



THE SUPREME COURT OF APPEAL  
OF SOUTH AFRICA

MEDIA SUMMARY – 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 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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**Neutral citation:** *Independent Outdoor Media v City of Cape Town* (222/2012) [2012] ZASCA 46 (28 March 2013)

In December 2001, the City of Cape Town promulgated its Outdoor Advertising and Signage Bylaw 10518 regulating outdoor advertising, billboards etc within the municipal precincts of the city. In 2010, a company known as Bouley Properties sought an order in the Western Cape High Court declaring the Bylaw to be constitutionally invalid. That application was dismissed, as were applications for leave to appeal both to the Supreme Court of Appeal and the Constitutional Court.

Subsequently the City sought an order against the present appellants, directing them to remove certain outdoor advertisements which had been erected without the necessary permission required under the Bylaw. The appellants responded by also contending that the Bylaw was invalid, relying upon the same grounds unsuccessfully advanced in the Bouley matter. The Western Cape High Court held against the appellants, ordering them to remove the offending signs and dismissing a counter-application in which an order was sought declaring the Bylaw to be invalid.

The appellants appealed to the Supreme Court of Appeal, contending (a) that the City had lacked the necessary legislative authority to enact the Bylaw (b) that the differentiation between first party and third party advertising in the Bylaw rendered it unconstitutional, and (c) the Bylaw was void for vagueness.

The Supreme Court of Appeal today ruled against the appellants. It held that the City had indeed had the necessary legislative authority, that the differentiation that there was between first party and third party advertising had a rational government purpose, and that the Bylaw was not void for vagueness. The court concluded that the Bylaw was therefore not invalid. The appeal was dismissed with costs.