

NATIONAL POLICY FOR BENEFICIARY SELECTION AND LAND ALLOCATION



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA



High level implementation and monitoring framework – BSLA Policy

**NATIONAL BENEFICIARY SELECTION AND LAND ALLOCATION POLICY
IMPLEMENTATION AND MONITORING FRAMEWORK**

High level implementation and monitoring framework – BSLA Policy

The objective is to provide equitable access to land for various uses in a fair and transparent manner to persons or communities previously disadvantaged due to past racially discriminatory laws or practices

What we aim to change?	What we wish to achieve?	Where are we?	What we produce or deliver?	What do we do?	What we use
<p>Equitable access to land and poverty reduction for eligible previously disadvantaged individuals particularly the most vulnerable and marginalised.</p> <p>Improved rural economy, livelihoods, health and nutrition.</p> <p>Changed apartheid spatial patterns.</p> <p>Improved contribution of the agricultural sector to the gross domestic product.</p>	<p>Outcomes</p> <ul style="list-style-type: none"> Improved equitable access to land for agricultural production to eligible previously disadvantaged citizens (50% to smallholders and of these 50% to women, 40% to youth and 6% to PWD). Food security and sovereignty. Increased employment opportunities Improved social justice. Optimum use of land for different developmental needs - agricultural, industrial, residential and commongage. 	<p>Outputs Baseline</p> <p>The total land area of South Africa is 122.5 million hectares, of which only 82.4 million hectares is agricultural land. The current access to land ownership is as follows:</p> <ul style="list-style-type: none"> 72% Whites; 15% Coloured, Indians at 5%, 4% Africans, 3% others and, 1% co-owners. <p>Since inception properties acquired for Land Redistribution and Tenure Reform were allocated as follows:</p> <ul style="list-style-type: none"> 35% to women 18% to youth Less than 1% to PWD 42% to farm dwellers <p>Through the Proactive Land Acquisition Strategy the department acquired 2 235</p>	<p>Outputs</p> <p><u>Short term targets (2020 -2021)</u></p> <ul style="list-style-type: none"> 25 000 ha acquired 25 000 ha allocated 12 500 ha allocated to smallholder: <ul style="list-style-type: none"> > 6 250 ha to women > 5 000 ha to youth > 750 ha to PWD 100% of State and public land allocated for human settlement and residential development based on requests received and assessment 100% of State and public land allocated for industrial/ commercial development based on requests received and assessment 100% of State and public land allocated for commongage based on requests received and assessment. <p><u>Medium term targets (2023)</u></p> <ul style="list-style-type: none"> 900 000 ha acquired and/or allocated 	<p>Activities</p> <ul style="list-style-type: none"> Provide a uniform, fair, credible and transparent process and criteria for selection of beneficiaries for land allocation or leasing of State properties by 1 April 2021. Establish an independent Beneficiary Selection Land Allocation Panels over selection of suitable candidates for land allocation by 1 April 2021 Implement a standardized national on-line land application system to ensure a fair and transparent process by 1 April 2021. Ensure the rationing of resources in line with the National Policy on Comprehensive Producer Development Support for optimum production. 	<p>Inputs</p> <ul style="list-style-type: none"> Budget allocation Human resources Inter-governmental coordination Collaboration with the private sector

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		<p>farm properties of which 563 farms or 25% received Recapitalisation and Development support.</p> <p>Between 1997 and 2010 more than 840 000 ha or 198 Commonages were conditionally transferred to Municipalities.</p>	<ul style="list-style-type: none"> • 450 000 ha allocated to smallholder: <ul style="list-style-type: none"> ➢ 225 000 ha to women ➢ 180 000 ha to youth ➢ 27 000 ha to PWD • 100% of State and public land allocated for human settlement and residential development based on requests received and assessment • 100% of State and public land allocated for industrial/commercial development based on requests received and assessment • 100% of State and public land allocated for commonage based on requests received and assessment • Advance increased access to agricultural land for eligible previously disadvantaged citizens. <p><u>Long term Targets (2030)</u></p> <ul style="list-style-type: none"> • 16 400 000 ha acquired and/or allocated • 8 200 000 ha allocated to smallholder: <ul style="list-style-type: none"> ➢ 4 100 000 ha to women ➢ 3 280 000 ha to youth 	<ul style="list-style-type: none"> • Create a land application register for potential beneficiaries of land allocation. • Conduct profiling and/ or skills assessment and provide capacity building to selected beneficiaries prior to allocation • Establish monitoring institutions to protect land markets from opportunism, corruption and speculation. • Offer white commercial farmers and organized industry bodies the opportunity to significantly contribute to the success of black farmers through mentorships, chain integration, preferential procurement and meaningful skills development. • Collaborate with the Department of Trade, Industry & Competition in line with its Industrial Policy Action Plan, and Department of Cooperative Governance 	
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Minister's Initials... *A.Z.*
 Date... *16/2/2022*

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			<ul style="list-style-type: none"> ➤ 492 000 ha to PWD • 100% of State and public land allocated for human settlement and residential development based on requests received and assessment • 100% of State and public land allocated for industrial/commercial development based on requests received and assessment • 100% of State and public land allocated for commonage based on requests received and assessment • Advance increased access to agricultural land for eligible previously disadvantaged citizens. 	<p>and Traditional Affairs in line with the District-Based Development model.</p> <ul style="list-style-type: none"> • Collaborate with municipalities, local authorities, the Department of Human Settlements and its Housing Development Agency. 	
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Minister's Initials: *S. J.*
 Date: *16/2/2022*

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I. ACRONYMS AND ABBREVIATIONS

- DALRRD - Department of Agriculture, Land Reform and Rural Development
- SLLDP - State Land Lease and Disposal Policy
- LDS - Land Development Support
- M&E - Monitoring and Evaluation
- NPCPDS - National Policy on Comprehensive Producer Development Support
- SPLUMA - Spatial Planning and Land Use Management Act, 2013 (Act No. 13 of 2013)

ii. LIST OF RELEVANT LEGISLATION

- The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- The Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- The Expropriation Act, 1975 (Act No. 63 of 1975)
- The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997)
- The Government Immovable Asset Management Act, 1997 (Act No. 19 of 2007)
- The Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996)
- The Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996)
- The Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993)
- The Military Veterans Act, 2011 (Act No. 18 of 2011)
- The Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)
- The Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000)
- The Public Finance Management Act, 1999 (Act No.1 of 1999)
- The Restitution of Land Rights Act, 1994 (Act No. 22 of 1994, as amended)
- The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)
- The State Land Disposal Act, 1961 (Act No 48 of 1961)
- The Transformation of Certain Rural Area Act, 1998 (Act No 94 of 1998)

iii. DEFINITIONS AND INTERPRETATION

The meanings of words or terms that are defined in this document are operative only in the context of this document and shall supersede any other meanings provided elsewhere except in legislation. Any citation of a law without the words, "*as amended*", refers to the latest version of that law, including any amendments thereto. In this policy, unless inconsistent with or otherwise indicated by the context, the following words and expressions shall have the following meanings and cognate expressions shall have corresponding meanings:

"Act 126" means The Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993).

