



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: 29 November 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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THE MINISTER OF TRADE AND INDUSTRY & OTHER V
E L ENTERPRISES & OTHER

Inspectors in the employ of the Minister of Trade and Industry have the power, under circumstances described in the Counterfeit Goods Act 37 of 1997, to attach suspected counterfeit goods without a warrant. In those instances it has to be confirmed after the fact that reasonable grounds existed for the acts of search and seizure, in terms of s 5(4)(a) of the Act. The Supreme Court of Appeal interpreted s 5(4)(a) and concluded that it does not require notice to be given to potential respondents that confirmation is sought. The procedure is an informal one to a judge or magistrate in chambers without notice to any respondents.