Land Restitution in South Africa is set to draw increasing attention from local and international quarters as individuals, corporations, state and private entities seek to demystify a rather contentious topic. There can be little said about land restitution, redistribution and reform without reference to the country’s legacy issues, and the consequent vulnerability to misinterpretation of land access rights and eligibility criteria. Additionally, there has often been poor interpretation of legislative changes that have marked the landscape, leaving most people unclear as to what their rights are or how historical wrongs might be redressed.

Section 25 of the Constitution deals with and codifies the national policy on land, and directs the State to take positive steps in relation to restitution, redistribution and tenure security. The policies that have been developed emanating from section 25 of the Constitution, have had as their major focus, agricultural and farming land in the main, and less or not at all in relation to urban land. With a shift in focus, issues of security of tenure have become increasingly important.

Restitution sits in the heartland of the protective, restitutionary and land reform design of section 25 of the Constitution making it an important aspect of our constitutional society. The Restitution of Land Rights Act No. 22 of 1994, as amended is one of the pieces of legislation enacted to cater to one of the three pillars of the land policy which are restitution, land redistribution and tenure reform. This scope of responsibility, on the back of the original Act of 1994, immediately points to the need for expert legal advice that combines a deep knowledge of South Africa’s historical matters and a sound interrogation and interpretation of the current legal landscape as regards land restitution, redistribution and reform. Often facing a politically-charged arena, clients will need the advice of a law firm able to provide proactive guidance along a road typically fraught with misinterpretation and increasingly charged with high emotion.

Matters concerning land restitution, redistribution and reform impact all corners of society including financial institutions, land owners and property developers who face issues such as uncertainty in the changing landscape, security of tenure, unlawful invasions, understanding the role that entities can play in achieving restitution to name a few.

The Werksmans Land Restitution practice is committed to making this journey with the client and providing
multi-faceted and strategic advice that is mindful of the peculiarities that may affect each client’s unique needs. From the Restitution of Land Rights Amendment Act, Extension of Security of Tenure Act, to the Property Valuators Bill, to the Expropriation Bill, our lawyers apply innovative thinking to tackle matters literally sometimes considered ‘no man’s land’. Our clients can expect this; to be competently guided through their matters with great focus and dedication from highly qualified lawyers, and navigated through legal complexities to a clear, best outcome resolution.
Meet the team

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About us

Established in the early 1900s, Werksmans Attorneys is a leading South African corporate and commercial law firm, serving multinationals, listed companies, financial institutions, entrepreneurs and government.

Operating in Gauteng and the Western Cape, the firm is connected to an extensive African legal alliance through LEX Africa.

LEX Africa was established in 1993 as the first and largest African legal alliance and offers huge potential for Werksmans’ clients seeking to do business on the continent by providing a gateway to Africa.

With a formidable track record in mergers and acquisitions, banking and finance, and commercial litigation and dispute resolution, Werksmans is distinguished by the people, clients and work that it attracts and retains.

Werksmans’ more than 200 lawyers are a powerful team of independent-minded individuals who share a common service ethos. The firm’s success is built on a solid foundation of insightful and innovative deal structuring and legal advice, a keen ability to understand business and economic imperatives and a strong focus on achieving the best legal outcome for clients.

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