

CANDIDATE: JUDGE N DAMBUZA

**COURT FOR WHICH CANDIDATE APPLIES: SUPREME
COURT OF APPEAL**

1. The candidate's appropriate qualifications

1.1. The candidate holds the following degrees:

1.1.1. B.Proc (1987);

1.1.2. LLB (1989); and

1.1.3. LLM (1992).

1.2. The candidate is appropriately qualified.

2. Whether the candidate is a fit and proper person

2.1. The candidate has a long and distinguished career as an attorney practising for her own account in Butterworth from 1993 to 2003 (eleven years), and then as an Acting Judge of the Eastern Cape Division of the High Court for three years before being elevated to the Bench in the Eastern Cape on 1 December 2005. In September 2009 the candidate was appointed as a Judge of the Competition Appeal Court. The candidate has also served as an Acting Judge of the Constitutional Court from 1 November 2013 until 31 March 2014 and is presently an Acting Judge of the Supreme Court of Appeal, from 1 June 2014 to 31 May 2015.

2.2. Nominations by the National Association of Democratic

Lawyers and by an attorney practising in her home community of the Eastern Cape both comment favourably on the candidate in relation to her role in the legal fraternity in the Eastern Cape and also bear testimony to her being a fit and proper person.

2.3. No adverse comments have been received.

3. Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa

3.1. The candidate is a black woman.

3.2. Currently, the Supreme Court of Appeal comprises of twenty-one permanent Judges. Five are black women, ten are black men, one is a white woman, and five are white men. It is apparent, therefore, that while strides have been taken to address racial representivity, gender representivity still lags behind.

3.3. The candidate was schooled in the Eastern Cape, with a primary school education in Butterworth and her high school education in Mthatha. The candidate's legal career is rooted in the Eastern Cape, having practised in Butterworth for her own account for over ten years and having served as a Judge in the Eastern Cape Division, first by way of an acting appointment from 2003 and then a permanent appointment from 1 December 2005.

3.4. The nomination by the National Association of Democratic Lawyers remarks that the candidate continues to be an inspiration, not only in the narrow communities of the Eastern Cape, but throughout the Republic; and that she has not allowed

her rural background, being a mother and African woman, to be a barrier for her progress but an inspiration to work harder.

3.5. In the circumstances, the candidate's appointment would help reflect both the racial and gender composition of South Africa in the Supreme Court of Appeal and send a positive signal to the community.

4. The candidate's knowledge of the law, including constitutional law

4.1. Not unsurprisingly, the candidate has written many judgments in diverse fields of law since her appointment as a permanent Judge from 1 December 2005. We have also found three judgments written by the candidate whilst acting from 2003 to 2005.

4.2. Although we did not have the opportunity to consider all the unreported cases in which the candidate sat and which we have been able to identify (some 145 cases), those that we have been able to consider reveal a diverse knowledge of the law.

4.3. Of a sample of 72 cases in which the candidate sat in the early stage of her career on the Bench, the following classification was evident:

Field of Law	Cases
Constitutional Law	1
Criminal Law	12
Contract Law	10
Law of Delict	10
Property Law	4

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Company Law	1
Labour Law	1
Family Law	1
Law of Succession	1
Civil Procedure	9
Criminal Procedure	19
Administrative Law	3

- 4.4. We point out that in 22 of those cases the candidate sat jointly and in 20 of those the candidate did not give the written judgment; 2 of the 20 were joint judgments; and only in 2 of the 20 did the candidate write the judgment. This may perhaps be explained by the fact that as the junior Judge the candidate did not have the opportunity to write the judgments.
- 4.5. What is perhaps noteworthy is that notwithstanding the candidate having served as a Judge for over twelve years, comparatively few of her judgments are reported. We have only been able to find eight reported judgments. These are listed in the attached schedule. The balance of the judgments remain unreported in any of the mainstream law reports.
- 4.6. It is apparent then that the candidate is not particularly prolific in producing reportable judgments. The only reported judgment that appears to have been referred to subsequently by other courts is *BC v CC and others* 2012 (5) SA 562 (ECP), which the candidate states is one of her more significant judgments. It deals with the interaction between common law principles of trust law and those of divorce proceedings. The candidate acknowledges that her judgment was subsequently doubted in *MM v JM* 2014 (4) SA 384 (KZD). On the other hand, her

judgment found approval in *RP v DP and others* 2014 (6) SA 243 (ECD).

