



JULY 2020

CASELAW QUARTELY REPORT

APRIL - JUNE 2020

CASELAW CONSULTANT

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Administrative Law

| LAW REPORT | SUMMARY | COURT |
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| <p>South African History Archive Trust v South African Reserve Bank and Another (17/19) [2020] ZASCA 56</p> | <p>Promotion of Access to Information Act 2 of 2000 – request for records of certain persons – refusal of request – Section 47 applied to records of two persons – failure of information officer to take reasonable steps to inform them of request – access refused – Section 49(2) invoked to make decision – decision to refuse access <i>ultra vires</i> – reviewed and set aside and compliance with section 47 directed prior to making decision; Refusal of access by public body – review of refusal – grounds for refusal sourced in chapter 4 – no basis made out for refusal – decision to refuse reviewed and set aside – access to records to be granted</p> | <p>Supreme Court of Appeal, South Africa</p> <p>29 May 2020</p> <p>View Full Report</p> |

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| <p>Oranje Watersport CC v Dawid Kruiper Local Municipality and Others (397/2019) [2020] ZASCA 75</p> | <p>Review of tender award – whether compliance with the conditions of the request for bid and s 14 of the Local Government: Municipal Finance Management Act 56 of 2003.</p> | <p>Supreme Court of Appeal, South Africa 30 June 2020 View Full Report</p> |
| <p>Attorneys Professional Ethics</p> | | |
| <p>LAW REPORT</p> | <p>SUMMARY</p> | <p>COURT</p> |
| <p>Hewetson v Law Society of the Free State (948/2018) [2020] ZASCA 49; [2020] 3 All SA 15 (SCA)</p> | <p>Attorney – misconduct – failure of co-director to ensure accounting records and trust account properly maintained – appropriate order – suspension or removal from roll – matter referred back to the court a quo for oral evidence on when the appellant first became aware of the misappropriation of trust funds by her husband and co-director</p> | <p>Supreme Court of Appeal, South Africa 5 May 2020 View Full Report</p> |
| <p>Corporate & Commercial</p> | | |
| <p>LAW REPORT</p> | <p>SUMMARY</p> | <p>COURT</p> |
| <p>Osman Tyres and Spares CC and Another v ADT Security (Pty) Ltd (1174/2018) [2020] ZASCA 33; [2020] 3 All SA 73 (SCA)</p> | <p>Contract – civil procedure – clause in contract excluding liability for negligent conduct of security service provider – Private Security Industry Regulation Act 56 of 2001 and the Code of Conduct for Security Service Providers 2003 – whether liability for gross negligence excluded – whether a court could find for the plaintiffs on the evidence adduced – what evidence to take into account - whether absolution from the instance should have been granted</p> | <p>Supreme Court of Appeal, South Africa 3 April 2020 View Full Report</p> |

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| <p>Liberty Group Ltd v Illman (1334/2018) [2020] ZASCA 38</p> | <p>Suretyship – a surety who binds himself as co-principal debtor does not become a co-debtor with another surety and co-principal or with the principal debtor. Prescription – service of summons on surety and co-principal debtor – prescription in favour of another surety and co-principal debtor not interrupted thereby</p> | <p>Supreme Court of Appeal, South Africa 16 April 2020 View Full Report</p> |
| <p>L M and Others v T M (343/2019) [2020] ZASCA 43</p> | <p>Contract – interpretation – undertaking to pay R5,5 million – provision that payment be made from proceeds of sale of game – not condition for coming into existence of obligation to make payment – failure of envisaged source of payment – no effect on obligation to pay – payment due within reasonable time after failure</p> | <p>Supreme Court of Appeal, South Africa 21 April 2020 View Full Report</p> |
| <p>City of Tshwane Metropolitan Municipality and Another v Moipone Fleet (Pty) Ltd (57/2019) [2020] ZASCA 55)</p> | <p>Contempt of court – alleged contravention not falling within the ambit of court order – whether contempt of court established</p> | <p>Supreme Court of Appeal, South Africa 27 May 2020 View Full Report</p> |
| <p>Beadica 231 CC and Others v Trustees for the time being of the Oregon Trust and Others (CCT109/19) [2020] ZACC 13</p> | <p>This application concerns the proper constitutional approach to the judicial enforcement of contractual terms and, in particular, the public policy grounds upon which a court may refuse to enforce these terms. The extent to which a court may refuse to enforce valid contractual terms on the basis that it considers that enforcement would be unfair, unreasonable or unduly harsh is a burning issue in the law of contract in our new constitutional era</p> | <p>Constitutional Court, South Africa 17 June 2020 View Full Report</p> |

