**BRIEFING NOTE: JURISDICTION OF SUPREME COURT OF APPEAL, EXPROPRIATION BILL AND ADR – LAND COURT BILL**

**1. Introduction**

1.1 A number of interested parties expressed their concern regarding—

(a) the jurisdiction of the Land Court of Appeal as a court of final instance to the exclusion of the Supreme Court of Appeal;

(b) the compulsory arbitration which is currently contained in Land Court Bill; and

(c) the possibility of bringing the Expropriation Bill under the exclusive jurisdiction of the Land Court.

1.2 On 22 March 2022 the Portfolio Committee directed the Department to prepare a briefing on the above issues. The Committee also directed the Department to consult with the Department of Public Works and Infrastructure regarding the granting of jurisdiction to the Land Court over the Expropriation Bill.

1.3 On 25 May 2022 the Committee directed the Department to conduct research and do a briefing on the concept of “equity”.

**2. Jurisdiction of the Supreme Court of Appeal**

2.1 Commentators such as AfriForum, AgriSA and SA Institute of Race Relations have submitted that the Supreme Court of Appeal (SCA) should not be barred from hearing appeals relating to matters contemplated in the Bill. In terms of the proposed clause 34(2) of the Land Court Bill (the Bill), the Land Court of Appeal, except for the Constitutional Court, is the final court of appeal in respect of all judgments and orders made by the Land Court in respect of the matters within its exclusive jurisdiction. This clause indicates that matters from the Land Court of Appeal will only be appealable to the Constitutional Court.

2.2 Section 166 of the Constitution sets out the hierarchy of the courts of the Republic as—

(a) the Constitutional Court;

(b) the Supreme Court of Appeal;

(c) the High Court of South Africa, and any high court of appeal that may be established by an Act of Parliament to hear appeals from any court of a status similar to the High Court of South Africa;

(d) the Magistrates' Courts; and

(e) any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Court or the Magistrates' Courts.

2.3 Section 166(c) permits the establishment of a court with appellate jurisdiction (i.e. Land Court of Appeal), and section 166(e) permits the establishment of a court of a status similar to a High Court (i.e. Land Court). The Land Court of Appeal and the Land Court are established under different sections of the Constitution being 166(c) and (e) respectively, the intention being to create an appellate structure on land matters.

2.4 Section 168 of the Constitution, dealing with the SCA, is applicable to the question raised by the Committee as to whether the Land Court of Appeal could be established as a court of final instance on land matters, to the exclusion of the SCA. Section 168(3) of the Constitution, after it was amended on 23 August 2013 by the Constitution Seventeenth Amendment Act of 2012, provides as follows:

“(3) (a) The Supreme Court of Appeal ***may decide appeals in any matter arising from*** the High Court of South Africa or ***a court of a status similar to the High Court of South Africa***, ***except in respect of labour or competition matters*** to such extent as may be determined by an Act of Parliament.”.

(Emphasis supplied)

2.5 Clause 34(2) of the Land Court Bill purports to establish the Land Court of Appeal as a court of final instance (except for the Constitutional Court) in respect of appeals against the judgments of the Land Court, to the exclusion of the SCA. The Department did submit to the Committee that amendments will be proposed in this regard for consideration by the Committee, as the SCA should not be excluded from hearing appeals from the Land Court of Appeal. Section 16 of the Superior Courts Act deals with appeals generally, and subsection (1) thereof provides as follows:

“(1) Subject to section 15(1), the Constitution and any other law—

*[(a)](http://dojcdnoc-jutas/nxt/foliolinks.asp?f=xhitlist&xhitlist_x=Advanced&xhitlist_vpc=first&xhitlist_xsl=querylink.xsl&xhitlist_sel=title;path;content-type;home-title&xhitlist_d=%7bstatreg%7d&xhitlist_q=%5bfield%20folio-destination-name:'LJC_a10y2013s16(1)(a)'%5d&xhitlist_md=target-id=0-0-0-181047" \t "main)*   an appeal against any decision of a Division as a court of first instance lies, upon leave having been granted—

(i)   if the court consisted of a single judge, either to the Supreme Court of Appeal or to a full court of that Division, depending on the direction issued in terms of section 17(6); or

(ii)   if the court consisted of more than one judge, to the Supreme Court of Appeal;

*(b)*   an appeal against any decision of a Division on appeal to it, lies to the Supreme Court of Appeal upon special leave having been granted by the Supreme Court of Appeal; and

*(c)*   an appeal against any decision of a court of a status similar to the High Court, lies to the Supreme Court of Appeal upon leave having been granted by that court or the Supreme Court of Appeal, and the provisions of section 17 apply with the changes required by the context.”.

