

KwaZulu-Natal, South Africa

## KwaZulu-Natal Land Administration and Immovable Asset Management Act, 2014

Act 2 of 2014

Legislation as at 1 December 2014

FRBR URI: /akn/za-kzn/act/2014/2/eng@2014-12-01

There may have been updates since this file was created.

PDF created on 22 July 2024 at 10:18.

*Collection last checked for updates: 19 July 2024.*

[Check for updates](#)



### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.lawlibrary.org.za](http://www.lawlibrary.org.za) | [info@lawlibrary.org.za](mailto:info@lawlibrary.org.za)

[www.laws.africa](http://www.laws.africa) | [info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

KwaZulu-Natal Land Administration and Immovable Asset Management Act, 2014 (Act 2 of 2014)  
Contents

Chapter 1 – Definitions .....	1
1. Definitions .....	1
Chapter 2 – Objects and application of Act .....	3
2. Objects of Act .....	3
3. Application of Act .....	3
Chapter 3 – Acquisition of property .....	4
4. Acquisition of property by Provincial Government .....	4
Chapter 4 – Disposal of Provincial state land .....	4
5. Disposal of Provincial state land by Provincial Government .....	4
6. Registrar to note land availability agreements .....	5
7. Disposal and transfer of provincial State land free of charge to municipality or KwaZulu-Natal Royal Household Trust by agreement .....	5
Chapter 5 – Expropriation of property .....	6
8. Power of Provincial Government to expropriate property for public purpose .....	6
9. Expropriation procedure .....	6
10. Withdrawal of expropriation .....	8
Chapter 6 – Provincial state land register .....	8
11. Provincial state land register .....	8
Chapter 7 – Management of Provincial state land .....	9
12. Management of Provincial state land .....	9
Chapter 8 – Immovable asset management plan .....	10
13. Immovable asset management plan .....	10
14. Minimum contents of custodian immovable asset management plan .....	10
15. Minimum contents of a user immovable asset management plan .....	10
16. Submission of immovable asset management plan .....	10
17. Status of user immovable asset management plan .....	11
18. User department to give effect to user immovable asset management plan .....	11
19. Revision and amendment of immovable asset management plan .....	11
Chapter 9 – General provisions .....	11
20. Execution of documents .....	11
21. Annual report .....	11
22. Assignment of powers, duties and functions by Premier .....	12
23. Delegation of powers, duties and functions by responsible Member of Executive Council .....	13
24. Regulations .....	13

25. Repeal of law .....	14
26. Transitional arrangement and validation .....	14
27. Short title .....	14



# KwaZulu-Natal South Africa

## KwaZulu-Natal Land Administration and Immovable Asset Management Act, 2014 Act 2 of 2014

[Published in KwaZulu-Natal Provincial Gazette 1278 on 1 December 2014](#)

Assented to on 27 September 2014

Commenced on 1 December 2014

*[This is the version of this document from 1 December 2014  
and includes any amendments published up to 19 July 2024.]*

### ACT

To provide for land administration and immovable asset management in KwaZulu-Natal; to provide for the acquisition of property by the Provincial Government; to provide for the disposal of Provincial state land; to provide for the expropriation of property by the Provincial Government; to provide for the management and maintenance of Provincial state land or immovable assets; to provide for the establishment and maintenance of a Provincial state land register; to provide for the repeal of the KwaZulu-Natal Land Administration Act, 2003; to provide for a transitional arrangement and validation; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

### Chapter 1 Definitions

#### 1. Definitions

In this Act, unless the context indicates otherwise-

"**acquire**" means the purchase, exchange, hiring or receipt of an immovable asset by any means by the Provincial Government;

"**beneficiary**" means any person, company or organisation which acquires Provincial state land or any right in respect of Provincial state land;

"**compensation**" means market-related compensation and, in the case of compensation arising from the expropriation of property, must be determined in accordance with section 25(3) of the Constitution read with section 12 of the Expropriation Act, 1975 (Act No. 63 of 1975);

