

JSC INTERVIEW ROUND: APRIL 2024

CANDIDATE: ADVOCATE ALAN CHRISTOPHER DODSON SC

COURT FOR WHICH CANDIDATE APPLIES: CONSTITUTIONAL COURT

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments:

1.1. The candidate holds the following qualifications:

1.1.1. BCom (University of KwaZulu-Natal, Pietermaritzburg) (1982);

1.1.2. LLB cum laude (University of KwaZulu-Natal, Pietermaritzburg) (1984);

1.1.3. LLM (University of Cambridge) (1988); and

1.1.4. Post graduate diploma in Tax Law (University of Cape Town) (1992).

1.2. The candidate's professional admissions and honours:

1.2.1. Attorney (1987);

1.2.2. Advocate (2001);

1.2.3. Senior Counsel (2011).

2. The candidate's integrity and ethics:

2.1. No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour or is not a fit and proper person for appointment.

3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:

3.1. There are currently 10 permanent Judges on the Constitutional Court bench, comprising:

3.1.1. 4 black women (3 African, 1 Coloured);

3.1.2. 5 black men (3 African, 1 Indian, 1 Coloured); and

3.1.3. 1 white man.

3.2. The candidate is a white man.

4. The maximum time period the candidate could serve if appointed:

4.1. Section 176(1) of the Constitution provides that a Constitutional Court Judge holds office for a non-renewable term of 12 years, or until he or she attains the age of 70, whichever is the earlier, unless extended by an Act of Parliament.

4.2. Section 4(1) of the Judges Remuneration and Conditions of Employment Act 47 of 2001 provides that a Constitutional Court Judge whose 12-year term of office as a Constitutional Court Judge expires before he or she has completed 15 years' active service as a Judge must, subject to subsection (2), continue to perform active service as a Constitutional Court Judge to the date on which he or

she completes a period of 15 years' active service, whereupon he or she must be discharged as a Constitutional Court Judge.

4.3. Section 4(2) of the Act provides that a Constitutional Court Judge who, on attaining the age of 70 years, has not yet completed 15 years' active service as a Judge, must continue to perform active service as a Constitutional Court Judge to the date on which he or she completes a period of 15 years' active service as a Judge or attains the age of 75 years, whichever occurs first, whereupon he or she must be discharged as a Constitutional Court Judge.

4.4. In terms of definition (b) of "*active service*" in section 1(1) of the Act, active service includes "*any continuous period*" of "*any service performed as a Constitutional Court judge or judge*" "*in an acting capacity prior to assuming office as a Constitutional Court judge or judge in a permanent capacity*".

4.5. It would appear, therefore, that the candidate's acting stints in the Constitutional Court during the last term of 2023 and first term of 2024 constitute "*active service*" in terms of the Act.

4.6. At the time of the interviews, the candidate will be approximately 63 years and 9 months old and will have completed a period of approximately 5 years' active service as a judge (in the Land Claims Court).

4.7. If appointed, the candidate would be eligible to complete a period of up to 11 years and 2 months' active service as a Judge of the Constitutional Court.

5. The candidate's personal commitment to the values of the Constitution:

5.1. The candidate's commitment to the Constitution is reflected both in the course of his professional career, and also in his participation in community organisations that seek to give real and lived expression to rights entrenched under the Constitution.

5.2. In his final year at university, the candidate was a committee member of the Law Clinic. Through the candidate's personal efforts, the clinic obtained funding from the Ford Foundation, employed a secretary, and got external lawyers involved as supervisors. Through the candidate's efforts – notably at an early age – the Law Clinic performed a dual function of both training students and providing legal advice to underserved communities.

5.3. The candidate's commitment to human rights under challenging circumstances, is illustrated when, as a conscript, he refused to obey military orders to conduct armed patrols in townships during the state of emergency in the mid-1980s.

5.4. The candidate served as a Director and Head of the Public Interest Law Department at Mallinicks Inc. During that time, funded by the International Defence and Aid Fund, the candidate was involved in matters concerning detentions, challenging bans, police brutality, and land dispossessions. The firm also represented political activists in a treason trial.

5.5. It is commendable that the candidate has a long history of anti-apartheid work whilst a legal professional. His work included representing conscientious objectors, political prisoners, and

people generally affected by unjust laws, including the 1986 state of emergency laws.