(Emphasis supplied)

2.6 Therefore, section 16(1)*(c)* of the Superior Courts Act requires that appeals from a court of a status similar to a High Court (i.e. Land Court of Appeal) should be heard by the SCA. This section puts beyond doubt that the jurisdiction of the SCA cannot be excluded in a manner that clause 34(2) of the Bill purports to do.

2.7 In the matter of **NATIONAL UNION OF METALWORKERS OF SA AND OTHERS v FRY'S METALS (PTY) LTD 2005 (5) SA 433 (SCA)** the court held as follows: “[15] But the phrase “highest court” appears also in section 167(3) of the Constitution, which creates the CC “the highest court” in all constitutional matters. It was in reliance on this provision that Ngcobo J found that the CC is the highest court in respect of all constitutional matters and that decisions of all other courts on constitutional matters are accordingly subject to appeal to it. It is a long-established principle – based on concern for intelligibility of legislative language – that similar words in an enactment should be taken to carry the same meaning. It thus follows from the CC’s reasoning in relation to its own appellate power, and this Court’s appellate power over the LAC in relation to constitutional issues, that decisions of all other courts on both constitutional and non-constitutional matters are subject to appeal to this Court.

[16] We conclude that the Constitution vests this Court with power to hear appeals from the LAC in both constitutional and non-constitutional matters, and that the provisions of the LRA that confer final appellate power on the LAC must be read subject to the appellate hierarchy created by the Constitution itself. This follows from the subordination to the Constitution that the LRA itself mandates. It does not entail that any provisions of the LRA are unconstitutional any more than the recognition of the appellate jurisdiction of the CC and of this Court in constitutional matters required a finding of unconstitutionality.”.

It was concluded by the court as follows:

“[32] The question before us is in any event not whether all constitutionally recognised rights are intrinsically appealable, but whether a provision that purports to restrict a litigant’s right of appeal to a hierarchy of specialised courts, to the exclusion of this Court, complies with the Constitution. We find only that once appellate jurisdiction falls to be exercised, this Court is empowered to exercise it finally (apart from the CC), since final appellate tribunals with authority similar to this Court are not envisaged in the Constitution. We add only the obvious corollary: that the conferral on this Court of general appellate power does not render all judgments and orders immediately appealable.

[33] It follows that this Court has jurisdiction to decide appeals from the LAC also in matters within the exclusive jurisdiction of the Labour Court.”.

2.8 The Constitution grants the SCA jurisdiction to decide appeals on any matter, except in respect of labour or competition matters, and to the extent that the Land Court Bill purports to exclude the SCA in deciding appeals from the Land Court of Appeal, it will be in conflict with section 168(3) of the Constitution. Therefore, in light of section 168(3) of the Constitution and the NUMSA judgment above, proposals will be made to the Committee to amend clause 34(2) of the Bill.

2.9 In addition, a concern has been raised as to what would be the necessity of having a Land Court of Appeal if the SCA is given an appellate jurisdiction over land matters from the Land Court of Appeal. This necessitates consideration of various options in this regard. The following options are proposed for consideration by the Committee:

(a) to retain the Land Court of Appeal in the Bill, with its decisions appealable to the SCA;

(b) to remove the Land Court of Appeal from the Bill, with the decisions of the Land Court appealable to the full bench of the LC or directly to the SCA; and

(c) to amend the Constitution so as to elevate the Land Court of Appeal to a level of the SCA, with its decisions appealable directly to the Constitutional Court.

2.10 These options are discussed as follows:

2.10.1 Retain the Land Court of Appeal

(a) In terms of clause 35(3) of the Bill, the Land Court of Appeal is constituted before any three judges who the President of the Land Court of Appeal designates from the panel of judges contemplated in clause 35(1)*(c)*. Clause 35(1)*(c)* provides that the Land Court of Appeal consists of, among others, as many judges as the President may consider necessary. Section 13(1) of the Superior Courts Act provides that proceedings of the SCA must ordinarily be presided over by five judges, but the President of the SCA may—

*(a)* direct that an appeal in a criminal or civil matter be heard before a court consisting of three judges; or

*(b)* whenever it appears to him or her that any matter should in view of its importance be heard before a court consisting of a larger number of judges, direct that the matter be heard before a court consisting of so many judges as he or she may determine.