"**Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**custodian**" means the Department in the Province of KwaZulu-Natal responsible for public works represented by the Member of the Executive Council of KwaZulu-Natal responsible for public works contemplated in section 12(1)(a) and (2), or such other Department or Departments in the Province of KwaZulu-Natal represented by that other Member or those other Members of the Executive Council contemplated in section 12(1)(b) and (2)(a) and (b), as the case may be;

"**dispose**" includes the sale, exchange, donation or letting of Provincial state land (including the allocation of Provincial state land free of charge for a period of time), the conclusion of any form of land availability

agreement in respect of property with any beneficiary and the registration of any real or personal right in respect of Provincial state land in favour of a beneficiary;

**"exchange"** means the simultaneous acquisition and disposal of immovable property or any right in respect of immovable property in terms of an agreement between the Provincial Government and any other party or where the compensation payable by the parties to each other are offset and only the difference, if any, is payable to the appropriate party;

**"Executive Council"** means the Executive Council of the Province of KwaZulu-Natal;

**"Gazette"** means the official *Provincial Gazette* of KwaZulu-Natal;

**"GIAMA"** means the Government Immovable Asset Management Act, 2007 (Act No. 19 of 2007);

**"immovable asset"** means any immovable asset or property, including any interest or right in immovable property, but excluding any right contemplated in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), and "immovable property" has a corresponding meaning;

**"interest"** means a real right or entitlement or personal right;

**"interest of public administration"** means an action or decision complying with the principles expressed in sections 195 and 217 of the Constitution;

**"KwaZulu-Natal Royal Household Trust"** means the KwaZulu-Natal Royal Household Trust established by section 2(1) of the KwaZulu-Natal Royal Household Trust Act, 2007 (Act No. 2 of 2007);

**"land availability agreement"** means any written agreement in terms of which the right to develop property is granted to a party other than the owner of the property, at his or her own risk, and on such terms and conditions as may be agreed;

**"Member of the Executive Council responsible for finance"** means the member of the Executive Council of the Province of KwaZulu-Natal responsible for finance;

**"municipality"** means a municipality referred to in section 155 of the Constitution of the Republic of South Africa, 1996, and established by and under sections 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

**"National Government"** means the government of the Republic of South Africa;

**"owner"** means owner as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), and includes the registered holder of any real or personal right in respect of property;

**"Premier"** means the Premier-in-Executive Council of the Province of KwaZulu-Natal as contemplated in section 125 of the Constitution;

**"property"** means immovable property as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), and includes any real or personal right in respect of immovable property;

**"Province"** means the Province of KwaZulu-Natal, and "provincial" has a corresponding meaning;

**"Provincial Government"** means the Provincial Government of KwaZulu-Natal;

**"Provincial Legislature"** means the Legislature of the Province of KwaZulu-Natal;

**"Provincial state land"** means-

- (a) any immovable property which vests in the Provincial Government in accordance with item 28(1) of Schedule 6 to the Constitution; or
- (b) any immovable property acquired by the Provincial Government since 27 April 1994;

**"Provincial Treasury"** means the Provincial Treasury for the Province of KwaZulu-Natal established in terms of section 17(1) of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"**public interest**" means an action or decision complying with the principles expressed in section 25 of the Constitution;

"**Registrar**" means the Registrar of Deeds as defined in the Deeds Registries Act, 1937 (Act No. 47 of 1937);

"**regulations**" means regulations made in terms of section 24;

"**responsible Member of the Executive Council**" means the Member of the Executive Council of KwaZulu-Natal responsible for public works: Provided that where powers, duties or functions have been assigned in terms of section 22 to another Member of the Executive Council, such other Member of the Executive Council has those powers, duties and functions of the responsible Member of the Executive Council, but only to the extent of the assignment;

"**this Act**" includes the regulations; and

"**user department**" means a Provincial department that uses or intends to use an immovable asset in support of its service delivery objectives, and includes a custodian in relation to an immovable asset that it occupies or intends to occupy, and "user" has a corresponding meaning.