- 5.6. In the course of his tenure as a Judge of the Land Claims Court, the candidate's commitment to human rights and the values and the needs of the community is reflected in his decisions interpreting and applying the provisions of the Constitution to land restitution, restoring dignity to many of the applicants.
- 5.7. The candidate's judgments as a Judge in the Land Claims Court are seminal and continue to be applied and upheld by the Supreme Court of Appeal and the Constitutional Court. For example, the candidate's decision in *Zulu and Others v Van Rensburg* 1996 (4) SA 1236 (LCC) was approved by the Supreme Court of Appeal in *Ngcobo and Others v Salimba CC; Ngcobo and Others v Van Rensburg* [1999] 2 All SA 491 (A).
- 5.8. The candidate is well respected and has a reputation of being a person of integrity. The candidate has gained international respect as an expert in housing rights, property restitution, constitutional law and related themes through his work, not only for the United Nations as the Chairperson of the Housing and Property Claims Commission in Kosovo, but also in delivering papers at various international conferences.
- 5.9. The candidate's professional career displays a genuine and fundamental commitment to the values of the Constitution.
- 5.10. The candidate has employed his skills as a legal practitioner to articulate and give expression to the values of the Constitution by

recognising and improving the lived experiences of those whose constitutionally entrenched rights have been infringed.

5.11. The candidate is known to act frequently for clients on a *pro bono* basis or on contingency.

5.12. The candidate has held various positions with non-governmental organisations dealing with community, land and development related issues. The candidate's involvement in these community organisations shows his commitment to human rights is both fundamental and lived.

6. The candidate's knowledge of the law, including constitutional law:

6.1. The candidate has practised as an advocate for the last 22 years and as senior counsel since 2011. The candidate has vast amount experience across many fields of law, and his judgments reveal a thorough understanding and knowledge of the law.

6.2. The candidate is well regarded as being an expert (both in practice and on the bench) in the areas of human rights and land restitution.

6.3. The candidate's expertise also extends to commercial, environmental, and labour law.

6.4. Even though the reported cases the candidate records as the most significant are those dealing with the enforcement of human rights and constitutional obligations, the candidate clearly possesses the breadth of knowledge reasonably expected from a Constitutional Court Judge given the court's expanded jurisdiction.

6.5. The candidate produces clearly-reasoned judgments which reflect an understanding of both the procedural and substantive law, which

extends to areas beyond his area of special expertise, demonstrating the candidate's versatility as a jurist commensurate and ability to contribute to the Constitutional Court's expertise as the apex court in all matters.

- 6.6. For example, in *Airports Company South Africa Ltd v Airport Bookshop (Pty) Ltd t/a Exclusive Books* 2016 (1) SA 473 (GJ), the candidate carefully analysed the requirements for a valid cancellation of a contract. While the candidate found there had not been a valid cancellation, he also dealt with the defence of a collateral constitutional challenge raised by the respondent. The candidate made a careful analysis of the applicable authority in developing the common law in the area of contract law consistent with the Constitution. The candidate's decision was upheld on appeal by the Supreme Court of Appeal, which did not address these issues.
- 6.7. The candidate has, in several unreported judgments sitting alone or as part of a full bench, showed his ability to operate within areas of the law in which he does not claim expertise.
- 6.8. The candidate's knowledge of the Constitution is woven into his judgments. His judgments – more particularly, those handed down in his capacity as a Judge of the Land Claims Court – tease out an interpretation of the legislation through the prism of the Constitution, to give effect to and advance rights enshrined in the Constitution.
- 6.9. The candidate has a firm understanding of jurisprudence and the approach thereto.

- 6.10. The candidate's judgments are consistently detailed, balanced and thoroughly researched. The candidate cites considerable case law in support of his decisions and applies or distinguishes those decisions as appropriate. This is apparent from two of the candidate's recent judgments, *LW v KCA* [2023] 4 All SA 769 (GJ) and *Corex (Pty) Ltd v Shenzhen Poweroak Newener Co Ltd and Others* (2023/071667) [2023] ZAGPJHC 917 (16 August 2023).
- 6.11. The candidate has published widely on the topics of human rights, environmental law, and the restitution of land. He has presented papers at numerous conference and workshops. These publications and presentations display the candidate's deep knowledge of the law, particularly in the area of land restitution.
- 6.12. The candidate's position as chairperson and vice chairperson of the Independent Regulatory Board of Auditors' (IRBA) Disciplinary Committee, which adjudicates enquiries into the conduct of auditors, reflects the candidate's knowledge of the law relating to auditing and company financial reporting.
- 6.13. The decision attached to the candidate's application, dealing with the question of the admissibility of improperly obtained evidence, was also considered. The evidence in question had, the respondent contended, been obtained without the respondent being informed of the right to legal representation. The candidate's decision is well-reasoned and includes an analysis of not only the South African law position, but also comparative law. This decision displays the candidate's understanding of and application of constitutional principles to matters of procedure.