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| Iveco South Africa (Pty) Ltd v Centurion Bus Manufacturers (Pty) Ltd (183/2019) [2020] ZASCA 58 | Contract – breach – claim for damages for ‘loss of income’ in relation to part of contract period – interpretation of contract – whether appellant obliged to supply minimum number of vehicles for conversion per month – whether obligations reciprocal – whether order should have been granted separating merits and damages | Supreme Court of Appeal, South Africa 3 June 2020 View Full Report |
| Micaren Exel Petroleum Wholesaler (Pty) Ltd v Stella Quick Shop (Pty) Ltd and Another (471/2019) [2020] ZASCA 61 | Interdict – clear right founded on a contract – whether the contract was repudiated – principles on inquiry into allegation of repudiation re-stated | Supreme Court of Appeal, South Africa 9 June 2020 View Full Report |
| Valor IT v Premier, North West Province and Others (322/19) [2020] ZASCA 62 | Public procurement – contract awarded for the provision of services to organ of state – no open tender process followed, as required – agreement unlawful for want of compliance with legal prescripts – further contracts for provision of services also unlawful – effect of settlement agreement – court cannot validly make settlement agreement an order if settlement agreement unlawful | Supreme Court of Appeal, South Africa 9 June 2020 View Full Report |
| Namasthethu Electrical (Pty) Ltd v City of Cape Town and Another (201/19) [2020] ZASCA 74 | Contract- Application for declaration that contract pursuant to tender vitiated by fraud validly terminated – arbitration clause in a contract does not survive termination of contract induced by fraudulent misrepresentation – determination by arbitrator following adjudication process in terms of arbitration clause consequently liable to be set aside | Supreme Court of Appeal, South Africa 29 June 2020 View Full Report |
| Competition Law | | |
| LAW REPORT | SUMMARY | COURT |
| Competition Commission of South Africa v Pickfords Removals SA (Pty) Limited (CCT123/19) [2020] | A referral of a complaint by the applicant, the Competition Commission of South Africa (the | Constitutional Court, South Africa |

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| ZACC 14 | Commission), to the Competition Tribunal (the Tribunal) against the respondent, Pickfords Removals SA (Pty) Limited (Pickfords), and other furniture removal firms for alleged collusive tendering in the form of cover pricing or cover quoting, gave rise to the present proceedings | 24 June 2020 View Full Report |
| Constitutional Law | | |
| LAW REPORT | SUMMARY | COURT |
| Economic Freedom Fighters v Gordhan and Others; Public Protector and Another v Gordhan and Others (CCT 232/19; CCT 233/19) [2020] ZACC 10 | The legal question that this Court is called to answer can be summarised as follows: how should a High Court approach an application for interim relief to suspend the implementation of remedial action that the Public Protector directs against a member of the Executive when that same member of the Executive challenges the legality of the remedial action? | Constitutional Court, South Africa 29 May 2020 View Full Report |
| New Nation Movement NPC and Others v President of the Republic of South Africa and Others (CCT110/19) [2020] ZACC 11 | It is declared that the Electoral Act 73 of 1998 is unconstitutional to the extent that it requires that adult citizens may be elected to the National Assembly and Provincial Legislatures only through their membership of political parties | Constitutional Court, South Africa 11 June 2020 View Full Report |
| AB and Another v Pridwin Preparatory School and Others (CCT294/18) [2020] ZACC 12 | At the heart of this matter is the determination of the constitutional rights of children in the private education system and the constitutional obligations of independent schools towards those children. The issue at stake is what relevance, if any, do children's constitutional rights to basic education have on the validity and enforcement of a private contract between an independent school and a child's parents | Constitutional Court, South Africa 17 June 2020 View Full Report |
| Umgungundlovu District Municipality v Amaraka Investments 37 (Pty) Ltd (921/19) [2020] ZASCA 52 | Contract concluded between private service provider and municipality – contract declared | Supreme Court of Appeal, South Africa |

