



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY - JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM : The Registrar, Supreme Court of Appeal

DATE 27 September 2017

STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Van Vuuren v eThekweni Municipality (1308/2016) [2017] ZASCA 124 (27 September 2017)

MEDIA STATEMENT

The Supreme Court of Appeal (SCA) today upheld an appeal against an order by the Kwazulu-Natal Division dismissing an action for damages in terms of which Karlien Van Vuuren, the appellant in the matter, sought to hold the respondent, the eThekweni Municipality, liable for delictual damages arising out of injuries sustained by her minor son at a pool facility managed by the respondent.

The issue at the heart of the appeal was whether there was a legal duty on the Municipality to supervise and control access to the pool slide. Negligence was also in contention.

After careful consideration of the material evidence before it, the SCA held that in providing the pool with a slide for use by young children under the age of 12, the Municipality created a potential risk of harm. The SCA held that there was a legal duty on the Municipality to provide access control or supervision to avoid injury to children using the facility. It found that the Municipality was negligent in not providing such measures.
