



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
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STATUS Immediate

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

***Meintjes v The Government of the Republic of South Africa
(305/2011) [2012] ZASCA 172 (28 November 2012)***

Media Statement

Today the Supreme Court of Appeal (SCA) dismissed an appeal by Mr Stephanus Jacobus Meintjes against a finding by the Land Claims Court (the LCC) that he was not entitled to compensation in terms of the Restitution of Land Rights Act because he had not established that he had indeed been dispossessed of a right in land. Mr Meintjes and his business associate since the early 1960s, Mr Phillip Jooste – both of whom are now octogenarians - shared an interest in the development of nature reserves. Having established a successful game reserve in Letaba, they turned their attention to properties with similar potential in the Lowveld. They identified three farms belonging to H L Hall and Sons Ltd (Hall & Sons), which were situated in a released area immediately adjacent to the Kruger National Park. Mr Meintjes made Hall & Sons an offer to purchase those properties. On 30 September 1971 and as foreshadowed in the option the parties concluded a deed of sale. The agreement, however, pertained only to two of the three properties. In that agreement, as earlier, the purchaser was described as Mr Meintjes acting '*on behalf of a company or companies to be formed or as the duly authorised representative of an existing company or companies*'. In the meanwhile, Mr Meintjes, who was well-connected to members of the then political elite and a major contributor to the coffers of the ruling Nationalist Party had been making representations to the Deputy Minister of

Bantu Administration and Development, Mr A G Raubenheimer, amongst others, to secure permission for the subdivision of the farms. On the very day that the deed of sale was signed by the parties, the appellant was informed by the administrative secretary of the Ministry of Bantu Administration and Development that a subdivision of the farms would not be favourably considered by Mr Raubenheimer. On 22 October 1971 the appellant had a meeting with Deputy Minister Raubenheimer. After that meeting Mr Raubenheimer took a decision to expropriate all three farms, apparently to avoid paying more for the properties should the sale go through. The farms after having been expropriated were registered in the name of the South African Bantu Trust. Two decades later and after the promulgation of the Restitution Act, Mr Meintjies, asserting that he had been dispossessed of a right in land as a result of past racially discriminatory laws or practices, instituted a claim against the State. The LCC held that as the agreement had been concluded by him in a representative capacity on behalf of companies in existence or to be established, Mr Meintjies had failed to prove that he personally had any right in land of which he was dispossessed by the expropriation. Absent any right in land he had accordingly failed to satisfy the requirements for a valid claim set out in s 2(1)(a) of the Act. The SCA agreed with the LCC. It held that on a proper construction the agreement envisaged that once the companies in due course accepted the benefits under it, Mr Meintjies would have fallen out of the contract completely. And pending that decision by the companies there was nothing to suggest that Mr Meintjies personally acquired the rights or incurred the obligations reserved for those companies. In dismissing the appeal, the SCA observed that the claim of Mr Meintjies, who appears to have benefited from the past race-based spatial development policies of the State because he was well-connected politically, may well have been cynical and opportunistic.

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