



South African Property Law Teachers Colloquium - 2023

PROGRAMME

02-03 November 2023
Bram Fischer Seminar Room, Level 5
Kramer Law Building, UCT Middle Campus
Rondebosch, Cape Town

DAY 1

Thursday, 2 November 2023

08:30 – 09:00	Tea/Coffee & Registration
09:00 – 09:05	Welcome & Opening - Prof Francois du Toit, Head of Department (UCT - Department of Private Law)
09:05 – 09:10	Logistics & Housekeeping - Dr Gaopalelwe Mathiba (UCT)
09:10 – 10:25	SESSION ONE Chair: Dr Nhlanhla Sono (UCT)
09:10 – 09:25	Querying <i>Nino Bonino v De Lange</i> – Does a contractual agreement authorising someone to commit spoliation exclude the <i>mandament van spolie</i> ? A doctrinal and constitutional analysis - Prof Ernst Marais (Wits)
09:25 – 09:40	Reforming the law of abandonment: <i>Sonnendecker</i> revisited - Dr Richard Cramer (UCT)
09:40 – 09:55	The protection of bare possession in foreign jurisdiction - Joyce Phiri, PhD Candidate (UJ)
09:55 – 10:25	Q & A / Discussion
10:25 – 10:55	Tea/Coffee/Comfort Break Group Photo (On the steps between Kramer and Masingene Building) – by Jacques Jacobs
10:55 – 12:35	SESSION TWO Chair: Prof Zsa-Zsa Boggenpoel (US)
10:55 – 11:10	Solar panels and <i>inaedificatio</i> - Prof Reghard Brits (UWC)
11:10 – 11:25	Regulatory framework dealing with eviction and trespass: Recent developments - Prof Juanita Pienaar (US)
11:25 – 11:40	<i>Ad medium filum fluminis</i> : Common law reasoning to statutory certainty - Prof Gustav Muller (UP)
11:40 – 11:55	Has the (Surety)ship sailed? Revisiting the consequences of suretyships created by legislation in favour of municipalities - Chantelle Gladwin-Wood & Charissa Kok, Attorneys (Schindlers Attorneys)
11:55 – 12:30	Q & A / Discussion
12:30 – 13:15	Lunch & Refreshments



13:15 – 14:50	SESSION THREE Chair: Dr Marda Horn (UFS)
13:15 – 13:30	Who is 'no one' in the South African Property Clause? Finding purpose and meaning in section 25 of the Constitution - Dr Thomas Coggin (Wits)
13:30 – 13:45	The civil-law private/public divide: Symptoms of a tenacious property tradition - Prof Sue-Mari Viljoen (UWC)
13:45 - 14:00	Property law and realising a law post the public/private law distinction: The problem of procedure - Prof Danie Brand (UFS)
14:00 – 14:15	Fundamental human rights and patent evergreening - Prof Mikhalien du Bois (UNISA)
14:15 – 14:50	Q & A / Discussion
14:50 – 15:05	Tea/Coffee/Comfort Break
15:05 – 16:20	SESSION FOUR Chair: Prof Reghard Brits (UWC)
15:05 – 15:20	Can long term occupiers qualify as 'beneficial occupiers' under the Interim Protection of Informal Land Rights Act? - Tanveer Jeewa (US) & Prof Elmien du Plessis (NWU)
15:20 – 15:35	Victory for informal land rights holders: The importance of meaningful consultation and consent - Dr Mpho Tlale (UWC)
15:35 – 15:50	The right to housing for squatters & land grabbers and the relationship between the right to housing & the right to property: Comparative analysis between South Africa & Netherlands - Prof Michelle Bruijn (Groningen)
15:50 – 16:20	Q & A / Discussion End of Programme for Day 1
18:15	Colloquium Dinner (UCT, The Common Room, Level 4)

DAY 2

Friday, 3 November 2023

08:30 – 09:00	Arrival & Tea/Coffee
09:00 – 10:15	SESSION ONE Chair: Prof Danie Brand (UFS)
09:00 – 09:15	Eminent domain and the untrustworthy state - Prof Hanri Mostert (UCT)
09:15 – 09:30	A critical investigation into public trusteeship and the new Expropriation Bill [B23-2020] - Dr Marda Horn & Dr Anthea-lee September-Van Huffel (UFS)
09:30 – 09:45	Towards a purpose-oriented approach to determining compensation for land reform expropriation: A comparative and theoretical perspective - Omotola Olowolafe (UJ)
09:45 – 10:15	Q & A / Discussion
10:15 – 10:45	THE TEACHING OF PROPERTY LAW



	Chair: Prof Gustav Muller (UP)
10:15 – 10:45	Discussion & reflective engagements – ALL participants
10:45 – 11:00	Tea/Coffee/Comfort Break
11:00 – 12:15	SESSION TWO Chair: Dr Richard Cramer (UCT)
11:00 – 11:15	A residence but not a home? A critical engagement with <i>Stay at South Point Properties v Mqulwana & Others</i> (SCA) - Dr Sarah Fick (UWC)
11:15 – 11:30	Limiting the use of PIE: Some thoughts on the judgment of <i>Stay at South Point Properties (Pty) Ltd v Mqulwana & Others</i> - Prof Zsa-Zsa Boggenpoel (US)
11:30 – 11:45	SCA clarifies that student residence at a higher education institution are not considered a home for purposes of PIE: <i>Stay at South Point Properties v Mqulwana</i> - Dr Lerato Ngwenyama (NMU)
11:45 – 12:15	Q & A / Discussion
12:15 – 12:30	Closure & Announcement of 2024 SAPLTC Host - Dr Gaopalelwe Mathiba (UCT)
12:30	Lunch (Brown bag to grab for lunch and departure)