- 6.14. In *Du Plessis v Independent Regulatory Board for Auditors and others* [2017] 3 All SA 137 (WCC), the court refused to review and set aside the candidate's decision finding that the applicant breached the Auditing Profession Act, 22 of 2005 on grounds of procedural unfairness. This is consistent with comments received from members of the Bar that the candidate chairs such hearings with scrupulous fairness.
- 6.15. The candidate's adjudicative role as chair of IRBA's Disciplinary Committee indicates his capacity to deal with commercial matters and matters of fraud and corruption.
- 6.16. The candidate was appointed as chairperson of the Housing and Property Claims Commission (HPCC), established by the United Nations Interim Administration Mission in Kosovo. The purpose of the HPCC was to ensure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo under article 11(k) of the UN Security Council Resolution 1244, 1999.
- 6.17. The decisions of the HPCC were either written or settled by the candidate, and the decisions that were reviewed are concise, well written and detailed. The decisions are written in plain language that will be easily understandable to the lay persons whose lives were directly affected by the decisions.
- 6.18. The candidate's contribution to the work of the HPCC, the jurisprudence of the HPCC, and its impartiality and integrity, in a politically sensitive period is discussed in the two-volume seminal publication, Cordial and Rosandhaug (Martinus Nijhoff Publishers 2009), in particular the section in Volume Two entitled: Post-

conflict Property Restitution: The Approach in Kosovo and Lessons Learnt for Future International Practice.

6.19. If appointed, the candidate will bring to the Constitutional Court, in addition to his experience as a Judge of the Land Claims Court, his international human rights experience in determining property claims as the chairperson of the HPCC.

7. Judgments of the candidate that have been overturned, upheld or commented on, on appeal:

7.1. The candidate's judgments are rarely overturned on appeal. The candidate refers to one judgment where he sat as an assessor in the Labour Appeal Court and concurred with the majority decision of Farlam J (as he then was). That decision, *Council for Scientific and Industrial Researchers v Fijen* 1996 (2) SA 1 (A), was overturned on appeal.

7.2. No other judgments by the candidate have been found which were overturned on appeal.

7.3. The candidate's judgments have been considered by other courts:

7.3.1. The Full Bench in *Benson and Another v Standard Bank of South Africa (Pty) Ltd and Others* 2019 (5) SA 152 (GJ), disagreed with the candidate's judgment in *Kgomo and Another v Standard Bank of South Africa and Others* 2016 (2) SA 184 (GP) in relation to the implications for any non-compliance with service of notices, as required under the National Credit Act.

- 7.3.2. *Kgomo and Another v Standard Bank of South Africa and Others* was approved and followed in *FirstRand Bank Ltd t/a First National Bank v Moonsammy t/a Synka Liquors* 2021 (1) SA 225 (GJ).
- 7.3.3. The candidate's test on what constitutes racial discriminatory laws and practices for the purpose of section 25(7) of the Constitution, laid down in the decision of *Minister of Land Affairs of the Republic of South Africa and Another v Slamdien and Others* 1999 (4) BCLR 415 (LCC), was rejected by the Constitutional Court in *Alexkor Ltd and Another v Richtersveld Community and Others* 2004 (5) SA 460 (CC).
- 7.3.4. The candidate's decision in the matter of *Changing Tides 17 (Pty) Ltd NO v Vitex Investments 878 CC and Another* [2012] ZAGPJHC 273 paras 22 – 24 was criticised by Spilg J in *Changing Tides 17 (Pty) Ltd N.O v Congwane* (2015/94919) [2016] ZAGPJHC 128 (30 May 2016).
- 7.3.5. Juta Law Reports incorrectly reflect that the judgment of the candidate in the matter of *Bondev Midrand (Pty) Limited v Rasalanavho and Others* (47616/2014) [2015] ZAGPPHC 538 (10 June 2015) was criticised. On the contrary, the judgment was upheld in both an application for leave to appeal and by the Supreme Court of Appeal hearing a similar matter, *Bondev Midrand (Pty) Ltd v Puling and another* 2017 (6) SA 373 (SCA).