## Chapter 2 Objects and application of Act

### 2. Objects of Act

The objects of this Act are-

- (a) to enable the Provincial Government to administer the management of Provincial state land, including the process of-
  - (i) the acquisition of property;
  - (ii) the disposal of Provincial state land;
  - (iii) the expropriation of property; and
  - (iv) management and maintenance of Provincial State land;
- (b) to create an obligation for the establishment and maintenance of a current register of all Provincial state land by the Provincial Government; and
- (c) to harmonise provincial land administration and management legislation with GIAMA.

### 3. Application of Act

- (1) If the provisions of this Act are inconsistent with any provincial law relating to-
  - (a) the management and maintenance of Provincial state land;
  - (b) the acquisition of property;
  - (c) the disposal of Provincial state land; or
  - (d) the expropriation of property, by the Provincial Government, then the provisions of this Act prevail.
- (2) Where this Act-
  - (a) does not regulate a matter pertaining to the administration or management of state land or immovable assets in the Province, the provisions of GIAMA; or
  - (b) does not regulate a matter pertaining to the administration or management of state land or immovable assets in the Province to the same degree or as fully as the provisions of GIAMA, the additional or more onerous provisions of GIAMA, apply in the Province.

- (3) This Act does not apply to land deemed to vest in the *Ingonyama* Trust in terms of the KwaZulu-Natal Ingonyama Trust Act, 1994 (Act No. 3 of 1994).

### **Chapter 3**

#### **Acquisition of property**

#### **4. Acquisition of property by Provincial Government**

- (1) The responsible Member of the Executive Council may, on such terms and conditions as may be required in the interest of public administration, acquire property on behalf of the Provincial Government.
- (2) Property acquired in terms of subsection (1)-
- (a) vests in the Provincial Government;
  - (b) is Provincial state land; and
  - (c) must be registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in the name of the Provincial Government, unless the acquisition is that of a leasehold right of a duration of less than 10 years.

### **Chapter 4**

#### **Disposal of Provincial state land**

#### **5. Disposal of Provincial state land by Provincial Government**

- (1) The responsible Member of the Executive Council may-
- (a) subject to the provisions of subsections (2), (3) and (4); and
  - (b) after due consideration of all written representations and submissions, dispose of Provincial state land on such terms and conditions as may be required in the interest of the public or in the interest of public administration: Provided that the provisions of paragraphs (a) and (b) do not apply to a disposal-
    - (i) to a department in the National Government, a municipality or the KwaZulu-Natal Royal Household Trust; or
    - (ii) amounting to the letting of Provincial state land for a period not exceeding 12 months.
- (2) When the responsible Member of the Executive Council intends to dispose of Provincial state land in terms of subsection (1), the responsible Member of the Executive Council must give notice of the intention to dispose of the Provincial state land in the *Gazette* and in at least one newspaper circulating in the area in which the Provincial state land is situated.
- (3) The notice must-
- (a) identify the Provincial state land affected and include the following information regarding the Provincial state land-
    - (i) the full title deed description, including the title deed number, the magisterial district in which the Provincial state land is situated, the extent of the land and, if applicable, the nature of any right in respect of such land;
    - (ii) the current zoning of the Provincial state land;
    - (iii) the actual current use of the Provincial state land; and



- (iv) full details of any improvements to, and structures on, the Provincial state land;
  - (b) give interested parties an opportunity to make written representations or submissions regarding the proposed disposal within a period of not less than 30 days; and
  - (c) include a physical address and contact details of a person from whom full details regarding the proposed disposal may be obtained.
- (4) The responsible Member of the Executive Council must, in addition to the notice to be published in terms of subsection (2), cause a copy of such notice to be sent by registered post or delivered to-
- (a) the occupier, if any, of the Provincial state land mentioned in such notice;
  - (b) the municipal manager of the municipality for the area in which the Provincial state land concerned is situated;
  - (c) the Heads of all Departments in the Provincial Government;
  - (d) the Regional Land Claims Commissioner for KwaZulu-Natal; and
  - (e) the Director General in the National Government responsible for public works, advising those persons that they may make written representations or submissions regarding the proposed disposal within a period of not less than 30 days of receipt of the notice.
- (5) Where the responsible Member of the Executive Council disposes of Provincial state land by donation for a specific purpose and that purpose changes without the written consent of the responsible Member of the Executive Council, such Provincial State land reverts to the Province.