(b) The establishment of the appellate structure before the SCA is made possible by the amended section 166(c) which provides for the establishment of a high court to hear appeals from a court of a status similar to the High Court. This structure would be useful in that the necessary jurisprudence on land matters would be created at the level of the Land Court of Appeal, as a specialist court on land matters. It would also reduce the load of cases that would be appealable to the SCA.

2.10.2 Removal of Land Court of Appeal

(a) This option is still viable, as the SCA would still be available to hear appeals from the Land Court. The main benefit of this option is that the appeal would not have to go to another compulsory layer of court before it goes to the SCA.

(b) However, it should be noted that that a lot of cases from the Land Court may increase the number of cases to be heard by the SCA. The case load would be increased by the fact that the Land Court would be capacitated to the extent that the backlog that currently exists in the Land Claims Court would be reduced speedily, thereby increasing the number of cases heading to the SCA. In addition, the Land Court Bill aims to strip the Magistrates’ Court of jurisdiction over certain pieces of legislation, which would see the Land Court dealing with many cases.

(c) The concerns regarding possible increase in the case load of the SCA may be addressed by a provision which is similar to section 16 of the Superior Courts Act. This would mean that the provision to be inserted in the Bill would allow for an appeal from a court of first instance presided over by a single judge being heard by a full bench of the Land Court or by the SCA. In the event of the court of first instance being presided over by more than one judge, an appeal would lie directly to the SCA.

2.10.3 Amendment of the Constitution

(a) Clause 34(2) of the Bill has the effect of excluding the SCA from exercising appellate jurisdiction over land matters. This would be in conflict with section 166(b) of the Constitution which places the SCA next before the Constitutional Court in the hierarchy of courts, and 168(3) of the Constitution which gives the SCA appellate jurisdiction over any appeal from a court of a status similar to the High Court. In addition and importantly to note, section 16(1)*(c)* of the Superior Courts Act provides that an appeal against any decision of a court of a status similar to the High Court, lies to the SCA.

(b) The Legal Resource Centre has recommended that in order to expedite matters, the Land Court of Appeal, should be at the same level as the SCA to ensure that appeals are referred to the Constitutional Court. This means that there would be a need to amend section 166(b) to provide for the establishment of a court of a status similar to that of the SCA or create a Land Court of Appeal as a court at the same level as the SCA under section 166(b). Section 168(3) would have to be amended to give a court so established to also have appellate jurisdiction similar to that which the SCA possesses. The Department is not in favour of this option since the intention is to have the SCA exercising appellate jurisdiction over land matters.

**3. Jurisdiction of the Land Court over the Expropriation Bill**

3.1 During early stages of the development of the Land Court Bill, officials of the Department have consulted with the Department of Public Works and Infrastructure (DPWI) to discuss the jurisdiction of the Land Court over the Expropriation Bill, when it was indicated by the DPWI officials that the High Court and Magistrates’ Courts are intended to exercise concurrent jurisdiction in respect of matters emanating from the Expropriation Bill.

3.2 On this basis alone, the Expropriation Bill could not be placed under the exclusive jurisdiction of the Land Court by listing the Expropriation Bill in the Schedule to the Land Court Bill. It is also technically not advisable to include reference to another draft Bill currently being considered by Parliament in the schedule to the Bill. However, if DPWI decides that the Land Court should also have jurisdiction over the Expropriation Bill, it must in due course effect such amendment to the Expropriation Bill itself, once it is enacted. The proposal by the Department in this regard was, and still is, that the definition of “court” in the Expropriation Bill (after its enactment) will have to be amended to give the Land Court jurisdiction to grant expropriation “in the public interest”, and expropriation “for public purpose” be left under the concurrent jurisdiction of the High Court and Magistrates’ Courts. However, the DPWI could even consider excluding the jurisdiction of the High Court, so that only the Land Court and Magistrates’ Courts may adjudicate on expropriation matters.

