

## South Africa - Spatial Data Infrastructure Act (No. 54 of 2003)

### Major policy and legislative issues

In improving the administration of land reform and rural development, and transformation as a whole, the department has initiated policy shifts. These will assist in realizing the department's commitment to taking the land reform and rural development priority mandate of government onto a new trajectory in line with the expectations of the citizens. The following are a few of the legislation pieces that the department has been working on.

#### Geomatics Profession Act, Act 19 of 2013

The Geomatics Profession Bill was passed by the National Assembly on 20 June 2013, and was assented to by the President on 9 December 2013 as Act 19 of 2013. The Act replaces the Professional and Technical Surveyors Act, 40 of 1984 which catered for surveyors but excluded geographical science professionals and mine surveyors. The Act makes provision for all Geomatics professionals, technologists and technicians. Furthermore, it will ensure that the professional council is more representative, while it places more emphasis on education and training, as well as the marketing of the profession to attract more people into it.

#### Spatial Data Infrastructure Act, Act 54 of 2003

The Spatial Data Infrastructure Act provides for the establishment of the South African Spatial Data Infrastructure and the Committee for Spatial Information. The primary purpose is to ensure the open sharing of spatial information among organs of State. The Act is currently under review and a draft Spatial Data Infrastructure Amendment Bill has been prepared and approved by the Minister of Rural Development and Land Reform for submission to the Cabinet. There has however, been further delays in this process. The amendments relate mainly to clarifying some definitions, making the process of appointing members of the Committee for Spatial Information easier, authorizing the Committee for Spatial Information to make policies and guidelines, and to provide for penalties for non-compliance with the Act, Regulations and official standards. Draft Regulations have also been prepared that will come into operation once the Spatial Data Infrastructure Amendment Bill is enacted. These Regulations are aligned to the Act and the envisaged Amendment Act.

#### Deeds Registries Amendment Act, Act 34 of 2013

The Deeds Registries Amendment Act was assented to by President on 14 December 2013. The Act amends the Deeds Registries Act, 1937. Among other things but not limited to, the Act provides discretion in respect of the rectification of errors in the name of a person or the description of property mentioned in deeds and other documents, the issuing of certificates of registered title taking the place of deeds that have become incomplete or unserviceable. The Act also provides for the substitution of an obsolete reference and an outdated heading. The Act further regulates the updating of deeds in respect of the change of names of companies, close corporations and the

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surnames of women. Sectional Titles Amendment Act, Act 33 of 2013

President Zuma signed the Amendment Act on 18 December 2013. The Act seeks to amend the Sectional Titles Act, Act 95 of 1986. The amendments include among other things but not limited to; the provision for further regulation of notification of the intended establishment of schemes and the sale of units to lessees, allowing for the cancellation of registered sectional plans in a prescribed manner, the cancellation of part of a section pursuant to an expropriation, the registration of a transfer of a part of the common property with the consent of the owners of the sections and the holders of registered real rights, regulation of the issuing of a certificate of registered sectional title in respect of a fraction of an undivided share in a section and the issuing of more than one certificate of real right of extension and more than one certificate of real right of exclusive use area.

Restitution of Land Rights Amendment Act, Act 15 of 2014

The Restitution of Land Rights Amendment Act, was signed into law by President on 29 June 2014. This historic event builds on other legislative achievements of the department in respect of land reform. The Act amends the Restitution of Land Rights Act, Act no. 22 of 1994 to provide for the re-opening of the land claims process which effectively propels the country forward in the quest to reverse the legacy of the 1913 Land Act. The State has re-opened the lodgment of claims to enable the excluded claimants to lodge claims. The re-opening of land claims will provide an opportunity to persons and communities that did not lodge claims by the cut-off date of 31 December 1998 to also benefit from the restitution programme.

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