



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
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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 SA HACKNEY PONY BREEDERS' SOCIETY & ANOTHER

v

ADAM MAJIET

The Supreme Court of Appeal (the SCA) today upheld an appeal by the South African Hackney Pony Breeders' Society (the Society) against a judgment of the Western Cape High Court, which found that there was no requirement in the Society's constitution and by-laws for a hackney pony to be descendant of two fully registered hackney ponies to be eligible for registration as a hackney pony. The SCA held that the Society's constitution and by-laws indeed require this.

The facts showed that the previous president of the Society, Mr Dawood Davids, had sold an equine to a relative of his, Mr Majiet, assuring him at the time that it was a hackney pony, with the name Fire Highly Explosive (FHE). He gave Mr Majiet a registration certificate indicating that FHE was descendant of two hackney ponies, whose names also appeared on the certificate. It subsequently appeared, after DNA tests had been carried out, that the FHE was a cross-breed and had been sired by a hackney horse and not a hackney pony. When the Society

discovered this it had the pony deregistered. Mr Majiet was aggrieved and challenged the decision in the high court.

The SCA held that Mr Majiet's real complaint was against Mr Davids who had sold FHE to him, not against the Society. The Society's constitution showed conclusively that its objects were to promote the 'breeding and genetic improvement of hackney ponies' and to eliminate 'cross breeding'. And having discovered that FHE was a cross-breed through the DNA tests it was entitled to deregister the animal.