3.3 However, as per the direction of the Committee, a meeting was held between officials of the Department and DPWI on 6 May 2022. DPWI is agreeable that the Land Court should be given jurisdiction if the Land Court has the necessary expertise and capacity to deal with expropriation matters. DPWI was assured that the Land Court will have such expertise and capacity as contemplated in the Bill. It was agreed that since both the Bill and the Expropriation Bill are currently in Parliament, the respective Portfolio Committees should discuss a possible way of dealing with the matter.

3.4 However, since reference could not be made to the Land Court in the definition of “court” as contained in the Expropriation Bill, DPWI proposed that a definition of “court” in the Expropriation Bill be revised to accommodate the High Court and the Land Court. As a result, the following definition was proposed for the Portfolio Committee on Public Works and Infrastructure to consider incorporating in the Expropriation Bill:

“**‘court’** means a High Court of South Africa or any court of a status similar to the High Court of South Africa within whose area of jurisdiction—

1. the immovable property in question is situated;
2. the movable property in question is situated at the time the expropriating authority exercises its powers under section 5 or 22;
3. the owner of moveable property resides, is employed, carries on business or has principal place of business; or

*(d)* the owner of the intangible property in question resides, is employed, carries on business or has principal place of business.”.

**4. Arbitration**

4.1 Many role-players have raised concerns regarding the arbitration clause that caused the Department to have options for consideration by the Committee. The first option is to delete the arbitration clause altogether, and the parties would agree on arbitration on their own before approaching the court. In this regard, the Judge President would have the discretion to refer the matter for mediation in which event clause 31 will apply, or to court for adjudication. The second option would be to amend the arbitration clause as contained in the summary of comments presented to the Committee.

4.2 The Department proposes the total deletion of the arbitration clause so that when matters go to court, they are dealt with through mediation or adjudication. The Bill will still operate properly without the arbitration clause, and the concerns raised in relation thereto would then fall away.

4.3 At its meeting on 25 May 2022, the Committee enquired if a judge of the Court is empowered by the Bill to act as arbitrator for the purposes of conducting arbitrations. The Committee is referred in this regard to clause 32(6)*(a)* of the Bill which provides as follows:

“*(a)* If any party to an arbitration agreement commences proceedings in the Court against any other party to that agreement about any matter that the parties agreed to refer to arbitration, any party to those proceedings may request the Court—

(i) to stay those proceedings and refer the dispute to arbitration; or

(ii) with the consent of the parties and where it is expedient to do so, continue with the proceedings with the Court acting as arbitrator, in which case the Court may only make an order corresponding with the award that an arbitrator could have made.”.

4.4 On 24 May 2022, during a briefing on the summary of comments accepted by the Department, the Committee’s attention was drawn to the submission by the Land Claims Court to the effect that the Court cannot act as an arbitrator. The Department indicated its support of the submission, and responded that an amendment will be proposed to the Committee to deal with the submission.

**5. Concept of law and equity**

(a) Clause 3(1) of the Bill establishes the Land Court as a court of law and equity, and clause 34(1) establishes the Land Court of Appeal as a court of law and equity. These clauses are similar in all respects to sections 151(1) and 167(1) of the Labour Relations Act, 1995 (Act No. 66 of 1995) which provide as follows:

“151(1)The Labour Court is hereby established as a court of law and equity.

167(1) The Labour Appeal Court is hereby established as a court of law and equity.”.

(b) Section 22(1) of the Restitution Act does not establish the Land Claims Court as a court of law and equity. It only provides that: “There shall be a court of law to be known as the Land Claims Court which shall have the power, to the exclusion of any court contemplated in section 166 *(c)*, *(d)* or *(e)* of the Constitution…”. In addition, section 2(2) of the Restitution Act provides that:

 “No person shall be entitled to restitution of a right in land if—

*(a)* just and equitable compensation as contemplated in section 25(3) of the Constitution; or

*(b)* any other consideration which is just and equitable,

calculated at the time of any dispossession of such right, was received in respect of such dispossession.”.

(c) At page 10 of the summary of comments presented to the Committee, AfriForumsubmitted that the Land Court should not be a court of equity, and for legal certainty it should only be a court of law. Land Claims Court, Legal Resources Centre and Agri SA made the same comments. Similar comments are made by these institutions also against the Land Court of Appeal being established by clause 34(1) as a court of law and equity. The Department responded to the comment by submitting that land issue is a matter that requires equity considerations in some instances, as is the case with section 33*(c)* of the Restitution of Act which requires equity to be a factor to be taken into account by a court when making a decision. Therefore, the court should not be confined to being a court of law, but must follow equitable considerations where necessary.

