



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 31 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.***

***CAPRICORN DISTRICT MUNICIPALITY v SANCO (237/2013) [2014]
ZASCA 39 (31 MARCH 2014)***

The SCA today upheld an appeal by Capricorn Municipality and Lepelle-Nkumpi Local Municipality against the decision of the North Gauteng High Court (Legodi J) in which they were ordered to repair and replace water pipes and faulty water metres in the Lebowakgomo Zone A in Limpopo within 12 months from the date of the order and pending the said repair and replacement, to charge each household not more than R70 per month for the water consumed. The SCA found that the order made by the High Court was not competent as it violated the doctrines of legality and separation of powers. The SCA also found that the order contravenes the legal framework which reserved the functions in question to the municipalities. The court said that the laying of water pipes and the repair of faulty water metres fell within the executive and legislative powers of the municipality. As to the fixing by the court of a charge of R70 for the water consumed, the SCA said that the power

to apply and implement water consumed resided in the municipalities as water service authorities and water service providers respectively.

Accordingly the SCA upheld the appeal with costs and set aside the mandatory interdicts issued by the High Court.