- 4.7. The candidate was appointed as a Judge of the Competition Appeal Court in 2009, which is a specialist court and which demonstrates the candidate's knowledge of competition law. This may prove useful in an appointment to the Supreme Court of Appeal, notwithstanding the changes to the jurisdiction of the Supreme Court of Appeal in the Constitution Seventeenth Amendment Act, 2012.
- 4.8. No reported judgment of the candidate can be found whilst she was sitting in the Competition Appeal Court but this is not unusual given that the judgments of the Competition Appeal Court are not ordinarily reported in the main law reports. As appears from the attached, the candidate has written several unreported judgments for the Competition Appeal Court.
- 4.9. The candidate states that one of her more significant judgments is *Competition Commission v Gralio (Pty) Limited* [2011] ZACAC 7. *Gralio* concerned the question whether there was sufficient evidence to find that the respondent was party to a cartel arrangement. The candidate considered the relevant evidence and agreed with the conclusion of the Competition Tribunal that there was insufficient evidence. The judgment is largely fact-based, and reflects a logical and considered assessment of the relevant evidence. The candidate briefly considered the well-established principles of vicarious liability at common law and applied those in concluding that the cartel attendant did not have authority to represent the respondent at

the cartel meetings. Although soundly reasoned, it does not appear to be a particularly significant judgment.

- 4.10. The candidate's judgment in *Yara SA v Competition Commission*, which did receive some attention and which was subsequently overturned on appeal, is referred to below.
- 4.11. The candidate has also served on the Constitutional Court and is presently serving on the Supreme Court of Appeal.
- 4.12. We could not find any reported judgment by the candidate whilst sitting in the Supreme Court of Appeal. The candidate did attach to her application two unreported judgments in the Supreme Court of Appeal, namely *Msunduzi Municipality v Dark Fibre Africa (RF) (Pty) Limited* [2014] ZASCA 165 (1 October 2014) and *Passenger Rail Agency of South Africa v Mashongwa* [2014] ZASCA 202 (28 November 2014). Neither of these two judgments are particularly significant, being primarily the application of recent precedents by the Supreme Court of Appeal
- 4.13. In the Constitutional Court cases in which she has sat, the candidate wrote two reported judgments, namely the main judgment in *Malan v City of Cape Town* 2014 (6) SA 315 (CC) and the judgment in *Mdodana v Premier, Eastern Cape and Others* 2014 (4) SA 99 (CC).

5. **The candidate's commitment to the values of the Constitution**

- 5.1. There can be little doubt as to the candidate's commitment to the values of the Constitution.

- 5.2. Particularly illuminating is the candidate's judgment in *Malan v City of Cape Town* 2014 (6) 315 (CC). In this case, which the candidate somewhat surprisingly does not list as one of her reported cases or as being of significance to her, she wrote the "main" judgment in which Froneman J and Madlanga J concurred. In her judgment, the candidate, applying the right of access to adequate housing entrenched in section 26 of the Constitution, held that the City of Cape Town's cancellation of a lease agreement in the context of the City's constitutional obligation to provide housing was unconstitutional because of the City's failure to give the tenant a proper opportunity to rectify her breach of the lease agreement. Although ordinarily permissible under the common law, this rendered the City's cancellation of the lease agreement invalid. The majority of the court disagreed and held the cancellation to be valid. This does not detract from the candidate's judgment demonstrating her commitment to the values of the Constitution and the recognition of the need to develop the common law to advance those values.
- 5.3. The candidate's other reported Constitutional Court case is that of *Mdodana v Premier, Eastern Cape and Others* 2014 (4) SA 99 (CC), in which all the other Judges concurred. This judgment relates largely to a technical analysis of the origins of an ordinance for purposes of establishing whether the ordinance was a provincial act and accordingly whether a declaration of constitutional invalidity by the High Court had to be confirmed by the Constitutional Court. The candidate held that the ordinance was not a provincial act. There does not appear to

have been much scope, given the technical nature of the matter, for the application of any constitutional values in the judgment.

