



The Land Court

Judges' Chambers

Randburg Mall • (Opposite Post Office) • Cnr Hill St & Kent Ave • Randburg • 2194
Private Bag X10060 • Randburg • 2125 • Tel: (011) 781 2291 • Fax: (011) 781 2217
<http://www.wits.ac.za/lcc>

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Final Directive: Appointment and Administration of Mediations in the Land Court

1. Selection of Mediator

- 1.1. Where a Presiding Judge directs that a matter be referred to mediation, the Mediation Registrar shall facilitate the appointment process by assisting the Judge in selecting a mediator from the approved regional panel of mediators.
- 1.2. The curriculum vitae of approved panel mediators are maintained by the Mediation Registrar (LanCMediations@judiciary.org.za) and are kept at the Office of the Judge President.

2. Allocation of Mediation Dates

- 2.1. Once the Presiding Judge has selected a mediator and determined the anticipated duration of the mediation, the Judge's Secretary shall notify the Mediation Registrar accordingly.
- 2.2. The Judge's Secretary shall liaise with the parties to schedule suitable mediation dates. Where parties are not in agreement, the Presiding Judge will allocate a date, subject to the mediator's availability.

3. Confirmation of Appointment

- 3.1. The Judge's Secretary shall confirm the mediator's availability for the agreed dates and record their appointment in the court order. The Presiding Judge may direct that the mediation be concluded within sixty (60) days or stipulate the exact dates in the order, which must align with the approved draft format.
- 3.2. Once a mediator has been identified for appointment, the Judge's Secretary shall ensure that the appropriate draft appointment letter and an agreement are executed, reflecting the appointed mediator and the acceptance of applicable tariffs according to the relevant shortlisting category. This letter shall then be submitted to the Judge President for verification, approval, and signature.
- 3.3. The Judge's Secretary must ensure that the appointment agreement is duly signed and returned by the mediator within 2 (two) days from the date on which the letter of appointment was sent.
- 3.4. The appointed mediator shall sign and return the mediation agreement and appointment documentation to confirm acceptance of the appointment. The appointment letter and duly signed agreement shall be submitted to the Mediation Registrar.
- 3.5. The parties shall liaise with the relevant Judge's Secretary regarding the mediator's contact details and all relevant correspondence necessary to facilitate the mediation process.

4. CaseLines Compliance

- 4.1. Both parties shall ensure that a complete, paginated, and indexed bundle is uploaded onto CaseLines.
- 4.2. The Mediation Registrar must ensure that the appointed mediator is given access to CaseLines.

5. Record Keeping and Inspections in Loco

- 5.1. A proper record of all mediator appointments shall be maintained on the prescribed reporting spreadsheet by the Mediation Registrar.
- 5.2. The record must include:
 - 5.2.1. the case number;
 - 5.2.2. the names of the parties and contact details of all of the parties.
 - 5.2.3. the appointed mediator;
 - 5.2.4. the relevant region;
 - 5.2.5. the mediation dates;
 - 5.2.6. the duration of the mediation; and
 - 5.2.7. the status or outcome of the mediation.
- 5.3. Should the parties request an *inspection in loco* requiring the attendance or participation of the mediator, such a request shall be subject to prior approval by the Presiding Judge.

6. Mediation Outcomes and Further Dates

- 6.1. Upon conclusion of the mediation, the mediator shall ensure the mediation report, and/or signed settlement agreement, and/or court order are obtained and uploaded to CaseLines and filed with the Mediation Registrar.

- 6.2. No additional mediation dates may be allocated without the prior approval of both the Presiding Judge and the Mediation Registrar.

7. Finalisation and Payment Administration

- 7.1. Upon conclusion of the mediation, the parties must inform the Mediation Registrar whether the matter has been finalised or if the file may be closed.
- 7.2. The Mediation Registrar shall assist the mediator with the completion of the requisite payment documentation to facilitate payment of the mediator's fees.
- 7.3. These directives are issued to ensure the efficient, uniform, and proper administration of mediations in the Land Court and shall be complied with by all Judge's Secretaries, parties, and appointed mediators involved in the mediation process.