



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 04 December 2025

Status: Immediate

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Sean David Todd v Magistrate: Clanwilliam and Others (432/2024) [2025] ZASCA 185 (04 December 2025)

Today, the Supreme Court of Appeal (SCA) upheld an appeal with no order as to costs against the decision of the Western Cape Division of the High Court, Cape Town, (sitting as court of review of an inquest finding). The order of the high court was set aside and replaced with an order remitting the matter back to the Magistrates' Court, Clanwilliam, for the appointment of another judicial officer within 30 days of this order to hold a public inquest and to hear oral evidence regarding the circumstances surrounding the death of the deceased expeditiously and without any undue delay.

The appeal before the SCA concerned the finding of the first respondent, the Magistrates' Court for the Magisterial District of Clanwilliam in the Western Cape (the magistrate). The magistrate found that the death of Ms Theresa Wampach-Todd (the deceased) was brought about by an act or omission *prima facie* involving or amounting to an offence on the part of the appellant, her husband, Mr Sean David Todd (Mr Todd). The magistrate made this finding without hearing any oral evidence.

On 31 October 2019, Mr Todd took the decision of the magistrate on review to the Western Cape Division of the High Court, Cape Town (the high court). He sought an order reviewing and setting aside the magistrate's finding, and have it substituted with a finding that it had not been established that the death of the deceased was brought about by any act or omission *prima facie* involving or amounting to an offence by any person.

The high court dismissed the application on 23 February 2022 and refused leave to appeal on 19 August 2022. The appeal came before the SCA with the leave of this Court.

The issues before the SCA were: (a) whether the magistrate acted in accordance with the law by not holding the inquest in public, and without the hearing of oral evidence. If not, whether this amounted to a misdirection that vitiates the inquest proceedings. (b) an allied issue is the source of the high court's power to review inquest proceedings, since the adoption of the Constitution.

The SCA held that the high court erred in not reviewing the decision of the inquest magistrate, despite the material irregularities. The decision of the magistrate was not in accordance with the settled law, and he failed to comply with the provision of s 8(1) and s 10 of the Act. In this case without exceptional circumstances being present, the magistrate deviated from the standard procedure to hold a public inquest and call for the hearing of oral evidence. There were no exceptional circumstances to deviate from the standard procedure.

Besides all of this, the magistrate also acted procedurally unfair when he prior to making his finding, formed a definitive view that he would be making an adverse finding against Mr. Todd that might lead to a criminal prosecution, without affording Mr Todd an opportunity to persuade him otherwise. The SCA found that given the totality of the circumstances and in the absence of reasons, the decision by the Magistrate not to hold a public inquest and to call for oral evidence was arbitrary.

The SCA held further that the source and legal foundation upon which an inquest may be reviewed by a high court is founded on the principle of legality. The findings of a judicial officer in inquest proceedings are not the findings of a court of law, it is nonetheless an exercise of a public power. Such power must be exercised within the confines of the Constitution and the law, and, in particular, the provisions of the Act that regulate the proceedings held by a judicial officer when conducting an inquest.

Accordingly, the appeal is upheld and the order of the high court is set aside and replaced with an order remitting the matter back to the Magistrates' Court, Clanwillam.

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