“Agriculture” means the sustainable and productive utilisation of natural resources and other inputs by people for plant and/or animal production purposes, either for own consumption or for marketing.

“Beneficiary Selection Land Allocation Panel(s)” means the National and Provincial Beneficiary Selection Land Allocation Panels, which shall be independent non-statutory bodies constituted for the purpose of implementing this policy and comprising of representatives with the requisite skills nominated by the Minister of Agriculture, Land Reform and Rural Development from relevant stakeholders in the agrarian and land sectors.

“Black Producer” means a Black South African (African, Coloured, Indian and Khoi-San), who is 18 years or older and who conducts an Agricultural Enterprise and is a farmer. The definition of “Black people” now includes South African Chinese people as per the Pretoria High Court ruling on 18 June 2008”, and **“Land Reform Farmer”** shall have a corresponding meaning.

“Commonage” means land acquired historically by the State or religious institutions and now owned by a municipality or local authority, usually surrounding towns or settlements, which is leased to individuals, users associations and other juristic persons for agricultural purposes.

“Communal Land” means land which is, or is to be, occupied or used by members of a community, subject to the rules or custom of that community;

“Community” means a group of persons whose rights to land are derived from shared rules determining access to land held in common by such group;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

“Department” means the Department of Agriculture, Land Reform and Rural Development (DALRRD).

“Dependant(s)” means a person who is 18 years or older and who meets other criteria for qualification of allocation of land under the State Land Lease and Disposal Policy (SLLDP) and who is an offspring(s) of any person eligible to apply for allocation of land under this policy as well as any offspring of a public servant.

“Development” means providing support to Black Producers in the form of human capacity development, infrastructural development, operational inputs, training, skills development and market access on land acquired.

“Development Partnership ” means a partnership where a mutually-beneficial relationship is built on trust, sharing of knowledge and integration, with its partners regarding the development of Black Producers.

“Development Support” means the granting of capital to newly approved Black Producers and the granting of capital renewal and restructuring of existing constrained Agricultural Enterprises conducted by Black Producers.

“Director-General” means the Director-General of the department at the time of approval of this policy and/or his successor in title.

“Disability” means a long-term or recurring physical, mental or sensory impairment which substantially limits the prospects of entry into or advancement in employment and full participation other aspects of life. **“Persons with disabilities”** shall have a corresponding meaning.

“Encumbrance” means, in relation to any asset (including a share), to subject such asset in any way including by way of a pledge, a cession in *securitatem debiti*, a general notarial bond, a special notarial bond, a deed of hypothecation, a mortgage bond, a charge (whether fixed or floating) or to grant any other similar or analogous security interest of any nature whatever over such asset.

“Farm dweller” means any person, other than the land owner or person in charge who resides on land which belongs to another person and who has consent or another right in law to do so but excluding:

- (a) a labour tenant in terms of the Land Reform (Labour Tenants) Act 3 of 1996;
- (b) a person using or intending to use the land in question mainly for industrial, mining, commercial or commercial farming purposes, but including a person who works the land himself or herself and does not employ any person who is not a member of his or her family; and
- (c) a person who has an income more than the amount prescribed under Extension of Security of Tenure Act (ESTA) of 1997 (Act 62 of 1997).

“Farm Worker” means a person who works on a farm regularly, whether full time, part time or seasonal, including general worker on a farm, all domestic workers who work in a house on a farm including a security guard (not employed in the private security industry), who is employed to guard the farm and areas where farming activities takes place. A farm worker is not necessarily a farm dweller as some do not live in the farm.

“Household Producer (Vulnerable)” means a producer that produces primarily for household consumption and has limited resources and skills to operate a market-oriented production system. This category includes child-headed households & households producing in communal land and commonages that are registered as indigents or would qualify to be registered as indigents with their municipality.

“Household Producer (Subsistence)” means a producer that produces primarily for household consumption. These producers are not or would not be classified as indigents by their municipality and they do not meet the criteria to be registered as indigents with their municipalities. They may market limited surplus production with an annual turnover of less than **R50 000**.

“Juristic Person” means a legal entity or any organisation that is not a single natural person but is authorised by law with duties and rights and is recognised as a legal entity registered by relevant legislation but excludes:

- (a) a foreign company; and
- (b) any trust, that was established outside the Republic; as fully defined in the Companies Act, 2008 (Act 71 of 2008).

“Large Scale Commercial Producer” means a venture undertaken by an individual or entity for the purpose of production and sale of agriculture products to make a profit. These are established enterprises producing for market to make a profit with an annual turnover ranging between **R10 000 001 and R50 million**.

Mega/ Corporate Producer means a venture undertaken by an individual or entity for the purpose of production and sale of agricultural products to make a profit. These are established enterprises producing for market to make a profit with an annual turnover of more than **R 50 million**.

“Medium Scale Commercial farmer” means a venture undertaken by an individual or entity for the purpose of deriving a source of income from agriculture activities along the value chain. These are established enterprises with an annual turnover ranging from **R1 000 001 – R10 million**).

“Monitoring” means a systematic collection of data on specified indicators to provide management and the main stakeholders of an on-going development intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated land and/or funds.

“Naturalised South African” means a person born in another country who has acquired South African citizenship.

“Previously Disadvantaged Individual”, in the context of this policy, means a South African citizen who, due to the apartheid policy that was in place, had no franchise in the national elections prior to the introduction of the Constitution of the Republic of South Africa Act, 1983 (Act No 100 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) (*“the Interim Constitution”*).

“Right to land” means any real or personal right in land, recognised in law, whether registered or not required to be registered including a right to cropping and grazing land.

“Smallholder Producer” is defined as a producer that produces (at primary, secondary, and tertiary level) for household consumption and markets, therefore farming is consciously undertaken in order to meet the needs of the household and derive a source of income. These are usually graduating from subsistence and aspiring to produce for market at a profit with a maximum annual turnover ranging from R50 001 to R1 million per annum.