7.3.6. The candidate's decisions as a Judge of the Land Claims Court remain authoritative decisions, particularly in the area of land restitution. For example:

7.3.7. The decision of *Farjas (Pty) Ltd and Another v The Regional Claims Commissioner, KwaZulu-Natal*, 1998 (2) SA 900 (LCC), is considered by the Land Claims Court as authoritative in the right to administrative justice in the decisions of *Dew Crisp Properties (Pty) Ltd v Regional Land Claims Commissioner, Gauteng Province and Another* [2017] ZALCC 23 (27 September 2017); *Blue Horison Investments 10 (Pty) Ltd and Another v Regional Land Claims Commissioner, Mpumalanga and Another* [2012] ZALCC 18 (30 January 2012); *Mahlangu NO v Minister of Land Affairs and Others* ZASCA 74 (14 September 2004).

7.3.7.1. *In re Kranspoort Community* 2000 (2) SA 124 (LCC) has been approved and applied by the Constitutional Court in *Department of Land Affairs and Others v Goedgelegen Tropical Fruits (Pty) Ltd* 2007 (6) SA 199 (CC), the Supreme Court of Appeal in *Prinsloo and Another v Ndebele-Ndzundza Community and Others* 2005 (6) SA 144 (SCA), and the Land Claims Court in *Mahonisi Royal Family and Community and Others v Minister of Rural Development and Land Reform and Others* [2023] ZALCC 31 (10 October 2023).

7.3.8. Similarly, the other decisions that the candidate refers to as his most significant in his capacity as a Land Claims Court

Judge, namely, *Chief Nchabeleng v Chief Phasha* 1998 (3) SA 578 (LCC); *Hlatshwayo and Others v Hein* 1999 (2) SA 834 (LCC); and *Minister of Land Affairs and Another v Slamdien* 1999 (4) BCLR 413 (LCC), remain authoritative decisions referred to by not only the Land Claims Court, but also appeal courts.

7.4. The candidate's judgments in the area of land reform have been analysed and considered by appeal courts. While the appeal courts may not always have agreed with his decisions, his clear analysis of the legal issues reflected in his judgments have added to the body of knowledge, particularly in the area of land reform.

7.5. It is noteworthy that the areas of disagreement between the candidate, sitting as a Judge, and other courts, has not been because of the candidate's failure to apply himself. Instead, it is clear that even when other courts disagree with the candidate, that is for reasoned differences rather than, for example, the candidate's failure to fully consider an issue.

8. **The extent and breadth of the candidate's professional experience:**

8.1. The candidate has extensive judicial and quasi-judicial experience.

8.2. The candidate has extensive experience as a legal practitioner, by virtue of his experience as an attorney, the director of the constitutional litigation unit for the Legal Resources Centre, and a practising advocate for some 22 years.

8.3. The candidate was appointed as a Judge for a five-year non-renewable term, as a member of the first Land Claims Court between 1995 to 2000.

- 8.4. The candidate has served as an Acting Judge on at least 9 occasions in the past 11 years. Most recently, the candidate was appointed as an Acting Judge of (i) the Constitutional Court for the duration of November 2023 and (ii) the Gauteng Division of the High Court for 4 weeks in 2023.
- 8.5. In 2000, the candidate was appointed as the chairperson the HPCC in Kosovo, to adjudicate housing disputes emanating from the Kosovo civil war. The candidate served in that position until 2007 when all matters placed before the committee were adjudicated. The candidate wrote or settled the decisions of the HPCC for the area of Kosovo (over 29,000 during a period of time when the candidate was a practising advocate).
- 8.6. The candidate has served as both the vice-chair (2006 to 2011) and the chairperson (2011 to 2020) of IRBA's Disciplinary Committee. Those decisions of IRBA's Disciplinary Committee in the period 2011 to 2020 were similarly that of the candidate. These decisions cover complex areas of commercial, regulatory, procedural, and financial law.
- 8.7. The candidate has extensive experience as a practising advocate over a period of 22 years. Prior to being called to the Bar, the candidate was appointed as a Judge in the Land Claims Court for 5 years (1995 – 2000). He has also regularly and for extended periods acted as a Judge in the High Court (20 weeks), the Land Claims Court (4 weeks) and the Labour Court (1 week). The candidate was recently appointed as an Acting Judge of the Constitutional Court in November 2023 and will be acting in the first term of 2024. He has delivered in excess of 50 judgments.

