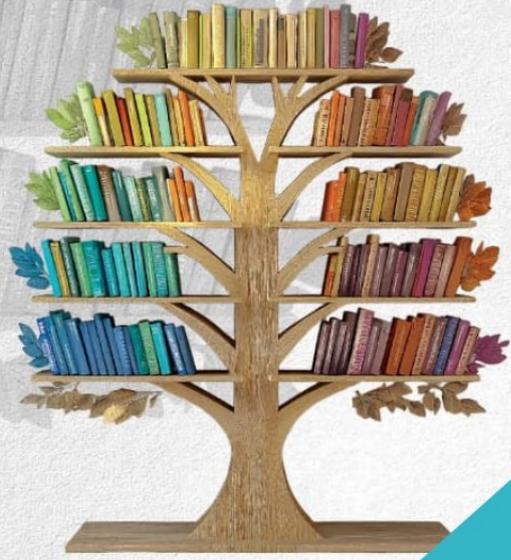
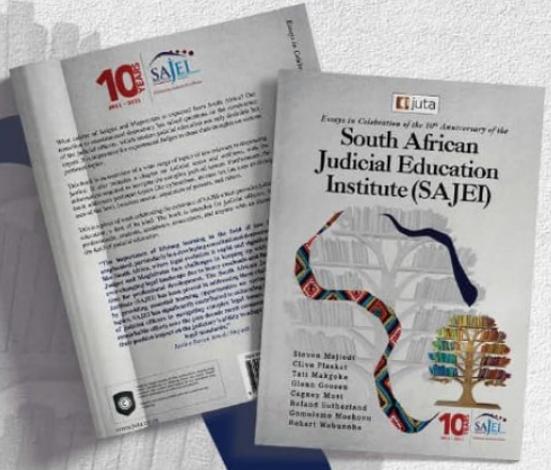


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# JUDICIAL EDUCATION NEWSLETTER

24TH EDITION

SEPTEMBER 2025



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# EDITORIAL TEAM AND CONTRIBUTORS

## Editorial Committee

1. Ms. Jinx Bhoola - Editor-In-Chief
2. Dr. Gomolemo Moshoeu - Chief Executive Officer (SAJEI)
3. Mr. Ian Cox - Regional Court Magistrate
4. Mr. Collen Matshitse - Regional Court Magistrate
5. Ms. Chetna Singh - Senior Magistrate
6. Ms. Shirley Nmutandani - District Court Magistrate
7. Ms. Hangwelani Maringa - Production Editor (SAJEI)
8. Ms. Mampotse Mokgetle - Deputy Director Executive Support (SAJEI)
9. Ms. Sizophila Sokhela - Law Researcher (SAJEI)

## Contributors

1. Justice Steven Majiedt
2. Ms. Jinx Bhoola
3. Mr. Collen Matshitse
4. Mr. Ian Cox
5. Ms. Shirley Nmutandani
6. Adv. Adel Adams
7. Mr. Christopher Abrahams
8. Ms. Sizophila Sokhela

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TheSouthAfricanJudiciary



## FROM THE DESK OF THE CEO



**Dr. Gomolemo Moshoeu**

**Chief Executive Officer, SAJEI**

The 24<sup>th</sup> edition of the Newsletter is an exciting and inspiring piece of work. Although it is a themed edition on evictions, it includes a thought-provoking feature presentation on judgment writing by Justice Steven Majiedt of the Constitutional Court. It was delivered at the 2025 Judges Annual seminar. The presentation is shared in phases thereafter the entire presentation will be accessible on SAJEI online platform. SAJEI is grateful that Justice Majiedt gave us go-ahead to share the presentation.

SAJEI is more than a decade old. To celebrate this milestone, members of the judiciary were requested to prepare chapters on the topics of their choice. This project was preceded by a writer's workshop co-hosted with JUTA. The authors were exposed to the do's and don'ts of writing for publications.

SAJEI is the engine room for judicial education, intellectual and jurisprudential growth. A book consisting of essays in celebration of the 10<sup>th</sup> anniversary of SAJEI was

launched on 14 August 2025 by the honorable Chief Justice Mandisa Maya. The Managing editor, Justice Nambitha Dambuzza was applauded for the sterling work. Also, authors were showered with congratulatory messages by Chief Justice, Deputy Chief Justice, and Deputy Minister of Justice and Constitutional Development. The Chief Justice stated that SAJEI has cultivated a culture of improvement and fostered scholarly discourse through the accredited journal. The unveiling of the remarkable collection of essays was a milestone and incredible legacy for the Institute.

The book is available for sale from JUTA at [https://juta.co.za/catalogue-details/essays-in-celebration-of-the-10th-anniversary-of-the-south-african-judicial-education-institute-sajei-1\\_1256](https://juta.co.za/catalogue-details/essays-in-celebration-of-the-10th-anniversary-of-the-south-african-judicial-education-institute-sajei-1_1256)

The esteemed members of the Editorial Committee showed leadership by submitting articles for this edition. They have demonstrated that despite demanding work schedules, it is possible to set some time aside to pen articles. These articles are meant to trigger discourse and urge readers to share their views through an article. On behalf of SAJEI, I encourage other Judicial officers, members of the legal profession, academics and others to do so. Without your support, this Newsletter will not survive.

On 9 August 2025, Chief Justice Mandisa Maya launched a sexual harassment policy for the Judiciary. Please acquaint yourself with it, it is available on <https://share.google/jtmmANY7dkiAj3gyb>

I have been at SAJEI for more than ten fruitful years; it is now time to hand over the baton and change focus. I have enjoyed enormous support from the members of the judiciary and for that I am very thankful. SAJEI has grown from strength to strength. May SAJEI continue to be a shining example of judicial education and a trailblazer in Africa and beyond.

## EDITOR-IN-CHIEF'S NOTE



**Ms. Jinx Bhoola**  
Editor-in-Chief

Firstly, congratulations to SAJEI on its meritorious and momentous occasion of its book launch which was held on the 14<sup>th</sup> August 2025. I was rather fortunate to be present at the book launch. The occasion was graced by the leadership of the judiciary, with its keynote speaker being the Chief Justice of the Republic of South Africa, Chief Justice Mandisa Muriel Maya.

The book, which is published by JUTA, contains articles written by experienced Judges, is a phenomenal read and a must have in your library collection. The book is available and can be bought from JUTA. A detailed article is penned by the CEO of SAJEI, Dr Gomolemo Moshoeu on the launch of the book and can be read in this edition.

This issue of our newsletter explores the themes of Evictions and Traditional Courts in depth. It endeavours to unpack recent legislative reforms, analyse key court decisions, and offers practical guidance for navigating the evolving eviction landscape. This edition will provide both insight and clarity on various aspects relating to evictions and Traditional Courts. For those whose learning style is outside the box, a puzzle has been created to test your knowledge.

Evictions in South Africa are not merely legal procedures; they are constitutional matters rooted in the principles of human dignity, equality, and access to adequate housing. At the heart of this issue lies Section 26 of the Constitution, which enshrines the right of every person to have access to adequate housing and explicitly states that no one may be evicted from their home without a court order made after considering all relevant circumstances.

Evictions remain a profoundly sensitive and complex area of South African law. One that reflects the country's fraught historical relationship with land, tenure, and displacement. As Magistrates, we are routinely called upon to navigate the fine line between **property rights** and **constitutional obligations**, particularly the right to **adequate housing** under **Section 26 of the Constitution**.

Section 39(1) of the Constitution directs that when interpreting the bill of rights, a court must promote the values that underlie an open and democratic society based on human dignity, equality and freedom, must consider international law and may consider foreign law.





## EDITOR-IN-CHIEF'S NOTE

Furthermore, section 39(2) of the Constitution mandates all courts, to act with compassion, proportionality, and respect for human dignity.

This constitutional mandate has been given legislative effect through statutes such as the **Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE), 1998**, and the **Extension of Security of Tenure Act (ESTA), 1997**. Both laws aim to safeguard the tenure of vulnerable individuals, particularly those living on rural land and in informal or precarious housing situations.

The ESTA amendments reflect a nuanced and overdue parliamentary response to the evolving landscape of land tenure in South Africa. By tightening definitions and requiring procedural due process, the amendments reinforce the Act's core objective: fair and just treatment of occupiers while recognising landowners' rights.

Recent **amendments to ESTA** have introduced greater clarity and additional procedural safeguards:

- **The Act has expanded the definitions** of "family," "dependent," and "resident" now better delineate who qualifies for protection.
- Greater emphasis has been placed on **mediation and alternative dispute resolution** which reflects a move toward less adversarial mechanisms.

- Mandatory **probation reports**, increased **municipal involvement**, and a requirement to explore **alternative accommodation** options further align eviction procedures with constitutional standards.
- The **Land Rights Management Board**, introduced by the amendments, is a step toward central oversight and better coordination in resolving land tenure disputes.

Judicial interpretation continues to play a vital role in shaping eviction jurisprudence. Ms Sokhela focussed the case research on ESTA, and other writers also referred to various case law, a few unforgettable **landmark Constitutional Court decisions** which have entrenched a humane and rights-based approach to evictions cannot be forgotten:

- ***Government of the RSA v Grootboom***<sup>1</sup> highlighted the State's obligation to take reasonable legislative and other measures to realise the right to housing.
- ***Port Elizabeth Municipality v Various Occupiers***<sup>2</sup> emphasised that eviction decisions must be just and equitable, grounded in compassion and contextual understanding.

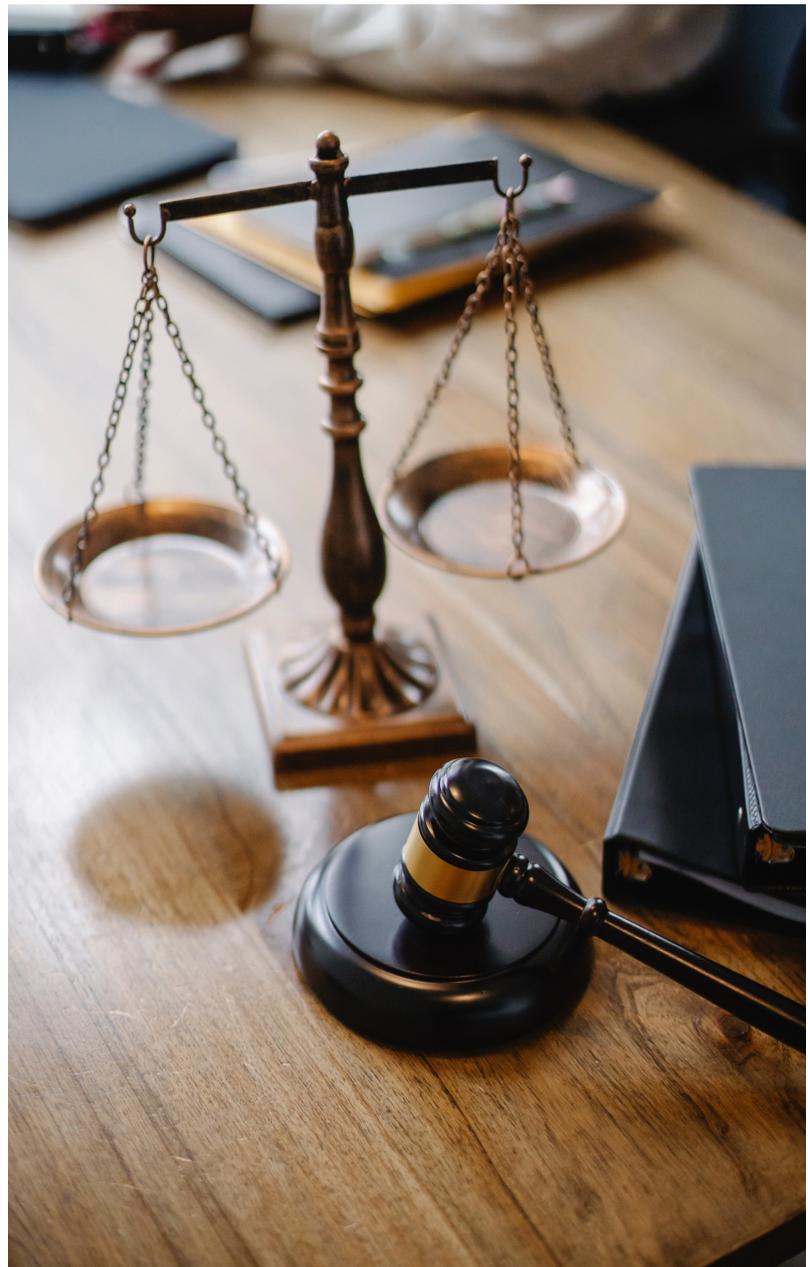
## EDITOR-IN-CHIEF'S NOTE

- ***Occupiers of 51 Olivia Road Berea Township v City of Johannesburg***<sup>3</sup> reinforced the need for **meaningful engagement** between the State and affected occupiers before eviction proceedings can proceed.

