**MEDIA STATEMENT**

**JUSTICE AND CORRECTIONAL SERVICES COMMITTEE BRIEFED ON LAND COURT BILL**

**Parliament, Wednesday, 26 May 2021 –** The Portfolio Committee on Justice and Correctional Services today received a briefing on the proposed Land Court Bill.

The committee heard the Bill is aimed at, among other things, seeing the establishment of a Land Court, which will in turn ultimately replace the Land Claims Court (LCC). The Bill emanates from the recommendations of the Inter-Ministerial Committee on Agriculture and Land Reform to establish a court with jurisdiction to deal with matters currently dealt with by the LCC, and to widen its mandate to also adjudicate on matters in respect of other land-related legislation.

According to a briefing by the Department of Justice and Constitutional Development, currently the LCC, established under the Restitution of Land Rights Act of 1994, has jurisdiction and power in respect of matters relating to land, more specifically on restitution claims arising from the Restitution Act. Challenges such as the lack of permanency of judges in the LCC and the absence of a permanent seat of the LCC contributed to the slow processing of and backlogs in land restitution claims, resulting in the dissatisfaction of land claimants.

The Land Court Bill further aims to grant any order or any other appropriate relief or impose any sanction, establish a Land Court of Appeal to hear and determine appeals emanating from the judgments and provide for court-ordered mediation or arbitration. The court is established as a court of law and equity, equal in status to a high court established under the Superior Courts Act.

The court will consist of a Judge President (JP), a Deputy Judge President (Deputy JP) and so many other judges as may be determined by the President of the Republic. The President, on the advice of the Judicial Service Commission (JSC), appoints the JP and Deputy JP of the court, who must be judges of the high court and have knowledge, experience and expertise in land rights matters.   The President, acting on the advice of the JSC, and the Judge President of the court may appoint as many judges as is necessary as judges of the court.

The committee heard that unlike with other courts, according to the Bill, this court would be allowed to consider hearsay evidence as certain rules of evidence are relaxed, to empower the court to admit evidence, including oral evidence, which it considers relevant and cogent to the matter being heard by it, whether or not such evidence would be admissible in any other court of law.

Committee Chairperson, Mr Bulelani Magwanishe, said the committee will soon call for public comment on the Bill.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES, MR** **BULELANI MAGWANISHE.**