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| | unconstitutional for failure to comply with constitutionally required procurement provisions – whether order suspending declaration of invalidity retrospective in effect – proper approach to interpreting court order | 15 May 2020 View Full Report |
| AfriForum NPC v Chairperson of the Council of the University of South Africa and Others (765/2018) [2020] ZASCA 79 | Education – university language policy – whether historically English/Afrikaans university’s decision to replace its dual-medium language policy with English-only policy infringed principle of legality and unlawful – held that the university failed to establish that it was not reasonably practicable to continue offering tuition in Afrikaans under s 29(2) of the Constitution – appeal upheld | Supreme Court of Appeal, South Africa 30 June 2020 View Full Report |
| Criminal Law | | |
| LAW REPORT | SUMMARY | COURT |
| Y v S (537/2018) [2020] ZASCA 42 | Criminal law and procedure – evidence – sexual assault and rape of child complainant in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 – multiple contradictions and inconsistencies in the evidence of single child witness – whether the evidence was sufficient to prove the offences beyond a reasonable doubt – evidence unsatisfactory in material respects – appeal upheld | Supreme Court of Appeal, South Africa 21 April 2020 View Full Report |
| Chauke v S (807/2019) [2020] ZASCA 68 | Criminal law and procedure – application for leave to appeal against the refusal of a petition by a high court against the sentence imposed by a regional court – test – whether there are reasonable prospects of success – leave granted to the high court | Supreme Court of Appeal, South Africa 18 June 2020 View Full Report |

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| Director of Public Prosecutions: Limpopo v Molope and Another (1109/19) [2020] ZASCA 69 | Reservation of law in terms of s 319 of the Criminal Procedure Act 51 of 1977 – accused discharged at the end of the State’s case – whether point of law properly reserved – whether conduct of accused fell within the ambit of the offences of kidnapping and murder committed in furtherance of a common purpose – appeal dismissed | Supreme Court of Appeal, South Africa 18 June 2020 View Full Report |
| Mathekga and Another v S (717/2019) [2020] ZASCA 77 | Criminal law and procedure – murder – intent to kill – dolus directus – whether present – onus to prove the protection of s 49(2) of the Criminal Procedure Act 51 of 1977 (the CPA) – whether appellants’ objectively and/or subjectively believed their actions to be justified by s 49(2) of the CPA – Sentence – whether appellants ought to have known that the deceased was a police officer, for sentencing to be brought within the purview of s 51(1) of the Criminal Law Amendment Act 105 of 1997 – whether 15 years’ imprisonment appropriate | Supreme Court of Appeal, South Africa 30 June 2020 View Full Report |
| Pretorius v S (705/2019) [2020] ZASCA 47 | Appeal to Supreme Court of Appeal against the refusal in a high court of a petition seeking leave to appeal against a sentence imposed in a regional court – leave to appeal to the high court should have been granted – merits of the appeal against sentence to be determined by the high court | Supreme Court of Appeal, South Africa 4 May 2020 View Full Report |
| Delictual Claim | | |
| LAW REPORT | SUMMARY | COURT |
| Mahlangu and Another v Minister of Police (1393/2018) [2020] ZASCA 44; [2020] 2 All SA 656 (SCA) | Delict – judicial detention – damages – inadmissible confession induced by assault extracted by police from | Supreme Court of Appeal, South Africa |

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| | accused – whether police liable for the appellants' incarceration subsequent to first court appearance | 21 April 2020 View Full Report |
| Minister of Police v K (403/2019) [2020] ZASCA 50; 2020 (2) SACR 1 (SCA); [2020] 3 All SA 38 (SCA) | Claim for aggravated psychological damages suffered by rape survivor arising from alleged failure of police to conduct proper search for her and to conduct reasonably effective investigation into crimes perpetrated against her – negligence, causation and wrongfulness elements not established | Supreme Court of Appeal, South Africa 6 May 2020 View Full Report |
| Minister of Safety and Security v Lincoln (682/19) [2020] ZASCA 59 | Malicious prosecution – elements of the cause of action – onus – decision to prosecute taken by the office of the National Director of Public Prosecutions – whether police official set the law in motion by instigating the prosecution – whether police officials had reasonable and probable cause | Supreme Court of Appeal, South Africa 5 June 2020 View Full Report |