## 6. Registrar to note land availability agreements

Where Provincial state land is disposed of in terms of section 5(1) by means of a land availability agreement, the responsible Member of the Executive Council must lodge such agreement with the Registrar for the making of such endorsement on the title deed of the property as the Registrar considers appropriate.

## 7. Disposal and transfer of provincial State land free of charge to municipality or KwaZulu-Natal Royal Household Trust by agreement

- (1) The responsible Member of the Executive Council may, with the concurrence of the Premier and on the written request of-
- (a) the council of a municipality; or
  - (b) the Board of the KwaZulu-Natal Royal Household Trust,
- dispose of and transfer to the relevant municipality or the KwaZulu-Natal Royal Household Trust, by agreement between the responsible Member of the Executive Council on behalf of the Provincial Government and the municipality or the KwaZulu-Natal Royal Household Trust, as the case may be, any provincial State land described in such agreement, which-
- (i) is situated within the Province of KwaZulu-Natal; and
  - (ii) vests in, or is under the control of, the Province of KwaZulu-Natal by or under any law,
- free of charge but subject to any condition which the Provincial Government may determine: Provided that where any such provincial State land or any portion of such land contemplated in this section is occupied by a traditional community as defined in section 1 (1) of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005), the provisions of this section only apply after consultation with that traditional community.
- (2) The provisions of section 5(2) - (4) apply with the necessary changes to any transfer contemplated in subsection (1) of this section.

- (3) Subject to national legislation-
- (a) the Registrar, must upon application made to him or her by the Municipal Manager of the relevant municipality or the Chief Executive Officer of the KwaZulu-Natal Royal Household Trust and on production of the agreement contemplated in subsection (1), make such entries and endorsements as he or she may deem necessary in or on any relevant register, certificate or other document in his or her office or laid before him or her, in order to register such land by virtue of such agreement transferred by the Provincial Government to, and vesting in, the relevant municipality or the KwaZulu-Natal Royal Household Trust, in the name of the municipality or the KwaZulu-Natal Royal Household Trust, as the case may be; and
  - (b) no transfer duty, stamp duty or other fees are payable in respect of a transfer and registration contemplated in this section.

## Chapter 5

### Expropriation of property

#### 8. Power of Provincial Government to expropriate property for public purpose

- (1) Subject to the provisions of section 25 of the Constitution, and section 9 of this Act, the responsible Member of the Executive Council, on behalf of the Provincial Government, may expropriate any property in the public interest and for a public purpose with regard to-
- (a) any matter within a functional area listed in Part A of Schedule 4 to the Constitution;
  - (b) any matter within a functional area listed in Part A of Schedule 5 to the Constitution;
  - (c) any matter outside the functional areas referred to in paragraphs (a) and (b), and that is expressly assigned to provinces generally or to the Province specifically; or
  - (d) any matter that is reasonably necessary for, or incidental to, the effective exercise of a power or function concerning any matter referred to in paragraphs (a) - (c) of this section.
- (2) Property expropriated in terms of this section-
- (a) vests in the Provincial Government;
  - (b) is Provincial state land; and
  - (c) must be registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in the name of the Provincial Government.

#### 9. Expropriation procedure

- (1) When the responsible Member of the Executive Council intends to expropriate property in terms of section 8, the responsible Member of the Executive Council must give notice of the intention to expropriate such property in the *Gazette* and in at least one newspaper circulating in the area in which the property is situated.
- (2) The notice must-
- (a) identify the property affected and include the following information regarding the property-
    - (i) the full title deed description, including the title deed number, the magisterial district in which the property is situated, the extent of the property and, if applicable, the nature of any right in respect of such property;
    - (ii) the current zoning of the land;
    - (iii) the actual current use of the land; and

