



## JUTA'S ADVANCE NOTIFICATION SERVICE

JANUARY 2016

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Herewith the cases in the January law reports.

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

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#### **SOUTH AFRICAN LAW REPORTS**

##### **Perpetual guarantee for insolvent airline**

A private domestic airline requested the court to annul the government's issue of a R5 billion loan guarantee to SAA, the insolvent state-owned airline, which guarantee was later converted into a perpetual guarantee. *Comair Ltd v Minister of Public Enterprises* 2016 (1) SA 1 (GP)

##### **Lengthy affidavits**

The court noted with disfavour the length of the answering affidavit at 40 pages, without annexures, and that it contained hearsay and legal opinion on matters the court was required to decide. *Venmop 275 (Pty) Ltd and Another v Cleverlad Projects (Pty) Ltd and Another* 2016 (1) SA 78 (GJ)

##### **Private funding of political parties**

The applicant asserted that the details of the private funding of political parties registered for elections to all legislative bodies were required for the exercise of the right to vote; that the Constitution consequently obliged Parliament to enact legislation allowing access to this information; and that it had failed to do so. *My Vote Counts NPC v Speaker of the National Assembly and Others* 2016 (1) SA 132 (CC)

#### **SOUTH AFRICAN CRIMINAL LAW REPORTS**

##### **Dolus eventualis and directus**

In his written plea, the accused conceded that he had dolus eventualis, but claimed that he lacked the intention to kill. Was the court bound by his statement, and could it infer dolus directus from the brutal murder and robbery? *S v Asele* 2016 (1) SACR 13 (NCK)

### **What constitutes sexual grooming**

Manipulation of a child's sexual psyche by an adult for his own amusement is harmful conduct which may have far-reaching consequences for the child, even if the adult had no intention of ultimately performing any overt sexual act. *S v RC* 2016 (1) SACR 34 (KZP)

### **Trial conducted in indigenous language**

Advancing the status and use of indigenous languages, particularly in the lower courts at this stage, was to be encouraged. However, there were not proper structures in place that could adequately and timeously attend to the transcription of records from the nine indigenous languages for the purposes of appeals or reviews. *S v Damani* 2016 (1) SACR 80 (KZP)

### **WE WELCOME YOUR FEEDBACK**

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Kind Regards

**The Juta Law Reports Team**

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