



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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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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MINISTER OF SAFETY AND SECURITY & ANOTHER v G W VAN DER MERWE & OTHERS

The Supreme Court of Appeal (SCA) today dismissed an appeal against an order of the Cape High Court setting aside a warrant to search premises associated with Mr Gary Walter Van der Merwe and to seize various documents.

Mr Van der Merwe and others associated with him were suspected by the police to have committed various offences, including contraventions of the Value Added Tax Act 89 of 1991, the Income Tax Act 58 of 1962 and the Prevention of Organised Crime Act 121 of 1998. The police obtained warrants from a magistrate to search various premises in Cape Town in connection with the alleged offences. The Cape Town High Court found that the warrants were invalid because they failed to specify the suspected offences in connection with which they had been issued.

The SCA held that it was bound by a decision of the Constitutional Court, which had held that a search and seizure warrant issued under the National Prosecuting Authority Act 32 of 1998, was invalid if it failed to specify the suspected offence in relation to which it was issued. It held that there was no material distinction between that Act and the Criminal Procedure Act so far as that was concerned and it was thus bound to apply the ruling laid down in that case.

The SCA also dismissed a cross appeal against a finding by the Cape High Court that a related warrant in respect of premises in Bellville was valid.