

GENERAL INFORMATION ABOUT THE CASE	
Case URL	https://data.landportal.info/library/resources/amaqamu-emakhasaneni-v-minister-rural-development-and-land-reform
Name of case:	<i>Amaqamu & Emakhasaneni v Minister of Rural Development and Land Reform and others</i> In the Land Claims Court of South Africa, Randburg. 11 November 2016 <i>Qwabe Community v Regional Land Claims Commission and others.</i>
Court name:	Land Claims Court
Type of court:	<input type="checkbox"/> Constitutional Court <input type="checkbox"/> Supreme Court of Appeal <input type="checkbox"/> High Court <input checked="" type="checkbox"/> Other
Issue:	Restitution of Land Rights Amendment Act, 15 of 2014.
Justice(s)/Judge(s)	Bertelsmann J Meer AJP, Gildenhuys J, and Sardiwalla AJ Concurring
Reference No:	LCC03/2009
Filing No:	LCC01/2009
DESCRIPTION	
Facts:	This is a judgment in the Land Claims Court which concerned the validity of land claims lodged under The Restitution of Land Rights Amendment Act 15 of 2014. This act was an amended version of the Restitution of Land rights Act 22 of 1994 which extended the time frame for persons, descendants, or communities who were disposed of land after 1913 to lodge land claims.

	<p>Previously the cut-off date under the 1994 to lodge claims was 31st December 1998. Under the 2014 Act, claims could up be lodged from the passing of the act until 30 June 2019. However, the act of 2014 was declared invalid in the Constitutional Court because The National Council of Provinces and some of the provincial legislators failed to conduct sufficient consultations with key stakeholders and their constituents to gain input on the bill.</p> <p>The order granted by the Constitutional Court in the case Land Access Movement of South Africa and Others v Chairperson of the National Council of Provinces (LAMOSA), brought about challenges to how the land claims court (LCC) would proceed with old claims filed prior to 31 December, 1998 referred to the LCC for determination.</p> <p>For this case, two cases were brought together to obtain clarity on the status of competing claims lodged after 1 July 2014 in the light of the CC judgment in the LAMOSA judgment, and the effect of LAMOSA on the adjudication of the pending land restitution claims lodged by 21 December 1998 until 28 July 2016.</p>
<p>DECISION/JUDGMENT</p>	
<p>Decision/Judgment:</p>	<p>The court effectively found that no new claim lodged between 1 July 2014 and 28 July 2016 can be adjudicated upon or considered in any manner whatsoever by this Court in any proceedings for the restitution of rights in land in respect of old claims lodged before 31 December 1998;</p> <p>New claimants who contest old claims lodged before 31 December 1998 may be admitted as interested parties solely to the extent that their participation may contribute to the establishment or rejection of the aforementioned old claims or in respect of any other issue the presiding judge may allow to be addressed in the interests of justice.</p>



REFERENCES	
Reference(s) to other court decision	Land Access Movement of South Africa and Others v Chairperson of the National Council of Provinces (CCT40/15) [2016 (5) SA 635 (CC)