



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 30 March 2017

STATUS Immediate

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

Polokwane Taxi Association v Limpopo Permissions Board (490/2016) [2017] ZASCA 44 (30 March 2017)

MEDIA STATEMENT

The Supreme Court of Appeal (SCA) today upheld an appeal against a judgment by the full court of the Gauteng Division of the High Court, Pretoria in terms of which it was found that the appellant lacked the necessary standing to have instituted application proceedings.

The issue at the heart of this appeal pertained to the question whether the appellant, a legal entity capable of suing and being sued in its own name, could show that the rights of its members were intertwined with its own and that as a result, it had a legal interest in bring the application and possessed the standing to do litigate on behalf of its members. Moreover,

The Supreme Court of Appeal held that the full court's decision that a duly registered taxi association in the appellant's position lacked the requisite standing to bring proceedings on behalf of its members had potentially prejudicial future repercussions for the taxi industry as a whole. Moreover, the SCA noted that the full court had overlooked the full import of the relief sought by the appellant which had the effect that it indeed established a clear direct and substantial interest in the constitutional rights and interests of its members and that such interest clothed the appellant with the necessary standing to institute the proceedings on behalf of its members. Consequently, the appeal was upheld.

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