



JUTA'S ADVANCE NOTIFICATION SERVICE

JULY 2016

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

Herewith the cases in the July law reports.

JUDGMENTS OF INTEREST IN THE JULY EDITIONS OF THE SALR AND SACR, AS WELL AS THE TABLE OF CASES FOR BURRELL'S INTELLECTUAL PROPERTY LAW REPORTS 2015

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

SOUTH AFRICAN LAW REPORTS

Learners without textbooks unlawfully discriminated against

It is the duty of the State, in terms of s 7(2) of the Constitution, to fulfil the s 29(1)(a) right of every learner by providing them with all textbooks prescribed for their grade before commencement of teaching. *Minister of Basic Education and Others v Basic Education for All and Others* 2016 (4) SA 63 (SCA)

Changing views of adultery

For equitable distribution in a divorce, the significance of a party's adultery had to be assessed in light of the current prevalence of extramarital affairs, such that the stigma once attached to adultery has diminished. However, the effect of the betrayal on an aggrieved party who had remained committed to their marriage remained a relevant factor. *RP v PP* 2016 (4) SA 226 (KZP)

Please call me

An ex-employee takes on Vodacom for his fair share of the Please Call Me service, seeing that it was his idea and that it netted the company a fortune. The court covers, among others, interesting topics of agency, director's ostensible authority, consensus in contracts, and estoppel. *Makate v Vodacom Ltd* 2016 (4) SA 121 (CC)

SOUTH AFRICAN CRIMINAL LAW REPORTS

Impulsive and irrational decision

When the Acting National Director announced his decision to discontinue a high-profile prosecution, no discussion had been held with senior members of the NPA to source their views. The Acting National Director had acted impulsively and irrationally in making the decision. *Democratic Alliance v Acting National Director of Public Prosecutions and Others* 2016 (2) SACR 1 (GP)

Racketeering and Ponzi schemes

This case covers several aspects of the Prevention of Crime Act, regarding a Ponzi scheme involving hundreds of millions of rands. The appellant had deceived the financial authorities and grossly misrepresented the extent of her activities. When confronted by the authorities, she merely changed the vehicles through which the scheme was conducted, to avoid closure. A sentence of 25 years' imprisonment was confirmed on appeal. *S v Prinsloo and Others* 2016 (2) SACR 25 (SCA)

Privacy interests of child victims

The appellant was facing charges of possessing child pornography. Before trial he sought an order supplying him with copies of the images. He refused to take up an offer by the prosecutor to view the items privately, together with his legal representatives and any expert he wished to call. *Du Toit v The Magistrate and Others* 2016 (2) SACR 112 (SCA)

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Kind Regards

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Labour law—Lock-out—Legality—Purported lock-out of members of trade union which was not party to bargaining council where dispute arose and referred for conciliation—Whether union party to dispute, and subject to lock-out, by virtue of power of Minister to extend collective agreement to non-parties—Labour Relations Act 66 of 1995, ss 32 and 64(1).

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Labour law—Majoritarian principle (majoritarianism)—Purported lock-out of members of trade union which not party to bargaining council where dispute arose and referred for conciliation—Whether principle applying such that trade union members party to dispute, and subject to lock-out—Labour Relations Act 66 of 1995, s 64(1).

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Prevention of crime—Offences—Contraventions of s 2(1) of Prevention of Organised Crime Act 121 of 1998—Racketeering in contravention of s 2(1)(e)—Mens rea required—No need for further enquiry as to additional mens rea requirement over and above mens rea required by predicate offences listed in sch 1 to POCA.

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