(d) Section 33*(c)* of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), which established the existing Land Claims Court provides that:

“33 In considering its decision in any particular matter the Court shall have regard to the following factors:

*(a)* The desirability of providing for restitution of rights in land to any person or community dispossessed as a result of past racially discriminatory laws or practices;

*(b)* the desirability of remedying past violations of human rights;

*(c)* the requirements of equity and justice;”.

**CASE LAW**

(e) The following cases were considered:

(i) In **SCHULTZ v BUTT** [1986] 2 All SA 403 (A) the court held at page 407 that “In judging of fairness and honesty, regards is had to *boni mores* and to the general sense of justice of the community.”. At page 408 it said “While fairness and honesty are relevant criteria in deciding whether competition is unfair, they are not the only criteria. As pointed out in the *Lorimar Productions* (*ubi cit*), questions of public policy may be important in a particular case, e.g., the importance of a free market and of competition in our economic system. In the present case it seems that MULLINS J's conclusion that Schultz's conduct amounted to unfair competition was based, in part, on the application of principles extracted from *dicta* in the English cases of *Saltman Engineering Co Ltd* v. *Campbell Engineering Co Ltd* (1948) 65 RPC 203 (CA) at 215, and *Terrapin Ltd* v. *Builders' Supply Co* (*Hayes*) *Ltd* 1960 RPC 128.”.

(ii) In ***NEHAWU v University of Cape Town & others*** (2) [2000] 7 BLLR 819 (LC) the court said in paragraph [9]: “The provision equating the Labour Court to the High Court in status regarding matters under its jurisdiction must mean that those matters that were incidental to labour disputes or the resolution thereof that were referred to the High Court were so referred because there was no court equal in status to the High Court to deal with those matters. The old Industrial Court comes to mind and according to the 1956 LRA that court was a court of equity only whose jurisdiction was circumscribed in section 17 of that Act. In those days the High Court played a very active role in the resolution of disputes not within the jurisdiction of the Industrial Court. The High Court also had review jurisdiction over the Industrial Court. On the other hand the Labour Court is, in terms of section 151, established as a court of law and equity and equal in status to the High Court regarding matters under its jurisdiction. This must mean that the role of the High Court is excluded in matters arising from and/or incidental to the relationship between employer and employee. The injunction to interpret the LRA’s provisions in a purposive way must mean that the interpretation of the provisions of the LRA must not be done in a manner that will lead to a proliferation and multiplicity of court proceedings. In my view the Labour Court has jurisdiction to consider whether the resolutions of the council of the university were properly adopted and also whether the council was properly constituted.”.

(iii) In the judgment of **Campbell and others v Faizel Printers CC t/a Tone Print**[2001] JOL 7703 (LC) the court said:

“1. This matter was set down for hearing today for default judgment. The respondent has belatedly filed a statement of defence which was done in the form of an affidavit and includes an application for condonation.

2. Although it is not specifically stated as an application for condonation, it is clear that the affidavit explains why the respondent delayed in filing its opposing papers. I do not intend dealing with whether the reasons are good or not as the applicants have not been given an opportunity to reply thereto. Applicants, however, persist that the matter proceed on the basis of default. Although there is merit in what the applicants say, this being a court of law and equity I am satisfied that everyone should be given an opportunity to state their case. If I proceed with default this means that respondent is not given an opportunity to come and explain what its case is. I just feel that where it seeks an opportunity it should not be denied.

3. In the circumstances I do not intend proceeding with the application for default judgment. I ask the registrar to set the condonation matter down for hearing and that the applicants are given 10 days from today or such further period if they apply for condonation if they do not do it within 10 days, to reply to the allegations contained with regard to the condonation application herein.