Despite these developments, challenges remain. Unlawful evictions, bureaucratic inertia, and insufficient emergency housing provision continue to undermine constitutional rights on the ground. Courts play a critical role in both enforcing these rights and ensuring that proceedings, whether initiated by landowners, municipalities, or the State, are bound to comply fully with both the **letter and the spirit of the law**.

I want to thank all the authors who have selflessly set aside time to pen very interesting articles despite heavy court rolls and busy schedules. This is greatly appreciated. To the SAJEI team you are phenomenal. Thank you for your continuous hard work and commitment.

- 
1. Government of the Republic of South Africa and Others v Grootboom and Others · Case Number: CCT11/00 2000 (11) BCLR 1169 (CC).
  2. Port Elizabeth Municipality v Various Occupiers (CCT 53/03) [2004] ZACC 7; 2005 (1) SA 217 (CC); 2004 (12) BCLR 1268 (CC) (1 October 2004).
  3. Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC) ; 2008 (5) BCLR 475 (CC) (19 February 2008).



## JUDGMENT WRITING – PART 1



**Justice Steven Majiedt**  
Constitutional Court

### **Presentation to Judges' Seminar - July 2025**

The writing and handing down of a judgment at the culmination of proceedings is the most important, but also most challenging, part of a case. You are all very experienced lawyers so this article will be an attempt to provide guidance merely to stimulate discussion. I daresay that all of us know the basic structure, requirements and composition of a judgment.

The writing of a judgment is our way of being held accountable. I once heard an anecdote while I was still an advocate in Cape Town in the 1980's concerning judgment writing.

It goes like this. A well-known Judge in the then Transvaal Supreme Court (as the High Court was known back then) said that he only granted leave to the then Appellate Division ("AD") in cases where he wrote beautiful, well-reasoned and meticulous judgments so that "those guys in the AD can see how well I write!" And back then for a long time there were indeed only men in the AD, as you will recall.

We write of course primarily for the litigants before us, because they must know the outcome of the litigation. But our judgments, particularly in the Superior Courts, have implications beyond just the litigants. They set precedent in our Divisions and for the Magistrates in our provinces. They are of interest to academics and law students, especially where new law is made. In high profile cases, they often elicit widespread public interest and comment. Of course, a court of appeal must be able to discern the reasons for the outcome.

The basic structure of a judgment is well established, is an introduction that explains what the case is all about, a factual background of only the relevant facts to provide context, an elucidation of the issues, and the law that applies to the issues that require determination. Furthermore, an application of the law to the facts, that would usually form part of the evaluation, which in trials will include credibility findings and an assessment of the significance of documentary evidence, if any. Finally, the outcome and relief granted.





# JUDGMENT WRITING – PART 1

Let me make some general remarks about judgment writing before I delve into the minutiae of the topic. First, and self-evidently, it is a question of style and you have wide authorial choices. There is no magic blueprint and even less, a rigid mechanical formula. Less is more. I know that we write long judgments in the Constitutional Court, but that is mostly because by the time the matters get to us they have long litigation histories. Bear in mind too, that we are setting precedent for all Courts in the country, and we need to cover all the bases and do it thoroughly.

My retired colleague, Justice Bob Nugent in the Supreme Court of Appeal, used to say, “*make liberal use of the “delete” button on your computer, and leave a judgment overnight (or two or three) and reflect on it afresh before you hand down*”, time permitting of course.

Here is a self-evident truism, the more accurate and copious the notes you are taking, particularly in long, complex trial matters, the easier the task at the end. It will be to write a well-reasoned judgment. So, be diligent but also disciplined in your note taking. By the time the matter starts, you will be *au fait* with the pleadings and what the issues are. I cannot overemphasise the importance of clearly delineating the issues early on. That will focus you in relation to relevance of evidence, cross-examination, later argument and in preparing the judgment.

Without a decision, a court will have failed in the very reason for its existence. Courts must self-evidently decide legal disputes brought before them. The need for a court to decide the dispute is an important component of the fair hearing right in section 34 of the Constitution. Importantly, proper consideration is a crucial element of a court’s decision<sup>1</sup>.

Closely related to the point I just made, is that, there is a duty to provide reasons for a decision, and the reasoning consequently occupies a central place in a judgment. Courts speak through their judgments. The judgment gives the litigants in the case, and also the general public, insight into how the court evaluated evidence and how it arrived at its conclusions on both fact and law. It is in the judgment that one must find evidence that the court had a proper understanding of the issues, understood the relevant facts, law and knew what the issues are, and that it had properly considered them.

***Part 2 of the presentation will be included in the next edition of the Newsletter, on the structure of a Judgment.***

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1. See: Social Justice Coalition v Minister of Police [2022] ZACC 27; 2022 (10) BCLR 1267 (CC) at para 51.





## A DECADE OF JUDICIAL EXCELLENCE: SAJEI CELEBRATES 10 YEARS WITH LANDMARK BOOK LAUNCH

Midrand, 14 August 2025 – In a landmark event that underscored the transformative power of judicial education, the South African Judicial Education Institute (“SAJEI”) celebrated its 10th anniversary with the launch of a seminal book of essays, presided over by Chief Justice MML Maya.

The ceremony, elegantly facilitated by Ms. Bongwiwe Gambu, was not merely a celebration of a publication, but a powerful testament to a decade of unwavering collaboration between the Judiciary and SAJEI. A partnership that has fundamentally strengthened the foundations of justice in South Africa.

The book itself is the embodiment of this partnership. Spearheaded with exceptional dedication by Managing Editor Justice Nambitha Dambuza of the Supreme Court of Appeal, the project brought together the nation’s most eminent legal minds. Its contents feature profound contributions from jurists, an environmentalist, and the Chief Executive Officer of SAJEI, representing a unified front in the pursuit of judicial excellence.

In her keynote address, Chief Justice Maya powerfully affirmed SAJEI’s critical role. “SAJEI has cultivated an indispensable culture of continuous improvement and elevated scholarly discourse through its accredited journal,” she stated. With compelling insight, she shared excerpts from the essays,

masterfully weaving a narrative that highlighted the intellectual depth of the work and left the audience eager for more.

The Deputy Minister of Justice and Constitutional Development Andries Nel echoed this sentiment, offering strong words of support while reflecting on SAJEI’s journey from a promising initiative to an indispensable cornerstone of judicial development. He expressed his confidence that this collection would serve as a vital resource, inspiring deeper reflection and guiding the next generation of judicial officers.

The personal investment of the Judiciary was further highlighted in heartfelt tributes from Deputy Judge President Vincent Ratshibvumo and Senior Magistrate Jinx Bhoola. Their pieces provided a candid glimpse into SAJEI’s history, acknowledging both its remarkable achievements and the challenges overcome, firmly stating that “SAJEI belongs to the Judiciary.”

The essays within the book chart the course of modern jurisprudence and the evolving role of the judge, covering critical themes such as:

- Separation of Powers and the Independence of the Judiciary: **Justice Steven Majiedt**
- Administrative Law in the Courts: **Justice Clive Plasket**
- Judgment Writing: Process and Challenges: **Justice Tati Makgoka**





## A DECADE OF JUDICIAL EXCELLENCE: SAJEI CELEBRATES 10 YEARS WITH LANDMARK BOOK LAUNCH

- Cybercrime: **Justice Glen Goosen**
- Judicial Stress and Well-being: **Judge President Cagney Musi**
- The Ethical Judge: **Deputy Judge President Roland Sutherland**
- Judicial Education and Environmental Law: An African Perspective: **Dr. Gomolemo Moshoeu and Mr. Robert Wabunoha**

The book, “Essays in Celebration of the 10th Anniversary of the South African Judicial Education Institute (SAJEI)”, is available for purchase from JUTA at [https://juta.co.za/catalogue-details/essays-in-celebration-of-the-10th-anniversary-of-the-south-african-judicial-education-institute-sajei-1\\_1256](https://juta.co.za/catalogue-details/essays-in-celebration-of-the-10th-anniversary-of-the-south-african-judicial-education-institute-sajei-1_1256)

This launch was more than an event; it was a powerful declaration that the collaborative spirit between the Judiciary and SAJEI is the bedrock upon which a robust, enlightened, and independent judiciary is built for the future.

This collection signifies a decade of SAJEI’s growth, its resilient delivery of critical training, and the immeasurable dedication of judicial members to their own continuous learning. It is poised to become the catalyst for a landmark series of future publications.

The celebration resonated beyond South Africa's borders. Justice Paul Kihwelo of the Tanzania Court of Appeal and Principal of that nation’s Judicial Training Institute, delivered congratulatory remarks, applauding SAJEI’s exponential growth. He highlighted SAJEI’s pioneering role in uniting judicial training institutes across Africa, a testament to its regional influence since the beginning of its collaboration with Tanzania in 2016.

The full proceedings of this momentous launch are available on YouTube.

## PROMULGATION OF THE EXTENSION OF SECURITY OF TENURE AMENDMENT ACT NO 2 OF 2018 (“ESTAA”) AND ASSOCIATED REGULATIONS



**Ms. Jinx Bhoola**  
Editor-in-Chief

### Introduction

The Extension of Security Tenure Act (“ESTA”)<sup>1</sup> and the Regulations issued in terms of the Act came into effect on 1 April 2024 and has introduced several amendments. The amendments to the (“ESTA”) have addressed significant Constitutional rights as encapsulated in section 5 of ESTA<sup>2</sup>. These amendments are welcomed as they address the objectives of the preamble and advances Constitutional imperatives. The most important amendments can be highlighted as follows:

- Various definitions were amended and expanded. Whilst there are various definitions, this article will emphasise definitions that are relevant for the purposes of the Court procedures; “occupier”, “dependent” “family” and “resident”;
- The rights and duties of occupiers were extended in respect of their duties to maintain housing, as well as their rights relating to grave sites;
- Mandatory legal representation in eviction proceedings are implemented;
- Alternative Dispute Resolution (“ADR”); both Mediation and Arbitration mechanisms have been implemented as a procedural preliminary requirement before eviction orders can be granted;
- A Land Rights Management Board and/or Committee has been established to facilitate eviction issues, perform regulatory functions, as well as to implement ADR mechanisms in order to identify and resolve security of tenure disputes; and
- Tenure Grant Subsidies have been substituted in order to facilitate issues dealing with alternative accommodation solutions through various role-players.

### Amendments to Section 1 of ESTA, effected in the definitions

This article focuses specifically on the amendments made to the definitions in section 1 of ESTA. Below is a brief overview of the key changes:



## PROMULGATION OF THE EXTENSION OF SECURITY OF TENURE AMENDMENT ACT NO 2 OF 2018 (“ESTAA”) AND ASSOCIATED REGULATIONS

Definitions	Comments
<p><b>“Board”</b> means the Land Rights Management Board established in terms of section 15A.</p>	<p>This definition has been introduced to address and facilitate eviction issues, perform regulatory functions, as well as to implement ADR mechanisms to identify and resolve security of tenure disputes.</p>
<p><b>“Court”</b> means the Land Court established by section 3 of the Land Court Act 6 of 2023, or a Magistrate’s Court in whose area of jurisdiction the land in question is situated, including a Special Tribunal established under section 2 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996).</p>	<p>The amendment introduces a Special Tribunal to be included as a Court.</p>
<p><b>“Dependant”</b> means a family member whom the occupier has a legal duty to support.</p>	<p>The introduction of dependant has been included to extend the definition of an occupier.</p>
<p><b>“Family”</b> means the occupier’s spouse, and includes—</p> <ul style="list-style-type: none"> <li>(i) a spouse in a customary marriage, whether or not the marriage is registered;</li> <li>(ii) a child, including an adopted child, or foster care child;</li> <li>(iii) a grandchild;</li> <li>(iv) a parent; and</li> <li>(v) a grandparent</li> </ul> <p>who are dependants of the occupier and who reside on the land with the occupier.</p>	<p>The insertion of the definition of “family” was introduced to address the challenges that excluded some family members during the eviction process.</p> <p>The purpose of this insertion is to provide additional protection to certain family members and dependents and to avoid any misunderstanding during eviction process.</p> <p>The new definition has included the occupier’s spouse which included customary marriages both registered and unregistered marriages, children included both biological and adopted children, and includes grandchildren, parents and grandparents. It’s important to note that the family members need to be dependent on the occupier and live with the occupier on the land. This is a move in the right direction in the restoration of the family unit. Furthermore, it is security of tenure for these occupiers as their rights to live on the farms are now protected as dependants of farm-workers and occupiers.</p>

## PROMULGATION OF THE EXTENSION OF SECURITY OF TENURE AMENDMENT ACT NO 2 OF 2018 (“ESTAA”) AND ASSOCIATED REGULATIONS

<p>“<b>Land Rights Management Committees</b>” means the Land Rights Management Committees contemplated in section 15H;</p>	<p>This is a committee established for the purposes of addressing all issues relating to ESTA.</p>
<p>“<b>Occupier</b>” means a person residing on land which belongs to another person, and who, on 4 February 1997 or thereafter had consent or another right in law to do so, but excluding—</p> <p>(a) ...</p> <p>(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</p> <p>(c) a person who has an income in excess of the prescribed amount.</p>	<p>Note (a) has been deleted.</p>
<p>“<b>Reside</b>” means to live at a place permanently, and “residence” has a corresponding meaning.</p>	<p>An example of this in practice would include instances where occupants who enjoy status as protected occupiers in terms of section 8(4), who acquire suitable alternative accommodation, yet retain possession of the farm premises for the sake of accommodating adult children/family members. These occupants will no longer be considered to be resident on the farm as the degree of non-permanence will affect their status as occupiers.</p>

### Conclusion

The amendments to the definitions in ESTA provide greater clarity and legal certainty regarding the status and rights of occupiers, landowners, and other stakeholders. By refining key terms, the legislation aims to close interpretative gaps, promote consistent application of the law, and better protect vulnerable groups in line with constitutional principles.

