



JUTA'S ADVANCE NOTIFICATION SERVICE

SEPTEMBER 2016

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

Herewith the cases in the September law reports.

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

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

SOUTH AFRICAN LAW REPORTS

Sexual assault in the workplace

A municipal worker resigned after sexual assault by her supervisor, and sued the municipality. The municipality denied that the supervisor had acted in the course and scope of his employment, as was required for vicarious liability. However, when the connection between the deviant conduct and the employment was considered, it became clear that the municipality had, by placing the supervisor in a position of trust and authority over the worker, forged the required causal link between the supervisor's position and the wrongful act. *PE v Ikwezi Municipality and Another* 2016 (5) SA 114 (ECG)

The right to housing and informal settlements

Despite 20 years of promises, the city failed to implement a government upgrading policy in an informal settlement, and instead wanted to relocate the residents. This conduct was unlawful and unreasonable, and the city was accordingly directed to proceed with the upgrade. *Melani And Others v Johannesburg City and Others* 2016 (5) SA 67 (GJ)

Mandament van spolie

A homeowners association suspended a member's access cards and biometric access to the housing estate, pending payment of outstanding fines. Their contention was that alternative access was available, and that the suspension had been effected in terms of agreed conduct rules. *Singh and Another v Mount Edgecombe Country Club Estate Management Association (RF) NPC and Others* 2016 (5) SA 134 (KZD)

SOUTH AFRICAN CRIMINAL LAW REPORTS

Possession of automatic rifle

The appellant was a passenger in a stolen car, stopped by the police. He was found in possession of an R4 automatic rifle, loaded with 34 rounds of ammunition. The registration number of the rifle had been erased. He appealed against the sentence of 15 years. *S v Delport* 2016 (2) SACR 281 (WCC)

Contempt of court

The accused conceded that she disobeyed a court order evicting her from an informal dwelling on state land, but she said that she had nowhere else to go. In such a case, did she deliberately and mala fide disobey the order? *S v Samuels* 2016 (2) SACR 298 (WCC)

Intent to kill

An experience farmer, in anger, struck a drunk farmworker with a hay hook, which penetrated the worker's heart and killed him. Hay hooks are not normally regarded as weapons, so did the farmer foresee that striking the worker could kill him? The bench on appeal was not in full agreement. *S v Van Schalkwyk* 2016 (2) SACR 334 (SCA)

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Kind Regards

The Juta Law Reports Team

SOUTH AFRICAN LAW REPORTS

SEPTEMBER 2016

TABLE OF CASES

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- Potpale Investments (Pty) Ltd v Mkhize 2016 (5) SA 96 (KZP)
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Election law—Electoral Commission—Duties—Compilation of national voters' roll—Electoral Act providing voters' roll must include voters' addresses 'where . . . available'—'Available' meaning objectively available or ascertainable addresses of voters registered after 17 December 2003—Electoral Act 73 of 1998, s 16(3).

MELANI AND OTHERS v JOHANNESBURG CITY AND OTHERS (GJ)

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limit in notice of bar, defendant delivering notice in terms of Uniform Rule of Court 35(12) requesting plaintiff to produce documents—Whether having effect of suspending five-day time period within which to deliver pleadings—Uniform Rules of Court, rules 26 and 35(12).

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