy of the Compensation Committee's assessment of the compensation payable, prepared in respect of the land concerned in terms of subsection (4) of section 18 of the Land Acquisition Act;

and as soon as possible after lodging those documents, the Compensation Committee must cause copies of them to be served on the parties to the review.

4. Within fifteen days after being served with documents referred to in note 3, either party to the review may lodge with the Registrar an affidavit setting out his contentions in regard to the compensation payable and the facts on which he relies, and, if he does so, he must cause a copy of any such affidavit to be served as soon as possible on the other party.

(*Delete the inapplicable)

Form LA 6

LAND ACQUISITION ACT [CHAPTER 20:10]
REFERENCE TO ADMINISTRATIVE COURT OF DISPUTE REGARDING
COMPENSATION FOR ACQUISITION OF LAND OTHER THAN DESIGNATED
RURAL LAND

To the Registrar of the Administrative Court,

and to:

(Name and address of other party to the reference)

The following piece of land:

(Describe the piece of land)

*has been/is being compulsorily acquired in terms of the Land Acquisition Act
[Chapter 20:10] by:

(Set out the name and address of the acquiring authority)

The following person has submitted a claim for compensation in terms of subsection
(1) of section 22 of the said Act:

(State the claimant's name and address: but if the claimant is the owner of the piece of
land, write simply "owner")

*The acquiring authority disputes the claimant's right to compensation.

*The claimant considers the amount of compensation offered by the acquiring
authority for the acquisition of the land to be insufficient.

The question is therefore referred for decision to the Administrative Court in terms of
subsection (2) of section 24 of the said Act.

(Date) (Acquiring authority)

(Address)

Notes:

1. This notice may be lodged with the Registrar of the Administrative Court at any time after thirty days have elapsed since the land was acquired in terms of section 8 of the Land Acquisition Act. If, however, the acquiring authority has withdrawn the preliminary notice of acquisition or allowed it to lapse, or the

Administrative Court has refused to grant order authorizing or confirming the acquisition, then this notice may be lodged at any time.

2. This notice must be lodged together with:

(a) a copy of the preliminary notice of acquisition and any order of acquisition in terms of subsection (1) of section 8 of the Land Acquisition Act relating to the land concerned; and

(b) a copy of the claim for compensation submitted by the claimant in terms of subsection (1) of section 22 of the Land Acquisition Act; and

(c) where the dispute relates to the amount of compensation payable—

(i) a statement of the latest offer of compensation made by the acquiring authority; and

(ii) where the notice is being lodged by the acquiring authority, a statement of the basis on which the compensation was offered; and

(iii) where the notice is being lodged by the claimant, a statement of the amount of compensation he considers he should be paid and the basis on which it should be assessed; and

(d) the appropriate fee.

2. As soon as possible after lodging this notice with the Registrar, the party who lodged it must serve copies of it, together with copies of the documents referred to in note 1, on the other party (i.e. on the acquiring authority, where the claimant has lodged the notice or on the claimant, where the acquiring authority lodged the notice).

3. Within fifteen days after being served with this notice and the accompanying documents, the other party may lodge an affidavit with the Registrar of the Administrative Court setting out his contentions in regard to the reference and the facts on which he relies, and, if he does so, he must cause a copy of any such affidavit to be served as soon as possible on the other party.

Form LA 7

LAND ACQUISITION ACT [CHAPTER 20:10]

APPEAL AGAINST DECISION OF DERELICT LAND BOARD THAT LAND IS DERELICT

To the Registrar of the Administrative Court, and to the Derelict Land Board

On the (date), the Derelict Land Board published a notice in the Gazette in terms of subsection (5) of section 42 of the Land Acquisition Act [Chapter 20:10] declaring the following piece of land:

(Describe the piece of land)

to be derelict, I have the following interest in the land:

(State interest in land - i.e. owner, lessee, occupier, mortgagee, etc)

In terms of subsection (6) of section 42 of the said Act I appeal against the decision on the following grounds:

(State the grounds of appeal, if the space on this form is not sufficient, use a separate piece of paper)

The facts on which these grounds are based as set out in the accompanying affidavit.

(Date) (Acquiring authority)

(Address)

Notes:

1. This notice may be lodged with the Registrar of the Administrative Court within three months after the date on which the Derelict Land Board published its notice declaring the land concerned to be derelict. The Administrative Court may, however, allow the notice to be lodged later if good cause is shown.

2. This notice must be lodged together with:

(a) a copy of the declaration appealed against or a precise description of the land concerned; and

(b) an affidavit setting out the facts on which the appellant relies for his contention that the land concerned is not derelict; and

(c) the appropriate fee.

3. As soon as possible after lodging this notice with the Registrar, the appellant must cause it to be served, together with the documents referred to in note 2, on the chairman or secretary of the Derelict Land Board.

4. Within fifteen days after being served with documents in terms of subrule (2), the Derelict Land Board must lodge with the Registrar of the Administrative Court—

(a) a copy of the report of the Chief Land Officer which gave rise to the Board's declaration in regard to the land concerned; and

(b) a copy of the notice published in terms of subsection (1) of section 42 of the Land Acquisition Act in regard to the land concerned; and

(c) a copy of the minutes or other record of the Board's proceedings at which it considered declaring the land concerned to be derelict; and

(d) an affidavit setting out the grounds on which the Board's declaration was based;

and as soon as possible after lodging those documents, the Board must cause them to be served on the appellant.

Supplement to the Zimbabwe Government Gazette dated the 25th December, 1998.

Printed by the Government Printer, Harare.