



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 29 November 2007
STATUS Immediate

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

***WILMOT MANDLA CHAGI & 29 OTHERS v SPECIAL INVESTIGATING UNIT
(Case No 89 / 07)***

Media Statement

Today the Supreme Court of Appeal ('SCA') dismissed an appeal by Wilmot Chagi and 29 Others. The 30 appellants jointly constituted the management of the Transkei Agricultural Corporation ('Tracor'). Tracor was wound up in 1998. During June 1998, the President referred certain matters relating to Tracor for investigation to the Special Investigating Unit, commonly referred to as the Heath Commission. On 28 November 2000, the Constitutional Court declared provisions of the enabling statute and the regulation in terms of which the Heath Commission had been established to be unconstitutional. On 31 July 2001, the President established a new Special Investigating Unit (the respondent) under the chairmanship of William Andrew Hofmeyr.

During 2001 the appellants issued summons out of the Grahamstown High Court alleging that they had been defamed and maliciously prosecuted by the Heath Commission. They sought to recover their loss and damage from the respondent. The respondent raised a special plea that liability for the wrongful acts of the Heath Commission had not devolved upon it. The special plea was upheld by the High Court. The SCA agreed, holding that in terms of the regulation dissolving the Heath Commission and establishing the respondent, the latter was not the *de jure* successor of the former. The SCA accordingly dismissed the appeal with costs.

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