



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: 1 October 2010
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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LA LUCIA SANDS SHARE BLOCK LTD & OTHERS v BARKHAN & OTHERS

The SCA today dismissed an appeal by La Lucia Sands Share Block Ltd and its directors against an order of the KwaZulu-Natal High Court, Durban directing La Lucia Sands Share Block Ltd to provide photocopies of pages constituting its register of members to the first and second respondents, alternatively to make its register of members available for inspection by the respondents.

The respondents had requested to inspect the register of members of La Lucia Sands Share Block Ltd intending to approach them directly for purposes of offering to purchase their Shareholding. The respondents' attitude changed making it clear that they would approach both the members and the board simultaneously. Upon the request being declined, the respondents approached the court below for an order to compel La Lucia Sands to allow such inspection.

The SCA agreed with the findings of the court below, which considered the provisions of section 113 of the Companies Act 61 of 1973 and held that accessibility to the register of members of a company served an important public purpose and concluded that the provisions of section 113 of the act entitled the respondents to the information sought.

The court commented on the period of approximately two years that it took to deliver the judgment in the court below. The SCA urged courts to strive to promote swift and efficient justice to avoid inordinate delays in delivering judgments.

The appeal was dismissed with costs and the appellant is ordered to pay respondents' costs.