1. Act 62 of 1997.
2. Section 5 of Extension of Security of Tenure Act 62 of 1997.



# EVICTON OF A RESIDENTIAL PERMIT HOLDER UNDER REGULATION 7 OF THE 1968 REGULATIONS IN SOUTH AFRICA



**Mr. Collen Matshitse**  
**Regional Magistrate**

## **Abstract**

This article explores the eviction of individuals holding residential permits issued under Regulation 7 residential Permit<sup>1</sup>. It examines the historical background of the regulation within the apartheid legislative framework and considers the contemporary legal landscape governed by the Constitution<sup>2</sup> and statutes such as PIE<sup>3</sup> and ESTA<sup>4</sup>. This article highlights the importance of due process, constitutional protections, and the principles of justice and equity in eviction proceedings.

Can the original permit holder, or a person who was the dependent of the permit holder in terms of Regulation 7, and who is now the registered owner of the property under a Title Deed registered in terms of the Deeds Registries Act<sup>5</sup> have the authority or right to evict other people or persons whose names also originally appeared on the permit. (Regulation 7 residential permit)?

## **Introduction**

The evolution of land tenure in South Africa has been marked by a shift from racially discriminatory laws to a rights-based, constitutional approach. Regulation 7, enacted under R1036, historically governed the issuing of residential permits to Black South Africans. These permits, which were often conditional and revocable, did not confer ownership or secure tenure. In the post-apartheid era, disputes surrounding these permits continue to surface, particularly in the context of evictions. This article analyses the legal framework governing such evictions, focusing on constitutional mandates and statutory protections.





# EVICITION OF A RESIDENTIAL PERMIT HOLDER UNDER REGULATION 7 OF THE 1968 REGULATIONS IN SOUTH AFRICA

## Historical Background

Pre-democracy in the Republic of South Africa permits and certificates to occupy land in the townships were mostly granted under the R1036 regulations. Regulation 7 was introduced under the R1036 Regulations as part of the apartheid regime's influx control system. It allowed Black individuals to reside in designated urban areas by issuing conditional residential permits.

Then in 1989, the Conversion of Certain Rights into Leasehold or Ownership Act 81 of 1988 came into operation to allow for the conversion of certain rights, like occupational and leasehold rights, into the right of ownership. When the Upgrading of Land Tenure Rights Act<sup>6</sup> was promulgated, it meant that all registered leaseholds were automatically converted into ownership, and the Registrar of Deeds endorsed these leaseholds into ownership. The registrar would take the lease agreements and confirm the leaseholder as the owner. The holder of the leasehold could then apply for a title deed to be issued in respect of that property in the holder's name<sup>7</sup>.

## Legal Framework for Eviction

The Constitution provides a transformative framework for housing rights. Section 26(3) of the Constitution affirms that no one may be evicted or have their home demolished without a court order made after considering all relevant circumstances<sup>8</sup>. This provision is operationalised by statutory laws, including the PIE and ESTA.

PIE applies to all unlawful occupiers and mandates a just and equitable eviction process. This includes judicial oversight and consideration of the occupier's vulnerability and length of residence. ESTA applies to occupiers of rural and peri-urban land, and occupiers who occupied the property with the consent of the owner, offering additional protections against arbitrary eviction.

## Judicial Approach and Equity Considerations

Evictions are not merely administrative actions but are subject to constitutional scrutiny. Courts must consider whether the eviction is just and equitable, balancing the rights of the landowner with the vulnerability of the occupier. In *Port Elizabeth Municipality v Various Occupiers*<sup>9</sup>, the Constitutional Court highlighted the need for procedural fairness, alternative accommodation, and proportionality in eviction matters.



## EVICTION OF A RESIDENTIAL PERMIT HOLDER UNDER REGULATION 7 OF THE 1968 REGULATIONS IN SOUTH AFRICA

In the case of *Ndlovu v Ngcobo; Bekker and Another v Jika*<sup>10</sup>, the Supreme Court of Appeal interpreted that PIE encompasses individuals who may have lawfully occupied the property in the past but whose legal right has since lapsed, and it held that such individuals are now considered ‘unlawful occupiers’ for the purposes of PIE. This case marked a crucial shift in recognising the transitional legal status of former permit holders under PIE.

### Conclusion

The eviction of individuals who held residential permits or whose names appeared in the Regulation 7 residential permit must be addressed within the post-apartheid legal framework. While the permits may no longer confer enforceable tenure, any attempt to remove such individuals must comply with PIE and/or ESTA and the constitutional requirement for justice and equity. The South African legal system continues to evolve in its efforts to strike a balance between historical redress and present-day legal protection and human dignity.

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1. The Regulations Governing the Control and Supervision of Urban Residential Areas. GN R1036 of 14 June 1968. These were issued in terms of s 38(8)(a) of the Black (Urban Areas) Consolidation Act (Urban Areas Act) 25 of 1945 The Constitution of the Republic of South Africa Act 108 of 1996.
2. The Constitution of the Republic of South Africa Act 108 of 1996.
3. Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998.
4. Extension of Security of Tenure Act 62 of 1997.
5. Act 47 of 1937.
6. Act 112 of 1991.
7. *Ndaba v Thonga and Others* (18674/2019) [2020] ZAGPJHC 404 (23 November 2020).
8. Constitution of the Republic of South Africa, 1996.
9. 2005 (1) SA 217 (CC).
10. *Ndlovu v Ngcobo; Bekker and Another v Jika* 2003 (1) SA 113 (SCA).

# EVICTION OF UNLAWFUL OCCUPIER UNDER THE PREVENTION OF ILLEGAL EVICTION FROM AND UNLAWFUL OCCUPATION OF LAND ACT 19 OF 1998 (“PIE”)



**Mr. Ian Cox**  
**Regional Magistrate**

## Introduction

The main aim of this article is to give guidance in the application of certain subsections of section 4 of the PIE Act<sup>1</sup>. According to the preamble of the PIE Act, the purpose of section 4 would be to regulate the eviction of unlawful occupiers from land in a fair manner, while recognising the right of land owners to apply to a court for an eviction order in appropriate circumstances. PIE and this specific section apply to buildings and land occupied for residential purposes and not to buildings and land occupied for commercial purposes.

## 1. Institution of eviction application proceedings in terms of PIE Act

First and foremost, it is important to note that the application by an owner or person in charge of land must follow the application, as opposed to action procedure when instituting proceedings for the eviction of unlawful occupiers. The legal representative of the applicant will institute proceedings in respect of the substantial application for evictions. Once the eviction application is served. When the matter is ripe for hearing, the legal representative would then obtain a date from the registrar of a particular Court on which date the Court will determine the manner of service of the notice on the unlawful occupiers<sup>2</sup>. Generally, the service will be in accordance with the normal Rules of the relevant Court and must be served at least 14 days before the hearing of the proceedings.

Section 4(2) provides that the notice be in writing and effective. Such notice must be served on the municipality having jurisdiction too. Subsection (5) is prescriptive of what the notice should contain. The court must direct how service of the notice should be affected when service according to the Rules of court will be ineffective. In this regard, the court should be practical in its approach to ensure that the pending application comes to the knowledge of the unlawful occupiers. This is to ensure that they are timeously informed of the day, date place and time that the application would be heard (at least 14 days before hearing the case), in order for them to decide on exercising their rights.



# EVICITION OF UNLAWFUL OCCUPIER UNDER THE PREVENTION OF ILLEGAL EVICTION FROM AND UNLAWFUL OCCUPATION OF LAND ACT 19 OF 1998 (“PIE”)

## 2. Eviction applications in the Magistrate’s Court

In the lower courts, Rule 55<sup>3</sup> is determinative of the process going forward, once served with the substantive application the occupiers (respondents) would have to file their intention to oppose and their opposing affidavit (s) within the prescribed time limits, should they elect to oppose the application for their eviction. Once pleadings have closed the matter will be set-down for hearing, the court will then consider the eviction application based on the affidavits and accompanying affidavits. Should there be a dispute of fact the court may refer the application for oral evidence.

When considering the application, the court must bare in mind the overriding principle that no person may be evicted or have their home demolished without the court considering all relevant circumstances, which of course may vary from case to case. The act requires that special consideration should be given to the rights of the elderly, children, disabled persons and households headed by women.

## 3. Important definitions

### 3.1 Owner

An owner is defined as the registered owner of land, and an organ of state and a person in charge is a person who has or had legal authority to permit a person to enter or reside on the land in issue.

### 3.2 Unlawful occupier

An unlawful occupier refers to a person who occupies land without the express or tacit consent of the owner or person in charge, or without having any other right in law to occupy it, except a person who occupies land in terms of ESTA<sup>4</sup>, a person whose informal right to land, but for the provisions of PIE, would be protected by the provisions of the Interim Protection of Informal Land Rights Act<sup>5</sup>.

- In the event that at the time of initiation of application an occupier has occupied the land for less than six months a court may grant an order for eviction if it is of the view that it is just and equitable to do so after considering all the circumstances mentioned above.
- In the event that the occupier has occupied the land for longer than six months at the time of initiation the court may grant an order for eviction on the same basis including, except where the land is sold in a sale of execution pursuant to a mortgage, whether land has been made available or can reasonably be made available by a municipality or other organ of state or another land owner for the relocation of the unlawful occupier.



## EVICTION OF UNLAWFUL OCCUPIER UNDER THE PREVENTION OF ILLEGAL EVICTION FROM AND UNLAWFUL OCCUPATION OF LAND ACT 19 OF 1998 (“PIE”)

- If the court is satisfied that all the requirements of section 4 have been complied with and that the unlawful occupier has no defence, it must grant an order for eviction and determine the date of vacation of the land including the date on which the eviction order may be carried out should the unlawful occupier fail to vacate the land on the date so determined.
- In determining a date that is just and fair, the court must have regard to all relevant factors, including the period the unlawful occupier and his or her family have resided on the land. In accordance with subsection 10 the court may order the demolition and removal of the buildings or structures that were occupied by such person.

At the request of the sheriff the court may authorise any person to assist the sheriff to enforce an order for eviction, demolition or removal subject to conditions that the court deem fit provided that the sheriff is present during the eviction, demolition or removal. Any order in terms of this section is subject to the conditions deemed reasonable by the court, and the court may vary any such condition on good cause shown.

### Conclusion

This summary offers an outline of section 4 of PIE and does not provide an exhaustive analysis. For deeper insights, refer to judicial rulings such as those by the High Court in the *DNN Technologies* and *Meme-Akpta* cases<sup>6</sup>.

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1. Act 19 of 1998.
  2. *DNN Technologies (PTY) Ltd In re DNN Technologies (PTY) Ltd v Nobantu Mdwara* (Unreported) [Caseno 133462/2023] Gauteng Local Division (delivered on 27 June 2024).
  3. Rule 55 of the Magistrates Court Rules of Court.
  4. The Extension of Security of Tenure Act, 1997.
  5. Act 31 of 1996.
  6. See footnote 2.



# THE CONCEPT OF A “HOME” AND ITS DETERMINATION IN EVICTION APPLICATIONS



**Ms. Shirley Nemutandani**  
Additional Magistrate

## Introduction

The concept of a “home” in eviction law is fundamental because it determines whether the protection afforded by the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act<sup>1</sup> (“PIE”) applies. The determination of whether or not the premises on which the application or action is founded is a “home” or not is pivotal because it dictates whether or not PIE will apply. This article traverses the concept of a home for purposes of PIE applications.

