

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 25 November 2010
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

National Director of Public Prosecutions

v

Naidoo & 4 others

(419/09) [2010] ZASCA 143 (25 November 2010)

Media Statement

The Supreme Court of Appeal has upheld an appeal by the National Director of Public Prosecutions in which the NDPP argued that Section 26 of POCA should be restricted to the property of the defendant/accused and should not be interpreted to refer to property of another person. The Court held that the plain grammatical meaning of s 26(6)(b) read with s 26(6)(a) is that a restraint order may make provision for the legal expenses of 'a person against whom the restraint order is being made' – not for the legal expenses of a third person against whom a restraint order is also being made.

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