“Social Assistance” means social grants in the form of a supplementary grant, a foster-care grant, a child-support grant, a care-dependency grant or a financial award, granted under the Social Assistance Act, 1992 (Act No. 59 of 1992).

“Sustainability” means continuation of benefits from an intervention resulting in the probability of continued long-term benefits including resilience to risk of the net benefit flows over time.

“Traditional Leader” means any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position, and is recognised in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

“Vulnerability” means the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a system to the impact of hazards.

“Vulnerable Groups” in this policy will include: youth, women, persons with disabilities, and orphans in so far as they are highly exposed to socio-economic challenges. **“Vulnerable person”** shall be used interchangeably

“Youth” in the context of this policy means a young Black person (people), those falling within the age of 18 to 35 years.

1. INTRODUCTION

- 1.1 The White Paper on South African Land Policy of 1997 states that: *The purpose of the Land Redistribution Programme is to provide the poor with land for residential and productive purposes in order to improve their livelihoods. Land redistribution is intended to assist the urban and rural poor, farmworkers, labour tenants, as well as emergent farmers.*
- 1.2 Despite various land reform policy efforts initiated in the post-1994 period, more than two decades later, the inequity of land ownership has been left relatively intact. This can largely be attributed to major challenges of land reform, foremost of which are the slow pace of land redistribution and tenure reform (in which the supply of land for farming and other purposes has still not been met in areas where demand is greatest) and the overall failure of land reform farms to sustain production as well as backlogs of land for housing in specified localities, which could improve livelihoods.
- 1.3 A skewed ownership of land coupled with a slow pace of implementing the land reform programme is a threat to achieving development objectives as encapsulated in the National Development Plan (NDP), New Growth Path (NGP) and other strategic and policy documents of Government, particularly those relating to agrarian transformation and rural development. The National Development Plan (Vision 2030) recommends that there should be a more rapid transfer of land to black beneficiaries “without distorting land markets or business confidence in the agribusiness sector.” The Land Audit report on the state of farms and agricultural holdings reveals that Whites own 72% of the total 37 031 283 ha farms and agricultural holdings by individual landowners; followed by Coloured at 15%, Indians at 5%, Africans at 4%, others at 3%, and co-owners at 1% (DRDLR, 2017).
- 1.4 From the inception of the Land Redistribution Programmes until March 2019 approximately 5 million hectares were acquired and allocated to more than 300 000 Black South Africans.

- 1.5 Nevertheless, a notable number of Black South Africans continue to be landless. They are excluded from participating in sustainable agriculture, and live in unsustainable human settlements, without sufficient livelihood resources.

2. PROBLEM STATEMENT

Broadly the problem statement underpinning this policy is a skewed ownership of land coupled with a slow pace of implementing the land reform programme, threatening the achievement of the development objectives as encapsulated in the National Development Plan (NDP), New Growth Path (NGP) and other strategic and policy documents of Government, particularly those relating to agrarian transformation and rural development. The National Development Plan (Vision 2030) recommends that there should be a more rapid transfer of land to black beneficiaries "without distorting land markets or business confidence in the agribusiness sector." As a result, the problem statement is further broken down as follows:

- 2.1 Lack of fairness, credibility and transparency in the current system;
- 2.2 Lack of access to land by vulnerable and marginalised groups, such as women, youth and person with disabilities;
- 2.3 Bias of land allocation towards agricultural use, as opposed to a wider range, inclusive of settlement and commercial;
- 2.4 Failure to match the beneficiaries and the land available for allocation resulting in underutilisation or the land being unproductive or not used at all;
- 2.5 Failure to provide proper and adequate support, both technical and financial to beneficiaries of a sustainable land redistribution programme; and
- 2.6 Threats to food security both at household and national level.

3. POLICY PROPOSALS

- a) **Ensure equitable access** to land for qualifying previously disadvantaged citizens;
- b) **Address diverse or different land needs** (for agricultural production, human settlements, commonage, residential and industrial development purposes);

- c) **Promote industrialisation and change of spatial development** with the focus towards township economy, special economic zones, and industries in rural areas;
- d) **Promote urban agriculture** through access to agricultural development plots or allotments;
- e) **Create a credible and transparent system** of land allocation and beneficiary selection;
- f) **Target the rural poor, landless, poor municipalities and peri-urban residents** to gain access to land;
- g) **Create a crop of new young black smallholder/commercial farmers** through targeting women and unemployed agricultural graduates, youth in the agricultural sector to access land and associated Agro processing value chain opportunities;
- h) **Establish independent selection panels** for land allocation.

4. LEGISLATIVE PROVISIONS

- 4.1 The legislation discussed below is only that which has a direct impact on the work that will be performed by the Beneficiary Selection and Land Allocation Panels and other institutional arrangements that are proposed towards the achievement of the policy and possible development of further relevant legislation.
- 4.2 The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) enjoins the State to take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis. The provisions of this policy are consequently about access and equity as opposed to revenue generation;
- 4.3. The State Land Disposal Act, 1961 (Act No 48 of 1961) empowers the president to, amongst other things, lease State land. These powers were assigned to the predecessor to the Minister of Agriculture, Land Reform and Rural Development in July 1995, in respect of land located in former homelands. The

powers therefore vest in the Minister of Agriculture, Land Reform and Rural Development in succession;

4.4. The Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993), empowers the minister to, amongst other things, lease or dispose of any property contemplated in the said Act. Land may be leased or disposed in accordance with the provisions of Section 11 of the Act which states that the Minister may, on such terms and conditions as he or she may deem fit, for the purposes of this Act, sell, exchange, donate, lease, award or otherwise dispose of or encumber any property contemplated in this Act or, if such property is no longer required for the purposes of this Act, for any other purpose;

4.5 Sections 38 and 45 of the Public Finance Management Act, 1999 (Act No.1 of 1999) deals with General Responsibilities of Accounting Officers. The said responsibilities include:

4.5.1 Effective, efficient, economic and transparent use of the resources of the department;

4.5.2 Taking effective and appropriate steps to collect all money due to the department; and

4.5.3 The responsibility for the management, including the safeguarding and the maintenance of the assets, and for the management of the liabilities of the department.

