



STANDARD OPERATING PROCEDURE:

TMPD-SP-LI-CL-QAP 1

Issue Date:

SOP Owner: Commander

Department Tshwane Metro Police Department

Division LAND INVASION

Section COMMUNITY LIAISON

Revision #

Last Reviewed:

Direct Superior Approval: Director

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1. Purpose

To investigate the ownership of properties for facilitating administrative processes, ensuring operation in compliance with the Constitution, providing information on whether the properties belongs to Municipality or Government (Local, Provincial and National) or if its private owned and for the purpose of obtaining court orders for eviction on behalf of the municipality.

2. Scope

Educating the community and councilors and providing guidance to citizens by preventing invasion and promoting societal welfare.

3. Definitions

Building and land invasion means the illegal occupation of building and land by people without the express or tacit consent of the owner of the building and land or the person in charge of the building or land, or without any other right in law to settle or occupy such building or land.

Land invasion: the unlawful entry onto land and occupation and/or use of said land without authority from the owner or person in charge of the land.

4. References

The Constitution of RSA Act 108 of 1996

- () PIE Act;
- () Housing Act 107 of 1997;
- () Housing Consumers Protection Measures Act 95 of 1998;
- () Housing Amendment Act 28 of 1999;
- () Rental Housing Act 50 of 1999;

- Housing Second Amendment Act 60 of 1999;
- Local Government: Municipal Systems Act 32 of 2000;
- Housing Amendment Act 4 of 2001;
- Rental Housing Amendment Act 43 of 2007;
- National Building Regulation and Building Standards Act 103 of 1977;
- Disaster Management Act 57 of 2002;
- National Health Act 61 of 2003;
- ESTA;
- Restitution of Land Rights Act 22 of 1994;
- Land Reform (Labour Tenants) Act 3 of 1996;
- Interim Protection of Informal Land Rights Act 31 of 1996;
- SPLMUA;
- Social Housing Act 16 of 2008; and
- The Housing Development Agency Act 23 of 2008.

5. Safety, Health and Environment Procedure

Law enforcement shall oversee the demolition and removal of informal structures in consultation with the Land Invasions Monitoring Unit; and

Assist the municipalities in the execution of the eviction of the unlawful occupiers of land.

Section 26 states:

“(1) everyone has the right to have access to adequate housing.

(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.

(3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.”

In acquiring land for resettlement the Human settlement Department shall ensure that such land is:-

- a) Suitable for accommodation with basic service infrastructure;
- b) Within the proximity of learning institutions;
- c) In reasonable proximity to an economic center; and
- d) Accessible to public transport.

6. Inspection

After receiving a complain, an investigation is done by visiting the area concerned to verify and obtain further information regarding the invaders that is to obtain data and other relevant information.

7. Procedure

A complain <<Provide the steps required to perform this process (what, who, when, where, why, how). As indicated in the process map.

Complain received that a portion of land is being invaded

7.1 Verify ownership of portion of land if it belongs to the Government (Local, Provincial or National) or privately owned. Following will be discussion if land belongs to the Municipality or government and also privately owned:-

7.2. Municipality or Government Buildings or Land

- 7.2.1. If it is government land an investigation is carried out to determine if it is authorized or unauthorized with the relevant department (Housing or Corporate)
- 7.2.2. If it is unauthorized we liaise with the community leaders to obtain information regarding their intention on why are they invading
- 7.2.3. We negotiate with them to stop and remove any materials used to demarcate or build any structure in the portion of land or building
- 7.2.4. If its unsuccessful discussion Legal department is informed to obtain a court order for the eviction of the invaders.

7.3. Private Ownership.

- 7.3.1. During the patrolling and monitoring of the Service provider and discovers invaders clearing land or illegal building on our pavements they serve the invaders and forward the notice to us to further investigate.
- 7.3.2. If its privately owned we negotiate with the owner that when he/she wants to evict them he/she must obtain alternative accommodation for the invaders.
- 7.3.3. Most of privately owned properties they rent out their properties to invaders and when they don't want to pay the rental they evict them that is why we engage them

7.4. MATTER REFERRED TO:-

- 7.4.1. After negotiation has failed, the matter is referred to Service Provider assisted by Land Invasion Unit (Law Enforcement) if buildings or any structures are half built to demolish those structures and to prevent further invasion the Service Provider intensifies its patrol and monitoring.
- 7.4.2. If its massive invasion and cannot control the situation the matter is referred to Legal Department to apply for an Interdict which will assist us in preventing further invasion if granted until the return date

7.5. MEETINGS

The Section hold meeting with Councillors, Ward Committees, Concerned Groups and Emerging Community Leaders to educate or impart knowledge over social welfare programs especially the invasion of land and consequences thereof.

Engage in relocation of beneficiaries from informal settlements to formal settlements
Coordinates meetings between Councillors if the community is dissatisfied by demolition of structures build without proper procedures un the land.

7.6. EVICTIONS

- 7.6.1. During the eviction of invaders he /she assist the Sherriff of the Court and Law Enforcement Officers for the execution of their duties, informs and encourage communities to apply to be placed on the data base for RDP Houses and to have bilateral meetings with the concerned department..
- 7.6.2. Participate during the planning of invasions by making affidavits to support the application for the eviction of unlawful occupiers after discussions failed.
- 7.6.3. Gather, maintain and disseminate information to the land Invasion Unit (Law Enforcement and Service Provider) in terms of the behavioural conduct of the invaders for planning purposes during the eviction.
- 7.6.4. Disseminate information to the community after the evictions to have bilateral talks with the appropriate department to be placed on data base for RDP Houses.

8. Record Index

No.	Record	Format	Retention	Disposal Method

9. Annexures

No.	Form / Template Name	Form / Template Number

