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Administrative Law		
LAW REPORT	SUMMARY	COURT
Airports Company South Africa SOC Ltd v Imperial Group Ltd and Others (1306/18) [2020] ZASCA 2 (31 January 2020)	Procurement by organ of state – whether s 217 of the Constitution is applicable to Request for Bids (RFB) for the granting of car rental concessions – Language used in s 217 is clear and unambiguous – s 217 applicable when organ of state contracts for goods or services even where organ of state is not incurring an expenditure – preferential procurement policy reflected in RFB bears no relation to requirements of legislation envisaged in s 217(3) – non-compliance rendering RFB irrational, unlawful and invalid	Supreme Court of Appeal, South Africa 31 January 2020 View Full Report
Staufen Investments (Pty) Ltd v The Minister of Public Works, Eskom Holdings SOC Ltd & Registrar of Deeds, Cape Town (200/2019) [2020] ZASCA 18	Immovable property – expropriation of servitudes – administrative law – private property owned by appellant unlawfully occupied by second respondent - first respondent lawfully approving expropriation of servitude rights – second respondent’s occupation no longer unlawful – Promotion of Administrative Justice Act 3 of 2000 – appellant’s review of first respondent’s expropriation decision dismissed – decision procedurally fair and unbiased	Supreme Court of Appeal, South Africa 25 March 2020 View Full Report
Corporate & Commercial		
LAW REPORT	SUMMARY	COURT

<p>South African Football Association v Fli-Afrika Travel (Pty) Limited (1317/2018) [2020] ZASCA 4</p>	<p>Contract – interpretation – whether obligation contended for by respondent an express or tacit term – settlement agreement – effect of settlement</p>	<p>Supreme Court of Appeal, South Africa 4 March 2020 View Full Report</p>
<p>Caratco (Pty) Ltd v Independent Advisory (Pty) Ltd (982/18) [2020] ZASCA 17</p>	<p>Companies Act 71 of 2008 – whether special fee for remuneration of business rescue practitioner outside of s 143 prohibited – special fee agreed with creditor of company under business rescue – whether void for illegality or contrary to public policy – business rescue practitioner’s duties under ss 75 and 76 considered</p>	<p>Supreme Court of Appeal, South Africa 25 March 2020 View Full Report</p>
<p>Nature's Choice Farms (Pty) Ltd v Ekurhuleni Metropolitan Municipality (463/19) [2020] ZASCA 20</p>	<p>Rule 33(4) of Uniform Rules of Court – separation of issues – issues not accurately circumscribed – dispute relating to issues to be decided – sections 74, 75, 75A and 95 of Local Government Municipal Systems Act 32 of 2000 – Municipal Water Tariffs – interpretation of bylaw – prescription – when debt falls due – rendering invoice does not interrupt prescription</p>	<p>Supreme Court of Appeal, South Africa 25 March 2020 View Full Report</p>
<h2>Competition Law</h2>		
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<p>Competition Commission of South Africa v Standard Bank of South Africa Limited; Competition Commission of South Africa v Standard Bank of South Africa Limited; Competition Commission of South Africa v Waco Africa (Pty) Limited and Others (CCT158/18; CCT179/18; CT218/18) [2020] ZACC 2</p>	<p>Competition Commission Rules - Rule 15 - access to record of investigation - public access to information - section 32(1) of the Constitution - Competition Tribunal Rules - Rule 22(1)(c)(v) - discovery procedures Competition Act 89 of 1998 - section 38(2A) - procedural directions - Uniform Rules of Court - Rule 53 - competence to order production of the Rule 53 record - Rule 53 - jurisdiction of Competition Appeal Court</p>	<p>Supreme Court of Appeal, South Africa 20 February 2020 View Full Report</p>

Criminal Law		
LAW REPORT	SUMMARY	COURT
Oosthuizen and Another v S (180/2018) [2020] ZASCA 1	Correction of patent error in order	Supreme Court of Appeal, South Africa 21 January 2020 View Full Report
National Director of Public Prosecutions v Botha N.O. and Another [2020] ZACC 6	Section 50(1) of the Prevention of Organised Crime Act 121 of 1998 - forfeiture of unlawful proceeds - proportionality analysis	Constitutional Court, South Africa 26 March 2020 View Full Report
Director of Public Prosecutions, Grahamstown v T M (131/2019) [2020] ZASCA 5	Rape - Sentence - Life Imprisonment – Minimum sentence in terms of Criminal Law Amendment Act 105 of 1997 – misdirection in finding substantial and compelling circumstances present	Supreme Court of Appeal, South Africa 12 March 2020 View Full Report
Nxele v S (271/19) [2020] ZASCA 6	Murder – Life imprisonment – Failure to mention provisions of Criminal Law Amendment Act constituting a misdirection – common law jurisdiction	Supreme Court of Appeal, South Africa 12 March 2020 View Full Report

