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JULY 2015

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Herewith the cases in the July law reports.

JUDGMENTS OF INTEREST IN THE JULY EDITIONS OF THE SALR AND SACR

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SOUTH AFRICAN LAW REPORTS

Terminally ill man granted euthanasia

The court granted a terminally ill, mentally competent adult, an order allowing a willing medical practitioner to assist him in committing suicide by the supply or administration of a lethal substance.

Stransham-Ford v Minister of Justice and Correctional Services and Others 2015 (4) SA 50 (GP)

The Speaker of the National Assembly

Two cases deal with the discretion and powers of the Speaker where opposition party members made statements deemed out of order or unparliamentary. The separation of powers between legislature and the judiciary, as well as the freedom of speech are examined. *Lekota and Another v Speaker, National Assembly and Another* 2015 (4) SA 133 (WCC) and *Malema and Another v Chairman, National Council of Provinces and Another* 2015 (4) SA 145 (WCC)

Abuse of the Road Accident Fund

The court condemns a scam to plunder the Fund. An alleged 'serious injury' claim was pursued and then settled on the trial date in order to obtain the benefit of a costs order. Unnecessary medico-legal reports were commissioned for a trivial injury, and there was no intention to call the experts. The court recommends that the fault principle be abandoned to stem the abuse of the system. *Ketsekele v Road Accident Fund* 2015 (4) SA 178 (GP)

Contempt of court

An airline defied a court order not to board the children of permanent residents when the children had been refused entry by immigrations staff at the airport. A senior airline employee was found to have acted mala fide in refusing to remedy the initial failure. The airline and the employee were found to be in contempt of court. *Lin and Another v Minister of Home Affairs and Others* 2015 (4) SA 197 (GJ)

SOUTH AFRICAN CRIMINAL LAW REPORTS

Unlawful arrest and rape by the police

The plaintiff was a 22-year-old woman who was wrongfully arrested and detained and whilst in detention went through a terrifying ordeal of sexual assault by a police officer. *Mrasi v Minister of Safety and Security* 2015 (2) SACR 28 (ECG)

Negligence of magistrate not wrongful

The court found that a magistrate had been grossly negligent in ignoring the accused and their attorney and it was as a result of her failure to pay attention to the concerns raised with her that to their continued detention. However, the magistrate was not liable for his or her negligent conduct when performing his or her judicial functions, because, for reasons of public and legal policy, his or her conduct was not regarded as wrongful. *Minister of Safety and Security and Others v Van Der Walt and Another* 2015 (2) SACR 1 (SCA)

Mistaken car leads to unlawful arrest

The court examines the reasonable suspicion of the police, when in this case they arrested two suspects with a black Toyota Yaris, when the robbers had escaped in a dark-grey Yaris. *Mawu and Another v Minister of Police* 2015 (2) SACR 14 (WCC)

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Kind Regards

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