

MEDIA STATEMENT – CASE HEARING IN SUPREME COURT OF APPEAL

Marvanic Development (Pty)Ltd and Another v Minister of Safety and Security and Another

Supreme Court of Appeal -232/05

Hearing date: 02 March 2006

Judgment date: 20 March 2006

Section 68(6) of the National Road Traffic Act 93 of 1996 prohibits the possession of vehicles where their engine or chassis numbers have been falsified. Where vehicles are seized by the police, the persons from whom they have been seized may not, where they are not prosecuted for any offence, claim return of the vehicles simply by reason of their ownership. Possession while the falsification still exists is 'without lawful cause.'

Media Summary of Judgment

Section 68(6)(b) of the National Road Traffic Act 93 of 1996 prohibits the possession of vehicles where their chassis or engine numbers have been falsified, mutilated or otherwise tampered with. The section provides that no person may 'without lawful cause' be in possession of such a vehicle. The appellants in this matter had claimed return to them of vehicles seized by the police who had discovered that their chassis numbers had been falsified. Charges against the appellants had been withdrawn since there was insufficient evidence to prove that the vehicles had been stolen. The appellants admitted that the vehicle chassis numbers had been falsified by an employee, but claimed return of the vehicles on the basis that as owners they had 'lawful cause' to be in possession. The Johannesburg High Court had refused their application for the return of the vehicles.

The Supreme Court of Appeal dismissed the appeal against the order of the High Court. It held that the section expressly prohibited possession of vehicles even by owners where they had been tampered with: the very purpose of the section was to prevent possession, and thus use, until the numbers had been rectified, which is possible in terms of the regulations to the Act. The appellants had failed to apply under the regulations for new chassis numbers and had thus not made use of the remedy available to them.