- 5.4. Support from the National Association of Democratic Lawyers confirms the candidate's commitment to the values and principles of the Constitution.
- 5.5. The candidate (whilst serving on the Bench) has also participated in the training of Regional Court Magistrates in the Eastern Cape and in training programmes for aspirant Judges. The candidate was also the secretary of the Black Lawyers Association (Eastern Cape) from 2001 to 2003 whilst an attorney and from time to time has participated as council member or trustee or otherwise in various educational institutions in the Eastern Cape. The candidate is plainly dedicated to the pursuit of justice in her home community.
- 5.6. The candidate describes as her most significant contribution to the law and to the pursuit of justice in South Africa that she has always done her best to thoroughly consider the issues placed before her and to interpret and apply the law to promote the interests of justice in accordance with the values espoused in the Constitution. None of the judgments that we have considered causes us to doubt this statement.

6. **Whether any judgments have been overturned on appeal**

- 6.1. The candidate has referred to three judgments which were successfully appealed against, namely:

- 6.1.1. *Tarpaulin & Canvass CC v Sunshine Coast Tours CC* 2008

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JDR 0479 (EC) overturned by the Full Bench per [2008] ZAECHC 159 (19 September 2008).

6.1.2. *Campher v Cushing* 2009 JDR 0366 (SE) and which was overturned by the Full Bench per [2009] ZAECPEHC 11 (21 April 2009);

6.1.3. *Woji v Minister of Safety and Security*, which was overturned per [2015] 1 All SA 68 (SCA). We have been unable to find the candidate's judgment.

6.2. Additionally, the candidate's judgment in *Yara South Africa (Pty) Limited v Competition Commission* [2011] ZACAC 2 (CAC) was overturned by the SCA in *Competition Commission v Yara SA (Pty) Limited* 2013 (6) SA 404 (SCA).

6.3. In *Campher v Cushing*, a mother, during pending divorce proceedings, urgently sought the consent of the court to remove her child to London for a period of six months whilst she (the mother) underwent treatment for cancer. The child was a three year old boy who had resided with his mother since birth. The father had refused consent. The candidate refused to grant such consent, instead finding that the child should rather remain in South Africa with his father (who appeared not yet to have a fixed abode, commuting to work in Johannesburg on a weekly basis) than accompany his mother to London. Whilst the Full Bench commended the expedition with which the candidate dealt with a difficult situation on an urgent basis, it was critical of the approach and reasoning of the candidate in several respects. The candidate was criticised in approaching the matter

on the basis that the applicant bore the usual onus and had to satisfy the requirements of *Plascon-Evans* when seeking relief on motion. The Full Bench found that the onus was wrongly applied as there was no onus when it came to custodial orders in respect of a minor. Because of this incorrect appreciation of the approach, the candidate was said to have a loss of focus, which vitiated her reasoning. The Full Bench also found that the candidate was “*inappropriately dismissive*” of various issues that had been raised and had committed various “*misdirections*” on material issues and in certain respects was “*clearly wrong*”. This is the most critical of the judgments we have been able to locate relating to the candidate but as the appeal court readily appreciated, the candidate was obliged to deal with a difficult family law dispute in highly emotive proceedings on an urgent basis.

