



IRR LEGAL CHALLENGES EXPROPRIATION ACT

IRR Legal made its first appearance in the High Court today to challenge provisions in the Expropriation Act that threaten freedom and prosperity in South Africa by violating the Constitution.

The impugned provisions expose owners to under-compensation in a range of arbitrary circumstances, violating the property rights entrenched in the Bill of Rights. Land speculators, municipalities with investment property, and land reform beneficiaries fall squarely within the “nil” compensation provisions of the Act.

IRR Legal is represented by advocates David Borgström SC and Janee Karuaihe before a full bench of the Western Cape High Court in Cape Town. The trial is scheduled to run until 7 August.

Key issues in the case include:

- What the purposes of compensation are;
- Whether land reform beneficiaries can be treated as second-class landowners in the way that the Expropriation Act does;
- Whether speculators can be treated as second-class landowners;
- Whether municipalities with investment properties can be targeted for under-compensation;
- Whether the state can under-compensate owners when expropriating for certain purposes but not for others; and
- Whether the Expropriation Act, as some of its defenders claim, does nothing to change the amount of compensation anyone can expect to be paid in the explicitly targeted circumstances.

IRR Legal’s objective is to vindicate the Constitution by removing the impugned provisions to prevent confusing legal surplusage and any real cases of under-compensation.

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