## 1. Legal Background

Section 26 of the Constitution<sup>2</sup> outlines the right to housing. Subsection (1) provides that everyone has the right to have access to adequate housing. Subsection (2) obligates the State to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. Subsection (3) “provides that no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.” PIE gives effect to the above constitutionally protected rights by providing procedures for the eviction of unlawful occupiers.

## 2. What is then a home?

The PIE Act does not define the concept of a home. Oxford English Dictionary defines a “home” primarily as the place where one lives, a dwelling or residence. The riveting aspect in the above definition is the prefix ‘primarily’ because it refers to the most part. What immediately comes to mind having regard to the above definition are questions such as:

- a) can a person have more than one home?
- b) who determines where is ones’ home?
- c) how does one, including the court, reach a finding that one has an alternative home?





## THE CONCEPT OF A “HOME” AND ITS DETERMINATION IN EVICTION APPLICATIONS

The Supreme Court of Appeal (“SCA”) in *Barnett and Others v Minister of Land Affairs and Others*<sup>3</sup>, dealt with the concept of a home in the context of PIE. In this case the defendants had argued that one can have more than one home. This argument was not withstanding the fact that the defendants used the property occasionally over weekends and during vacations because they had primary residences elsewhere. In this case the court dismissed the defendant’s appeal on the basis that the premises used occasionally cannot enjoy the protection afforded by PIE.

I am engrossed with what the court stated at paragraph 39 in relation to the concept of a home where it held as follows:

“[39] Moreover, within the context of s 26(3) of the Constitution – and thus within the context of PIE – I believe that my understanding of what is meant by a ‘home’ is supported by the Constitutional Court, in *Port Elizabeth Municipality v Various Occupiers*<sup>4</sup>, where he said:

*“Section 26(3) evinces special constitutional regard for a person’s place of abode. It acknowledges that a home is more than just a shelter from the elements. It is a zone of personal intimacy and family security. Often it will be the only relatively secure space of privacy and tranquillity in what (for poor people, in particular) is a turbulent and hostile world. Forced removal is a shock for any family, the more so for one that has established itself on a site that has become its familiar habitat.”*

### Conclusion

The court<sup>5</sup> in my view correctly reasoned and accepted that one can conceivably have more than one home and that the determination requires an element of regular occupation coupled with some degree of permanence. In that regard, it is accepted that the legal position is settled to the effect that PIE does not apply to holiday cottages.

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1. Act 19 of 1998.
  2. Act 108 of 1996.
  3. [2007] ZASCA 95 ;2007 (6) SA 313 (SCA); 2007 (11) BCLR 1214 (SCA).
  4. [2004] ZACC 7; 2005 (1) SA 217 (CC) para 17.
  5. Ibid para 38.



## ALTERNATIVE DISPUTE RESOLUTION IS PEREMPTORY IN EVICTIONS UNDER THE EXTENSION OF SECURITY OF TENURE AMENDMENT ACT 62 OF 1997 (“ESTA”)



**Ms. Jinx Bhoola**  
Editor-in-Chief

### Introduction

Sections 10 and 11 of ESTA<sup>1</sup> outline procedures to be followed during eviction processes and emphasise the use of Alternative Dispute Resolution (“ADR”) or mediation to resolve disputes. Section 10 applies to cases where a person became an occupier on or before 4 February 1997, while section 11 applies to cases where a person became an occupier after 4 February 1997.

Table outlining procedures in terms of Sections 10 & 11	
Section 10(1)(e)	Section 11(2)(b)
The owner or person in charge or the occupier have attempted mediation to settle the dispute in terms of section 21 or referred the dispute for arbitration in terms of section 22 and the court is satisfied that the circumstances surrounding the order for eviction is of such a nature that it could not be settled by way of mediation or arbitration.	The owner or person in charge of the land and the occupier have attempted mediation to settle the dispute in terms of section 21 or referred the dispute for arbitration in terms of section 22, and the court is satisfied that the circumstances surrounding the order for eviction is of such a nature that it could not be settled by way of mediation or arbitration.

The amendments of sections 10 and 11, advocates for compulsory mediation before resorting to legal action in evictions relating to ESTA. Where a magistrate is seized with a matter in circumstances where ADR mechanisms pre-litigation have not been utilised, Magistrates will be obliged to stay the proceedings and refer the matter to ADR. By advocating compulsory mediation, this will ensure that should the matter reach the courts, all relevant circumstances will be addressed before litigation proceeds and Magistrates are encouraged to consider the adversarial nature of such proceedings.



## ALTERNATIVE DISPUTE RESOLUTION IS PEREMPTORY IN EVICTIONS UNDER THE EXTENSION OF SECURITY OF TENURE AMENDMENT ACT 62 OF 1997 (“ESTA”)

Distinction of Section 21 and 22 in proceeding under ESTA:

<b>Section 21: Mediation</b>	<b>Section 22: Arbitration</b>
<p>(1) A party may request the Director-General to appoint one or more persons with expertise in dispute resolution to facilitate meetings of interested parties and to attempt to mediate and settle any dispute in terms of this Act.</p> <p>(2) The Director-General may, on the conditions that he or she may determine, appoint a person referred to in subsection (1): Provided that the parties may at any time, by agreement, appoint another person to facilitate meetings or mediate a dispute, on the conditions that the Director-General may determine.</p> <p>(3) A person appointed in terms of subsection (1) who is not in the full-time service of the State may, from moneys appropriated by Parliament for that purpose, be paid such remuneration and allowances as may be determined by the Minister in consultation with the Minister of Finance for services performed by him or her.</p> <p>(3A) The Director-General may refer the disputes contemplated in this section to the Board for mediation or arbitration as contemplated in section 15C(1)(d).</p> <p>(4) All discussions, disclosures and submissions which take place or are made during the mediation process shall be privileged, unless the parties agree to the contrary.</p>	<p>(1) If the parties to a dispute in terms of this Act refer the dispute to arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965), they may appoint as arbitrator a person from the panel of arbitrators established in terms of section 31 (1) of the Land Reform (Labour Tenants) Act, 1996 (Act 3 of 1996).</p> <p>(2) A person appointed in terms of subsection (1) who is not in the full-time service of the State may, from moneys appropriated by Parliament for that purpose, be paid such remuneration and allowances as may be determined by the Minister in consultation with the Minister of Finance for services performed by him or her.</p> <p>(3) If the parties appoint as arbitrator a person who is not on the panel of arbitrators referred to in subsection (1), the Director-General may approve the payment to such arbitrator of the remuneration and allowances referred to in subsection (2), on the conditions that the Director-General may determine.</p>





## ALTERNATIVE DISPUTE RESOLUTION IS PEREMPTORY IN EVICTIONS UNDER THE EXTENSION OF SECURITY OF TENURE AMENDMENT ACT 62 OF 1997 ("ESTA")

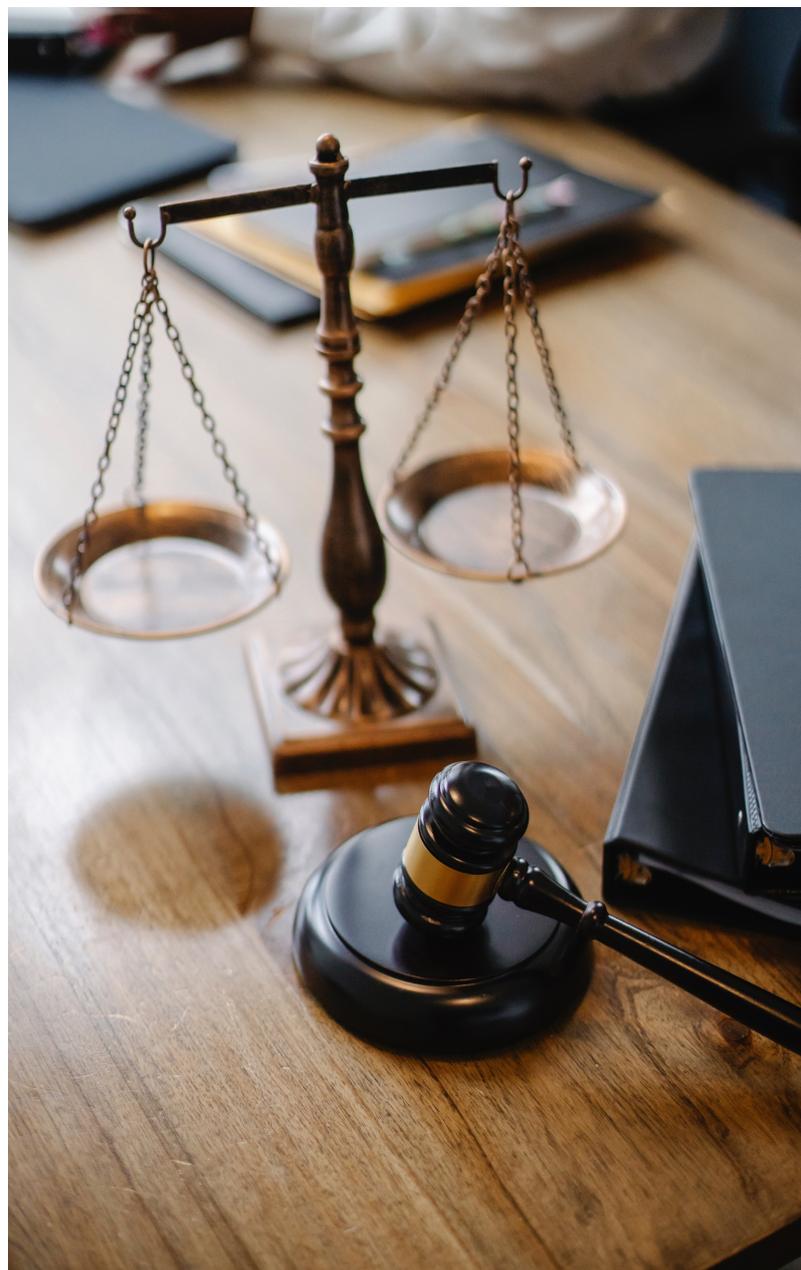
Section 3A, as amended, is Constitutionally progressive in that the Director-General may refer the disputes contemplated in this section to the Board for mediation or arbitration as contemplated in section 15C(1)(d).

### Conclusion

When considering the issue of mediations ADR, and the amendments holistically, both sections 10(1)(e) and 11(2) (b) places an obligation on the Courts to be satisfied that the circumstances surrounding the order for eviction is of such a nature that it could not be settled by way of mediation or arbitration. This emphasises the fact that if a matter is before the Court and the parties have not considered mediations ADR, the Court has to hold a full enquiry into why the matter was not referred and resolved through mediation or arbitration. It is recommended that if this process is omitted, the Courts should refer the matter to mediation or arbitration. This view is supported by section 9. If mediation or arbitration is unsuccessful, the department must assist the parties in obtaining representation through Legal Aid South Africa and refer the matter to Court.

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1. Extension of Security of Tenure Amendment Act 1997, (Act No. 62 of 1997)



# APPEALABILITY IN TRADITIONAL COURTS: RECONCILING CUSTOMARY JUSTICE WITH CONSTITUTIONAL RIGHTS IN SOUTH AFRICA (PART 1)



**Mr. Christopher Abrahams**  
Acting Regional Magistrate

## Introduction

Traditional Courts<sup>1</sup> are integral to South Africa's plural legal landscape, especially in rural communities where they remain a vital source of justice. However, the appealability of decisions rendered in these courts remains a contentious and underdeveloped area of law. While the Traditional Courts Act<sup>2</sup> ("TCA") introduces important reforms, the TCA<sup>3</sup> does not establish a clear, full right of appeal. This article explores the constitutional and procedural challenges inherent in the current framework, the tension between customary authority and constitutional supremacy. This article will be presented in two parts.

Traditional Courts continue to function as essential institutions of dispute<sup>4</sup> resolution in many South African communities. Rooted in customary law and local leadership structures, these courts offer culturally attuned, accessible, and restorative forms of justice. Their continued relevance is explicitly recognised under section 211 of the Constitution of the Republic of South Africa, 1996. However, the appealability of decisions rendered by Traditional Courts remains legally and practically problematic, raising significant questions about access to justice, procedural safeguards, and the alignment of indigenous legal processes with constitutional imperatives.

## 1. The Nature and Scope of Traditional Courts

Traditional Courts operate in accordance with customary law and are presided over by Traditional Leaders<sup>5</sup> (Section 3 of TCA speaks of guiding principles) as defined by the section and read with section 6(3) of TCA) Their jurisdiction typically includes minor civil disputes, familial disagreements, and social conduct violations. Traditional Courts are premised on consensus-building and restorative justice rather than adversarial or punitive procedures. Sections 3 and 4 of The TCA sets the normative tone, stating that all proceedings must be conducted in accordance with the values of the Constitution, including equality, human dignity, and freedom from discrimination. Moreover, it guarantees that everyone has the right to participate in these courts, regardless of gender, thereby addressing historical criticisms of exclusionary practices.