- 6.4. In the *Tarpaulin & Canvass* case, the candidate refused to uphold a seller’s claim for payment of the balance of the purchase price for the sale of its business on the basis that the seller had, apparently in breach of the sale agreement, not provided audited financial statements. On appeal, the Full Bench described the candidate as having “*misanalysed the issues*” based on the pleadings and overturned the judgment.
- 6.5. We have been unable to locate the candidate’s judgment in *Woji v Minister of Safety and Security*. We found nothing particularly remarkable or critical in the SCA’s overturning of the judgment per 2015 (1) All SA 68 (SCA).
- 6.6. *Yara v Competition Commission* was concerned with the

formalities for the initiation of a complaint by the Commission against a respondent. In the CAC, the candidate adopted a relatively formalistic approach (consistent with the previous jurisprudence of the CAC), in terms of which a complaint cannot be referred to the Tribunal unless the respondent, and the broad nature of the complaint, is covered by a formal initiation statement. The candidate held further that a complaint cannot be amended after it has been made and accordingly that, if a particular complaint/ respondent is not covered by the original initiation statement, it cannot be referred to the Tribunal unless a new complaint covering such complaint/ respondent is first initiated and investigated by the Commission.

- 6.7. As pointed out by the candidate in describing the significance of this case, there are different views expressed within the legal fraternity on how strictly or liberally the relevant provisions of the Competition Act should be interpreted. The *Yara* judgment received considerable attention in relation to this issue.
- 6.8. The judgment was the subject of an application by the *Competition Commission* for leave to appeal directly to the Constitutional Court, which application was refused. The *Competition Commission* then appealed the judgment of the Supreme Court of Appeal and, pursuant to that appeal, the candidate's decision was overturned.
- 6.9. On appeal the SCA drew a distinction between a complaint submitted to the Commission by a third party, on the one hand, and, on the other, a complaint initiated by the Commission itself. The SCA held that, in the latter instance, the Commission can

initiate a complaint informally or even tacitly, and so there is no need for a complaint referred to the Tribunal to be covered by a formal initiation statement. The SCA also criticized the CAC for misinterpreting the SCA and Constitutional Court law relevant to the subject. In summary, the candidate's judgment did not find favour with the SCA and reflected a relatively formal approach to the application of the Competition Act. Her judgment was nevertheless well reasoned and consistent with the previous CAC jurisprudence on the subject.

6.10. That we have only been able to locate four judgments which were overturned on appeal, notwithstanding that the candidate has sat as a Judge since 2003, reflects the soundness of the candidate's approach and reasoning in her judgments generally.

7. The extent and breadth of the candidate's professional experience

7.1. The candidate has extensive professional experience, firstly as an attorney for her own account for some eleven years and then as an Acting and then permanent Judge of the Eastern Cape Division from 2003 to 2009; and then as a Judge of the Competition Appeal Court since September 2009.

7.2. As set out above, the candidate has acted as a Judge both of the Constitutional Court of South Africa and the Supreme Court of Appeal.

7.3. Her reported and unreported judgments cover diverse areas of the law.

8. The candidate's linguistic and communication skills

- 8.1. The candidate's judgments are in English and she is clearly fluent and proficient in that language.
- 8.2. Her proficiency in other languages is unknown.
- 8.3. Generally, the candidate's judgments are concise and the applicable principles are applied decisively and appropriately.
- 8.4. A comparison of her earlier judgments such as *S v Faku* [2014] 3 All SA 501 (Ck) with her later judgments such as *FirstRand Bank Limited v Woods* 2011 (5) SA 536 (EC) and (in the Constitutional Court) in *Malan v City of Cape Town*) demonstrate, in our view, a growth in maturity as a Judge, with an improved display of analytical skills.
- 8.5. As commented above, the candidate has not written many reported judgments.

9. The candidate's ability to produce judgments promptly

- 9.1. The candidate lists four part-heard cases in the High Court that are outstanding but these are not of consequence in assessing her ability to produce judgments promptly since the cases have not been completed.
- 9.2. An analysis of those cases we have considered show that the majority of the judgments were given within a month, with most of the remainder taking no more than three to four months. Given the large number of cases in which the candidate has sat, the promptness with which the candidate delivered judgments is

commendable.