8.8. The candidate has extensive and broad professional legal experience.

9. The candidate's linguistic and communication skills:

9.1. The candidate writes clear, concise and well-reasoned judgments.

9.2. The candidate is an excellent linguist and has an enviable ability to identify and to distil complex legal issues into simple and understandable terms.

9.3. The candidate gives a clear exposition of his interpretation of the facts, the issues in dispute and the law, in a structured and logical format allowing the reader to follow the reasoning arrived at by the candidate.

9.4. As a Land Claims Court Judge, the candidate referred to and relied on various academic writings to develop the common law in the area of property law, with reference to the Constitution and, in particular, interpreting the rights enshrined in terms of the Constitution.

9.5. The candidate's carefully crafted judgments show parity and even-handedness in the dispensing of judgments.

10. The candidate's ability to produce judgments promptly:

10.1. The candidate is known to produce well-written judgments quickly. All the judgments reviewed were produced in a reasonable period of time.

10.2. The candidate disclosed that there are two reserved judgments still outstanding at the date of his application from his recent

appointment as an Acting Judge of the Constitutional Court (November 2023).

- 10.3. As at the date of this report, the decisions remain outstanding.
- 10.4. Given that the Constitutional Court is a multi-member Court, it is not clear whether these delays as reported by the candidate are attributable to him alone. The reviewers have no way to verify this. Beyond this, the reviewers are satisfied that from the evidence available, the candidate can produce judgments on time.
11. **The candidate's ability to conduct court proceedings fairly, efficiently and effectively:**
 - 11.1. The candidate has 38 years' experience in various capacities as a legal practitioner, including 5 years as a Judge of the Labour Court.
 - 11.2. The candidate's reasoned judgments show that he has a sound sense of fairness and acts impartially. The candidate's judgments reflect a good understanding of the rules of court, the rules of evidence and a commitment to procedural fairness.
 - 11.3. The candidate has a calm and courteous manner in his dealings with representatives before the court. The candidate's judgments show that he has managed to bring cases to finality in an objective, impartial and practical manner, and demonstrate his ability to conduct court proceedings in an efficient and effective manner.
 - 11.4. Members of the Bar who have appeared before the candidate report that the candidate conducts proceedings efficiently, with scrupulous fairness, and with the necessary decorum. The candidate is reported to be a hard worker, prepared to sit outside of

ordinary hours to finalise matters and to grapple in detail with complicated factual scenarios. This has also been evident from the candidate's performance as an Acting Judge of the Constitutional Court during his recent acting stint.

12. The candidate's independent mindedness:

12.1. The candidate's judgments reflect the independent but openminded mentality that should be expected of a Judge.

13. The candidate's administrative ability (other than in relation to court proceedings):

13.1. In his application, the candidate states that he was involved in the work to establish the Land Claims Court in 1995, in addition to his judicial duties. This work included the establishment and overseeing of the library, the development of a judgment writing style, coordinating the reporting of the Land Claims Court's judgments, and setting up an intern system. This is indicative of the candidate's administrative ability.

13.2. The candidate's involvement in NGOs, both as a trustee and a board member, displays the candidate's administrative ability.

13.3. The candidate has held several positions of leadership of bodies and committees, within and outside the legal profession, whilst managing a demanding professional life.

13.4. The candidate is known as an Acting Judge who prepares diligently for hearings and has a thorough knowledge of the matters proceeding before him.

13.5. There is no reason to believe that the candidate does not have the appropriate administrative ability.

14. **The message that the candidate's appointment would send to the public at large:**

14.1. In light of the candidate's diligence, legal insight and experience and his commitment to the values of the Constitution, the candidate's appointment would send a positive message to the community at large for the following reasons:

14.1.1. The candidate's professional career has been dedicated to the defence and expression of constitutional rights, and to public service in the courts and other fora such as IRBA's Disciplinary Committee.

