



JUTA'S ADVANCE NOTIFICATION SERVICE

DECEMBER 2013

Dear *South African Law Reports* and *Criminal Law Reports* subscriber

Herewith the cases of interest in the December reports.

JUDGMENTS OF INTEREST IN THE DECEMBER EDITIONS OF THE *SALR* AND THE *SACR*

SOUTH AFRICAN LAW REPORTS

Satellite signal radiates over the border

This interesting case looks at whether the requirements for delict had been met when a satellite signal carrying TV channels spilled across the border into a neighbouring country and it was claimed that this caused the local TV station to lose viewers to its own channels. *eBotswana (Pty) Ltd v Sentech (Pty) Ltd and Others* 2013 (6) SA 327 (GSJ)

Was Facebook posting defamatory?

A couple divorced in acrimonious circumstances and were still engaged in litigation after they had both remarried. It was claimed that certain comments posted on Facebook were defamatory. That there had been no apology was considered, as well as whether the plaintiff had been identified in the posting and the extent of the harm, including that some of the defendant's friends had added their own snide comments. *Isparta v Richter and Another* 2013 (6) SA 529 (GNP)

Important judgment on practice: a new cause of action

The original rule that a cause of action should exist at the time of its institution has over time been relaxed by the courts. A plaintiff may—in absence of objection by the defendant—amend its summons to disclose a new cause of action. *Zeta Property Holdings (Pty) Ltd v Lefatshe Technologies (Pty) Ltd* 2013 (6) SA 630 (GSJ)

SOUTH AFRICAN CRIMINAL LAW REPORTS

Vengeance arson attack gets life sentence

The accused, a mother of two, set fire to the shack in which her former lover and his girlfriend were sleeping, killing the man and maiming the woman. This was not a crime of passion, but a revenge attack that had been planned ahead. No substantial and compelling circumstances were found and life sentence was imposed. *S v Mgibelo* 2013 (2) SACR 559 (GSJ)

The constitutionality of the sexual offences register

Section 50(2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 is invalid and inconsistent with the Constitution, in so far as it does not allow the court to inquire and decide, after affording the accused an opportunity to make representations, whether or not the particulars of the accused should be included in the National Register for Sexual Offenders. *S v JJ* 2013 (2) SACR 599 (WCC)

Crime spree sentence induces sense of shock

A gang went on a crime spree of robberies, kidnapping, murder and attempted murder, in which they had used blue lights and military uniforms. A cumulative sentence of 50 years was imposed on the accused and the question arose of the severity of the cumulative sentence: whether such sentence induced a sense of shock. *S v Mahlatsi* 2013 (2) SACR 625 (GNP)

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Kind Regards

The Juta Law Reports Team

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