9.3. We have been able to find only three cases where the candidate took longer than six months to hand down judgment. These are:

9.3.1. *Hurricharan v The Minister of Safety and Security* 2008 JDR 0787 (SE), which was the return date following upon an urgent application for release of vehicles from police custody. The candidate took some seven months to hand down judgment but as interim relief was already in place, the delay was not inordinate;

9.3.2. *Mantshongo v Minister of Home Affairs and Another* [2012] ZAECPEHC 9, in which there was a ten-month delay in handing down judgment. In this matter, the applicant sought an order compelling the Department of Home Affairs to consider and finalise an application for the issue of a duplicate identity document. The candidate found that the Department had unreasonably delayed and granted the order. What is of some concern is that the judgment is only eleven paragraphs long with little legal analysis but took ten months to hand down. The delay is exacerbated by the fact that the Department itself had delayed seven years in considering the applicant's application for a duplicate identity document and in the circumstances, although the court in its judgment expressed its displeasure at the applicant being the victim of unreasonable delay, the court then took ten months to hand down judgment;

9.3.3. In *Calu v S* [2011] ZAECGHC 86 (1 November 2011) the candidate took seven months to hand down judgment in a criminal appeal against a sentence of fifteen years' imprisonment for murder. Furthermore, the judgment is only five pages long, consisting of nine paragraphs.

10. **The candidate's fairness and impartiality**

10.1. There is no reason to doubt from a review of the candidate's judgments that she is either unfair or partial.

10.2. The candidate takes the interests of the community and public into consideration in resolving the disputes of the parties before her. In *Scott NO and Another v Nelson Mandela Bay Metropolitan Municipality* (920/2012) [2013] ZAECPEHC 3 (29 January 2013), a matter involving the provision of electricity to the applicant whose newly built warehouse had erroneously encroached on municipal land set aside for public parking, the candidate found that an order of substitution was justified but granted the order subject to a rule nisi to "afford interested parties opportunity to make representations prior to finalization of the application." This was because there were certain store owners on the adjacent properties who would be affected by the encroachment and who had not been joined in the proceedings.

10.3. The candidate is able to adopt a pragmatic approach to compliance with the rules of court in order to ensure the merits of the case are determined. In *Scott NO and Another v Nelson Mandela Bay Metropolitan Municipality* (920/2012) [2013] ZAECPEHC 3 (29 January 2013), which involved a point of

non-joinder of the Registrar of Deeds, the candidate found that that “*purpose which the rule was intended to serve has been met*” even though no formal joinder had taken place. (i.e. a copy of the application had been served on the register and a report from registrar was in the papers).

- 10.4. The candidate’s reported judgment in *FirstRand Bank Limited v Woods and similar cases* 2011 (5) SA 536 (EC) is particularly instructive under the present head. In this matter, certain banks as judgment creditors sought an order to prevent property owners from applying for rescission of the Registrar’s orders declaring immovable properties executable in the wake of *Gundwana v Steko Development and Others* 2011 (3) SA 608 (CC). *Gundwana* held that the process through which such orders were obtained through the Registrar were unconstitutional. The banks sought to obtain such an order pursuant to rule 31(5)(d) in circumstances where they did not fall within the ambit of that rule and no notice was given to the judgment debtors that such an application would be sought. Although the application proceeded on an unopposed basis, the candidate raised various issues of concern with the applicant’s counsel and when these were not satisfactorily addressed by the applicant, the candidate refused the relief. This case demonstrates the candidate’s commitment to fairness and impartiality, particularly where the persons affected by the judgments may not be represented.
- 10.5. The candidate lists as one of her most significant judgments that of *S v Mugridge* in which the candidate found that the apparent

consent given by an adopted child who had been groomed for sex by her adoptive father cannot constitute proper consent, and convicted the accused to an effective sentence of fifteen years for *inter alia* rape and indecent assault. The candidate's judgment, which we have been unable to locate, was upheld on appeal by the SCA per 2013 (2) SACR 111 (SCA). Notably, the Supreme Court of Appeal in commenting on sentencing said that the appellant should consider himself fortunate to have been sentenced by the candidate to only fifteen years imprisonment.