14.1.2. This candidate's professional experience and service to date exemplifies the character of a person that would be appropriately appointed to the Constitutional Court, even though he is not a sitting Judge, for which the Constitution specifically makes provision.

14.2. The candidate's appointment would also reflect a willingness to appoint Judges to the Constitutional Court directly from practice.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

1. Reported judgments:

- 1.1. *Airports Company South Africa Ltd v Airports Bookshop (Pty) Ltd t/a Exclusive Books* 2016 (1) SA 473 (GJ)
- 1.2. *Atkinson v Van Wyk and Another* 1999 (1) SA 1080 (LCC)
- 1.3. *Chief Nchabeleng v Chief Phasha* 1998 (3) SA 578 (LCC)
- 1.4. *De Kock v Juggels and Another* 1999 (4) SA 43 (LCC)
- 1.5. *Esterhuyze v Khamadi* 2001 (1) SA 1024 (LCC)
- 1.6. *Farjas (Pty) Ltd and Another v Regional Land Claims Commissioner, KwaZulu-Natal* 1998 (2) SA 900 (LCC)
- 1.7. *FNM v Refugee Appeal Board and Others* 2019 (1) SA 468 (GP)
- 1.8. *Hen-Boisen and Another NNO v Loliwe* 2000 (1) SA 796 (LCC)
- 1.9. *In Re Kranspoort Community* 2000 (2) SA 124 (LCC)
- 1.10. *In Re Farmerfield Communal Property Trust* 1999 (1) SA 936 (LCC)
- 1.11. *Kanhym (Pty) Ltd v Mashiloane* 1999 (2) SA 55 (LCC)
- 1.12. *Kgomo and Another v Standard Bank of South Africa and Others* 2016 (2) SA 184 (GP)
- 1.13. *Khuzwayo v Dlodla* 2001 (1) SA 714 (LCC)
- 1.14. *LW v KCA* [2023] 4 All SA 769 (GJ)
- 1.15. *Malan v Gordon and Another* 1999 (3) SA 1033 (LCC)

- 1.16. *Mahlangu and Another v Van Eeden and Another* [2000] 3 All SA 321 (LCC)
- 1.17. *Malangu v De Jager* 1996 (3) SA 235 (LCC)
- 1.18. *Member of the Executive Council for Health, Gauteng Provincial Government v PN 2021* (6) BCLR 584 CC
- 1.19. *Minister of Land Affairs of the Republic of South Africa and Another v Slamdien* 1999 (4) BCLR 415 (CC)
- 1.20. *Municipal Manager O.R. Tambo District Municipality and Another v Ndabeni* [2022] ZACC 3
- 1.21. *Moshoeshoe and Another v Firstrand Bank Ltd and Others* [2018] 2 All SA 236 (GJ)
- 1.22. *Ngcobo and Another v Van Rensburg and Others* 1992 (2) SA 525 (LCC)
- 1.23. *Pickard v Stein and Others* 2015 (1) SA 439 (GJ)
- 1.24. *Sentrale Karoo Distriksraad v Roman; Sentrale Karoo Distriksraad v Koopman; Sentrale Karoo Distriksraad v Krotz* 2001 (1) SA 711 (LCC)
- 1.25. *Van Zyl NO v Maarman* 2001 (1) SA 957 (LCC)
- 1.26. *Zulu and Others v Van Rensburg and Others* 1996 (4) SA 1236 (LCC)

2. Unreported judgments:

- 2.1. *Changing Tides 17 (Pty) Ltd NO v Vitex Investments 878 CC and Another* [2012] ZAGPJHC 273 (26 October 2012)

- 2.2. *Corex (Pty) Ltd v Shenzhen Poweroak Newener Co Ltd and Others* (2023/071667) [2023] ZAGPJHC 917 (16 August 2023)
- 2.3. *De Jager and Sons v Khumalo* [1999] ZALCC 23 (14 May 1999)
- 2.4. *Henred Fruehauf (Pty) Ltd v Hlongwane NO and Others* (JR1982/2009) [2012] ZALCJHB 82 (8 August 2012)
- 2.5. *J.S. Beukes (Edms) Beperk t/a Dennegeur Boerdery v Jagers and Others* [2000] ZALCC 2 (18 January 2000)
- 2.6. *Nkosi v Road Accident Fund* (08/25592) [2018] ZAGPPHC 597 (12 July 2018)
- 2.7. *Rochville Properties (Pty) Limited and Another v City of Tshwane Metropolitan Municipality and Another* (82807/2016) [2018] ZAGPPHC 496 (15 June 2018)