# APPEALABILITY IN TRADITIONAL COURTS: RECONCILING CUSTOMARY JUSTICE WITH CONSTITUTIONAL RIGHTS IN SOUTH AFRICA (PART 1)

## 2. Procedural Challenges to Appealability

While the TCA has made important strides toward formalising the role of Traditional Courts within the constitutional framework, it does not provide a full appellate mechanism comparable to that of the ordinary court system.

### 2.1. Absence of a Formal appeal process

Under section 11 of the TCA, Traditional Courts' decisions may be subject to review, but not direct appeal. This distinction is crucial. A review focuses on procedural irregularities or violations of rights, while an appeal allows a court to revisit the merits of a decision. Thus, dissatisfied parties are limited to approaching a High Court under a review application, which requires evidence of gross procedural unfairness or irrationality, a significantly higher threshold than that of a conventional appeal. Section 12 provides for referral to a Magistrate's Court for grounds not covered in Section 11.

### 2.2. Lack of record-keeping

Section 13 of the TCA requires Traditional Courts to keep a record of proceedings. However, this provision is weak in practice due to a lack of infrastructure and training. Without a reliable record, effective judicial oversight or review becomes virtually impossible, undermining the rights of those seeking to challenge decisions.

## 3. Gender, Vulnerability, and Legal Representation

A persistent critique of Traditional Courts lies in their treatment of women and vulnerable persons, often shaped by patriarchal interpretations of customary norms. The Constitutional Court has repeatedly emphasised that customary law must be interpreted and applied in a manner consistent with the Bill of Rights, as seen in *Bhe v Magistrate, Khayelitsha*, where male primogeniture in inheritance was struck down for violating the rights to equality and dignity.

The TCA addresses some of these concerns through sections 4, 5, and 7, ensuring inclusive participation, the prohibition of coercive or harmful practices, and a commitment to constitutional values. Nevertheless, the lack of legal representation and formal procedure places an asymmetrical burden on women and marginalised individuals when contesting unfair decisions or pursuing reviews.

## 4. Towards a Constitutionally Aligned Appeal Framework

The absence of a dedicated appellate mechanism from Traditional Courts must be addressed to align with section 34 of the Constitution, which guarantees the right to have any dispute resolved in a fair public hearing before a court or independent tribunal.

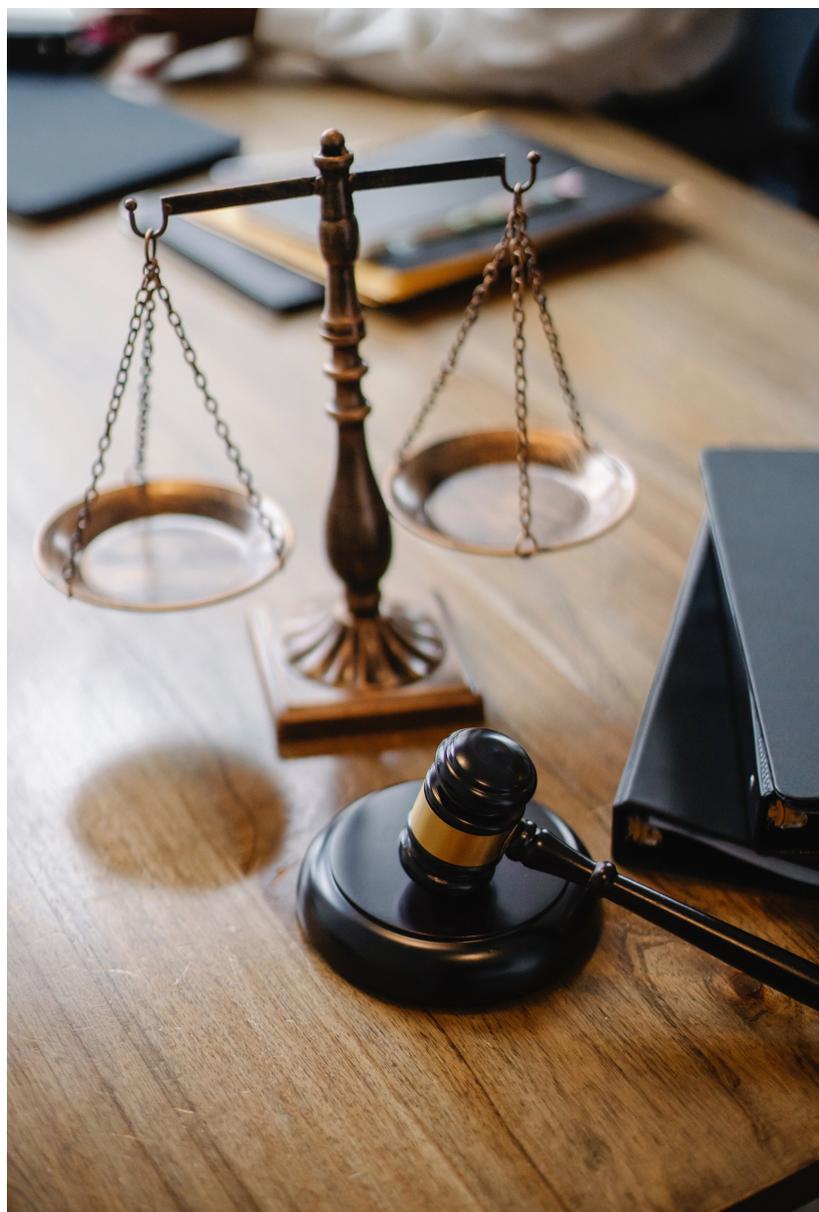


# APPEALABILITY IN TRADITIONAL COURTS: RECONCILING CUSTOMARY JUSTICE WITH CONSTITUTIONAL RIGHTS IN SOUTH AFRICA (PART 1)

## Conclusion

Part 2 of this article will discuss the proposed areas of reform, why providing for an appeal process is better providing for the review process in Traditional Courts. In addition, Part 2 will discuss the judicial development of Customary Law, accountability and legitimacy of Traditional Courts and international norms and best practices.

1. Traditional court means a body which, in a particular locality, is recognised as having the power to resolve disputes in accordance with local customs, cultural or ethnic values, religious norms or tradition.
2. Act 9 of 2022.
3. The TCA aims to provide a uniform legislative framework for the structure and functioning of traditional courts in South Africa, aligning them with constitutional principles and values. It recognises the role of traditional courts in customary law, promoting access to justice, and resolving disputes through restorative justice and reconciliation.
4. Section 1 of TCA states that ‘dispute’ means a dispute between parties of any nature, including a dispute arising out of customary law, which a traditional court is competent to deal with in terms of this Act.
5. Section 1 of TCA states that ‘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 applicable legislation providing for such recognition read with section 5(1).
6. 2005 (1) SA 580 (CC).



# EVICIONS IN SOUTH AFRICA: BALANCING CONSTITUTIONAL MANDATES AND PRACTICAL REALITIES



**Adv. Adel Adams**  
**Acting Additional Magistrate**

## Introduction

Evictions in South Africa sit at the intersection of constitutional rights, statutory regulation, and socio-economic realities. The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act<sup>1</sup> (“PIE”) remains the key legislative safeguard against arbitrary evictions, requiring courts to balance property rights with housing rights. Recent amendments, international human rights norms, and landmark judgments culminating in the Supreme Court of Appeal’s 2025 decision in *Pieters and Another v Stemmet and Another*<sup>2</sup>, illustrate the ongoing tension between protecting the vulnerable and ensuring lawful property use.

## Key Legislative Developments

The 2023 PIE amendments strengthened eviction safeguards and clarified scope<sup>3</sup>:

- Criminalisation of incitement: Promoting unlawful occupation, with or without profit motive, is now punishable by up to five years’ imprisonment.
- Expanded judicial criteria: Courts must assess the occupiers’ financial position, intent, and vulnerabilities (children, elderly, disabled, female-headed households) when applying the “just and equitable” test under section 4(7).
- Alternative accommodation orders: Courts may compel municipalities or state organs to provide and maintain temporary housing.
- Limiting bad-faith occupiers: Reduces misuse of PIE protections as delay tactics.
- Narrowed definition for private landlords: Excludes occupiers who initially had lawful consent but overstayed, easing eviction for landlords and mortgagees without removing core protections for true unlawful occupiers.

## Judicial Interpretation and Safeguards

PIE prescribes a two-stage process: (1) leave to serve notice on occupiers and the municipality; (2) an eviction hearing where all relevant factors are weighed before an order is issued. This ensures due process but increases timelines and costs.





## EVICTIONS IN SOUTH AFRICA: BALANCING CONSTITUTIONAL MANDATES AND PRACTICAL REALITIES

Section 39(1)(b) of the Constitution requires courts to consider international law, reflected in the influence of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and UN guidelines on evictions. These reinforce proportionality, last-resort evictions, and provision of alternative accommodation.

### Foundational Constitutional Principles

In *Government of the Republic of South Africa and Others v Grootboom and Others*<sup>4</sup>, the Constitutional Court affirmed the state's duty to take reasonable measures to realise the right to adequate housing. In *Port Elizabeth Municipality v Various Occupiers*<sup>5</sup>, it held that "just and equitable" requires careful inquiry into hardship and alternatives. These principles underpin modern eviction jurisprudence.

### Recent Case Law and Diverging Realities

- *Pieters and Another v Stemmet and Another* (2025): Clarified PIE's urban scope and narrowed "unlawful occupier" for private residential cases, reducing burdens on legitimate landowners but risking protection gaps for former lawful tenants.
- *Mofamadi and Another v Mokhuane and Others*<sup>6</sup> (2025): Denied eviction where a municipality failed to report on alternative accommodation.

- *Communicare NPC v Matunzi and Others*<sup>7</sup> (2025): Stressed fatal consequences of procedural irregularity.
- *Msibi v Occupiers*<sup>8</sup> (2025): Granted eviction where lease breaches and PIE procedures were fully observed.
- *Mankuroane and Others v Sekamoeng and Others*<sup>9</sup> (2025): Reinforced that unlawful occupancy alone is insufficient, courts must ensure procedural fairness and municipal compliance with housing duties.

Private landlords now benefit from streamlined remedies, while municipalities remain bound by procedural and constitutional obligations, often hindered by resource limits.

### Impact on Communities and Governance

For vulnerable occupiers, safeguards prevent forced homelessness but can prolong uncertainty where alternative accommodation is scarce. For property owners and municipalities, delays and compliance burdens strain finances and infrastructure. The legal framework reflects the challenge of balancing rights protection with sustainable urban management in a context of housing shortages and inequality. This tension demands innovative solutions that align constitutional mandates with practical capabilities.



# EVICTIONS IN SOUTH AFRICA: BALANCING CONSTITUTIONAL MANDATES AND PRACTICAL REALITIES

## Conclusion

South Africa's evolving eviction regime reflects transformative constitutionalism protecting dignity and housing rights while preserving lawful property use. The 2025 Pieters ruling and recent amendments show a legal system striving to reconcile fairness with practicality. Effective navigation requires cooperation among courts, municipalities, landlords, and communities to uphold both social cohesion and the rule of law.

1. Act 19 of 1998.
2. (079/2024) [2025] ZASCA 60 paras 16, 28, 35.
3. Prevention of Illegal Eviction from and Unlawful Occupation of Land Amendment Bill B6-2023.
4. 2001 (1) SA 46 (CC) para 36.
5. 2005 (1) SA 217 (CC) para 35.
6. (032666-2023) [2025] ZAGPPHC 231 para 52.
7. (A285/2023) [2025] ZAWCHC 27.
8. (A181/2024) [2025] ZAGPPHC 100 para 45.
9. M164/23) [2025] ZANWHC 126 paras 47, 58.