10.6. As far as we can ascertain, the conviction, which included the rape of his minor adopted daughter after a pattern of sexual grooming, including the use of illicit narcotics, constituted a Schedule 1 offence and accordingly carried a discretionary minimum sentence of life imprisonment in terms of section 51 of the Criminal Law Amendment Act, 1997. Although we could not find a copy of the candidate's judgment, it does appear from the judgment of the Supreme Court of Appeal that the candidate had found there to be substantial and compelling reasons to impose a lesser sentence and did so. The Supreme Court of Appeal found that the sentence did not induce a sense of shock, contrary to what the appellant asserted, and that it had no basis to interfere with the judicial exercise of the candidate's discretion.

10.7. What is noteworthy is that although the candidate is a mother with young children, this did not impair her ability to act fairly and impartially in assessing the accused's personal circumstances, and of course, that the SCA found no basis to

upset the sentence which she imposed.

- 10.8. This level-headedness is also apparent from another judgment handed down by the candidate in relation to the same accused, namely *Mugridge v S* [2011] ZAECPEHC 23 (2 June 2011). The candidate had to decide whether the applicant, having been sentenced by her to an effective period of fifteen years imprisonment, should be granted bail pending the hearing of his appeal in circumstances where his appeal had been delayed because of the loss of the appeal record. As the candidate noted, the record of the proceedings had been misplaced through no fault of the appellant's. Given the unexplained delay and refusal of the authorities to accept responsibility for the lost record, the candidate granted the appellant conditional bail pending the appeal.

11. **The candidate's independent mindedness**

- 11.1. We have been unable to find any matter in which the candidate delivered a dissenting judgment.
- 11.2. As stated above, the candidate did write the "main" but not the majority judgment in the Constitutional Court case of *Malan v City of Cape Town*.
- 11.3. The candidate's judgments do not raise any concerns regarding her ability to act independently.
- 11.4. In *Wentzel v S* (CA&R189/2011) [2011] ZAECGHC 89 (17 November 2011) the candidate strongly criticised the Magistrate's failure to properly evaluate and summarise the

evidence in the trial. She made firm statements about Magistrates' duties to provide properly reasoned judgments with careful analysis of the evidence, as well as their obligations under the Magistrates' Court Act when required to provide reasons on appeal.

- 11.5. The candidate's judgment in *FirstRand Bank v Woods* is also reflective of her independent mindedness.

12. The candidate's ability to conduct court proceedings

- 12.1. The candidate has presided over numerous proceedings as a Judge for many years and there is no reason to doubt her ability to conduct court proceedings.

- 12.2. No adverse comments have been received.

13. The candidate's administrative ability

- 13.1. The candidate conducted her own practice for over eleven years before being elevated to the Bench, which demonstrates an administrative ability.

- 13.2. The candidate was also a member of the Council of the Law Society of the Cape of Good Hope, the secretary of the Black Lawyers Association for three years and a council member of the South African Judicial Education Institution.

14. The candidate's reputation for integrity and ethical behaviour

- 14.1. There is no reason to doubt the candidate's reputation for integrity and ethical behaviour.

14.2. No adverse comments were received.

15. The candidate's judicial temperament

15.1. No concerns appear from the available judgments.

15.2. What comments we have received were in respect of appeals conducted before the candidate when she was a junior Judge and so was not particularly assertive. Nonetheless she has been described as a conscientious listener and, when she does ask questions, they are considered, polite and impartial.

