

# Agri SA

## Mediaverklaring / Media Release

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### **Agri SA verwelkom riglyne vir die hantering van betreding en grondbesettings** **AGRI SA WELCOMES GUIDELINES ON DEALING WITH TRESPASSING AND LAND INVASIONS**

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#### **Agri SA verwelkom riglyne vir die hantering van betreding en grondbesettings**

“Suid-Afrikaanse wetgewing beskerm die regte van wettige grondeienaars, daarom verwelkom Agri SA die riglyne wat die polisie ontwikkel het ten opsigte van hul rol en verantwoordelikheid om te verseker dat alle polisieledede binne die omvang van die toepaslike wetgewing en beleid optree wanneer hulle handel met klagtes van betreding, grondbesetting en onwettige uitsettings,” sê Kobus Breytenbach, voorsitter van Agri SA se Landelike Veiligheidskomitee.

Opruiende uitsprake en aanhitsing van ondersteuners om plaasgrond te beset is onverantwoordelik en gevaarlik. Terwyl hierdie uitsprake dikwels gemaak word op openbare platforms, kan dit ook bydra tot 'n klimaat wat aanleiding kan gee tot sodanige optrede. Daar moet in gedagte gehou word dat 'n kriminele element oral teenwoordig is en dat sodanige uitsprake kan dien om grondbesetting vir die misdadiger te rasionaliseer. Hierdie riglyne word deur Agri SA ondersteun en sal 'n raamwerk voorsien waarbinne die polisie en boere hande kan vat om sodanige optrede te verhoed.

Die riglyne is belangrik om eenvormigheid binne die polisiediens te bewerkstellig oor hoe insidente van die aard hanteer moet word. Volgens Breytenbach, “is dit ook belangrik vir grondeienaars om te weet wat die polisieledede se verantwoordelikheid is met die hantering van hierdie insidente en hoe hulle die polisie moet nader om 'n klag te lê.”

Indien dit vir die grondeienaar duidelik is dat die betrokke persoon skuldig is aan betreding ingevolge die Wet op Betreding, moet die polisie die nodige stappe neem om te reageer, wat in die meeste gevalle sal wees om die persoon in hegtenis te neem en voor die hof te daag. “Grondeienaars moet ook kennis neem dat waar persone in die verlede toegelaat is om 'n sekere roete oor 'n stuk grond te gebruik en waar dit 'n gewoonte geword het, dit moeilik sal wees om betreding te bewys onder sulke omstandighede”, volgens Breytenbach.

Wanneer dit duidelik blyk dat die persoon wat die plaas betree ten doel het om strukture op te rig vir behuisingsdoeleindes, kan 'n klag van betreding steeds by die polisiestasie ingedien word indien sodanige strukture nog nie finaal in plek is nie. “Dit is belangrik dat grondeienaars daarvan kennis neem dat die polisie nie mag weier om 'n saak van betreding te open nie al is dit duidelik dat grondbesetting nog nie plaasgevind het nie. Selfs terwyl die persone nog in die proses is om strukture op te rig, mag 'n saak van betreding geopen word,” sê Breytenbach.

Ten slotte het Breytenbach gesê: “Dit is belangrik dat ons boerelede met die polisie saamwerk en alle gevalle van betreding en grondbesetting aanmeld, asook by hulle provinsiale organisasie. Ons beveel ten sterkste aan dat hierdie riglyne gebruik word om 'n aksieplan op plaaslike vlak saam te stel met behulp van die polisie ten einde die situasie doeltreffend aan te spreek.

Uitgereik deur Agri SA, Direkoraat: Korporatiewe Skakeling

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## **AGRI SA WELCOMES GUIDELINES ON DEALING WITH TRESPASSING AND LAND INVASIONS**

“South African legislation protects the rights of legal land owners and Agri SA therefore welcomes the guidelines developed by the police in respect of their role and responsibility to ensure that all police members act within the ambit of applicable legislation and policy when dealing with complaints, regarding trespassing, land invasions and illegal eviction”, said Kobus Breytenbach, chair of Agri SA’s Rural Safety Committee.

Inflammatory statements and the encouragement of supporters to occupy farm land are irresponsible and dangerous. While these statements are often made at public forums, they may also contribute to a climate conducive of carrying out such actions. It has to be kept in mind that a criminal element exists everywhere and such statements may serve to rationalise the invasion of farm land in the criminal mind. These guidelines are supported by Agri SA and will provide a framework within which the police and farmers can take hands to prevent such actions.

These guidelines are further necessary to provide uniformity within the police service on how to deal with these issues. Breytenbach said, “it is also important for land owners to know what the responsibility of police officials are in dealing with these issues and how they should approach the police to lay a charge”.

If it is clear to the land owner that the person in question is trespassing in accordance with the Trespass Act, the police must take the necessary steps to deal with the incidence, which in most cases will be to arrest the person trespassing in order to bring him before a court of law. “Landowners should also note that where persons were allowed to take a certain route in the past over a piece of land and it has become customary practice, it will be difficult to prove a trespass case in such circumstances”, Breytenbach said.

When it is clear to a landowner that persons that are trespassing are doing so with the intention to erect structures which are to be used for accommodation, a charge may still be laid at the police station for trespassing, if such structures have not been finally erected. “It is important for land owners to note that the police may not refuse to register a case of trespassing when it is clear that there is no occupation yet on the land. Even if the perpetrators are still in the process of erecting structures, a case of trespassing can still be opened”, Breytenbach said.

In closing Breytenbach said, “it is important that our farmer members work with the police and report all cases of trespassing and land invasions also to their provincial organisations. We strongly recommend that these guidelines be used to put an action plan together at the local level with the assistance of the police so to deal effectively with these situations.

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