

PROPERTY LAW TUTORIAL LAWS 3024/3029

TUTORIAL TWO

1. What is the so called Constitutional Property Clause and what is the history /background of this clause .
2. Often , scholars refer to reformative and protective clauses in section 25 of the Constitution . Discuss these two concepts in detail.
3. Read the Harksen v Lane case (with reference to paras 30-33, 36-38) and answer the following :
 - What are the salient facts of the case
 - What are the contentious issues of the case
 - What is the main judgment of the case
 - Is there a minority judgment in the case
 - Which of the two judgments do you agree with
4. Read the First National Bank of SA v South Africa Revenue Services and answer the following :
 - What are the facts
 - What issues are addressed
 - What is the ratio
 - What is the relevance of this to property law
5. Consider the view that the decision of the Constitutional Court in City of Johannesburg v Blue Moonlight Properties 2012(2) SA 104 (CC) successfully balances the rights of property owners and the landless . In your answer , evaluate the judgment in light of the theories of property distribution(20 Marks - Wits Law School June 2012)
6. Fred Flintstone and his wife Kim Kardashianstone own a piece of property in Sandton. The City of Johannesburg then tells them that their property will be taken over by the City and they will not pay them a cent because they are the owners of all land in Johannesburg. Kim's lawyer , Mr West says that they are entitled to a pay out. With what you have learnt thus far , discuss the position of the law in this regard.