



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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When a high court has no jurisdiction in a criminal matter the National Director of Public Prosecutions may, by way of a directive issued in terms of s 22(3) of the National Prosecuting Authority Act 32 of 1998, confer jurisdiction on that high court, provided the directive is issued prior to the indictment having been served on the accused. This is what the Supreme Court of Appeal decided today in a matter that has been pending for a long time in the Bhisho High Court involving several accused on multiple charges of corruption and fraud. The appeal was decided in favour of the accused, who were the appellants, and with the effect that the order in the Bhisho High Court in terms whereof that court assumed jurisdiction, was set aside.

The practical effect of the dispute about jurisdiction that arose between the appellants and the state and went all the way to the Supreme Court of Appeal is that the criminal charges brought against the appellants during 2005 have not been prosecuted. If, when the issue of jurisdiction arose, the indictment was withdrawn, a fresh directive was obtained and the appellants were re-indicted immediately thereafter, the delay of the trial and the costs of an appeal could easily have been avoided.