



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY - JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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

**DATE** 29 September 2017

**STATUS** Immediate

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

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***Uys & another v Msiza & others (1222/2016) [2017] ZASCA 130 (29 September 2017)***

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### **MEDIA STATEMENT**

The Supreme Court of Appeal (SCA) today upheld an appeal against a determination by the Land Claims Court of South Africa, Johannesburg in which it awarded compensation to the Trust, in which the appellants are the Trustees, for property awarded to the first respondent, Msindo Philemon Msiza, and his family.

The primary issue between the parties in the matter related to the market value of the land in question and whether such land had residential development potential or whether it was agricultural land as the respective valuations differed substantially in worth.

After weighing up all the prevailing circumstances and factors relating to the land, the SCA held that the Constitution set the factors constituting the just and equitable compensation to the landowner for land. Dealing with the Land Claims Court's decision to deduct R300 000 from the market value it had determined on that basis of what it termed a 'disproportionate chasm' between the amount paid by the Trust and the market value it sought to claim, the SCA held that there was in fact no disproportionality in this regard as the value of the land had escalated over time.

Finally, after careful examination of the Pointe Gourde principle, the court held that the principle did not apply to the present case as the landowner had purchased the land and taken transfer of it after the labour tenants had lodged a land claim in respect of it and as then had possessed the land for many

years. As such, the land was agricultural land. A just and equitable compensation should be determined on that basis.

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