Venter v S (945/2018) [2020] ZASCA 14	Criminal Procedure – sentence of four years' imprisonment in terms of s 276(1)(i) of the Criminal Procedure Act 51 of 1977 for contravention of s 15(1) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 and s 17(a) of the Domestic Violence Act 116 of 1998 taken together – sentence not disturbingly inappropriate – no misdirection – appeal dismissed	Supreme Court of Appeal, South Africa 24 March 2020 View Full Report
Nohour and Another v Minister of Justice and Constitutional Development (1139/2018) [2020] ZASCA 27	Delict – damages arising from alleged wrongful conviction – whether wrongful conviction proved – whether evidence established on balance of probabilities that acquittal would have followed if no irregularity had been committed – whether proved that the conduct of the prosecution was the cause of conviction – <i>ex turpi causa non oritur actio</i> maxim not applicable	Supreme Court of Appeal, South Africa 26 March 2020 View Full Report
Employment Law		
LAW REPORT	SUMMARY	COURT
Association of Mineworkers and Construction and Others v Royal Bafokeng Platinum Limited and Others (CCT181/18) [2020] ZACC 1; (2020) 41 ILJ 555 (CC)	Labour Relations Act 66 of 1995 - constitutionality of sections 23(1)(d) and 189(1) - principle of majoritarianism - retrenchment - consultation	Constitutional Court, South Africa 23 January 2020 View Full Report
MEC for Health, Western Cape v Coetzee and Others (CCT137/19) [2020] ZACC 3	Labour Relations Act 66 of 1995 - Public Service Act 103 of 1994 - definition of public service - Public Health and Social Development Sectoral Bargaining Council - scare skills allowance	Constitutional Court, South Africa 20 March 2020 View Full Report

<p>Maswanganyi v Minister of Defence and Military Veterans and Others (CCT170/19) [2020] ZACC 4</p>	<p>Termination of employment by the South African National Defence Force - <i>ex lege</i> (by operation of law) - pursuant to section 59(1)(d) of the Defence Act 42 of 2002 - effect after conviction and sentence set aside on appeal Jurisdictional factors to section 59(1)(d) fell away - termination of employment reversed by operation of law - employment never validly terminated</p>	<p>Constitutional Court, South Africa 20 March 2020 View Full Report</p>
<p>National Union of Metal Workers of South Africa v Lufil Packaging (Isithebe) and Others (CCT 172/19) [2020] ZACC 7</p>	<p>Section 4(1)(b) of the Labour Relations Act 66 of 1995 - trade union constitutions - scope of industry - eligibility of trade union membership - organisational rights - freedom of association</p>	<p>Constitutional Court, South Africa 26 March 2020 View Full Report</p>
<h3>Family Law</h3>		
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<p>Marais N.O. and Another v Maposa and Others (642/2018) [2020] ZASCA 23 (25 March 2020)</p>	<p>Matrimonial Property Act 88 of 1984 – spouses married in community of property – donation of asset of joint estate requires consent of spouse in terms of s 15(3)(c) – consent not given – whether consent deemed to have been given in terms of s 15(9)(a)</p>	<p>Supreme Court of Appeal, South Africa 25 March 2020 View Full Report</p>
<h3>Financial Services</h3>		
<p>LAW REPORT</p>	<p>SUMMARY</p>	<p>COURT</p>
<p>Global & Local Investments Advisors (Pty) Ltd v Fouche (71/2019) [2020] ZASCA 8 (18 March 2020)</p>	<p>Whether a financial services provider acted in breach of client's mandate by releasing funds upon receiving fraudulent email instruction – applicability of section 13(3) of the Electronic Communications and Transactions Act 25 of 2002</p>	<p>Supreme Court of Appeal, South Africa 18 March 2020 View Full Report</p>

