

**EXPROPRIATION AMENDMENT ACT  
NO. 45 OF 1992**

[ASSENTED TO 7 APRIL, 1992]

[DATE OF COMMENCEMENT: 1 MAY, 1992]

*(Afrikaans text signed by the State President)*

**ACT**

To amend the Expropriation Act, 1975, so as to define, further define or delete certain expressions; to extend the power to expropriate to any minister responsible for the administration of works and land affairs; to restrict expropriation by Transnet to expropriation under the Legal Succession to the South African Transport Services Act, 1989; to facilitate the expropriation procedure; to extend payment of compensation in respect of unregistered rights; to extend penal provisions; to further regulate offers and claims relating to compensation, disposal of the amount of compensation, payment of interest, payment of legal costs and the withdrawal of expropriation; and to repeal certain obsolete provisions; to effect certain consequential amendments to the Water Act, 1956; to amend the Deeds Registries Act, 1937, so as to facilitate the recording of expropriation; to amend the Legal Succession to the South African Transport Services Act, 1989, so as to regulate expropriation by Transnet anew; and to provide for matters connected therewith.

1. Amends section 1 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) deletes the definition of “compensation court”; paragraph (b) substitutes the definition of “date of expropriation”; paragraph (c) deletes the definition of “date of offer of compensation”; paragraph (d) substitutes the definition of “executive committee”; paragraph (e) deletes the definition of “immovable property”; paragraph (f) inserts the definition of “lessee”; paragraph (g) substitutes the definition of “local authority”; paragraph (h) substitutes the definition of “Minister”; paragraph (i) amends the definition of “owner” by adding paragraphs (i) and (j); paragraph (j) inserts the definition of “possess”; paragraph (k) deletes the definition of “regulation”; paragraph (l) inserts the definition of “road”; and paragraph (m) deletes the definition of “this Act”.

2. Amends section 2 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) substitutes subsections (2) and (3); and paragraph (b) adds subsection (4).

3. Amends section 3 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) substitutes subsection (1); and paragraph (b) substitutes subsection (2) (c).

4. Repeals section 4 of the Expropriation Act, No. 63 of 1975.

5. Amends section 5 of the Expropriation Act, No. 63 of 1975, by substituting subsection (1).

6. Amends section 7 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) substitutes subsection (2); paragraph (b) substitutes subsection (3); paragraph (c) substitutes subsection (4); and paragraph (d) substitutes subsection (5).

7. Amends section 8 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) substitutes subsection (3); paragraph (b) substitutes subsection (4); paragraph (c) substitutes subsection (5); and paragraph (d) substitutes subsection (7).

8. Amends section 9 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) substitutes subsection (1) (d) (i); paragraph (b) deletes subsection (1) (d) (iv); para-

graph (c) substitutes subsection (1) (e); paragraph (d) deletes subsection (2); paragraph (e) deletes the expression "(2)" in subsection (5); and paragraph (f) substitutes subsection (6).

9. Substitutes section 10 of the Expropriation Act, No. 63 of 1975.

10. Amends section 11 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) substitutes subsection (1); paragraph (b) deletes subsection (2); and paragraph (c) deletes the words "in terms of subsection (2)" at the end of subsection (3).

11. Amends section 12 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) substitutes the words preceding subsection (1) (a) (i); paragraph (b) substitutes subsection (1) (b); paragraph (c) adds the proviso to subsection (1); paragraph (d) substitutes subsection (2); paragraph (e) substitutes subsection (3); paragraph (f) substitutes subsection (5) (c); paragraph (g) deletes subsection (5) (g); paragraph (h) deletes subsection (5) (h) (iii); and paragraph (i) substitutes subsection (5) (h) (iv).

12 and 13. Substitute respectively sections 13 and 14 of the Expropriation Act, No. 63 of 1975.

14. Amends section 15 of the Expropriation Act, No. 63 of 1975, as follows:—paragraph (a) deletes subsection (1); paragraph (b) substitutes the words preceding subsection (2) (a); paragraph (c) substitutes subsection (3); and paragraph (d) inserts subsection (3A).

15 and 16. Repeal respectively sections 16 and 17 of the Expropriation Act, No. 63 of 1975.

17. Substitutes section 19 of the Expropriation Act, No. 63 of 1975.

18. Amends section 20 of the Expropriation Act, No. 63 of 1975, by substituting subsection (1).

19 and 20. Substitute respectively sections 21 and 22 of the Expropriation Act, No. 63 of 1975.

21. Amends section 23 of the Expropriation Act, No. 63 of 1975, by substituting subsection (1).

22. Substitutes section 24 of the Expropriation Act, No. 63 of 1975.

23. Repeals section 25 of the Expropriation Act, No. 63 of 1975.

24. Substitutes section 26 of the Expropriation Act, No. 63 of 1975.

25. Repeals sections 32, 35 to 41, 43 to 45, 49 to 68, 74, 75, 77 to 79 and 83 to 95 of, and the Schedule to, the Expropriation Act, No. 63 of 1975.

26. Amends section 31 (6) of the Deeds Registries Act, No. 47 of 1937, by substituting paragraph (a).

27. Amends section 32 of the Deeds Registries Act, No. 47 of 1937, by substituting subsection (5).

28. Amends section 60 of the Water Act, No. 54 of 1956, by substituting subsection (2).

29. Amends paragraph 7 of Schedule 1 to the Legal Succession to the South African Transport Services Act, No. 9 of 1989, as follows:—paragraph (a) substitutes subparagraph (1); and paragraph (b) substitutes subparagraph (2).

30. **Short title and commencement.**—(1) This Act shall be called the Expropriation Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act.