4.6 The Government Immovable Asset Management Act, 2007 (Act 19 of 2007) mainly provides a uniform framework for the management of immovable assets that are held or used by national or provincial departments. It also seeks to ensure coordination of the use of immovable assets with service delivery objectives of national and provincial departments. The provisions of this policy have consequently been designed in a manner that seeks to adhere to immovable asset management principles provided in the said Act;

- 4.7** The Land Reform (Labour Tenants), 1996 Act (Act No. 6 of 1996) provides for acquisition of land or rights in land by qualifying Labour Tenants and their associates;
- 4.8** The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) (as amended) provides in Section 4 for acquisition of land or rights in land in on-site and off-site settlements as defined in the Act;
- 4.9.** The Spatial Planning Land Use Management Act, 2013 (Act No. 16 of 2013) provides for a uniform and comprehensive system of spatial planning and land use management, to ensure the promotion of social and economic inclusion to redress the imbalances of the past; and
- 4.10** The Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) provides that development by way of prospecting, mining, exploration or production, for minerals or petroleum are not founded in the ownership of the land but instead in the State's custodianship and in the resultant powers of the Minister of Mineral Resources and Energy.

5. POLICY OBJECTIVES

The policy objectives are to:

- 5.1** ensure national and household food sovereignty and security;
- 5.2** provide a uniform, fair, credible and transparent process and criteria for selection of beneficiaries for land allocation or leasing of State properties by:
- establishing independent Beneficiary Selection Land Allocation panels to preside over the selection of suitable candidates for land allocation;
 - implementing a standardised national on-line land application system to ensure a fair and transparent process of beneficiary selection and the rationing of resources; and
 - creating a land application register for potential beneficiaries of land allocation.

- 5.3 address diverse or different land needs, agricultural production, human settlements, commonage, industrialisation, and changes in spatial development patterns with a focus toward urban, peri-urban and rural township economies.
- 5.4 ensure qualified, suitable and deserving candidates gain access to land on an equitable basis and that the selected beneficiaries have the appropriate skills and capacity to optimally utilise state properties.
- 5.5 ensure that special target groups of land reform beneficiaries (as outlined in par 7.5 below) have access to land for purposes of agricultural production.

6. POLICY PRINCIPLES

- 6.1 **Ensure equitable access** to land for eligible previously disadvantaged citizens. The government will strive to promote conditions which enable qualifying previously disadvantaged citizens and in particular targeted groups (women, youth, persons with disabilities and qualifying military veterans) to have access to land and a secure tenure to promote the restoration of their human dignity and food security.
- 6.2 **Address diverse or different land needs** (for agricultural production, human settlements, commonage, residential and industrial development). The allocation of land and properties to municipalities, and communities for industrialisation and job creation should achieve changes in spatial development with a focus on township economies, special economic zones, and industrial development in rural areas. Industrial development however cannot include development by way of prospecting, mining, exploration or production, for minerals or petroleum, since those operations are not founded in the ownership of the land but instead in the State's custodianship. Human settlement development and residential development for students and learners should similarly contribute towards changing the previous spatial development based on race.

- 6.3 Promote urban and peri-urban agriculture** through access to commonage, agricultural development plots or allotments;
- 6.4 Create a credible and transparent system** of land allocation and beneficiary selection through the establishment of multi-disciplinary Provincial and National Beneficiary Selection and Land Allocation Panels. All land acquired will be advertised on various platforms to ensure maximum reach and where specific groups are targeted, the adverts will clearly specify the groups, applying the principle of fair discrimination;
- 6.5 Adopt high density urban spatial planning** to enable economic development and to target the poor, landless, urban and peri-urban residents to gain access to land for housing and/or urban agriculture.
- 6.6 Create a crop of new Black Producers** across all the categories of farming in partnership with the private sector targeting women and unemployed agricultural graduates and youth in the agricultural sector. The government shall promote conditions which will enable a selected beneficiary to graduate and produce at the level that matches the potential of an allocated farm to rekindle the class of black commercial farmers, which was systematically destroyed by the 1913 Natives Land Act, while reducing landlessness and homelessness;
- 6.7 Implement an Online Application System and National Application Register.** All applicants are expected to lodge applications online and for walk-in applicants' support shall also be provided at the various offices of the department, e.g. municipality, district municipality, provincial and national. These will ensure a credible and transparent system to process land allocation and beneficiary selection applications, as well as registration of all farmers;
- 6.8 Advance access to land for women and youth:** The Government in partnership with the private sector shall ensure that land allocation reaches out to women, unemployed agricultural graduates, and youth in the agricultural sector for participation in agricultural production, economic activities and associated agro-processing value-chain opportunities. All applicants shall be

subjected to a skills audit, personality profiling and needs assessment before being allocated land to inform accredited training and support requirements and to ensure sustainability and optimal utilisation of the assets being allocated.

7. CATEGORIES OF BENEFICIARIES FOR LAND ALLOCATION

7.1 Agricultural production

All qualifying previously disadvantaged South Africans over the age of 18 may apply for land allocation, however, the following categories of persons, will be specifically targeted and prioritised:

- a) **Women** with agricultural skills and experience as well as those who demonstrate a willingness to acquire such skills, and female-headed households with none or very limited access to land, even for subsistence production, shall be given access to land for their advancement.

- b) **Youth and unemployed agricultural graduates:** Participants in the department's enterprise development/ incubation/ apprenticeship programme and agricultural para-professionals (including the National Rural Youth Service Corps (NARYSEC). The government shall introduce and roll-out a graduate placement programme in key agricultural fields as a way of exposing agriculture graduates to the working environment; and the government will partner with accredited basic and institutions of higher learning, e.g. universities, and colleges of agriculture, including special schools to support graduates, to have practical experience and start own enterprises.

- c) **Persons with disabilities:** Individuals with a disabilities working in an agricultural setting will be prioritised. Various mechanisms will be used to support disabled farm workers, including the Agri-Village concept.

- d) **Military Veterans**, as defined in the Military Veterans Act, 2011 (Act No.18

of 2011), shall also be prioritised. This shall, however, exclude those who served in the Union Defense Force (prior to 1961) and the South African Defence Forces (prior to 27 April 1994). The government will prioritise qualifying unemployed military veterans as a special group.

e) Communal farmers and state land residents: Individuals currently living on state-owned properties and communal land, whose livelihoods depend on subsistence farming, but have no form of tenure, should be prioritised for land allocation by the state. Communal farmers must be prioritised for allocation especially on land adjacent to their communities/villages to achieve decongestion of the communal land.

7.2 The following categories of individuals whom while they may have benefitted from other land reform programmes are not precluded from applying for allocation of land for agricultural production under similar qualifying criteria:

a) Farm workers and farm dwellers and their families;

b) Labour tenants and their families;

c) Residents of urban and peri-urban areas;

d) Dispossession cases which fall outside the ambit of the *Restitution of Land Rights Act, 1994 (Act No. 22 of 1994)*¹ (pp. 18).

