



### ANSWER STUDY UNIT 13

● Question 3 pg 319

Section 25(1) of the Constitution (the deprivation clause) (1) provides that “no one may be deprived of property except in terms of a law of general application and no law may permit arbitrary deprivation of property”. (1) The provision in the *Physical Planning Act* 125 of 1991 is in terms of town planning legislation, in other words, a law of general application. (1) The conditions are restrictive because they determine that the law may be used for agricultural purposes only. (1) Owners of these properties obtain ownership, subject to this restriction, which can be seen as a deprivation in terms of section 25 of the Constitution. (1) The provision is permissible.

### ANTWOORD STUDIE-EENHEID 13

● Vraag 3 bl 323

Artikel 25(1) van die Grondwet (die ontnemingsklousule) (1) bepaal “niemand mag eiendom ontnem word nie behalwe ingevolge ‘n algemeen geldende regsvoorskrif, en geen regsvoorskrif mag arbitrêre ontneming van eiendom veroorloof nie”. (1) Die bepaling in die *Wet op Fisiese Beplanning* 125 van 1991 is ingevolge dorpsontwikkelingswetgewing, met ander woorde, ‘n algemeen geldende regsvoorskrif. (1) Die voorwaarde is beperkend van aard, omdat hulle bepaal dat die gebied net vir landboudoeleindes gebruik mag word. (1) Eienaars van hierdie eiendomme verkry eiendomsreg, maar onderworpe aan hierdie voorwaarde, wat as ‘n ontneming vir doeleindes van artikel 25 van die Grondwet beskou kan word. (1) Die bepaling is toelaatbaar.