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# AGRICULTURE, AQUACULTURE & FISHING SECTOR AND REAL ESTATE ALERT

## IN THIS ISSUE

### Agricultural Land Preservation and Development Bill Alert

The Preservation and Development of Agricultural Land Bill was first released in draft form in 2015 for public comment. A revised version was subjected to a second public commentary period the following year, and again in 2018 once further changes had been made.



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## Agricultural Land Preservation and Development Bill Alert

Another objective of the Bill is to prevent the fragmentation of agricultural land and to minimise the loss of agricultural land by promoting viable farming units and to encourage the optimal use of agricultural land for the promotion of food security.

**The Preservation and Development of Agricultural Land Bill was first released in draft form in 2015 for public comment. A revised version was subjected to a second public commentary period the following year, and again in 2018 once further changes had been made.**

The Bill was tabled in Parliament in December 2020, with the object to *'protect and preserve agricultural land and its productive use'* so that it is *'available and viable'* for the development of South Africa's agricultural sector.

### Object and aim of the Bill

The Bill will substantively amend the 1998 Subdivision of Agricultural Land Repeal Act 64 of 1998 (1998 Act), and provides for transitional arrangements in respect of any application, appeal or other process in terms of the 1970 Subdivision of Agricultural Land Act 70 of 1970 (1970 Act) to be continued as if the Act had not been repealed.

A further aim of the Bill is to ensure that any consent granted or deemed to have been granted in terms of the 1970 Act remains valid for the specified period, or if not specified then, for a period of five years from the date of the commencement of the 1998 Act.

Another objective of the Bill is to prevent the fragmentation of agricultural land and to minimise the loss of agricultural land by promoting viable farming units and to encourage the optimal use of agricultural land for the promotion of food security.

The Bill seeks to provide for the following:

- agricultural land evaluation and classification;
- the preparation, purpose and content of provincial agricultural sector plans;
- the declaration of protected agricultural areas;
- agro-ecosystem identification, authorisation and management;
- principles for the management of agricultural land;
- establishment and management of a related national agro-eco information system; and
- for *'competent authorities'* to list and delist activities or areas within authorised agro-ecosystems.

The Bill defines an agro-ecosystem as *'a spatially and functionally coherent unit of agricultural activity'* determined according to *'varying spatial scales'* and providing for *'interactions between living and non-living components of the unit as contained within larger landscapes'*.

Governance and administrative provisions include the appointment of inspectors.

### Constitutional considerations

The Preservation and Development of Agricultural Land Bill gives recognition to Section 24 of the Constitution, by introducing provisions to deal with the protection of the environment for the benefit of present and future generations through reasonable legislative and other measures that will secure the sustainable development of natural resources.

## Agricultural Land Preservation and Development Bill Alert...*continued*

The purpose of the Preservation and Development of Agricultural Land Bill, in keeping with constitutional requirements, is to facilitate a *'fair and balanced approach'* to the use of agricultural land.

The Bill furthermore acknowledges the State's obligation to realise the constitutional imperatives in section 27(1)(b) of the Constitution, to ensure that everyone in the Republic has access to sufficient food by taking measures aimed at enhancing the preservation and optimal use of agricultural land for agricultural purposes.

### Conclusion

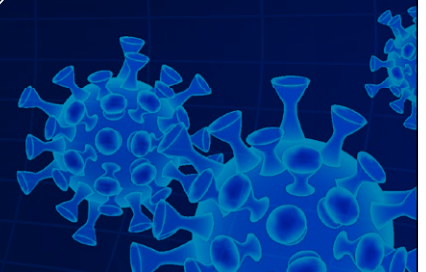
The purpose of the Preservation and Development of Agricultural Land Bill, in keeping with constitutional requirements, is to facilitate a *'fair and balanced approach'* to the use of agricultural land. To that end, once in force it is expected to ensure, among other things, that only low-potential farmland is made available for non-agricultural purposes.

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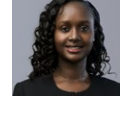
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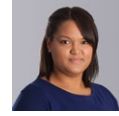
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Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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