7.3 Assessment criteria for beneficiary selection and allocation of land for agricultural purpose

7.3.1 Previous farming experience: The applicant should be able to demonstrate successful previous farming experience and skills acquired, formally or informally. An understanding of farming practices, which would include sustainable resource utilisation. This criterion will also assist in proper matching

¹ DLA (1997) *White Paper on South African Land Reform Policy*. Pretoria: Government Printer. p. 18

between the prospective producer and the farm available for allocation;

- 7.3.2 Net financial worth: This will assist with the matching of an applicant to a farm (i.e. size and complexity of the enterprise). The Beneficiary Selection and Land Allocation Panels will have to establish whether or not the prospective farmer is able to demonstrate the capacity to expand the operations and its assets in future. This could also be demonstrated by an availability of a comprehensive business plan;
- 7.3.3 Entrepreneurial skills: In this case the panel will have to establish as to whether or not the prospective farmer do have business skills/ experience (not necessarily in farming), has the willingness to learn or to be trained through learning platforms available to farmers, last but not least, the ability to manage her/ his resources to ensure a sustainable business; and
- 7.3.4 Managerial aptitude: Refers to the ability of the applicant to demonstrate the total management of the entire resources to ensure a successful and sustainable business enterprise, i.e. managing the business risks, finances, human and natural resources, e.g. land, water.

Whilst these are the criteria to be used for the selection of a preferred applicant for a particular farm to ensure consistency and standardisation of the process, it is however, necessary that where there is potential, such should be considered and the necessary support be put in place to nurture it by closing the identified gaps that might have been identified during the skills assessment and interview.

Lastly, it should be noted that this criterial shall not apply to those applicants requiring land for household production.

7.4 Various Land Needs

The State has the obligation to respond to various land needs other than agriculture, and below are such categories:

7.4.1 Land for human settlement

Where land is required for the establishment or extension of sustainable residential and human settlements, municipalities shall approach the department for the release of existing state and public land, and these requests shall be processed by the National Beneficiary Selection Land Allocation Panel.

7.4.2 Land for Commercial/ industrial use

Just like in the previous category, municipalities and private developers are at liberty to approach the department for screen release of existing land for commercial and industrial usage. However, in case where communal land is involved, the provisions of the Interim Protection of Informal Land Rights Act 1996 (Act 31 of 1996) shall be fully implemented. Where land is required for industrial development, the department shall not acquire new farms for this purpose but release existing state land to support these applications.

7.5 Rationing of resources

This policy proposes that 50% of all land acquired or available will be allocated to smallholders, and that no less than 50% of this land should be allocated to women, while not less than 40% to youth, and 10% to persons with disabilities. Furthermore as per the Advisory Panel recommendations and the NPCPDS, allocation of properties and support provided should be rationed among the targeted categories of Black producers as aligned and described in that policy.

8. ELIGIBILITY CRITERIA

8.1 Agricultural Production:

8.1.1 Qualifying previously disadvantaged South African citizens (Africans, Indians, Coloureds, including Khoi and San), and South African Chinese over the age of 18 qualify to apply;

- 8.1.2 Women, youth and persons with disabilities who meet the criteria at 7.1. above;
- 8.1.3 Qualifying military veterans, especially those who are unemployed;
- 8.1.4 Natural and juristic persons who fit the description of Blacks and previously disadvantaged;
- 8.1.5 Spouses of public servants shall be considered for allocation of land and will be required to declare such a relationship, and the related public servant shall also be required to recuse themselves from the entire application process, in the event that they are conflicted in any way. In the event that it is found that the applicant has misrepresented themselves and have not made the necessary disclosures, the Department on the advice of the Beneficiary Selection and Land Allocation Panels may terminate the allocation in line with Clause 14 below.
- 8.1.6 Former public servants who have successfully served a cooling period of 24 months since they left the public service;
- 8.1.7 Politicians holding public office who have successfully served a cooling period of 12 months after leaving the public office;
- 8.1.8 Former employees of an entity/company in which the state is a majority shareholder who have successfully had a cooling period of two years (24 months) outside such employment before they apply;
- 8.1.9 Communal farmers, township dwellers and state-land residents or individuals: currently living on State-owned properties and communal land, whose livelihoods depend on subsistence farming, but have no form of tenure qualify to apply;
- 8.1.10 Traditional leaders who are recognised under any legislation in the country shall qualify, provided they disclose their status and remuneration by the State and have proven that they are involved in farming at various scales. The Minister shall make the final determination in this regard.

8.2 Land allocation for human settlement, residential and industrial development:

It should be noted that applications for such use, shall be presided upon by the National Beneficiary Selection Land Allocation Panel.

- 8.2.1 Rural poor municipalities with low revenue base may apply for land for rural industrial development and residential/human settlement purposes. However, these applications must be backed by concrete commitments from investors or private developers;
- 8.2.2 Metropoles and municipalities are eligible to apply for access to strategically located State land, to address their settlement and/ or industrial/ commercial development needs. Such applications must be dealt with inter-governmentally with coordination between all spheres, i.e. national, provincial, district and local authorities. Such applications will be for land for commonage, sustainable settlements and other compelling and impactful projects.
- 8.2.3 Public private partnerships are encouraged and property developers shall qualify for allocation of State properties for industrial/ commercial development for high impact projects, provided they are registered with relevant authorities; the Interim Protection of Informal Land Rights Act, 1996's (Act No. 31 of 1996) procedures shall be applied, and the State Land Lease and Disposal Policy, the Spatial Planning Land Use Management Act, 2013 (Act No. 16 of 2013) and the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) shall be considered.
- 8.3 Qualifying municipalities and communities in communal areas may apply directly to the department for acquisition of strategically located properties to address emergencies and urgent needs. Such applications must be dealt with inter-governmentally with coordination between all spheres.