4. Default judgment is therefore refused pending the hearing of the condonation application.”.

(iv) In **Minister of Home Affairs and Another v Fourie and Others; Lesbian and Gay Equality Project and Others v Minister of Home Affairs and Others** 2006 (3) BCLR 355 (CC) the court stated at paragraph [102] “Indeed, rights by their nature will atrophy if they are frozen. As the conditions of humanity alter and as ideas of justice and equity evolve, so do concepts of rights take on new texture and meaning. The horizon of rights is as limitless as the hopes and expectations of humanity. What was regarded by the law as just yesterday is condemned as unjust today.”. At paragraph 158 the court held “What justice and equity would require, then, is both that the law of marriage be kept alive and that same sex couples be enabled to enjoy the status and benefits coupled with responsibilities that it gives to heterosexual couples. These requirements are not irreconcilable.”.

(v) In **BAPHIRING COMMUNITY v UYS AND OTHERS** 2010 (3) SA 130 (LCC) the court held: “[12] The claimant should also be permitted to retain the new Mabaalstat. Equitable redress must be limited to R2,6 million, based on a restitution resettlement grant of R6500 per household for 400 households. No further equitable redress should be awarded.

[13] Having regard to the requirements of justice and equity, the court is asked to take account of Mr Grobbelaar's submission on behalf of his clients that the claimant had, at the time of dispossession, received substantial compensation. Mr Grobbelaar submitted that the claimant may only be compensated for what it lost as a result of dispossession, and not for more than that. He contends that if the old Mabaalstat with its developed agricultural land and improvements is restored to the claimant whilst the claimant also retains the new Mabaalstat, the claimant would receive much more than it had lost.

[14] In an earlier judgment this court found that:

'The Baphiring Community did not receive just and equitable compensation, within the meaning of s 2(2) of the Restitution of Land Rights Act 22 of 1994.'

Section 33*(c)* requires the court to consider the requirements of equity and justice. Having already found that the removal to new Mabaalstat did not adequately compensate the claimant, the court is now required through this action, and bearing in mind the compensation already received, to determine the form of restitution which will redress the injustice of the past, and also be fair to the fiscus and the landowners.

[15] The parties do not agree on the form of restitution. The claimant asks for restitution in the form of restoration of the land they occupied prior to dispossession, as well as financial resettlement assistance. In these proceedings the court is only required to determine whether the restoration of Rosmincol is feasible and equitable, bearing in mind that if the community (or part of the community) is relocated to Rosmincol, the relocation will not be successful without additional financial assistance.”.

(vii) In the **Business Zone 1010 CC t/a Emmarentia Convenience Centre v Engen Petroleum Limited and Others** [2017] ZACC 2 at paragraph [53] the court held that: “As I have already stated, the imposition of the equitable standard on contractual relationships already happens in employment matters and in residential leases. The LRA imposes a fairness standard on the contractual relationship between employers and employees, and the RHA does the same for landlords and their tenants through its unfair practice standard. It is true that the LRA and RHA also established separate adjudication structures to deal with disputes under the equitable standard, but this does not assist the argument that section 12B establishes an exclusive parallel institution to deal with the equitable standard.”.

(f) It must be pointed out that even if the word “equity” is not included in the Bill, the court would still be able to take into account just and equitable considerations in reaching its decision by applying its inherent powers as accorded to it in the Constitution. This means that even if the Bill does not provide for “just and equity” principle, the court would still be required to apply equitable considerations in respect of the said Acts and not all others. This position will also be applicable to other Acts over which the Land Court is later given jurisdiction. As a result, the following options are proposed for consideration by the Committee:

(i) retaining the “court of law and equity” in the Bill as it is currently provided, so that equity considerations are applied in all matters before the court; or

(ii) delete the expression “and equity” in the Bill, so that equitable considerations are applied only in respect of those Acts which already provide for such.

(g) The Department is of the view that the Land Court and the Land Court of Appeal should be established as courts of law and equity as provided for in clauses 3(1) and 34(1) of the Bill. Furthermore, to establish the Land Court as a court of law and equity will also enable the court to apply equitable considerations when dealing with the admissibility of hearsay evidence, in addition to the obligation imposed on the court to look at relevance and cogency of the evidence presented before it.

**CONCLUSION AND WAY FORWARD**

The Department–

(a) with regard to the paragraph dealing with the jurisdiction of the SCA, presents options 1 and 2 for consideration by the Committee;

(b) concedes that arbitration should be removed from the Bill;

(c) submits that the Expropriation Bill cannot be included under the exclusive jurisdiction of the Land Court Bill at this stage, since the Expropriation Bill is also still being considered by Parliament;

(d) recommends that the Land Court and the Land Court of Appeal be established as courts of law and equity.