

Break-ins on private property to be met with force of new SA law

The Department of Justice and Constitutional Development (DOJCD) has drafted a bill to repeal and replace the Trespass Act, No 6 of 1959 (Trespass Act) which will also prohibit unlawful entry on premises.



Source: [Pixabay](#)

This is in line with the minister of justice and correctional services who pronounced the bill when tabling his budget speech to parliament for the 2021/22 financial year.

Minister Lamola said some pieces of legislation which are not overtly unconstitutional, unjust or anti-democratic, but which nonetheless still formed part of a suite of legislative enactments designed to foster the policies of apartheid, have survived.

Minister Lamola went on to say: “The continued existence of these laws in our statute book is not compatible with our Constitutional order. We will lead the process to review and repeal these statutes. At the same time, great care should be taken to ensure that the abrogation of these statutes does not leave or create a lacuna in the law.”

The Trespass Act is an example of the legislation which the Minister referred to.

The Trespass Act has been identified as a piece of colonial and apartheid-era legislation as it was originally designed to combat trespassing conduct and -publications engendering hostility between certain population groups.

The Trespass Act has therefore lost its relevance in our constitutional democracy.

New proposed Bill

The proposed new bill to replace the act is: Unlawful Entry on Premises.

DOJCD intends to introduce this bill to repeal and replace the Trespass Act.

The Bill aims to prohibit unlawful entry on premises, and to provide for matters connected therewith.

Among other things, it provides for the offence of unlawful entry and the penalties to be imposed if a person is found to be guilty of the offence; the duty to inform an intruder of unlawful entry; and the powers of the police and defences in response to the offence of unlawful entry.

This bill has been duly [published](#) for public comment. Read [here](#) for deadline and comment-submission details.

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