8.4 Commonages

- 8.4.1 The department will accept applications from Municipalities for acquisition of land for the establishment or extension of Commonage subject to the following terms and conditions.
- 8.4.2 The applicant municipality must provide an undertaking to make the relevant land (acquired or infrastructural improvements) available to its residents on a secure and equitable basis with the emphasis on poor and less privileged residents.
- 8.4.3 The applicant municipality must draft a proposed development plan which indicates how the project will address the basic needs and promote social and economic development of the community. Such a development plan needs to:

- Indicate how the land will be used, developed and managed over time;
- Make an assessment of the type and costs of infrastructural needs and an explanation of how it will be used and maintained;
- Discuss the viability of the different potential land uses (such as irrigated allotments, grazing, etc.) that takes into account that the land will be made available on a maintenance fee basis; Detail the process and procedures that will be followed to ensure that the rights of individuals to use the land, water and other resources are protected;
- Provide for a process which determines how land will be allocated and administered over time to ensure equity in access amongst the individual land users;
- Explain the administrative support that the municipality will provide to ensure the enforcement agreements to ensure the protection of the rights of individual users;
- Include proforma agreements to secure the rights of individual land users;

8.4.4 The application of the municipality must be accompanied by a disclosure of information on its existing agricultural land and the arrangements in terms of which the municipality is making it available. Should the municipality apply for a grant to acquire additional land, the department and the municipality must agree to do comprehensive audit of its agricultural land to ensure that its land administration is sound from a legal and administrative perspective.

8.4.5 To ensure that the land acquired or improved infrastructure in terms of the grant is used for the intended purposes, a Notarial Deed of Perpetual Commonage Servitude must be registered against the title deed. Such a Notarial Deed must provide that a municipality may not transfer the land pursuant to an agreement to sell, swap or donate the land or register a mortgage bond against the land without the written permission of the Minister; and will make the land available to its residents on a secure and equitable basis with the emphasis on poor and less privileged community members; and agrees that the Minister may acquire the land in ownership for land reform purposes from the municipality without the payment of compensation, if the municipality fails to meet the notarially imposed conditions of title.

8.5 Exclusions

- 8.5.1 Previously advantaged South African citizens;
- 8.5.2 Non-South African citizens (foreign nationals and illegal immigrants);
- 8.5.3 Current and previous beneficiaries of the Land Redistribution Programme, where the person was allocated a property or farm which was then abandoned, vandalised, mismanaged State assets or misused funds provided by the State for development;
- 8.5.4 Farmers/ individuals/ legal entities currently leasing a State property unless he or she intends to hand the current property/farm back to the State or the allocation is for purposes of graduation to a higher category as outlined in the National Policy on Comprehensive Development Support (NPCDS);
- 8.5.5 Current state employees regardless of the area of public service they are involved in or their current salary level; and
- 8.5.6 Employees of any company, public entity or entity, where the government (all three spheres) of the Republic of South Africa is a majority shareholder, and employees of any company or entity that has been created by an Act of Parliament shall not qualify;

9. ELIGIBILITY FOR ALLOCATION

The categories of farmers below are aligned to the Department's National Comprehensive Producer Development Support Policy and the type of support for which they may qualify:

The department's National Policy on Comprehensive Producer Development Support (NPCPDS) categorises producers/ farmers and the type of support for which they may qualify into six distinct categories. They are:

- (a) Mega/ Corporate producers;
- (b) Large scale commercial producers;
- (c) Medium scale commercial producers;
- (d) Smallholder farmers;

- (e) Household producers - subsistence; and
- (f) Household producers - vulnerable.

However, for purposes of this policy, beneficiary selection and allocation of acquired land will focus on the four lower categories in order to make sure that the needy are indeed given access to agricultural land. The first two categories will still receive government support in other areas, as articulated in the NPCPDS.

9.1 Medium-scale farmers

For this category of farmers/ applicants to qualify for selection and allocation of land, they would still be required to fulfil the requirements below:

- a) Relevant agricultural skills or qualifications in agriculture;
- b) Must be able to produce a business proposal;
- c) Must be willing to undertake training, demonstrate previous training or enrol for an incubation programme;
- d) Agricultural graduates or youth in agriculture shall have completed the incubation or enterprise development programme run by the department or placed under the apprenticeship programme;
- e) Youth or agricultural graduates who are women shall be prioritised for accredited training and specific farms and adverts shall be directed to women for their advancement through access to land for production and economic activities;
- f) Provide proof of annual turn-over between R1 000 001 – R10 000 000; and
- g)** Farmers in this category (Category 3) shall qualify for a 30-year lease period with an option to renew for a further 20 years which constitutes a form of tenure that is tradable. Furthermore successful farmers are given an option to purchase these farms with State assistance.

9.2 Smallholder Producers

For this category of farmers/ applicants to qualify for selection and allocation of land, they would still be required to fulfil the requirements below:

- a) Relevant experience, skills and a willingness to undertake accredited training;
- b) Preference shall be given to women and youth with experience in agriculture and producers currently farming on congested communal land or commonage; and
- c) Provide proof of annual turn-over between R50 0001 and R1 000 000.

9.3 Household Producers (Vulnerable and Subsistence)

These categories of farmers are largely subsistence or household producers; therefore, qualifications shall not be a defining criterion. However, those with experience in farming or involvement in farming activities and who need access to land shall be prioritised.

9.4 Communities, State land and township residents

- a) In circumstances where a community, state land residents, villagers, urban or township residents have identified the needs for land for collective agricultural farming or small-scale production activities, i.e. grazing, cropping, mitigate natural disaster or soil degradation or overcrowding in the area, they may approach the department directly. However, their application must be supported by their local authority;
- b) The application for these types of land use shall be accompanied by a detailed needs assessment; and
- c) In cases of land requested for commercial/ industrial/ human settlement/ residential/ commonage purpose, such an application shall be accompanied by the necessary SPLUMA approvals, Housing Development Plan as well as a Council Resolution for the land required.

9.5 Land for human settlements and residential purposes

- a) The land shall be allocated and used to assist the historically disadvantaged and the poor with settlement needs, as would have been determined by the affected municipality or the Department of Human Settlements and its agency, the Housing Development Agency;
- b) Priority shall be given to poor municipalities that seek to decongest existing formal and informal settlements;
- c) Such an application shall be accompanied by a Council Resolution and a Housing Development Plan approved by the municipality. Furthermore, only municipalities that do not have other landholdings that they can make available for settlement are entitled to apply;
- d) The land shall be used to support any municipal housing programme that requires land subject to certain conditions, as determined by the Department of Human Settlements. The department will work with the Department of Human Settlements, Water and Sanitation and the Housing Development Agency to release and allocate State land for this purpose; and
- e) Section 67 of the Deeds Registry Act, 1937 (Act No. 37 of 1937) with the right of first refusal will be registered on the title in favour of the department. The servitude shall stipulate the purpose for which the land is to be utilised and for the land to revert to the department if the municipality is not able to utilise it as initially envisaged and approved by the Panel.