## THE CONCEPT OF A “HOME” FOR PURPOSES OF STUDENTS



**Ms. Shirley Nmutandani**  
Additional Magistrate

### The definition of a home for Students

South Africa particularly providers of student accommodation in institutions of higher learning have recently seen jurisprudence and a landmark case in eviction of students from student accommodation premises. The Supreme Court of Appeal (“SCA”) in *Stay at South Point Properties (Pty) Ltd v Mqulwana*<sup>1</sup> held that student accommodation is not considered a home thus finding that PIE is not applicable. In making the above finding, the SCA held that there are three important features of the accommodation afforded by Cape Peninsula University of Technology (“CPUT”) to the respondents which are relevant:

- (a) Firstly, the students came from homes in order to study at the university. Unless otherwise demonstrated, student accommodation does not displace or replace the homes from which students come, and hence, logically, the respondents have homes other than the residence. There is then no basis to seek the protection of PIE. Eviction does not render the students homeless.
- (b) Secondly, the provision of student accommodation is for a finite period of time and it has a limited and defined purpose, that is, to accommodate students for the duration of the academic year and thereby assist them to study at the university. The arrangement is by its nature temporary and for a purpose that is transitory. Students who are assisted by CPUT with accommodation are well aware that this valuable benefit is of limited duration.
- (c) Thirdly, considering that student accommodation is primarily an incident of the right to access to higher education, and higher education institutions, such as UCT, regulate access to student accommodation in terms of its institutional rules. This is particularly so in the context of the current scarcity of student housing in the higher education sector in our country. Those who are fortunate enough to benefit from accommodation provided by CPUT know full well that each and every year new students come to the university who legitimately look to the university for the very assistance that the respondents enjoyed. Equity requires that those who have had the benefit of accommodation should yield to those who have not.



## THE CONCEPT OF A “HOME” FOR PURPOSES OF STUDENTS

The questions which then follow are what happens to students who find themselves in student accommodations with no other places that they call home that they can return to at the end of the academic year. This could be subsequent to circumstances such as when students found themselves at a student accommodation after being in foster care, place of safety and/or prison. Another example would be in circumstances where the student's parent had a place they indeed called home but was repossessed of same, damaged due to *vis majeure*, orphanhood during the academic year and so forth.

It is submitted that where a student pleads that the premises are his/her home, the onus should then rest with the student to demonstrate that the premises are his/her home. It will then be incumbent on that student to plead those circumstances. The court will then be enjoined to decide on whether the intended eviction will be just and equitable. This will entail a consideration of possible homelessness and any hardships. The court will then be enjoined to make a just and equitable order ensuring that the intended eviction will not render the student homeless and perhaps consider alternative accommodation.

In the ordinary scheme of things, the potential homelessness, alternative accommodation considerations, just and equitability of the order will only follow after accepting that PIE is applicable.

To this end, the court in *Stay at South Point* acknowledges that unless otherwise demonstrated, the question is then at what stage of the proceedings should the question of the concept of a home be ventilated in light of the blanket finding that student accommodation is not a home.

In relation to the second feature that the provision of a student accommodation is for a finite period of time and has a limited and defined purpose. I cannot reason how this is different from a tenant who is residing on premises consequent to a finite lease agreement with a defined purpose e.g. employment purposes.

It is submitted that due to a number of societal challenges, some students are genuinely vulnerable members of our society. I am reminded of what the High Court held in *ABSA Bank v Amond*<sup>2</sup> where it was stated that substantial class of persons whose vulnerability should be a concern, they must not be overlooked. Held further that the poor must not be overlooked particularly where the rights enshrined in section 26 (3) are an issue.

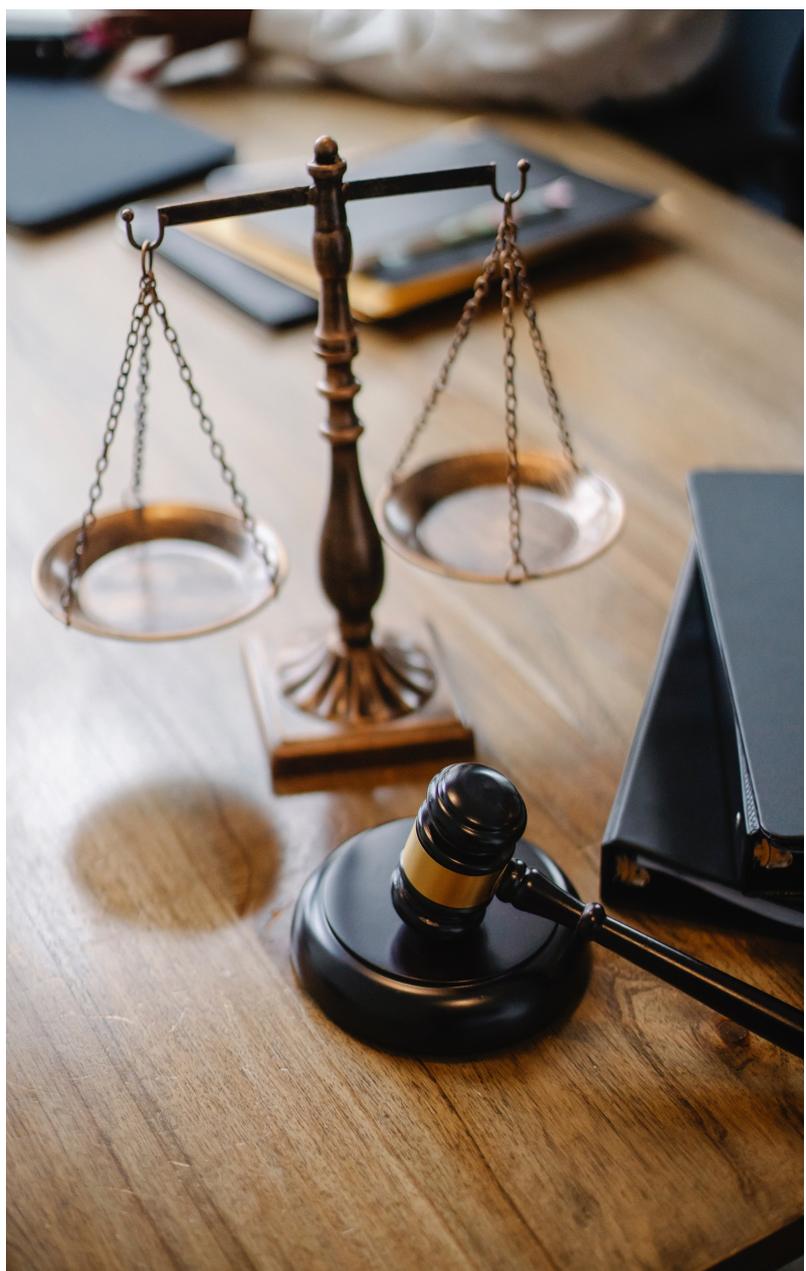
This blanket finding in *Stay at South Point* that student accommodation is not a home does not resonate with the SCA's jurisprudence in *City of Johannesburg v Changing Tides 74 (PTY) Ltd*<sup>3</sup> where it stressed the importance of considering the actual individual circumstances of the unlawful occupiers and not make a blanket assumption regarding whether they faced homelessness once evicted. My proposition in this regard is that in as much as residence is at a student accommodation, that can be someone's home having regard to the examples given above.

## THE CONCEPT OF A “HOME” FOR PURPOSES OF STUDENTS

### Conclusion

The binding nature of the superior court decisions is appreciated. The above reasons and/or examples calls for debates and/or ventilations around a blanket finding that PIE is not applicable in student accommodation, perhaps the Constitutional Court will one day be seized with the question. The reason of one’s occupation, viz studying, can only be one of the factors to decide of whether or not the premises is a home.

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1. (1335/2021) [2023] ZASCA 108; 2024 (2) SA 640 (SCA) (3 July 2023).
  2. [1999] 2 All SA 423 (W).
  3. (SCA) [2012] ZASCA 116; 2012 (6) SA 294 (SCA); 2012 (11) BCLR 1206 (SCA); [2013] 1 All SA 8 (SCA) (14 September 2012).



# APPEALABILITY IN TRADITIONAL COURTS: RECONCILING CUSTOMARY JUSTICE WITH CONSTITUTIONAL RIGHTS IN SOUTH AFRICA (PART 2)



**Mr. Christopher Abrahams**  
Acting Regional Magistrate

## Introduction

On my previous article, I discussed the constitutional and procedural challenges inherent in the current framework and the tension between customary authority and constitutional supremacy. This article will provide possible legal reforms that could ensure fairness, accessibility, and compliance with the rule of law.

### 1. Proposed reforms include:

- **Formal Appeals Panel:** Introducing regional customary appeal tribunals, comprising legally trained individuals and customary law experts, to offer internal appeals before matters reach the ordinary courts.

- **Mandatory legal education for Traditional Leaders:** The Traditional Courts Act<sup>1</sup> (“TCA”) authorises the Minister of Justice to provide support and training. This must be expanded to include constitutional training and procedural law modules.
- **Standardised Record-Keeping Systems:** A pilot electronic or template-based record-keeping system could be introduced to enable meaningful reviews and build accountability.
- **Judicial Oversight and Monitoring:** Periodic assessment of Traditional Courts by the Department of Justice and the South African Human Rights Commission can ensure compliance with constitutional norms.

### 2. Why providing for an appeal process is better than providing only for a Review Process in Traditional Courts?

#### Scope of Scrutiny: Merits vs Procedure

An appeal allows a higher court or tribunal to reconsider the merits of the case, whether the decision was factually and legally correct. By contrast, a review is limited to examining the manner in which the decision was made. Thus, a procedurally sound decision that is substantively flawed may escape correction under a review process, but not under an appeal. This distinction is critical for justice in traditional court matters.





# APPEALABILITY IN TRADITIONAL COURTS: RECONCILING CUSTOMARY JUSTICE WITH CONSTITUTIONAL RIGHTS IN SOUTH AFRICA (PART 2)

## 3. Judicial development of Customary Law

Appeals contribute to the evolution and harmonisation of customary law with constitutional values. They enable higher courts to articulate principles that can guide Traditional Courts. This was evident in *Bhe v Magistrate, Khayelitsha*<sup>2</sup>, where the Constitutional Court invalidated male primogeniture based on substantive rights. Reviews are too limited to provide this kind of doctrinal development.

## 4. Accountability and legitimacy of Traditional Courts

An appeal process increases transparency and accountability, affirming that Traditional Courts operate under constitutional scrutiny. This strengthens public confidence and discourages arbitrary decision-making by Traditional Leaders.

## 5. Appeals enhance equality of Arms

Appeals help remedy imbalances that may disadvantage women, youth, or marginalised individuals in Traditional Court settings. They offer recourse where litigants are unable to effectively argue their case due to power dynamics or lack of legal knowledge—something a review cannot address.

## 6. Flexibility and correction of errors

Appeals provide the opportunity to re-evaluate evidence and correct both factual and legal errors. Reviews, being narrowly focused on process, may uphold substantively flawed outcomes.

## 7. International norms and best practice

International human rights instruments such as the International Covenant on Civil and Political Rights 1966 (ICCPR), GA Res 2200A (XXI), UN Doc A/6316 (1966), entered into force 23 March 1976 include a right to appeal. South Africa's Constitution, particularly section 34, guarantees access to courts and fair public hearings, which implies a need for substantive remedies beyond mere procedural oversight.

## Conclusion

While the TCA has taken commendable steps toward integrating traditional dispute resolution mechanisms into the formal legal system, its failure to establish a structured and accessible appeal process remains a serious deficiency. Traditional Courts, as instruments of community justice, must be equipped to deliver decisions that are not only culturally legitimate but also constitutionally defensible. This will require bold legislative reform, administrative support, and judicial clarity to bridge the divide between customary legitimacy and legal accountability. Appeals are indispensable for achieving substantive justice in traditional court settings. While reviews serve a purpose in ensuring procedural fairness, they are insufficient to correct flawed or unjust decisions. An appeal mechanism complements the restorative role of Traditional Courts while aligning them with constitutional demands for fairness, dignity, and equality.

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1. Act 9 of 2022.

2. *Bhe and Others v Khayelitsha Magistrate and Others* (CCT 49/03) [2004] ZACC 17; 2005 (1) SA 580 (CC); 2005 (1) BCLR 1 (CC) (15 October 2004).

# CASE SUMMARIES ON EVICTIONS



**Ms Sizophila Sokhela**  
Law Researcher: SAJEI

The case summaries for this edition focuses on court decisions relating to eviction proceedings under the Extension of Security of Tenure Act<sup>1</sup> (“ESTA”). A landmark ruling<sup>2</sup> by the Supreme Court of Appeal (“SCA”) is discussed, wherein the court upheld the rights of long-term occupiers to security under ESTA. This ruling affirms that land designated for agricultural purposes remains protected by ESTA, even when it is situated within the boundaries of a township. Furthermore, the summaries discuss the issue of termination of residency, and factors in terms of section 8 of ESTA, that must be considered by a court, hearing eviction matters in terms of ESTA.

## *Pieters and Another v Stemmet and Another*<sup>3</sup>

The case concerned an application brought by the respondents, owners of the property in question, to evict the appellants in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act<sup>4</sup> (“PIE”). The appellants opposed the application on several grounds, most notably that ESTA was applicable to the property in question and that they qualified as ‘occupiers’ as defined under ESTA. The appellants further made an application to confirm and enforce their rights in terms of ESTA.

The Magistrates’ Court dismissed the application on ESTA and granted the eviction order in terms of PIE. The decision came before the Land Claims Court (“LCC”), which similarly dismissed the appellants’ application under ESTA, upholding the appeal. Both courts held that ESTA was not applicable to the property, on the basis that the property fell within the boundaries of a township and that it was not land designated for agricultural purposes. The property therefor fell outside the scope of ESTA.

The matter came before the SCA. The issue for determination was the interpretation of section 2 of ESTA. In its analysis, the court adopted a structured enquiry to determine:

- Firstly, whether the property was situated within a township or on land not designated for agricultural purposes in terms of any law. If so, the land would fall under the scope of PIE.





# CASE SUMMARIES ON EVICTIONS

- Secondly, if the property fell under that category, whether the land within a township has been designated for agricultural purposes in terms of any law. If it did, ESTA would apply notwithstanding the property's location within the township area.

The SCA found that the LCC had erred in treating 'rural zoning' as materially distinct from agricultural designation for purposes of ESTA. The interpretation overlooked the planning instruments such as the City of Cape Town's Development Management Scheme, rural zoning, absent of formal change in land use, ordinarily includes agricultural use. By disregarding this, the LCC effectively stripped the land of its agricultural character without legal basis, thereby circumventing the application of section 2 of ESTA.

The SCA found that in terms of section 2(1)(a) of ESTA, the designation of property brings it within the ambit of ESTA notwithstanding its location within a township. The appellants had been resident on the property with the respondent's knowledge and consent since 1988 and therefore qualified as 'occupiers' as contemplated under ESTA. The SCA set aside the decisions of the LCC and Magistrates' Court and ordered that the property in question falls within the ambit of ESTA.

## *Rheeder and Another v Engelbrecht and Another*<sup>5</sup>

The applicants, owner of a farm in the Western Cape, had allowed the respondents to reside on the property in 2020, with an oral agreement that lasted 12 months. However, after the agreement had expired, the respondents stopped paying rent, prompting the applicants to serve a notice terminating the respondent's right to reside on the property. The notice also stated the applicant's intention to obtain an eviction order if the respondents failed to vacate the premises within two months.

The respondents opposed the eviction application, arguing that the termination of their rights was invalid and that they had made improvements to the property. The Magistrates' Court ruled in favour of the applicants, but the Land Claims Court set aside this decision in its entirety on review. The Land Claims Court held that the applicants had not followed the proper procedure for eviction under ESTA. Specifically, the court found that the applicants attempted to use a hybrid approach, by combining the notice of termination and the intention to evict in a single document, which was unacceptable.

The court emphasised the importance of following the two-step process outlined in ESTA, which requires a separate notice of termination of the right to reside and a separate notice for eviction; for the court to strictly adhere to the procedural requirements of ESTA to ensure fair and lawful evictions.



# CASE SUMMARIES ON EVICTIONS

## ***Monde v Viljoen NO & others***<sup>6</sup>

The appellant was appointed as a general farm worker on 6 January 1995 and given a house to occupy on the farm. The respondents' case was that the appellant's right of residence arose solely from an employment contract which he concluded in November 2011. In March 2013 he was dismissed from his employment because he was absent without leave or permission. The respondents contended that his right of residence terminated automatically upon termination of the employment contract. The SCA held that the respondents failed to prove this. Consequently, the appellant's eviction was found to be unlawful and invalid.

The SCA also confirmed the recent approach by the LCC that a probation officer's report in terms of section 9(3) of ESTA is compulsory. In terms of section 9(3) a court granting an eviction order must consider, *inter alia*, the availability of suitable alternative accommodation, the effect of an eviction order on constitutional rights, including the rights of children and any hardship which an eviction would cause.

The SCA set aside the order of the Magistrate's Court evicting the appellant from the Millhurst Farm in De Doorns, Western Cape, owned and managed by the first and second respondents. In November 2016, the LCC confirmed an order made by the Magistrate's Court for the eviction of the appellant on automatic review in terms of s 19(3) of ESTA.

## ***Burger (JNR) and Other v Schrander and Others***<sup>7</sup>

The case concerned a review application emanating from a Magistrate's Court in Western Cape, which had granted an eviction order against the first and second respondents in terms of section 11 of ESTA from residing at the applicant's farm. Both respondents were born on the farm and lived with their parents. They derived their right of residence in terms of section 6(2)(d) of ESTA.

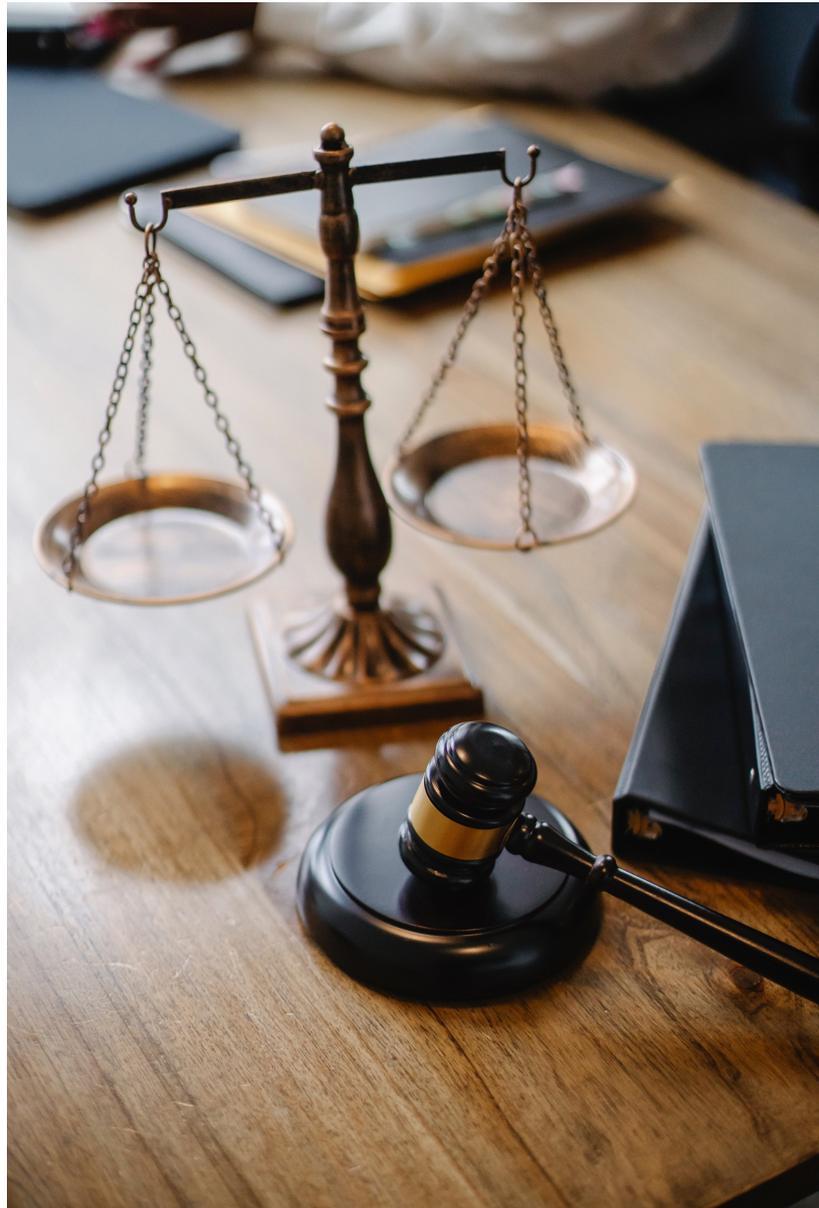
The first respondent was employed by the second applicant. In 2002, a contract of employment and housing contract was entered into. The housing right, derived exclusively from his contract of employment. The second respondent resided with the first respondent after a dwelling had been allocated to the first respondent. In 2018, the first respondent was dismissed from employment due to reporting to work under the influence of alcohol. The second applicant terminated the first respondent's right to residence and applied for an eviction order of the first respondent together with those who resided in the farm through him.

The Magistrate's Court found that it was just and equitable to grant the eviction order on the ground that the respondents only obtained occupier status after 4 February 1997. Furthermore, that their right to occupy the farm solely derived from the first respondent's service contract to the second applicant.

# CASE SUMMARIES ON EVICTIONS

The LCC found that the Magistrate was correct in finding that it was just and equitable to grant the eviction. Section 9 read with section 8(4) of ESTA had been complied with. The LCC found further that the applicants were under no obligation to provide alternative accommodation, it is the State's duty to do so. The LCC held that the continued occupation of the farm dwelling by the respondents will deprive the farm owners their right to property.

1. Act 62 of 1997.
2. *Pieters and Another v Stemmet and Another* (079/2024) [2025] ZASCA 60 (14 May 2025).
3. See footnote 2 above.
4. Act 19 of 1998.
5. (LCC09R2024) [2024] ZALCC 28 (5 September 2024).
6. (1162/17) [2018] ZASCA 138 (28 September 2018).
7. (LANC01R/2025) [2025] ZALCC 14 (20 March 2025).





# NORMS AND STANDARDS

## 5.2.6. DELIVERY OF JUDGMENTS

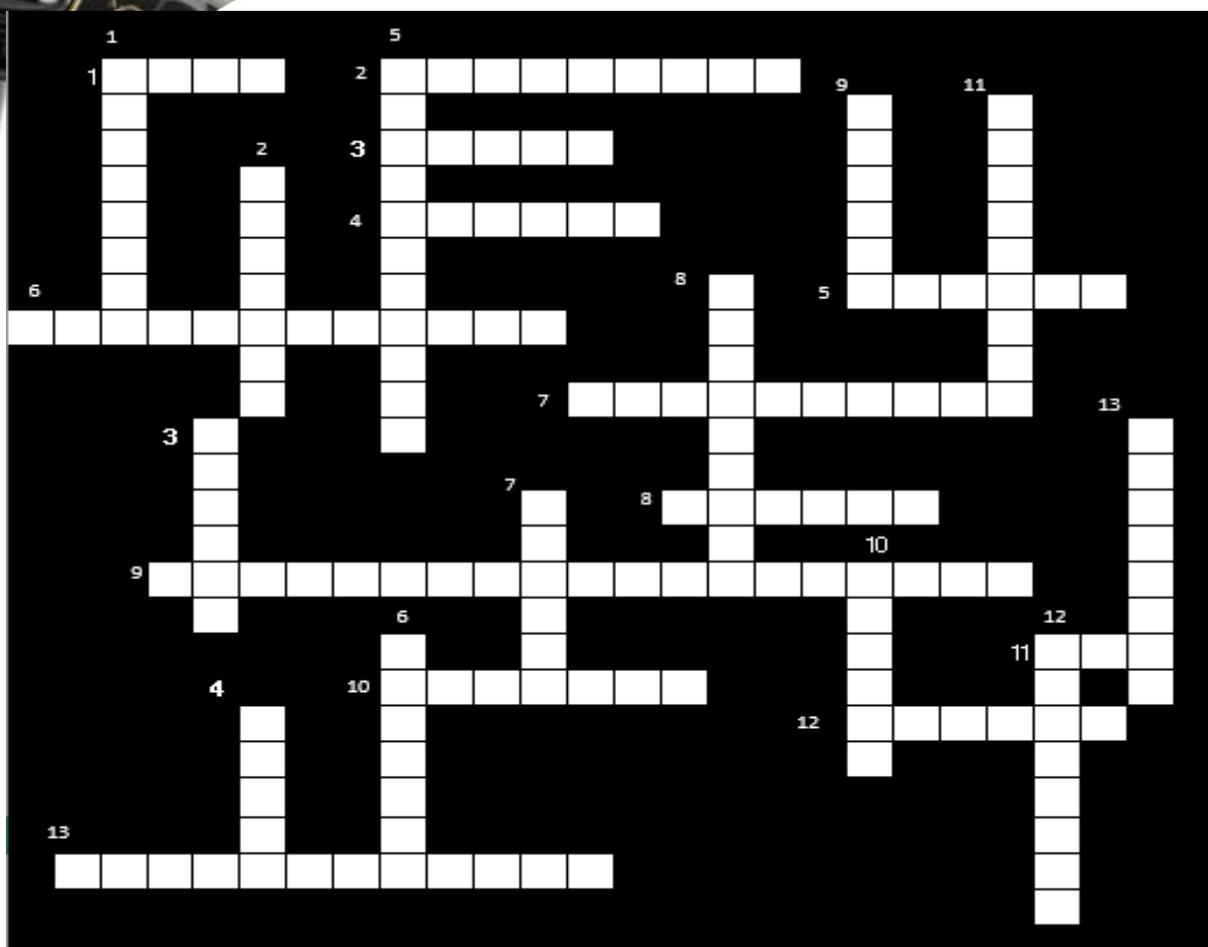
Judgments, in both civil and criminal matters, should generally not be reserved without a fixed date for handing down. Judicial Officers have a choice to reserve judgments *sine die* where the circumstances are such that the delivery of a judgment on a fixed date is not possible. Save in exceptional cases where it is not possible to do so, every effort shall be made to hand down judgment no later than 3 months after the last hearing.

## 5.2.7. RECESSES

Recesses of the Superior Courts shall be regulated as set out in sections 9 (2), (3), and (4) of the Superior Courts Act.



# CROSSWORD PUZZLE

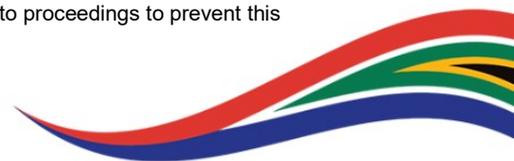


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12. In order to prevent evictions in terms of PIE tenants must pay this
13. The Municipality is added to proceedings to prevent this



## STRUCK OFF AND SUSPENDED LEGAL PRACTITIONERS

### June 2025 – August 2025

Name	Designation	Status of Legal Practitioner	Province	Date of Action
Jeffrey S'Busiso Mndaba	Attorney	Suspended	KwaZulu-Natal	2025-08-26
Johannes Moses Tabo Madondo	Attorney	Suspended	KwaZulu-Natal	2025-08-26
Lindokuhle Mthembu	Attorney	Suspended	KwaZulu-Natal	2025-08-26
Celeste Jolene Julius	Attorney	Suspended	Western Cape	2025-08-26
Meryl Moonsamy	Attorney	Suspended	KwaZulu-Natal	2025-08-25
Zuzile Mphiwa Lomnikelo Nkuku	Attorney	Suspended	KwaZulu-Natal	2025-08-22
Mzwandile Lumka	Attorney	Struck	Gauteng	2025-08-21
Sekgele Khunou (Rakhudu)	Attorney	Struck	Gauteng	2025-08-21
Sifundo Treasure Muthwa	Attorney	Suspended	KwaZulu-Natal	2025-08-20
Joachim Johannes Prinsloo	Advocate	Struck	Gauteng	2025-08-19
Khazamula Victor Mathye	Attorney	Struck	Gauteng	2025-08-19
Edward Nhlakanipho Mbhele	Attorney	Suspended	KwaZulu-Natal	2025-08-18
Mbalenhle Immaculate Kubheka	Attorney	Struck	KwaZulu-Natal	2025-08-15
William Phatu Junior Mashela	Attorney	Struck	Gauteng	2025-08-15
Arnold Mkhabela	Attorney	Struck	Gauteng	2025-08-14
Rafeek Hendricks	Attorney	Struck	Western Cape	2025-08-12
Refilwe Palesa Malepe	Attorney	Suspended	Gauteng	2025-08-12
Francis Mbongeleni Mchunu	Attorney	Suspended	KwaZulu-Natal	2025-08-11
Mduduzi Abednego Ntombela	Attorney	Suspended	KwaZulu-Natal	2025-08-06



## STRUCK OFF AND SUSPENDED LEGAL PRACTITIONERS

### June 2025 – August 2025

Name	Designation	Status of Legal Practitioner	Province	Date of Action
Lerato Isaac Modise	Attorney	Suspended	Gauteng	2025-08-05
Zoleka Susan Ponoane	Attorney	Suspended	Eastern Cape	2025-07-31
Pieter Johannes Van Eeden	Advocate	Struck	Limpopo	2025-07-28
Sipho Gift Baloyi	Attorney	Suspended	Gauteng	2025-07-23
Sammy Samuel Seleka	Attorney	Struck	Limpopo	2025-07-23
Deon Jacobus Beukman	Attorney	Struck	Western Cape	2025-07-11
John Berthrum Coetzee-Mlolomba	Attorney	Suspended	Gauteng	2025-06-17
Nnditsheni Nemasisi	Attorney	Suspended	Gauteng	2025-06-17
Letlhogonolo Meisie Matjen	Attorney	Suspended	Gauteng	2025-06-06
Ephraim Gezani Baloyi	Attorney	Struck	Gauteng	2025-06-05
Pitso Peter Mosala	Attorney	Struck	Gauteng	2025-06-04
Reginald Nkosinathi Mkhize	Attorney	Suspended	Gauteng	2025-06-03
Bongani Loyiswayo Dlodlo	Attorney	Suspended	Western Cape	2025-06-09
Chesley Anthony Florence	Attorney	Suspended	Western Cape	2025-06-09
Eduan Selwyn Milner	Attorney	Suspended	Western Cape	2025-06-09
Letlhogonolo Meisie Matjen	Attorney	Struck	Gauteng	2025-06-06
Ephraim Gezani Baloyi	Attorney	Struck	Gauteng	2025-06-05
Reginald Nkosinathi Mkhize	Attorney	Suspended	Gauteng	2025-06-03



# LIST OF UPCOMING TRAINING

October 2025 - November 2025

## OCTOBER

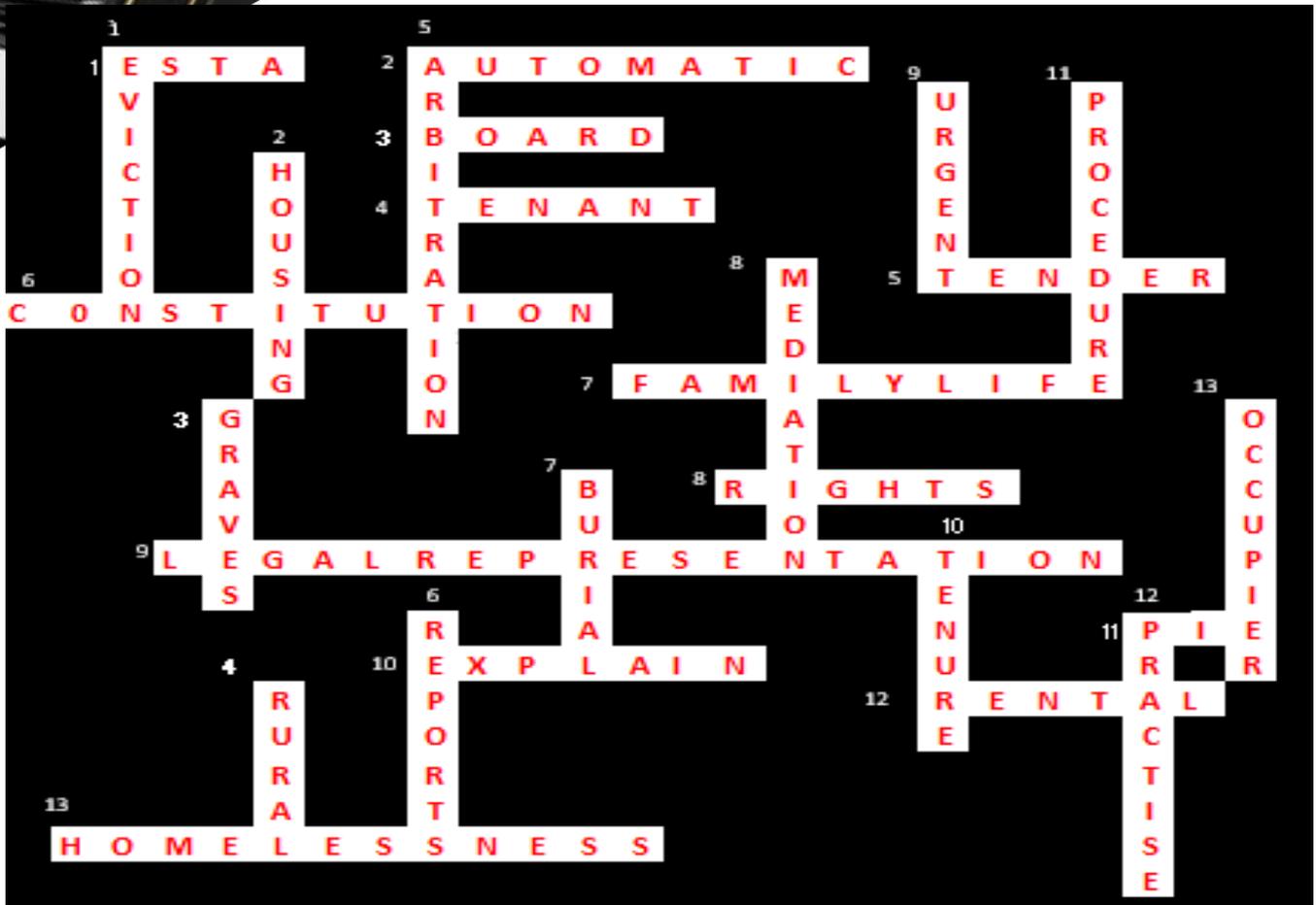
NO	COURSE CODE	COURSE	DATE	PROVINCE
1.	DCM77	Family Court Skills: Older Persons Act and PATSAA (in-person)	01 - 03 Oct 2025	Limpopo
2.	DCM78	Criminal Court Skills: Evidential Aspects, Hearsay Evidence. (in-person)	06 - 10 Oct 2025	Gauteng
2.	DCM79	Criminal Court Skills: Extradition, Mutual Legal assistance, Bail, Records Keeping. (in-person)	06 - 10 Oct 2025	KwaZulu Natal
3.	DCM80	Criminal Court Skills: Bail Application and Domestic Violence Enquiry (Virtual)	07 - 08 Oct 2025	Free State
4.	DCM82	Civil Court Skills: PAIA and POPIA (in-person)	13 - 15 Oct 2025	Limpopo
5.	DCM81	Family Court Skills: Maintenance Act (in-person)	13 - 17 Oct 2025	Mpumalanga
6.	DCM83	Criminal Court Skills: Bail Application (in-person)	13 - 16 Oct 2025	Western Cape
7.	DCM84	Civil Court Skills: NCA - Debt Collection and Debt Reviews (in-person)	20 - 23 Oct 2025	KwaZulu Natal
8.	DCM8 5	Family Court Skills: Maintenance Act (in-person)	20 - 23 Oct 2025	Eastern Cape
9.	DCM86	Civil Court Skills: PAIA (in-person)	20 - 21 Oct 2025	Gauteng
10.	DCM87	Criminal Court Skills: Plea – Proceedings Explaining Rights Inquest (in-person)	20 - 24 Oct 2025	Northern Cape
11.	DCM88	Family Court Skills: Maintenance Act (in-person)	27 - 31 Oct 2025	KwaZulu Natal
12.	DCM89	Criminal Court Skills: Section 342A Search and Seizure (in-person)	27 - 31 Oct 2025	KwaZulu Natal
13.	AD HOC	Sexual Offences (in-person)	20 - 22 Oct 2025	Gauteng
15.	DCM90	Children's Court Skills: Children in need of Care and Protection placement and extension of orders foster care (in-person)	27 - 30 Oct 2025	Gauteng

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October 2025 - November 2025

NOVEMBER				
16.	DCM91	Civil Court Skills: Costs (in-person)	04 - 06 Nov 2025	Gauteng
17.	DCM92	Criminal Court Skills: Sentencing and Ancillary Orders (in-person)	04 - 07 Nov 2025	Limpopo
18.	DCM93	Equality Court Skills: Judicial Skills for Presiding Officers in the Equality Court (in-person)	04 - 06 Nov 2025	Mpumalanga
19.	DCM94	Children' Criminal Court Skills Cybercrime (Virtual)	03 - 06 Nov 2025	Free State
20.	DCM95	Civil Court Skills: PAJA PAIA POPIA (in-person)	10 - 14 Nov 2025	Western Cape
21.	DCM96	Civil Court Skills: Keeping and Determination of Issues Raised in Pleadings Record (in-person)	11 - 13 Nov 2025	Northern Cape
22.	DCM97	Criminal Court Skills: POCA (in-person)	11 - 13 Nov 2025	Gauteng
23.	DCM98	Children's Court Skills: Parental Rights and Responsibilities (in-person)	10 - 14 Nov 2025	Eastern Cape
24.	DCM99	Children's Court Skills: Judicial Skills for Presiding Officers at the Preliminary Inquiry & Child Justice Court in terms of the Child Justice Act (in-person)	10 - 13 Nov 2025	KwaZulu Natal
25.	DCM100	Children's Court Skills: Parental Responsibilities and Rights (in-person)	19 - 21 Nov 2025	Limpopo
26.	DCM101	Family Court Skills: Maintenance Act (in-person)	17 - 21 Nov 2025	KwaZulu Natal
27.	DCM102	Family Court Skills: Domestic Violence Act (in-person)	24 - 28 Nov 2025	Gauteng
28.	DCM103	Civil Court Skills: Application and Action Proceedings (in-person)	24 - 28 Nov 2025	KwaZulu Natal

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**10** YEARS  
2011 - 2021

