



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL

01 June 2012

STATUS: Immediate

Minnies & Others v The State 881/2011

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

The Supreme Court of Appeal (the SCA) today upheld an appeal from the Western Cape High Court, Cape Town setting aside the convictions and sentences of the four appellants.

The Appellants were convicted under s 34 (1) (b) of the South African Reserve Bank Act 90 of 1989. The appellants had offered counterfeit banknotes to a police informer who was aware the money was counterfeit during a police operation. The counterfeit money had been offered to the police informer and a third party in return for genuine money which was to be 50 per cent of the face value of the counterfeit money. The Specialised Commercial Crime Court convicted the appellants and the Western Cape High Court dismissed their appeal.

The issue on appeal related to the meaning to be ascribed to the word ‘tender’ in s 34 (1) (b) of the South African Reserve Bank Act. The appellants argued that their conduct did not constitute ‘tender’ as envisaged in s 34(1)(b) because all concerned knew that the banknotes were counterfeit and not genuine.

The SCA held that the word ‘tender’ as used in s 34(1)(b) meant that the banknotes offered by the appellants must have been used as ‘legal tender’ by offering them as genuine currency which was not the case in this appeal.

The SCA found the decision in the case of *S v Modikaseng* 1998 (1) SACR 278 (T) which held that ‘tender’ was used in s 34 (1) (b) to cast the net as wide as possible was wrongly decided.

The appeal was consequently upheld.

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