9.6 Land for industrial development purposes

- a) Applications shall be informed by the land needs analysis and a detailed development study. The department will accept applications from municipalities and independent developers to apply for access to State land for industrial development through engagements with Department of Trade, Industry & Competition and affected municipalities;

- b) Applications for allocation to State land for industrial development shall be processed in collaboration with the Department of Trade, Industry & Competition in line with its Industrial Policy Action Plan, and Department of Cooperative Governance and Traditional Affairs in line with the District-Based Development model;
- c) An application must be accompanied by a Council Resolution, Development Plan, SPLUMA development approval and Community Resolutions. In the case of communal or customary land the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996) procedures shall be applied;
- d) Land shall be used to support projects only for industrial development in support of township and rural economic development; and
- e) The land shall be leased from the State and a personal servitude registered in terms of section 67 of the Deeds Registry Act. The deed with first right of refusal will be registered on the title in favour of the department. The servitude shall stipulate the purpose for which the land is to be utilised and for the land to revert to the department if it is no longer used for the purposes it was initially envisaged and approved by the Panel.

10. APPLICATION PROCESS FOR LEASING LAND

10.1 Provincial and national advertisements shall be used for the selection of specific natural persons and legal entities applying to lease land for agricultural production or for allocation to portions of land. This will only take place once suitable land has been identified. The advert shall be specific to a targeted group of farmers or beneficiaries. For all allocations from R50 million and below, advertisements shall be issued provincially, targeting local applicants. For allocations above R50 million, the adverts shall be placed nationally to attract applicants across the country;

10.2 An electronic land application system shall be used for applicants to apply for access to land from the State and to ensure a transparent and equitable public

process. This system marks an end to an era of an unmonitored long database that caused a lot of dismay among targeted farmers and to ensure a synced and seamless system that seeks to foster fairness and transparency. Applications shall only be valid for the farm or property advertised for and once a successful lessee has been selected and allocated the farm, these shall become invalid;

- 10.3** Communal residents, state land residents, municipalities and developers defined above shall not be subjected to an advert, but the allocation will be based on land needs assessment audit and shall apply directly to the State for access to land. In the case of industrial or commercial developments, once the municipality had identified the portion of land required, an advert may have to be issued calling for developers to submit proposal and the best proposal shall be identified and once the land had been allocated to the municipality, the necessary contractual agreements shall be entered. Where communal land is identified, the IPILRA process shall be followed in its entirety;
- 10.4** A national electronic application system with a tracking capability shall be developed and applicants shall be able to monitor and assess progress on their applications;
- 10.5** Through the online land offer application system, the department will be able to reach far and to a wide range of farmers willing to make land available or donate land for land reform purposes. The application and registration system will be available online. As for clients without access to internet, such clients may approach/ visit any National or Provincial or District offices of the department for assistance;
- 10.6** The department will create a Provincial and National Land Register of all land offered by farmers, estate agents or their proxy, state entities or other government departments and subjects it to an assessment to determine its suitability for acquisition by the state; and

10.7 Provincial and district officials will still be available for applicants that are not able to personally submit online applications. The walk-in assistance will entail the uploading or submission of an online application by an official of the department on behalf of the applicant.

11. ADMINISTRATIVE CONTROLS

11.1 The natural or juristic person shall sign a declaration to the effect that neither they nor their spouse is a public servant as defined in the departmental State Land Lease and Disposal Policy and acknowledge that any misrepresentation in this regard constitutes a ground for immediate termination of the lease agreement;

11.2 Beneficiaries applying as juristic persons shall disclose individual directors and members according to the legal documents and they shall be subjected to the same screening process and should there be changes in the directorship of the company or entity after land allocation, the remaining directors must inform the Department in writing within 14 days for consideration by the relevant allocation panel. Where a legal entity is in existence, latest financial statements should be submitted together with the application. All applications in this regard must be accompanied by supporting documents for all the directors that will form the legal entity;

11.3 Individual farmers, cooperatives and legal entities engaged in agricultural business shall be considered. A new legal entity should be registered for beneficiaries wishing to trade as an agricultural enterprise;

11.4 In situations where a community or villagers collectively expressed the need for access to land due to circumstances outlined in the policy above, the department shall assist the community or villagers with governance structures to manage the allocated land and use it for the purposes it was allocated, and a personal servitude shall be registered in favour of the department. Such applications shall be accompanied by a Council Resolution in support of the request;

11.5 All natural persons or members of the juristic person or community allocated properties shall sign a declaration that they shall be actively involved in the business activities of the property allocated for leasehold or disposal as agreed. In the event of any member of an entity not fulfilling their obligations as per the declaration, the legal entity shall take the necessary steps to address the matter. Where a decision is taken to terminate membership and/or replace members the department must be informed in which case a reassessment of the new member will be done to determine their continued qualification.

12. INSTITUTIONAL ARRANGEMENTS FOR BENEFICIARY SELECTION AND LAND ALLOCATION

12.1 Independent non-statutory National and Provincial Beneficiary Selection and Land Allocation Panels shall be constituted for the purpose of implementing this policy. These shall comprise of representatives from relevant stakeholders with the requisite skills. They shall be called the National Beneficiary Selection and Land Allocation Panel and the respective Provincial Beneficiary Selection and Land Allocation Panels. The terms of reference relating to these panels have been developed.

12.2 Appointment of the Beneficiary Selection and Land Allocation Panels

12.2.1 The panels of multi-disciplinary teams shall be constituted with representatives from:

- government;
- development financing institutions
- private sector; and
non-governmental and community-based organisations with interest in land and agrarian reform.

Each Beneficiary Selection and Land Allocation Panel shall consist of not more than nine (9) members, including both the chairpersons and their deputies;

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Each Beneficiary Selection and Land Allocation Panel shall consist of not more than nine (9) members, including both the chairpersons and their deputies;

12.2.2 The tenure for each member shall be no more than three years from the date of appointment, after which the appointment shall lapse. Members may serve no more than two (2) terms of a maximum of six years consecutively; and

12.2.3 Subsequent appointments/ renewals of members shall be made three (3) months prior to the end of their current term of office. This is to ensure seamless and smooth hand over process and induction of the new panel members. Further details regarding the appointment and the operationalisation of the panels will be included in the terms of reference that are attached to the policy.

12.3 Dismissal or removal of a serving panel member

Any serving panelist may lose their membership due to the following reasons/ circumstances:

- a) Absence from three consecutive meetings without a formal written apology shall be deemed as automatic dismissal;
- b) Breach of confidentiality;
- c) Failure by a member to fulfill her/ his duties as stipulated in the terms of reference (ToRs); and
- d) Bringing the Beneficiary Selection and Land Allocation Panels into disrepute.