16. The candidate's commitment to human rights, and experience with regard to the values and needs of the community

16.1. The candidate's commitment in this regard is illustrated by what is set out above.

16.2. In particular, the candidate was and remains actively involved in her rural home community in the Eastern Cape.

16.3. The candidate's judgment for the Constitutional Court in *Malan v City of Cape Town* highlights again her commitment to the needs of the less fortunate within the community.

17. The candidate's potential

17.1. The candidate has potential as a valuable addition to the Supreme Court of Appeal, given her considerable experience as a Judge in diverse fields of law.

17.2. The candidate presently acts on the Supreme Court of Appeal and has acted in the Constitutional Court.

17.3. The dearth of reported judgments by the candidate should be capable of being addressed by the candidate if appointed.

18. The message that the candidate's appointment would send to the community at large

18.1. The candidate's appointment would favourably address the racial and gender composition of the judiciary. In addition, she comes from a rural background and is a mother, which she regards not as a barrier but rather an impetus for her to work harder.

18.2. The appointment of the candidate would send a strong positive signal that those from disadvantage communities can, through sustained professional and ethical commitment, be elevated to the higher courts.

18.3. The SCA, despite no longer being the apex court in all matters other than constitutional matters, continues to shape the law as the *de facto* last court of appeal in many matters. The candidate's contribution to the transformation of the bench has to be weighed together with her ability as a jurist. Her relative paucity of reported judgments of substantial legal significance does not suggest that she would make a substantial contribution as a jurist on the SCA bench, if appointed.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED**Reported decisions**

Malan v City of Cape Town 2014 (6) SA 315 (CC)

BC v CC and others 2012 (5) SA 562 (ECP)

Page v First National Bank and Another 2009 (4) SA 484 (E)

National Director of Public Prosecution v Mansoor 2011 (1) SACR 292 (ECP)

S v Faku [2004] 3 All SA 501 (Ck)

Mdeysha v Minister of Safety and Security and Others [2008] 2 All SA 450 (SE)

Mdodana v Premier, Eastern Cape and Others 2014 (4) SA 99 (CC)

FirstRand Bank Limited v Woods 2011 (5) SA 536 (EC)

S v Busuku 2005 JDR 0770 (E) – 2006 (1) SACR 96 (E) (5 April 2005)

Unreported decisions

Vorster and Others v Vorster and Others (CA366/2011) [2013] ZAECGHC 1 (10 January 2013)

Scott NO and Another v Nelson Mandela Bay Metropolitan Municipality (920/2012) [2013] ZAECPEHC 3 (29 January 2013)

Nelson Mandela Bay Metropolitan Municipality v MTN Service Provider (Pty) Ltd and Others (1661/2012) [2013] ZAECPEHC 2 (15 January 2013)

Ascani v Vincent Family Pharmacy CC (EL1830/2011, ECD3564/11) [2013] ZAECCELLC 1 (22 January 2013)

Nedbank Ltd (formerly t/a Nedcor Bank Ltd) and Another v Abrahams and Another (1318/2012) [2013] ZAECPEHC 11 (26 February 2013)

Freiss v Road Accident Fund (1066/2012) [2013] ZAECPEHC 15 (12 March 2013)

Masomo v S (CA&R275/2011) [2013] ZAECGHC 26 (27 March 2013)

Patuleni and Others v Road Accident Fund (295/2010) [2013] ZAECGHC 70 (24 June 2013)

CORPCLO 358 CC t/a Kwa Wicks Group v Macingwane (2556/09) [2013] ZAECGHC 96 (19 September 2013)

