



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

MEDIA STATEMENT

27 July 2023

DCS AND BCC TO UNDERGO A MEDIATION PROCESS

The Department of Correctional Services (DCS) and Bloemfontein Correctional Contracts (BCC) are to embark on a mediation process in relation to the notice of termination issued by DCS on 2 May 2023.

Bloemfontein Correctional Contracts invoked clause 72.3 of the Concession Contract, which reads inter alia as follows:-

“Any dispute other than one to which Clause 72.2 applies, shall be referred to mediation under the auspices of the Arbitration Foundation of South Africa. The mediation shall be held in Pretoria, and the Parties shall agree to the identity of the mediator, who shall, in consultation with the Parties, determine the manner and procedure of the mediation.”

The effect of the foregoing is that the parties are to mediate their disputes in accordance with the terms of the Concession Contract, and are to take the necessary steps for the finalisation of the mediation proceedings on or before 31 August 2023.

The notice of termination remains in force pending the finalisation of the mediation proceedings. Both parties reserve their rights pending the final determination of the mediation process.

A court order has been issued by the High Court (Gauteng Division, Pretoria) to this effect, in the following terms:-

1. The parties are directed to mediate their disputes in accordance with the terms the Concession Contract, in terms of which they are to take the necessary steps for the finalisation of the mediation proceedings on or before 31 August 2023.
2. The first respondent shall not take steps to implement the termination of the contract entered into between the applicant and first respondent on 24 March 2000 (“the Concession Contract”) pending the final determination of the application.
3. In the event of the failure of mediation to resolve the disputes by 31 August 2023, the parties agree to the set down of this application in the urgent court of 19 September 2023 for urgent determination.
4. The first respondent shall file its answering affidavit and any affidavit in response to the allegations made by the second respondent by 25 August 2023.
5. The applicant and the second respondent shall file their affidavits in reply to the first respondent by 08 September 2023.
6. Costs are reserved.

ENDS

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