| Employment Law | | |
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| LAW REPORT | SUMMARY | COURT |
| Association of Mineworkers and Construction Union and Others v Ngululu Bulk Carriers (Pty) Limited (In Liquidation) and Others (CCT15/18) [2020] ZACC 8; 2020 (7) BCLR 779 (CC) | The first ruling related to the question whether the Labour Court had jurisdiction to adjudicate the automatically unfair dismissal cause of action where the dispute that was referred to conciliation was an unfair dismissal dispute. The resolution of this question revolves on the proper interpretation of section 191 of the Labour Relations Act (LRA)... | Constitutional Court, South Africa 6 May 2020 View Full Report |
| Environmental Law | | |
| LAW REPORT | SUMMARY | COURT |
| South Durban Community Environmental Alliance v MEC for Economic Development, Tourism and Environmental Affairs: KwaZulu-Natal Provincial Government and Another (231/19) [2020] ZASCA 39; [2020] 2 All SA 713 (SCA); 2020 (7) BCLR 789 (SCA) | National Environmental Management Act 107 of 1998 (NEMA) – s 24 – construction of logistics park – environmental authorisation granted by Department – s 43 of NEMA – unsuccessful appeal to MEC – unsuccessful review on facts of appellate decision of MEC – failure to demonstrate uncontested and objectively verifiable facts resulting in a different decision – failure to seek review of decision of Department – conflation of grounds of review and appeal – appeal dismissed | Supreme Court of Appeal, South Africa 17 April 2020 View Full Report |
| Minister of Environmental Affairs and Another v ArcelorMittal South Africa Limited (342/2019) [2020] ZASCA 40 | Environmental law – protection of environment – prohibition against undertaking identified activities without authorisation – nature and scope of the powers of environmental authorities – pre-existing activities prior to enactment of Environmental Conservation Act 73 of 1989 as well as National Environment Management Act 107 of 1998 (NEMA) that have not been declared as identified activities not | Supreme Court of Appeal, South Africa 17 April 2020 View Full Report |

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| | subject to the strictures of NEMA and National Environment Management Waste Act 59 of 2008 (NEM:WA) – Basic Oxygen Furnace slag that is not unwanted or rejected or abandoned not constituting waste as defined in NEM:WA – waste management licence in terms of s 49(1)(a) of NEM:WA not required in order to deal with such slag | |
| Family Law | | |
| LAW REPORT | SUMMARY | COURT |
| A M v H M (CCT95/19) [2020] ZACC 9 (26 May 2020) | The matter is about the contractual freedom of married persons. More particularly, the central question is whether a contract concluded between married persons, which departs from the terms of their antenuptial contract, should be considered valid and enforceable? | Constitutional Court, South Africa 26 May 2020 View Full Report |
| Tsambo v Sengadi (244/19) [2020] ZASCA 46 | Customary law – s 3(1)(b) of the Recognition of Customary Marriages Act 120 of 1998 – whether handing over of bride occurred – whether a valid customary marriage came into existence | Supreme Court of Appeal, South Africa 30 April 2020 View Full Report |
| C M v E M (1086/2018) [2020] ZASCA 48; [2020] 3 All SA 1 (SCA) | Divorce – accrual – value of annuitant spouse’s right to future annuity payments in respect of a living annuity as defined in s 1 of the Income Tax Act 58 of 1962, read with General Note 18 of the Second Schedule to the said Act, is an asset in his estate and is subject to accrual | Supreme Court of Appeal, South Africa 5 May 2020 View Full Report |
| Monyepao v Ledwaba and Others (1368/18) [2020] ZASCA 54 | Customary marriage – later civil marriage to third party not invalidating earlier customary marriage – forfeiture of benefits of marriage – order to that effect only competent as adjunct to decree of divorce | Supreme Court of Appeal, South Africa 27 May 2020 |

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| Financial Services | | |
| LAW REPORT | SUMMARY | COURT |
| FirstRand Bank Ltd v McLachlan and Others (394/2019) [2020] ZASCA 31 | National Credit Act 34 of 2005 (NCA) – debt review – rescission of order for debt review granted in the magistrate’s court – monthly instalment insufficient to cover interest – debt review order void – rescission order not appealable | Supreme Court of Appeal, South Africa 1 April 2020 View Full Report |
| Tshaka N O and Others v Standard Bank of South Africa Limited and Another (141/2019) [2020] ZASCA 73 | Claim by trust against bank for recovery of monies transferred out of bank account – bank acting on instructions of authorised signatories – bank insisting on the written instruction of all trustees to stop further transfers – such instruction not forthcoming - bank not liable | Supreme Court of Appeal, South Africa 25 June 2020 View Full Report |
| Intellectual Property | | |
| LAW REPORT | SUMMARY | COURT |
| Bergh and Others v Agricultural Research Council (93/2019) [2020] ZASCA 30; [2020] 2 All SA 637 (SCA) | Copyright – computer program – claim based on authorship and on s 5(2) of the Copyright Act 98 of 1978 – claim not proved – court below failed to provide reasons for order – deplorable – bringing administration of justice into disrepute. | Supreme Court of Appeal, South Africa 1 April 2020 View Full Report |
| Quad Africa Energy (Pty) Ltd v The Sugarless Company (Pty) Ltd and Another (1176/2018) [2020] ZASCA 37; [2020] 2 All SA 687 (SCA) | Trade mark and passing off – whether use likely to deceive or confuse – disclaimer – whether registration giving rise to the exclusive use of the word ‘sugarless’; | Supreme Court of Appeal, South Africa 9 April 2020 |