It should be noted that in all these circumstances the panel under the leadership of the Chairperson shall have exhausted all the internal remedies in dealing with the situation. In the event that the situation keeps repeating itself, the chairperson shall after consultation with the members of the panel on the matter, recommend to the Minister for the dismissal of the affected member. In those cases whereby the panel members are of the opinion that they are of a serious nature, the Chairperson shall call for a vote on the matter and a simple majority of 50 plus 1 percent of the members shall be enough to recommend to the Minister for the dismissal.

Where a dispute arises in relation to the termination of membership, the affected party may appeal, in writing, to the Minister. In the event that any such appeal could not be resolved between the Minister and such panel member then it shall be dealt with in line with Section 33 of the Constitution which prescribes that the process as determined and outlined in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) should be followed.

- 12.4** The National Beneficiary Selection and Land Allocation Panel shall deliberate and approve allocation of all of the following land applications: (i) above a value of R50 million for land and improvements, (ii) land donated by other government departments, (iii) land donated by private farmers, (iv) land made available for mega projects of national interest, (v) commonage land to municipalities, (vi) as well as transfer of land for settlement, residential or industrial development. Key government departments shall be identified such as the Department of Human Settlements, Water and Sanitation, Department of Public Works, Department of Cooperative Governance and Traditional Affairs and the Department of Mineral Resources and Energy for participation on the Panel. In cases where the Panel might deem it necessary to conduct a site inspection on the property, such information shall be made available in advance and all shortlisted applicants shall be required to attend the site inspection as well as availing themselves for a skills assessment to determine the areas of training and development.
- 12.5** The Provincial Beneficiary Selection and Land Allocation Panel shall deliberate and approve allocation of all land up to a value of R50 million for agricultural production, transfer of State-owned land for various needs and categories of farmers as outlined in the policy; and
- 12.6** Upon receipt of the online applications from the Provincial Office, the Provincial Beneficiary Selection and Land Allocation Panel shall shortlist in line with the beneficiary selection criteria as articulated in the policy. Applications from rural women cooperatives currently farming at subsistence level shall be assessed based on profiling and an assessment of experience. A compulsory farm inspection and interviewing of prospective applicants shall be conducted by the

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Minister Initials. 

Provincial Beneficiary Selection and Land Allocation Panel as part of its approval process. It is not compulsory for members of the panel to attend the compulsory farm inspection, however, the panel may nominate a few who would conduct the farm inspection and on return compile a comprehensive report to assist with approval process. Capacity and skills assessment shall be conducted to establish the required training needs or types of intervention to support the selected beneficiary.

13. DISPUTE RESOLUTION

13.1 Where a dispute arises in relation to the selection, allocation and categorisation of applicants, an applicant or other affected party may appeal in writing within 30 calendar days to the Chairperson of Beneficiary Selection and Land Allocation Panel. The Chairperson shall also acknowledge receipt of the complaint and respond to it in writing. In the event that the affected parties are still not satisfied with the outcomes of the PBSLA Panel or NBSLA Panel, the matter shall be escalated to the Deputy Director-General: Land Redistribution and Tenure Reform and the Minister, respectively to seek further relief. The entire process to resolve the matter shall not take more than 60 calendar days.

13.2 In the event that a dispute could not be resolved in line with 13.1 above, such shall be dealt with in line with Section 33 of the Constitution which prescribes that the process as determined and outlined in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) should be followed.

14. TERMINATION

14.1 A provisional selection and allocation shall cease under the following circumstances:

14.1.1 Death of the potential beneficiary;

14.1.2 Conviction of a crime resulting in a prison sentence;

14.1.3 Written withdrawal of application by the beneficiary;

14.1.4 Withdrawal of the farm by the land owners or seller;

14.1.5 Sub-leasing without the express approval of the department;

14.1.6 Any further circumstances outlined in the lease agreement;

14.1.7 Misrepresentation of information contained in the application form or made by the applicant during an interview, failure to disclose or declare in advance the applicant's relationship with a public servant, especially a spouse and/or any other misconduct on the part of the farmer/ legal entity that the department might deem to be seriously violating this policy and other government related policies;

14.1.8 Poor and/or underutilisation of the land, resulting in the land lying fallow, shall evoke the principle of use-it-or-lose-it;

14.2 Termination of a finalised allocation shall be done in terms of the provisions of the State Land Lease and Disposal Policy with the remaining spouse or dependent given first preference prior to re-allocation; and

14.3 However, termination should be regarded as the last resort in the light of the seriousness of the violation; it is also important to consider that other methods such as litigation (both criminal and civil), dismissal, suspension or a combination of these, maybe considered by government as a form of recourse in the event of a violation or breach of the applicable prescripts.

15 REALLOCATIONS

15.1 The surviving spouse or dependent of the beneficiary shall enjoy the first preference in the event they elect to apply for an allocation to lease the land;

15.2 The spouse or dependent referred to above should be eligible in terms of the requirements of this policy and in terms of the criteria prescribed by the department's State Land Lease and Disposal Policy;

15.3 In the event of the surviving spouse or dependent not satisfying the criteria, the Beneficiary Selection and Land Allocation Panel shall make recommendations to the department on how the beneficiary should be assisted in order for them

to qualify, especially in instances where there are reasonable prospects of success;

- 15.4 Such a report shall include recommendations on steps that would need to be taken to place the applicant in a position that will make them eligible; and
- 15.5 Except in circumstances described above, a potential lessee shall not cede its rights and obligations to any other person, except with the approval of the department.

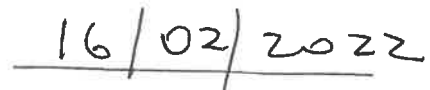
16 MONITORING AND EVALUATION

- 16.1 The department, through its Chief Directorate: Monitoring and Evaluation, as well as the Department of Policy, Monitoring and Evaluation, and with participation of the private sector, shall monitor and evaluate the implementation of the policy in line with pre-determined indicators, targets as well as the timelines as set out in the implementation and monitoring framework.
- 16.2 An evaluation will take place at regular intervals during the implementation of the policy for a period of three years of uninterrupted implementation. Such information will be included in the department's overarching monitoring and evaluation reporting.

**THIS POLICY HAS BEEN APPROVED BY THE MINISTER OF AGRICULTURE,
LAND REFORM AND RURAL DEVELOPMENT**



MRS AT DIDIZA (MP)



DATE: