

Amendment of section 9 of Act 62 of 1997, as amended by section 10 of Act 11 of 2000 and section 36 of Act 4 of 2011

4. Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) Notwithstanding the provisions of any other law an occupier may be evicted only—
- (a) in terms of an order of court issued under this Act; and
 - (b) if such occupier was legally represented at the proceedings in terms of which such a court order was issued unless—
 - (i) such occupier expressly waived his or her right to obtain state funded legal representation; and
 - (ii) the court determined that the interests of justice would not be harmed by lack of legal representation.”.

Amendment of section 10 of Act 62 of 1997, as amended by section 25 of Act 61 of 1998

5. Section 10 of the principal Act is hereby amended by the deletion in subsection (1) of the word “or” at the end of paragraph (c), insertion of the word “or” at the end of paragraph (d) and the addition of the following paragraph:

- “(e) 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.”.

Amendment of section 11 of Act 62 of 1997, as amended by section 25 of Act 61 of 1998

6. Section 11 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) In circumstances other than those contemplated in subsection (1), a court may grant an order for eviction in respect of any person who became an occupier after 4 February 1997, if—
- (a) [it] the court is of the opinion that it is just and equitable to do so; and
 - (b) 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.”.

Amendment of section 12 of Act 62 of 1997

7. Section 12 of the principal Act is hereby amended by the deletion in subsection (1) of the word “and” at the end of paragraph (a), addition of that word at the end of paragraph (b) and addition of the following paragraph:

- “(c) determine reasonable weather conditions under which an eviction order may be carried out.”.

Insertion of Chapter IVA in Act 62 of 1997

8. The following Chapter is hereby inserted in the principal Act after Chapter IV:

“CHAPTER IVA**LAND RIGHTS MANAGEMENT BOARD****Establishment of Board**

15A. The Land Rights Management Board is hereby established.