- 
- (iv) full details of any improvements to and structures on the land;
  - (b) give interested parties an opportunity to make written representations or submissions regarding the expropriation within a period of not less than 30 days;
  - (c) invite any person claiming compensation as a result of the expropriation to enter into negotiations with the responsible Member of the Executive Council in that regard; and
  - (d) draw attention to the provisions of subsection (5)(a).
- (3) The responsible Member of the Executive Council must, in addition to the notice to be published in terms of subsection (2), cause a copy of such notice to be sent by registered post or delivered to-
- (a) the registered owner of the property;
  - (b) the occupier, if any, of the property; and
  - (c) the municipal manager of the municipality for the area in which the property is situated, advising those persons that they may make written representations or submissions regarding the proposed expropriation within a period of not less than 30 days of receipt of the notice.
- (4) (a) The responsible Member of the Executive Council may, after due consideration of all written representations and submissions referred to in subsections (2)(b) and (3), expropriate the property referred to in subsection (2)(a) by notice in the *Gazette* and in at least one newspaper circulating in the area in which the property is situated.
- (b) The responsible Member of the Executive Council must, within 30 days after publication of the notice of expropriation referred to in paragraph (a), deliver by hand or by registered post a copy of such notice to-
- (i) the registered owner of the expropriated property;
  - (ii) the occupier, if any, of the expropriated property;
  - (iii) the registered holder, if any, of a right in respect of the expropriated property; and
  - (iv) the municipal manager of the municipality for the area in which the property is situated.
- (5) (a) An expropriation referred to in subsection (4) takes effect immediately on publication of the notice in the *Gazette* even though compensation payable in respect of such property has not been finally determined or paid.
- (b) On the date of expropriation, the ownership of the property vests in the Provincial Government in terms of section 8(2) and all responsibilities and obligations in respect of, amongst others, risk, costs, existing leases, maintenance, rates, taxes and levies relating to the property pass to the Provincial Government.
- (c) The responsible Member of the Executive Council must forthwith lodge a copy of the notice referred to in subsection (4)(a) with the Registrar for such endorsement of the title deed of the property as the Registrar deems necessary.
- (6) (a) The owner of the property may claim compensation arising from an expropriation referred to in subsection (4).
- (b) If the responsible Member of the Executive Council and an owner of the property fail to reach agreement regarding the payment of compensation, either party may refer the matter to a court for determination, or they may agree to refer the dispute to an arbitrator for arbitration.
- (7) In the event that an arbitrator is appointed as contemplated in subsection (6)(b), he or she-
- (a) determines the time, venue and procedures which apply in the arbitration;

- (b) determines the dispute and makes a written award giving reasons for such award as soon as possible after the arbitration and his or her determination is binding;
- (c) may not make an award of costs; and
- (d) is paid out of moneys allocated for this purpose by the Provincial Treasury, such fees and allowances as the responsible Member of the Executive Council, with the concurrence of the Member of the Executive Council responsible for Finance may determine.

## 10. Withdrawal of expropriation

- (1) If the responsible Member of the Executive Council is of the opinion that it is in the public interest to withdraw an expropriation of property, the responsible Member of the Executive Council may withdraw the expropriation at any time before the registration of the transfer of the property in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), has taken place.
- (2)
  - (a) The withdrawal of the expropriation must be done by notice in the *Gazette* in the manner referred to in section 9(2), (3) and (4), read with the necessary changes, and ownership of the property vests in the owner from whom the property was expropriated from the date of publication of the withdrawal notice.
  - (b) The responsible Member of the Executive Council must forthwith lodge a copy of the notice referred to in paragraph (a) with the Registrar for such endorsement of the title deed of the property as the Registrar deems necessary.
- (3) Any compensation paid in terms of section 9(6) must forthwith be refunded to the Provincial Government.
- (4) The owner is entitled to claim expenses or actual financial loss which he or she has directly or indirectly incurred owing to such expropriation after a written notice by registered post has been sent to the responsible Member of the Executive Council setting out a detailed statement of the amount of such expenses or actual financial loss, together with supporting documentary proof.
- (5)
  - (a) If the responsible Member of the Executive Council and an owner of the property fail to reach agreement regarding the payment of expenses or actual financial loss, either party may refer the matter to a court for determination, or they may agree to refer the dispute to an arbitrator for arbitration.
  - (b) If the dispute is referred to arbitration, the provisions of section 9(7) apply with the necessary changes.