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| | copyright infringement – whether works constituting an adaptation; whether packaging and goods constituting counterfeit goods | View Full Report |
| Land Reformation | | |
| LAW REPORT | SUMMARY | COURT |
| Mazizini Community v Minister of Rural Development and Land Reform and Others (1310/2018) [2020] ZASCA 57 | Land restitution – meaning of ‘community’ as envisaged in s 2(1)(d) of the Restitution of Land Rights Act 22 of 1994 restated – no evidence of previous occupation of claimed land by the appellant community – appeal dismissed | Supreme Court of Appeal, South Africa 2 June 2020 View Full Report |
| Personal Injury | | |
| LAW REPORT | SUMMARY | COURT |
| Van Zyl NO v Road Accident Fund (263/19) [2020] ZASCA 51 | Interpretation of statutes – provisions of Prescription Act 68 of 1969 not applicable to claims under the Road Accident Fund Act 56 of 1996 – prescription of such claims regulated by s 23 of Road Accident Fund Act | Supreme Court of Appeal, South Africa 6 May 2020 View Full Report |
| Road Accident Fund v Mbele (555/19) [2020] ZASCA 72 | Motor vehicle accidents – claim for damages under Road Accident Fund Act 56 of 1996 – whether a Reach Stacker is a ‘motor vehicle’ as defined in the Road Accident Fund Act – purposes for which vehicle is generally used ought to be taken into account in determining objectively the use for which it had been designed – Reach Stacker found to be a motor vehicle as defined | Supreme Court of Appeal, South Africa 22 June 2020 View Full Report |

Procedural Law

| LAW REPORT | SUMMARY | COURT |
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| Ekurhuleni West College v Segal and Another (1287/2018) [2020] ZASCA 32 | Review – adjudicator’s determination under a building contract susceptible to revision in pending arbitration – proceedings uncompleted – review generally entertained only to prevent grave injustice – no such circumstance shown – high court correctly dismissed review application | Supreme Court of Appeal, South Africa 2 April 2020 View Full Report |
| MTEC Rustenburg and Others v Capricorn District Municipality (743/2018) [2020] ZASCA 36 | Reconsideration of an order refusing special leave to appeal by two judges of the Supreme Court of Appeal (SCA) in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013 | Supreme Court of Appeal, South Africa 6 April 2020 View Full Report |
| Liberty Group Limited t/a Liberty Life v K & D Telemarketing and Others (1290/18) [2020] ZASCA 41 | Effect of an order of absolution from the instance at end of trial – application to reopen a case under same case number on same pleadings in order to thwart prescription-not permissible | Supreme Court of Appeal, South Africa 20 April 2020 View Full Report |
| Madibeng Local Municipality v DDP Valuers and Another (1284/2017) [2020] ZASCA 70 | Appeal – application for leave to appeal to Supreme Court of Appeal referred for oral argument in terms of s 17(2)(b) of Superior Courts Act 10 of 2013 (the Act) – judges considering application should not refer it to the court for determination of whether or not proposed appeal would have practical effect or result within meaning of ss 16(2)(a) and 17 (1)(b) of the Act – matter moot and raised no legal issue requiring adjudication | Supreme Court of Appeal, South Africa 19 June 2020 View Full Report |

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| <p>Monyepao v Ledwaba and Others (1368/18) [2020] ZASCA 71</p> | <p>Costs – most of record consisting of irrelevant documents – neither party entitled to charge a party and party or attorney and client fee in relation to perusal of irrelevant portions – provisional order to this effect made final</p> | <p>Supreme Court of Appeal, South Africa 19 June 2020 View Full Report</p> |
| <p>Beadica 231 CC v Sale's Hire CC (1191/2018) [2020] ZASCA 76</p> | <p>Practice and procedure – special leave to appeal – refusal by two judges of the Supreme Court of Appeal (SCA) – s 17(2)(f) of the Superior Courts Act 10 of 2013 – referral of order refusing special leave to court for reconsideration and, if necessary, variation. Appeal – application for special leave to appeal to the SCA – requirements for grant thereof – test not satisfied by establishing existence of only reasonable prospects of success but existence of special circumstances also required. Contract – enforcement of – general rule that contracts enforceable unless enforcement unconscionable or contrary to public policy</p> | <p>Supreme Court of Appeal, South Africa 30 June 2020 View Full Report</p> |
| <p>Van Huyssteen and Others v Pepkor Speciality (Pty) Ltd and Another (334/2019) [2020] ZASCA 78</p> | <p>Appeal – whether interests of justice require determination of appeal against interim order – absence of envisaged annexure to order – interpretation and effect of order – order sufficiently clear – not meaningless or unjust – matter struck from the roll</p> | <p>Supreme Court of Appeal, South Africa 30 June 2020 View Full Report</p> |
| <p>Property & Conveyancing</p> | | |
| <p>LAW REPORT</p> | <p>SUMMARY</p> | <p>COURT</p> |

