



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 22 September 2017

STATUS Immediate

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

Long Beach Home Owners Association v Department of Agriculture, Forestry and Fisheries (South Africa) & another (865/2016) [2017] ZASCA 122 (22 September 2017)

Media Statement

The SCA today upheld an appeal against a refusal by the High Court to review and set aside a decision by the first respondent, the Department of Agriculture, Forestry and Fisheries to refuse an application by the appellant, the Long Beach Home Owners Association, for a licence in terms of s 7(4) of the National Forests Act 84 of 1998 (The Act). The appellant represented the owners of seven properties located within a 'natural forest' in terms of the Act, who wished to construct homes on their properties. Before doing so, the requisite licence had to be obtained. It was held that the first respondent misconstrued the discretion it possessed in terms of the Act and the decision was 'materially influenced by an error of law' in the interpretation it placed upon the provisions of s 3(3)(a) of the Act. In the result the decision fell to be reviewed and set aside in terms of s 6(2)(d) of the Promotion of Administrative Justice Act 3 of 2000 and was referred back to the first respondent for reconsideration and decision.

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