



JUTA'S ADVANCE NOTIFICATION SERVICE

DECEMBER 2015

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

Herewith the cases in the December law reports.

JUDGMENTS OF INTEREST IN THE DECEMBER EDITIONS OF THE *SALR* AND *SACR* LAW REPORTS.

- [Click on the case name to download the original judgment.](#)

SOUTH AFRICAN LAW REPORTS

Home owner's duty to protect visiting children

Did the duty of the home owner extend beyond warning the parents of a toddler of the danger of a fishpond, or did they have to go further with preventative measures? *BS v MS and Another* 2015 (6) SA 356 (GP)

Robust debate essential to democracy

Politicians had to realise that high trees caught more wind. The public was entitled to have views aired that politicians might not agree with. Journalists should not have to look over their shoulders every time they wrote articles, to ensure that they did not offend politicians. *Kgothule v Majonga and Others* 2015 (6) SA 389 (FB)

Legal representation at commission of inquiry

Miners, injured or arrested during the Marikana strike and shooting, turned to Legal Aid to fund representation at the ensuing commission of inquiry. Was Legal Aid's refusal of funding a violation of their constitutional rights and right to a fair public hearing? *Legal Aid South Africa v Magidiwana and Others* 2015 (6) SA 494 (CC)

SOUTH AFRICAN CRIMINAL LAW REPORTS

Extraterritorial jurisdiction

The accused was charged in the High Court for various terrorist activities committed in Nigeria, but he challenged the jurisdiction of the South African court to try him, and contended that his activities were in the exercise of the people's legitimate right of self-determination and freedom from aggression. *S v Okah* 2015 (2) SACR 561 (GJ)

The Master deserves 15 years

The Master was a high-ranking official in a position of trust. He dealt with the assets of vulnerable people and entities that were in financial distress whose interests had

to be protected. Stealing large sums from the Guardian's Fund deserved nothing less than 15 years imprisonment. *S v Masoanganye and Others* 2015 (2) SACR 577 (NWM)

Restorative justice

The rape victim did not seek the imprisonment of the accused, rather compensation, and the accused was willing to compensate her with a Toyota motor vehicle and payment of R240 000. *S v Seedat* 2015 (2) SACR 612 (GP)

WE WELCOME YOUR FEEDBACK

Please send any comments or queries to lawreports@juta.co.za

Kind Regards

The Juta Law Reports Team

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TABLE OF CASES

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- BS v MS and Another 2015 (6) SA 356 (GP)
- Ackermans Ltd v Commissioner, South African Revenue Service 2015 (6) SA 364 (GP)
- Hennie Lambrechts Architects v Bombenero Investments (Pty) Ltd 2015 (6) SA 375 (FB)
- Kgothule v Majonga and Others 2015 (6) SA 389 (FB)
- Premier, Eastern Cape and Others v Ntamo and Others 2015 (6) SA 400 (ECB)
- Chetty t/a Nationwide Electrical v Hart and Another NNO 2015 (6) SA 424 (SCA)
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- Legal Aid South Africa v Magidiwana and Others 2015 (6) SA 494 (CC)
- Cape Town City v South African National Roads Agency Ltd and Others 2015 (6) SA 535 (WCC)

FLYNOTES

KROK AND ANOTHER v COMMISSIONER, SOUTH AFRICAN REVENUE SERVICE (SCA)

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Company—Business rescue—Moratorium on legal proceedings against company—Requirement that party obtain practitioner's consent to commence or proceed with legal proceedings against company—Effect of not obtaining consent—Party who may invoke non-compliance with requirement—Companies Act 71 of 2008, s 133(1)(a).

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FLYNOTES

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