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| <p>Khutala Property Consortium (Pty) Ltd v Mtubatuba Municipality and Others (1299/2018) [2020] ZASCA 35</p> | <p>Local government – municipal tender – notarial lease invalid for lack of authority</p> | <p>Supreme Court of Appeal, South Africa 6 April 2020 View Full Report</p> |
| <p>Kooij and Others v Middleground Trading 251 CC and Another (1249/18) [2020] ZASCA 45</p> | <p>Contract – interpretation of – dominant right granted not lease - importation of tacit term – permanent supervening impossibility of performance</p> | <p>Supreme Court of Appeal, South Africa 23 April 2020 View Full Report</p> |
| <p>Petropulos and Another v Dias (1055/2018) [2020] ZASCA 53 (21 May 2020)</p> | <p>Neighbour law – duty of lateral support – owed to land and buildings on it – English principle of lateral support, although influential, not part of our law – strict liability – available in principle for breach of lateral support</p> | <p>Supreme Court of Appeal, South Africa 21 May 2020 View Full Report</p> |
| <p>Fraai Uitzicht 1798 Farm (Pty) Limited v McCullough and Others (118/2019) [2020] ZASCA 60</p> | <p>Rescission of judgment – whether an order granting a right of way of necessity can be rescinded on the basis of fraud or <i>justus error</i> – insufficient evidence to prove respondents’ knowledge of fraudulent misrepresentation – no basis for finding that court a quo would have granted a different order had the true facts been known to it – appeal dismissed</p> | <p>Supreme Court of Appeal, South Africa 5 June 2020 View Full Report</p> |
| <p>Signature Real Estate (Pty) Ltd v Charles Edwards Properties and Others (415/2019) [2020] ZASCA 63</p> | <p>Estate Agent – entitlement to claim commission – application of ss 34A and 26 of the Estate Agency Affairs Act 112 of 1976 – whether estate agent in possession of a fidelity fund certificate which erroneously described the estate agent was precluded by s 34A from claiming commission</p> | <p>Supreme Court of Appeal, South Africa 10 June 2020 View Full Report</p> |

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| <p>Le Roux NO and Others v Botha NO and Others (427/19) [2020] ZASCA 67</p> | <p>Servitudes – water drawing and leading – disputes – matter settled – costs – considerations</p> | <p>Supreme Court of Appeal, South Africa</p> <p>17 June 2020</p> <p>View Full Report</p> |
| <p>Tax Law</p> | | |
| <p>LAW REPORT</p> | <p>SUMMARY</p> | <p>COURT</p> |
| <p>Diageo South Africa (Pty) Ltd v Commissioner for the South African Revenue Service (330/2019) [2020] ZASCA 34</p> | <p>Value Added Tax Act 89 of 1991 – interpretation of s 8(15) – deeming provision – single supply of advertising and promotional goods and services to non- resident entities – applicability of deeming provision applied to goods portion of the supply – VAT at standard rate correctly levied in terms of s 7(1)(a) of the Act</p> | <p>Supreme Court of Appeal, South Africa</p> <p>3 April 2020</p> <p>View Full Report</p> |
| <p>Telecommunications</p> | | |
| <p>LAW REPORT</p> | <p>SUMMARY</p> | <p>COURT</p> |
| <p>Telkom SA SOC Limited v City of Cape Town and Another (CCT287/19) [2020] ZACC 15</p> | <p>The matter concerns the question whether the exercise of rights held in terms of section 22 of the Electronic Communications Act is subject to compliance with municipal bylaws and policies. Differently put, whether a holder of those rights must comply with municipal bylaws before exercising those rights</p> | <p>Constitutional Court, South Africa</p> <p>25 June 2020</p> <p>View Full Report</p> |





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