

Truth about new trespassing and self-defence laws for property owners in South Africa



False claims about self-defence laws and property rights have resurfaced on social media, prompting the justice department to set the record straight once again: there has been no change to the country's laws, and homeowners remain legally entitled to protect themselves against intruders.

Further, the department has now confirmed that the draft laws at the heart of the false claims have been abandoned.

The panic and confusion have been driven by a video that initially circulated in 2022, making false claims about new restrictions on self-defence against trespassers.

The clip alleges that under the "Unlawful Entry on Premises Bill", if intruders break into your home and threaten your family, your only option would be to inform them that they are intruding and then call the police.

The video was deleted from its original TikTok account after the government addressed the issue in 2022. Still, it was recently reshared on social media by ActionSA leader

Herman Mashaba, **who captioned it:** “This is beyond belief. I have no words to describe how I feel after this.”

The **post**, shared in early September 2025, quickly went viral, garnering nearly 100,000 views and eliciting hundreds of comments, many of which treated the claims as fact.

However, the Department of Justice (DOJ) has again confirmed that **the claims are false**, that **the initial interpretation of the draft bill quoted in the video is misleading**, and added that **the bill is no longer being processed**.

The department published the draft Unlawful Entering on Premises Bill for public comment in August 2022.

At the time, the department sought to fully repeal the Trespass Act, No. 6 of 1959 and establish new laws prohibiting unlawful entry on premises in South Africa.

The bill outlined a host of measures that property owners would have to put in place to warn trespassers they were crossing onto private property, what constituted an offence, and ways that violators could defend against the claim.

However, the misleading video posted to social media at the time of the bill being published misinterpreted the clauses, claiming that the laws removed property owners’ rights to defend themselves and their property.

At the time, the DOJ clarified that the draft laws did not overwrite any criminal laws, nor self-defence laws, and that they addressed issues like genuine mistakes around legal rights to property, such as a dispute about a boundary line.

Theft, housebreaking, and robbery remained crimes under both common law and statutory law, and the draft bill in no way gave criminals a loophole to access private property.

In 2022, when the video first spread, the DOJ published a detailed statement **clarifying the draft Bill**.

The purpose of the draft Bill, according to the department, was actually to broaden protections for property owners by defining “premises” more widely.

This included not just land and buildings, but also ships, vehicles, trains, caravans, motorhomes, and other portable structures used as residences.

“The proposed Bill thus gives the owner or lawful occupier more protection than they had before,” the DOJ said.

The draft bill has been abandoned



The Department of Justice (DOJ) spokesperson Manase Terrence

However, even with the clarifications, the DOJ has made the matter moot, now adding that the proposed laws have been abandoned.

With the video resurfacing in 2025, the DOJ has once again had to intervene. **Department spokesperson Manase Terrence has confirmed that the Bill is not moving forward at all.**

“To set the record straight, the Ministry wishes to place on record that this bill was a draft proposal that was set aside and is no longer under consideration. It is therefore not open for public comment and will not be processed further,” he said.

Terrence added that claims suggesting homeowners would be stripped of the right to defend themselves were “false and misleading.”

South Africans remain fully entitled under the law to defend their families and property when threatened.

The video misrepresents what the draft Bill once contained, and the draft itself has been abandoned.

Homeowners have not lost the right to self-defence, and core crimes such as theft, robbery, and housebreaking are unchanged.