

## Land Court Bill to fast-track land reform

A new bill aimed at speeding up the pace of land reform in South Africa was introduced in Parliament in March by Minister of Justice and Correctional Services, Ronald Lamola.

The Land Court Bill provided for the establishment of a permanent Land High Court and Land Court of Appeal that would adjudicate on all land-related matters, according to Lamola's spokesperson, Chrispin Phiri.

The establishment of these courts was one of the recommendations made by the Interministerial Committee on Land Reform. The new structures would also make provision for conflict resolution and mediation. There would be a permanent staff complement of a judge president and four judges.

According to Phiri, the main differences between the new Land Court and the existing Land Claims Court came down to two aspects.

Firstly, the existing court was not permanent, so judges had to be secured



The new Land Court Bill provided for the establishment of permanent land courts to speed up land reform. FW ARCHIVE

from other courts when available, often contributing to long delays in land cases.

Secondly, the Land Claims Court had a narrow focus, frequently resulting in land-related matters, such as evictions, being diverted to other courts.

Phiri said that with a permanent court presided over by dedicated judges focusing on the broad scope of land matters, it would be possible to consolidate existing expertise on land

litigation and develop land jurisprudence at a faster rate.

He added that the new court would be accessible to rural and poor people through assistance from the Department of Agriculture, Land Reform and Rural Development, which would support Legal Aid SA to provide representation to claimants.

Prof Elmien du Plessis of the Faculty of Law at North-West University said she had not yet seen the bill, and

could only work with what had been shared at the media launch early in March.

Du Plessis was, however, optimistic about the focus on mediation and conflict resolution, but said it would be necessary to "see whether formal structures will be created and whether these will be better than existing ones".

Phiri said once the bill had been debated in Parliament, public comment would be invited. – *Wouter Kriel*