



**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:** 9 September 2026

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal***

*The Registrar of Animal Improvement v The Chianina Cattle Breeders' Society of South Africa and Others (1031/2024) [2026] ZASCA 117 (9 September 2026).*

Today the Supreme Court of Appeal (SCA) dismissed, with costs, an appeal against the judgment of the Gauteng Division of the High Court, Pretoria (the high court), which ordered the Registrar of Animal Improvement (the Registrar) to register the Chianina Cattle Breeders' Society of South Africa (the Breeders' Society) as an animal breeders' society in terms of the Animal Improvement Act 62 of 1998 (the Act).

The Chianina is an ancient Italian breed of cattle which has been present in South Africa for decades. Although the breed was inadvertently omitted from the regulations under the Act in 2007, it was restored to the regulations in May 2019.

The Breeders' Society made applications for registration as an animal breeders' society in 2014, 2018 and 2019. The Registrar did not make a decision on the applications and maintained that an impact assessment study was required before registration could be considered. After the Registrar failed to decide its 2019 application, the Breeders' Society lodged an internal appeal in terms of s 23 of the Act. The appeal did not proceed and the matter was subsequently removed from the roll. The Breeders' Society then approached the high court for judicial review in terms of the Promotion of Administrative Justice Act 3 of 2000 (PAJA). The high court ordered the Registrar to approve and register the Breeders' Society.

The majority of the SCA held that the Registrar had failed to properly consider the Breeders' Society's applications over a prolonged period. The majority found that the Chianina breed had been registered on the Integrated Registration and Genetic Information System and that applicable breeding standards existed. In those circumstances, the majority held that an impact assessment study was not a requirement for the registration of the Breeders' Society.

The majority further considered the requirement in PAJA that an applicant ordinarily exhaust internal remedies before approaching a court. It held that the requirement was not absolute and that, in exceptional circumstances, a court may grant an exemption where the internal remedy has become ineffective. The majority found that the internal appeal in this matter had become ineffective and that the circumstances justified the high court's intervention.

The majority also held that substitution, rather than remittal to the Registrar, was appropriate. Having regard to the prolonged delay, the failure to properly consider the applications and the prejudice that would result from further delay, the majority concluded that remitting the matter to the Registrar would cause further unjustifiable delay. The high court was accordingly justified in ordering the registration of the Breeders' Society.

A minority judgment disagreed with the majority's conclusions. It held that the delay could not principally be attributed to the Registrar and that the Minister was the functionary empowered to amend the

regulations. It further held that the Breeders' Society had not exhausted the internal appeal remedy available under s 23 of the Act and had not established exceptional circumstances justifying an exemption from that requirement under PAJA.

The minority also held that the Registrar was entitled, in the exercise of his professional expertise, to require an impact assessment study. It found further that the Breeders' Society had not complied with certain peremptory requirements for registration, including those under regulation 7(1) of the regulations and s 11(b) of the Act. In its view, the high court had impermissibly assumed the statutory decision-making function of the Registrar by ordering the Breeders' Society's registration.

The majority, however, concluded that the internal appeal had become ineffective, that an impact assessment study was not required in the circumstances, and that the exceptional circumstances justified substitution rather than further remittal to the Registrar. The SCA accordingly dismissed the appeal with costs.

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