



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

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From: The Registrar, Supreme Court of Appeal

Date: 13 MARCH 2009

Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

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**KPMG CHARTERED ACCOUNTANTS (SA) v SECUREFIN LIMITED**

The SCA dismissed an appeal by KPMG against a decision of the Pretoria High Court. The case concerned the interpretation of a contract in terms of which KPMG undertook to verify certain facts relevant to the execution of a contract relating to the re-engineering and acquisition of certain Old Mutual policies. In a preliminary hearing the court had to decide on the question whether a document with or one without an annotation was the contract between the parties. Another question related to whether the contract was void due to error. The SCA upheld the decision of the High Court. The court also dealt with the admissibility of evidence, expert or otherwise, in interpreting contracts. The claim of Securefin of some US\$40m against KPMG must now proceed in the High Court.

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