## Chapter 6 Provincial state land register

### 11. Provincial state land register

- (1) The responsible Member of the Executive Council must establish and maintain a consolidated register of all Provincial state land.
- (2) The register referred to in subsection (1) must-
  - (a) subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), be accessible to the public; and
  - (b) contain the following information regarding Provincial state land-
    - (i) the full title deed description, including the title deed number, the magisterial district in which the land is situated, the extent of the land and, if applicable, the nature of any right in respect of such land;

- (ii) the current zoning of the land;
  - (iii) the actual current use of the land;
  - (iv) the intended use of the land;
  - (v) full details of any improvements to, and structures on, the land; and
  - (vi) the department or departments of the Provincial Government responsible for the control and use of the land.
- (3) A Member of the Executive Council, other than the Member of the Executive Council responsible for public works, who controls, uses or is the custodian of Provincial state land must, on request, provide the Member of the Executive Council responsible for public works with the particulars of the information referred to in subsection (2)(b) in respect of such land.

## **Chapter 7**

### **Management of Provincial state land**

#### **12. Management of Provincial state land**

- (1) (a) At the date of the commencement of this Act, all Provincial state land falls under the custodianship of the responsible Member of the Executive Council and it is regarded that the Premier has, in terms of section 4(1)(c) of GIAMA, designated the responsible Member of the Executive Council as the custodian of such Provincial state land or immovable assets.
- (b) The responsible Member of the Executive Council may, in terms of section 18 of GIAMA, in writing, assign or withdraw an assignment of any or all of his or her powers, duties and responsibilities as a custodian.
- (2) Where property is acquired pursuant to the provisions of this Act, the responsible Member of the Executive Council is the custodian of such property and it is regarded that the Premier has, in terms of section 4(1)(c) of GIAMA, designated the responsible Member of the Executive Council as the custodian of such Provincial state land or immovable asset: Provided that where the property is acquired for a purpose or function relating to-
- (a) the portfolio or sphere of responsibility of another Member of the Executive Council, the responsible Member of the Executive Council must, in terms of section 18 of GIAMA, in writing, assign and pass custodianship of that property, being Provincial state land, to the relevant Member of the Executive Council; and
  - (b) the portfolios or spheres of responsibility of two or more Members of the Executive Council, the Premier must determine which Member of the Executive Council is to be regarded as the custodian of the property to whom the responsible Member of the Executive Council must, in terms of section 18 of GIAMA, in writing, assign and pass custodianship.
- (3) If Provincial state land under the custodianship of a Member of the Executive Council in terms of subsection (2)(a) or (b) is no longer required for the exercise of the functions relating to the portfolio or sphere of responsibility of the custodian Member of the Executive Council, that Member of the Executive Council must forthwith return custodianship of that property to the responsible Member of the Executive Council.
- (4) Any passing of custodianship referred to in this section may be for an indefinite or fixed period and subject to such conditions as the responsible Member of the Executive Council may determine: Provided that any custodian or user department must budget for the maintenance of any immovable asset in respect of which it is the custodian or user department.

## **Chapter 8**

### **Immovable asset management plan**

#### **13. Immovable asset management plan**

- (1) Subject to the provisions of GIAMA, the responsible Member of the Executive Council must-
  - (a) develop an immovable asset management plan, to be known as a custodian immovable asset management plan, in relation to all the immovable assets which are in its custody; and
  - (b) develop a consolidated user immovable asset management plan, which relates to all the immovable assets which the custodian uses or intends to use in support of its own service delivery objectives.
- (2) The Member of the Executive Council for a user department must develop an immovable asset management plan to be known as a user immovable asset management plan in relation to the immovable assets which that user department uses or intends to use.

