



**OFFICE OF THE JUDGE PRESIDENT  
IN THE LAND COURT OF SOUTH AFRICA, JOHANNESBURG**

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11 June 2025

**To:**

- All Judges- Land Court of South Africa
- Members of the Public
- Users of the Land Court

**DIRECTIVE 3 OF 2025**

**Re: Directive on mediation**

**1. Introduction**

- 1.1. This Directive is issued in terms of section 13 (2) of the Land Court Act 6 of 2023 (“the Land Court Act”) which requires the Judge President at the institution of proceedings, to decide whether the matter is to be heard in Court or should be referred to Mediation in terms of section 29 of the Land Court Act.
- 1.2. The Land Court has been established to resolve complex and sensitive land-related disputes. However, litigation is often adversarial, slow, and costly, and delays in resolving land claims and tenure disputes severely undermine access to justice and the realisation of land reform.
- 1.3. Many land disputes—particularly those arising under the Extension of Security of Tenure Act 62 of 1997, Land Reform (Labour Tenants) Act 3 of 1996, and Restitution of Land Rights Act 22 of 1994—are well-suited for resolution through mediation.
- 1.4. The purpose of this Directive is to ensure that parties comply with section 13 (3) of the Land Court Act at the institution of proceedings.

## **2. Referral mechanism**

- 2.1. Section 13 (3) of the Land Court Act requires the Judge President to take all relevant circumstances into consideration prior to making a decision on whether to refer a matter for mediation in terms of section 29 of the Land Court Act or for the matter to be heard in Court.
- 2.2. In every new action or application proceeding, the Plaintiff or Applicant shall, together with the notice of action or notice of motion file written statements in terms of section 13 (3) (a) to (d) of the Land Court Act indicating the following:
  - a. If mediation or arbitration in terms of any legislation took place before the institution of proceedings in the Court and the outcome thereof;
  - b. The personal circumstances of the parties;
  - c. The needs of and relief sought by the parties; and
  - d. The nature of the intended proceedings and whether the outcome of the proceedings could facilitate the development of judicial precedent and jurisprudence in this area of the law.
- 2.3. After the filing of written statements, the Registrar will thereafter refer the matter to the Judge President for direction under section 13 (2) of the Land Court Act.
- 2.4. After consideration of the written statements in terms of section 13(3)(a) to (d) of the Land Court Act, the Judge President or his/her delegate will thereafter, decide whether the matter is to be heard in Court or shall be referred for mediation in terms of section 29 of the Land Court Act.

## **3. Delegation of function**

- 3.1. In terms of section 13(4) of the Land Court Act, the Judge President may delegate any of the powers vested in the Judge President under this section to the Deputy Judge President or any other judge of the Court.
- 3.2. For administrative efficiency, the Judge President may, from time to time, formally delegate these referral powers in writing, particularly for urgent or regional matters.

## **4. Transitional and general provisions**

- 4.1. This Directive takes immediate effect from the date of issue.
- 4.2. This Directive shall remain in force until amended or withdrawn by the Judge President.

**Z CARELSE**  
**JUDGE PRESIDENT**  
**LAND COURT OF SOUTH AFRICA, JOHANNESBURG**  
*Electronically submitted therefore unsigned*