



**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: 31 May 2012  
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.*

**CITY OF CAPE TOWN v FAIZEL HENDRICKS**

The Supreme Court of Appeal today held that a warning/compliance notice notifying the recipient of his/her contravention of a By-law and calling upon the recipient to comply with the By-law in order to avoid legal action is not ‘administrative action’ for the purposes of the Promotion of Administrative Justice Act 3 of 2000 (PAJA).

The respondents, two informal traders in Mitchells Plain, Cape Town, conducted business in temporary structures erected on property owned by the City of Cape Town. The structures contravened the City’s By-laws and the City’s enforcement unit issued and served on the respondents’ notices informing them that the structures contravened the By-laws and should be removed to avoid further action by the City. Instead of seeking the City’s authorisation for the structures the respondents applied in terms of PAJA to review and set aside the City’s decision to issue the notices. The Western Cape High Court granted the application despite the City’s argument that the notices did not constitute ‘administrative action’ and were therefore not reviewable. The High Court set aside the decision and granted other interdictory relief.

The Supreme Court of Appeal upheld the City’s appeal and set aside the orders made by the High Court.