



THE 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 28 March 2013

STATUS Immediate

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

PIERRE ANDRÉ NEL V OUDTSHOORN MUNICIPALITY (247/2012) [2013]

ZASCA 37 (28 MARCH 2013)

Today the SCA dismissed an appeal by the appellant, a member of the respondent's municipal council, against the order of the Western Cape High Court, dismissing an application for the review of a decision taken by the respondent's municipal council.

It was the appellant's case that the decision of the council to settle a dispute before arbitration was to commence, amounted to the re-appointment of a municipal manager without complying with the provisions of the Local Government: Systems Act 32 of 2000. The SCA found that the decision of the council constituted the reinstatement of the municipal manager in terms of the provisions of s 193(1) of the Labour Relations Act 66 of 1995 and it was not a decision to re-appoint the municipal manager.