3. Judgments upheld on appeal:

- 3.1. *Airports Company South Africa Ltd v Airport Bookshops (Pty) Ltd t/a Exclusive Books* 2017 (3) SA 128 (SCA)
- 3.2. *Ngcobo and Others v Salimba CC; Ngcobo v Van Rensburg* 1999 (2) SA 1057 (SCA)

4. Judgments overturned on appeal:

- 4.1. The candidate, as an assessor, concurred with the decision of Farlam J in *Fijen v Council for Scientific and Industrial Researchers* (1994) 15 ILJ 759. This decision was overturned on appeal in *Council for Scientific and Industrial Research v Fijen* 1996 (2) SA 1 (A)

5. Appeals / full bench where the candidate concurred with the majority decision:

5.1. *Ex Parte North Central and South-Central Metropolitan Substructure Councils of the Durban Metropolitan Area and Another* 1998 (1) SA 78 (LCC)

5.2. *Hlatshwayo and Others v Hein* 1999 (2) SA 834 (LCC)

5.3. *Manana and Others v Johannes* 1999 (1) SA 181 (LCC)

5.4. *Zulu and Others v Van Rensburg* [1996] ZALCC 2 (17 May 1996)

5.5. *Khumalo and Others v Potgieter and Others* (LCC34/99) [1999] ZALCC 59 (5 November 1999)

6. The courts in the following matters, referred to and followed the decisions of the candidate:

6.1. *Blue Horison Investments 10 (Pty) Ltd and Another v Regional Land Claims Commissioner, Mpumalanga and Others* (LCC 115/2010) [2012] ZALCC 18 (30 January 2012)

6.2. *Boltman v Kotze Community Trust Re: Farm Quisberg 805 District of Calvinia* (LCC5/99) [1999] ZALCC 36 (11 August 1999)

6.3. *City Council of Springs v Occupants of the Farm Kwa-Thema 210* (LCC10R/98) [1999] ZALCC 40 (2 September 1999)

6.4. *Department of Land Affairs and Others v Goedgelegen Tropical Fruits (Pty) Ltd* 2007 (6) SA 199 (CC)

- 6.5. *Former Highlands Residents Re: Area formerly known as The Highlands (now Newlands Extension 2) Pretoria In Re: Sonny v Department of Land Affairs* (LCC116/98) [1999] ZALCC 65 (30 November 1999)
- 6.6. *Halle and Another v Downs* (LCC18/01) [2001]ZALCC 13 (10 May 2001)
- 6.7. *Hadebe v Hadebe and Another* (LCC138/99) [2000] ZALCC 20 (14 June 2000)
- 6.8. *Lappeman and Others v Mphela NO and Others* (LCC37/02) [2003] ZALCC 26 (27 November 2003)
- 6.9. *Land & Landbouontwikkelingsbank van South Afrika v Conradie* [2005] 4 All SA 509 (SCA)
- 6.10. *Mahlangu NO v Minister of Land Affairs and Others* (572/2003) [2004] ZASCA 74 (14 September 2004)
- 6.11. *Mahonisi Royal Family and Community and Others v Minister of Rural Development and Land Reform and Others* (LCC29/2015) [2023] ZALCC 32 (10 October 2023)
- 6.12. *Mlifi v Klingenberg* (LCC2/97) [1998] ZALCC 7 (3 August 1998)
- 6.13. *Ncholo Trust v Mphofu and Another* (LCC6R/2014) [2014] ZALCC 8 (19 March 2014)
- 6.14. *Pretorius v Beginsel and Another* (LCC94R/01) [2001] ZALCC 52 (13 December 2001)
- 6.15. *Prinsloo and Another v Ndebele-Ndzundza Community and Others* 2005 (6) SA 114 (SCA)

- 6.16. *Storm v Absa Technology Finance Solutions (Pty) Ltd; In re Absa Technology Finance Solutions (Pty) Limited v Le Bros Auto Electrical Sales and Services* (34754/2016) [2017] ZAGPPHC 211 (19 May 2017)
- 6.17. *Van Zuydam v Zulu* (LCC27/98) [1999] ZALCC 10 (3 March 1999)