#### **14. Minimum contents of custodian immovable asset management plan**

A custodian immovable asset management plan prepared in terms of section 13(1)(a) must include at least-

- (a) a portfolio strategy and management plan;
- (b) a management plan for each immovable asset throughout its life cycle;
- (c) a performance assessment of the immovable asset;
- (d) a condition assessment of the immovable asset;
- (e) the maintenance activities required and the total and true cost of the maintenance activities identified; and
- (f) a disposal strategy and management plan.

#### **15. Minimum contents of a user immovable asset management plan**

A user immovable asset management plan prepared in terms of section 13(1)(b) must include at least-

- (a) a strategic needs assessment;
- (b) an acquisition plan;
- (c) an operations plan; and
- (d) an immovable asset surrender plan.

#### **16. Submission of immovable asset management plan**

- (1) The accounting officer of a custodian must, on a date determined by the Provincial Treasury, submit a copy of its custodian immovable asset management plan to the Provincial Treasury.
- (2) The accounting officer of a user department must-
  - (a) on a date determined by the Provincial Treasury, submit its user immovable asset management plan as part of its strategic plan to the Provincial Treasury; and
  - (b) on a date determined by the custodian, submit a copy of its user immovable asset management plan to the relevant custodian.

### **17. Status of user immovable asset management plan**

A user immovable asset management plan-

- (a) is for the purpose of this Act, the principal immovable asset strategic planning instrument which guides and informs all immovable asset management decisions by the user department; and
- (b) binds the user department in the exercise of its executive authority.

### **18. User department to give effect to user immovable asset management plan**

A user department must implement its user immovable asset management plan and conduct immovable asset management in a manner which is consistent with this Act, the provisions of GIAMA and its user immovable asset management plan.

### **19. Revision and amendment of immovable asset management plan**

(1) A user department-

- (a) must annually revise its user immovable asset management plan after its budget allocations have been finalised by the Provincial Treasury and must incorporate the revised user immovable asset management plan into its strategic plan;
- (b) may amend its user immovable asset management plan in accordance with a prescribed process; and
- (c) must submit its revised and amended user immovable asset management plan to the relevant custodian.

(2) A custodian must annually revise its custodian immovable asset management plan after receipt of the revised and amended user immovable asset management plan or where other factors necessitate such revision.

## **Chapter 9 General provisions**

### **20. Execution of documents**

The responsible Member of the Executive Council may sign-

- (a) any document relating to the management of Provincial state land;
- (b) any document required to give effect to-
  - (i) the acquisition of property;
  - (i) the disposal of Provincial state land; or
  - (iii) the expropriation of property; and
- (c) any agreement contemplated in section 7(1).

### **21. Annual report**

- (1) The responsible Member of the Executive Council must, within 90 days of the end of a financial year, submit an annual report to the Provincial Legislature.
- (2) The report referred to in subsection (1) must include-
  - (a) the full details of all written offers received from any person to acquire Provincial state land;

- (b) the purpose and full details of all disposals of Provincial state land in terms of section 5, including-
  - (i) the full title deed description, including the title deed number, the magisterial district in which the land is situated, the extent of the property and, if applicable, the nature of any right in respect of such land;
  - (ii) the full name and identity number of the beneficiary;
  - (iii) the purchase price, if any, payable in respect of the land;
  - (iv) any restrictive condition imposed in respect of the land; and
  - (v) the purpose for which the land was used prior to the disposal and, if available, the current or intended purpose for which the land is to be used;
- (c) the purpose and full details of all acquisitions of property in terms of section 4, including-
  - (i) the full title deed description, including the title deed number, the magisterial district in which the property is situated, the extent of the property and, if applicable, the nature of any right in respect of such property;
  - (ii) the purchase price, if any, payable in respect of the property;
  - (iii) any restrictive condition imposed in respect of the property; and
  - (iv) the purpose for which the property was used prior to the acquisition or reacquisition and, if available, the current or intended purpose for which the property is to be used;
- (d) the purpose and full details of all expropriations of property in terms of section 8, including-
  - (i) the full title deed description, including the title deed number, the magisterial district in which the property is situated, the extent of the property and, if applicable, the nature of any right in respect of such property;
  - (ii) the full name and identity number of the previous owner of the property;
  - (iii) the purchase price or compensation paid in respect of the property;
  - (iv) any restrictive condition imposed in respect of the property; and
  - (v) the purpose for which the land was used prior to the disposal and, if available, the current or intended purpose for which the property is to be used; and
- (e) the sum total of the payments for the period of the report-
  - (i) received by the Provincial Government for disposals of Provincial state land in terms of section 5;
  - (ii) made by the Provincial Government for acquisition of property in terms of section 4; and
  - (iii) made by the Provincial Government for expropriation of property in terms of section 8.

