

Land Court Bill aims to improve claims process

Justice and correctional services minister Ronald Lamola says the Land Court Bill will ensure stronger judicial oversight over claims.



Image source: www.pexels.com

“The bill seeks to ensure stronger judicial oversight over claims, and this must lead to better settlements, reduce the scope for corruption and avert the bundling of claims into dysfunctional mega-claims that lead to conflict,” Lamola said on Monday, 1 March.

Lamola and agriculture, land reform and rural development minister Thoko Didiza briefed the media on Monday in Tshwane following cabinet’s approval for submission of the Land Court Bill to parliament for processing.

Lamola said the efficacy of the procedures and arrangements proposed in the bill will help to develop land jurisprudence in the country.



Vumelana Advisory Fund welcomes R9.3bn allocation to land restitution claims

26 Feb 2021



Addressing systemic hurdles

“The bill also seeks to address the systemic hurdles that make it difficult for land claimants to obtain land restitution.

“For instance, the bill allows for hearsay evidence for most families who have to rely on oral history and the existence of elders with knowledge of description, location, and extent of land which their descendants previously occupied,” Lamola explained.

The bill also allows for expert evidence regarding historical and anthropological facts relevant to any particular land claim.

“This bill gives effect to the mandate of the sixth administration, namely, to ensure our approach to land reform is based on three elements - increased security of tenure, land restitution and land redistribution. This bill is a concrete intervention to improve the functioning of all three elements of land reform.

“It creates a policy frame to ensure that land reform is guided by sound legal and economic principles and contributes to the country’s investment objectives and job creation initiatives,” said Lamola.

The Land Court Bill is the outcome of the work done by the Inter-Ministerial Committee (IMC) on Land Reform, which is chaired by Deputy President David Mabuza. The IMC has been seized with implementing the recommendations of the Presidential Advisory Panel on Land Reform and Agriculture.



Court judgment provides clarity on land claim evaluation process

Samantha Robb 17 Dec 2020



The panel proposed the following:

- The Land Claims Court be conferred into a new Land Court to adjudicate on all land-related matters, and not only restitution.
- The court must be given additional responsibilities, both judicial and extra functions, such as conflict resolution and mediation.
- The court must have a functional approach that is modelled on negotiation before litigation on matters such as expropriation without compensation, which is proposed to parliament in the Expropriation Bill.
- The panel recommended that the Land Court include the appointment of a permanent judge president and four permanent judges.
- The Land Court should also be required to check that settlement agreements give just and equitable compensation to landowners, in line with Section 25 and the new Expropriation Act, when enacted.
- Lamola said the IMC has accepted all the recommendations and has effected them in the Land Court Bill.

Didiza said the financial capacitation and expansion of the mandate of the Legal Aid Board to resolve land related disputes will ensure a speedy resolution of land-related disputes by using the mediation and arbitration approach.