



**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA  
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME  
COURT OF APPEAL**

**From:** The Registrar, Supreme Court of Appeal

**Date:** 6 January 2021

**Status:** Immediate

*Please note that the media summary is for the benefit of the media and does not form part of the judgment.*

*Silwane Community Development Trust v Regional Land Claims Commissioner, Kwazulu-Natal and Others (900/2019 [2020] ZASCA 02 (6 January 2021).*

The SCA today dismissed an appeal against the judgment of the Land Claims Court, Randburg (LCC) dismissing a review application in respect of a decision of the Regional Land Claims Commissioner (the RLCC) to publish a notice in the government gazette in terms of s 11(1) of the Restitution of Land Rights Act 22 of 1994 (the Restitution Act) without including a number of farms that the appellant contends ought to have been included.

The late Inkosi Silwane Ernest Myeni (Inkosi Myeni) lodged two restitution of land claims for three specifically named farms with the RLCC on 4 February 1997 on behalf of the community. Notices of the claims were published in the Government Gazette Notice 1586 of 26 August 2005.

A review of the RLCC's decision was brought on the basis that she had wrongly excluded 28 other farms not expressly referred to in the two claim forms in the gazette notice. The RLCC, on the other hand, took the view that the claim forms lodged by Inkosi Myeni were clear and precise as to the claimed farm portions and that she acted procedurally fair before publishing the notice.

The SCA held that the RLCC had acted fairly in publishing the claims on the basis on the information contained in the claim forms as she understood that the properties claimed were those listed on paragraph 1.1 of the claim form. The court found that no reviewable irregularity was established.

In the result, the appeal was dismissed with costs including the costs consequent upon the employment of two counsel.

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