Intellectual Property		
LAW REPORT	SUMMARY	COURT
Nu-World Industries (Pty) Ltd v Strix Ltd (1349/18) [2020] ZASCA 28	Court order – interpretation – infringement of patent – separation of issues – determination of infringement – impermissible to introduce new infringements in determination of damages or royalties enquiry	Supreme Court of Appeal, South Africa 26 March 2020 View Full Report
Minerals & Energy		
LAW REPORT	SUMMARY	COURT
Normandien Farms (Pty) Limited v South African Agency for Promotion of Petroleum Exportation and Exploitation (SOC) Limited and Others (CCT195/19) [2020] ZACC 5	Mineral and Petroleum Resources Development Act 28 of 2002 - application for exploration right - mootness - interests of justice - punitive costs	Constitutional Court, South Africa 24 March 2020 View Full Report
C:SARS v United Manganese of Kalahari (Pty) Ltd (264/2019) [2020] ZASCA 16	Mineral and Petroleum Resources Royalty Act 28 of 2008 – royalty calculation based on gross sales determined in terms of s 6(2)(b), read with s 6(3)(b) of the Royalty Act – gross sales to be determined without regard to any expenditure incurred in respect of transport, insurance and handling of mineral – meaning of ‘without regard to any expenditure’	Constitutional Court, South Africa 25 March 2020 View Full Report
Personal Injury		
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Meyers v MEC, Department of Health , Eastern Cape (1010/2018) [2020] ZASCA 3	Law of delict – negligence – whether plaintiff discharged onus of establishing negligence on part of surgeon who caused two small injuries to plaintiff's bile duct during surgery to remove gall bladder	Supreme Court of Appeal, South Africa 4 March 2020 View Full Report
Procedural Law		
LAW REPORT	SUMMARY	COURT
Tusk Construction Support Services (Pty) Ltd and Another v Independent Development Trust (364/2019) [2020] ZASCA 22 (25 March 2020)	Practice and procedure – citation of a trust as a party to legal proceedings does not render the summons a nullity simply because the trust lacks juristic personality – such summons capable of amendment to reflect the trustees as parties in their representative capacity	Supreme Court of Appeal, South Africa 25 March 2020 View Full Report
Motlounge and Another v The Sheriff, Pretoria East and Others (1394/2018) [2020] ZASCA 25	Summons – not signed by registrar – condonable or nullity – interpretation of rule 17(3)(c) of the Uniform Rules of Court – absence of signature not on the same footing as a summons which had not been issued – susceptible to condonation under Uniform Rule 27(3)	Supreme Court of Appeal, South Africa 26 March 2020 View Full Report
Tau v Mashaba and Others (335/2019) [2020] ZASCA 26	Civil Procedure – motion proceedings – parties to define and court to adjudicate dispute – court not empowered to grant relief not sought – interdict pending defamation action infrequently granted – defence of justification – sustainable foundation in papers – interdict not justified	Supreme Court of Appeal, South Africa 26 March 2020 View Full Report
Medihelp v Minister of Finance NO (1387/2018) [2020] ZASCA 29	Practice – pleadings – real import of upholding special plea that particulars of claim did not disclose a cause of action – leave to amend ought to have been granted	Supreme Court of Appeal, South Africa 26 March 2020

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Property & Conveyancing		
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Aquarius Platinum (SA) (Pty) v Bonene and Others (1177/2018) [2020] ZASCA 7	Land – eviction under Extension of Security of Tenure Act 62 of 1997 (ESTA) – ESTA requires two consecutive steps to be taken before an eviction order may be granted – first, the right of residence of an occupier must be terminated in terms of s 8 – thereafter, a notice of intention to obtain eviction order must be given to the occupier in terms of s 9 – failure to allege and prove termination of right of residence fatal to application for eviction	Supreme Court of Appeal, South Africa 16 March 2020 View Full Report
KwaDukuza Municipality v Lahaf (Pty) Ltd (940/18) [2020] ZASCA 9	Interpretation of a town planning scheme which applies exclusively to Lifestyle Centre, Ballito – meaning of the phrase 'the total gross lettable area (GLA) of the Property' – starting point is the language of the zoning provision which must be construed in the light of its context, the apparent purpose to which it is directed and material known to those responsible for its production	Supreme Court of Appeal, South Africa 18 March 2020 View Full Report
Bo-Kaap Civic and Ratepayers Association and Others v City of Cape Town and Others (112/2019) [2020] ZASCA 15	Approval by local authority and Mayor of land use application – challenged on the basis of unreasonableness, irrationality and error of law – nature of judicial review discussed – deference to expertise of decision makers – no reviewable irregularity – costs in relation to asserted constitutional litigation discussed	Supreme Court of Appeal, South Africa 24 March 2020 View Full Report

<p>Hugo, Kirsten & Kirsten (Pty) Ltd v Collotype Labels (Pty) Ltd (323/2019) [2020] ZASCA 21</p>	<p>Lease agreement – agreement contained clause providing for negotiation of new lease on expiry of current lease – clause void – effect of invalid clause on remainder of lease</p>	<p>Supreme Court of Appeal, South Africa 25 March 2020 View Full Report</p>
<p>Auckland Park Theological Seminary v University of Johannesburg (1160/2018) [2020] ZASCA 24</p>	<p>Contract – terms agreed in writing – were rights and obligations therein delectus personae – personal to appellant? Parol evidence rule applied</p>	<p>Supreme Court of Appeal, South Africa 25 March 2020 View Full Report</p>
<p>Tax Law</p>		
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<p>Telkom SA SOC Limited v Commissioner for the South African Revenue Service (239/19) [2020] ZASCA 19</p>	<p>Income Tax Act 58 of 1962 (the Act) – s 24 I – losses or gains caused by foreign exchange fluctuations – proviso to s 24 I(10) – not a self-standing provision for deduction of a commercial loss unconnected to foreign exchange currency differences – <i>Natal Joint Municipal Pension Fund v Endumeni Municipality</i> 2012 (4) SA 593 (SCA) – unitary but not uniform exercise in purposive interpretation of contracts and statutes – application of <i>contra fiscum</i> rule and presumption that statute law not unjust, inequitable or unreasonable</p>	<p>Supreme Court of Appeal, South Africa 25 March 2020 View Full Report</p>



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