



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:
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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The governing body of a school has the exclusive power to determine the language policy of an existing school. That was the effect of a decision of the Supreme Court of Appeal this morning. It overruled a decision by a full court of the Pretoria High Court.

When the department of education had no accommodation in the Ermelo circuit for learners to be taught in English the head of department withdrew the function of the governing body of the Ermelo Hoërskool to determine the language policy of the school and appointed an interim committee to change the policy from Afrikaans medium to parallel medium. The Supreme Court of Appeal found that the head of department, in doing so, did not comply with the principles of legality as his actions were not authorised in terms of the Schools Act and violated the principles of the Promotion of Administrative Justice Act.