## 22. Assignment of powers, duties and functions by Premier

- (1) The Premier may, at the request of any Member of the Executive Council, by notice in the *Gazette* and subject to such conditions as the Premier may determine, either generally or in regard to-
  - (a) a specific property;
  - (b) specified Provincial state land;
  - (c) any matter within a functional area listed in Part A of Schedule 4 to the Constitution;



- (d) any matter within a functional area listed in Part A of Schedule 5 to the Constitution;
  - (e) any matter outside the functional areas referred to in paragraphs (c) and (d), and that is expressly assigned to provinces generally or to the Province of KwaZulu-Natal specifically; or
  - (f) any matter that is reasonably necessary for, or incidental to, the effective exercise of a power or function concerning any matter referred to in paragraphs (a) - (c) of this section, assign to such Member of the Executive Council any power, duty or function conferred or imposed upon the responsible Member of the Executive Council in terms of this Act, other than
    - (i) the duty to establish and maintain a consolidated register of all Provincial state land referred to in section 11(1);
    - (ii) the powers, duties and functions referred to in section 12; and
    - (iii) the power to make regulations referred to in section 24.
- (2) An assignment to any other Member of the Executive Council referred to in subsection (1) does not prevent the exercise of the power or the performance of the duty or function concerned by the responsible Member of the Executive Council.

### **23. Delegation of powers, duties and functions by responsible Member of Executive Council**

- (1) The responsible Member of the Executive Council may, subject to such conditions as he or she may determine, delegate any power, duty or function conferred on him or her by or under this Act, other than-
- (a) the power to publish a notice required in terms of section 9(4); and
  - (b) the power to make regulations referred to in section 24, to an officer in the service of the Provincial Government.
- (2) A delegation referred to in subsection (1)-
- (a) must be in writing;
  - (b) must be exercised subject to such conditions determined by the responsible Member of the Executive Council;
  - (c) does not divest the responsible Member of the Executive Council of the power, duty or function delegated;
  - (d) does not prevent the exercise of the power or the performance of the duty or function concerned by the responsible Member of the Executive Council; and
  - (e) may at any time be withdrawn or amended in writing by the responsible Member of the Executive Council.

### **24. Regulations**

The responsible Member of the Executive Council may make regulations-

- (a) regarding the norms and standards, including procedures, applicable to the acquisition, expropriation, exchange, disposal and letting of Provincial state land, the demolition of buildings on Provincial state land, and donations of Provincial state land;
- (b) regarding the establishment and maintenance of the Provincial state land register; and
- (c) regarding any other matter the responsible Member of the Executive Council considers necessary, appropriate or expedient for the achievement of the purpose or objects of this Act.

## **25. Repeal of law**

The KwaZulu-Natal Land Administration Act, 2003 (Act No. 3 of 2003), is hereby repealed.

## **26. Transitional arrangement and validation**

Any act, determination, designation, decision, matter or any other thing done, made, taken, executed or carried out or purported to have been done, made, taken, executed or carried out by the responsible Member of the Executive Council or any other Member of the Executive Council in terms of or in pursuance of the repealed KwaZulu-Natal Land Administration Act, 2003 (Act No. 3 of 2003), from 28 November 2003 to the date of commencement of this Act, is not invalid by reason only of the administration of the repealed Act not having been formally assigned to the responsible Member of the Executive Council or any other Member of the Executive Council.

## **27. Short title**

This Act is called the KwaZulu-Natal Land Administration and Immovable Asset Management Act, 2014.