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- Formex Engineering Pty Ltd v Ivo Huisman & Associates CC* (CA 239/2011) [2013] ZAECGHC 110 (17 October 2013)
- Mantshongo v Minister of Home Affairs and Another* (943/11) [2012] ZAECPEHC 9 (14 February 2012)
- Bikebuddi International Ltd v Bikebudi Holdings Ltd* (3726/2011) [2011] ZAECPEHC 59 (13 December 2011)
- Calu v S* (CA&R329/2010) [2011] ZAECGHC 86 (1 November 2011)
- Mentyisi and Another v S* (CA77/2010) [2011] ZAECGHC 85 (1 November 2011)
- MEC of Roads And Public Works, Eastern Cape Province v Sakho and Others* (437/2010) [2011] ZAECGHC 84 (1 November 2011)
- Gumede v S* (CA&R181/2011) [2011] ZAECGHC 88 (17 November 2011)
- Wentzel v S* (CA&R189/2011) [2011] ZAECGHC 89 (17 November 2011)
- Mhana and Others v Ngqwebo* (CA 65/2011) [2011] ZAECGHC 90 (1 November 2011)
- Delute Investments CC v Mkambati Collection (Pty) Ltd* (669/2012) [2012] ZAECGHC 15 (5 April 2012)
- Rowan Tree 1169 CC v Cowsta Belleggings (Pty) Ltd* (3637/09) [2012] ZAECPEHC 24 (24 April 2012)
- Le Roux v Reid and Another* (2804/2006) [2012] ZAECPEHC 25 (24 April 2012)
- Vester v Fletcher ad Another* (3885/2010) [2012] ZAECPEHC 29 (2 May 2012)
- Najoe and Others v S* (CA&R 23/2011) [2012] ZAECPEHC 34; 2012 (2) SACR 395 (ECP) (25 May 2012)
- Standard Bank of South Africa v Daya NO and Others* (540/2012) [2012] ZAECPEHC 33 (24 May 2012)
- S v Gerber* (CA&R NO.: /2012) [2012] ZAECPEHC 35 (23 May 2012)
- Dingaan v S* (CA 322/2011) [2012] ZAECGHC 42 (31 May 2012)
- Van Rooyen v The Road Accident Fund* 2010 JDR 0814 (ECP) (6 July 2010)
- Hoco v Mtekwana* 2010 JDR 0815 (ECP) (29 June 2010)
- Vuka-Uzenzele Plant Hire & Civils CC v Ho Hup Corporations (SA) (Pty) Ltd* 2010 JDR 0975 (ECP) (25 August 2010)

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- S v Matinisi* 2010 JDR 1334 (ECG) (8 November 2010)
- Nedbank Limited v Kruger* 2010 JDR 1335 (ECP) (9 November 2010)
- S v Pauls* 2010 JDR 1351 (ECG) (12 November 2010)
- FirstRand Bank Limited v Gorgens* 2010 JDR 1592 (ECP) (2 November 2010)
- S v Mtatsi* 2010 JDR 1598 (ECG) (17 December 2010)
- FirstRand Bank Limited v Van Niekerk* 2010 JDR 1599 (ECP) (17 December 2010)
- FirstRand Bank Limited v Siebert* 2010 JDR 1600 (ECP) (17 December 2010)
- Tractor Outdoor Eastern Cape (Pty) Limited v The Nelson Mandela Bay Metropolitan Municipality* 2010 JDR 1601 (ECP) (21 December 2010)
- Van Rensburg NO v MEC For Housing, Local Government and Traditional Affairs, Eastern Cape Province* 2009 JDR 0566 (ECP) (2 June 2009)
- Tieties v ABSA Insurance Company (Pty) Ltd* 2009 JDR 0709 (ECP) (21 July 2009)
- South African Local Authorities Pension Fund v Elundini Municipality* 2009 JDR 1379 (ECG) (10 December 2009)
- Msuthu v Road Accident Fund* 2008 JDR 0471 (EL) (2 October 2007)
- Southern Star Organisation (Pty) Ltd v Thornburn Security Solutions (Pty) Ltd* 2008 JDR 0478 (E) (15 November 2007)
- Muller v Road Accident Fund* 2008 JDR 0481 (SE) (30 October 2007)
- Furniture Hardware Supplied (Pty) Ltd v Sirge Fourteen CC* 2008 JDR 0484 (SE) (23 October 2007)
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