

VACANCY: JUDGE OF THE SUPREME COURT OF APPEAL

Candidate: Judge Gerald Hercules Bloem

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments
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- 1.1. The candidate holds the following tertiary qualifications:
- BA, University of the Western Cape (1980);
 - Secondary Teachers Diploma, University of the Western Cape (1981);
 - LLB, Rhodes University (1986).
- 1.2. The candidate holds the following professional admissions and honours:
- admitted as an attorney in 1990;
 - admitted as an advocate in March 1996;
 - conferred senior counsel status in 2010.
- 1.3. The candidate was permanently appointed to the following judicial roles:
- Judge of the High Court (Eastern Cape Division) on 1 June 2015.
- 1.4. The candidate has acted in the following roles:
- Judge of the Supreme Court of Appeal for 47 weeks.

2. The candidate's integrity and ethics
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- 2.1. No circumstances are known to the reviewers 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. The racial and gender composition of the bench
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- 3.1. As far as could be ascertained, there are currently 23 permanent justices of the Supreme Court of Appeal:
- 9 black women (6 African, 2 Coloured, 1 Indian)

- 7 black men (3 African, 3 Coloured, 1 Indian)
- 3 white women
- 4 white men

3.2. According to the questionnaire, the candidate is a Coloured man.

4. The maximum period the candidate could serve if appointed

4.1. At the time of the interviews, the candidate will be approximately 66 years and 8 months old and will have completed a period of approximately 11 years and 4 months of service as a judge. If appointed, the candidate would be eligible to serve as a Justice of the Supreme Court of Appeal for a period of up to 3 years and 8 months.

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

- 5.1. The candidate appears to be committed to the values of the Constitution.
- 5.2. He was employed by the Legal Resources Centre in Grahamstown, serving as clerk, attorney, and advocate, during which time he represented indigent people. By ensuring access to justice for people who cannot afford legal representation, he helped bridge the gap between constitutional ideals and lived realities.
- 5.3. The candidate served twice as chairperson of the Eastern Cape Society of Advocates (in 2012 and 2016) and as chairperson of Advocates for Transformation in Makhanda (from 2006 to 2015).
- 5.4. These positions reflect an active pursuit of dismantling systemic barriers for black practitioners, aimed at ensuring a transformed profession that reflects the country's demographics.

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

- 6.1. The judgments reviewed are well written, well reasoned, and show that the candidate has a good knowledge of the law, including constitutional law.
- 6.2. Through his judgments, the candidate demonstrates particular strengths in statutory construction, structured identification of dispositive issues, evidentiary analysis, and the practical application of constitutional rights. The work ranges from intellectual property and commercial disputes to procurement, family law, criminal sentencing, police detention, environmental regulation, and customary-law rights.

- 6.3. The strongest feature is the candidate's ability to reduce technically dense disputes to their legally determinative propositions without losing sight of the factual record.
- 6.4. Some of his judgments have been overturned on appeal on grounds such as prescription and failure to exhaust internal remedies before approaching the court. (These judgments are discussed below).
- 6.5. The candidate's recent SCA judgments show a disciplined textual, contextual, and purposive approach to interpretation and application of law:
- In *Twenty-Third Century Systems (Pty) Ltd v SAP Africa Regional (Pty) Ltd* 2025 (6) SA 247 (SCA), the candidate separated primary performance obligations from secondary obligations arising after repudiation. He read the survival clause in the agreement as a whole, holding that the limitation-of-liability and contractual time-bar clauses survived termination. The reasoning is economical, rooted in established authority, and commercially coherent.
 - In *DM v CM* 2025 (6) SA 76 (SCA), the candidate resolved conflicting High Court interpretations of section 6(3) of the Matrimonial Property Act 88 of 1984. The judgment distinguished (i) an antenuptial contract in which commencement values have been agreed, (ii) an antenuptial contract with no declared value, and (iii) a subsequent unilateral statement. It connected the statutory text with ordinary contractual principle and the presumption against altering the common law without clear language. The result supplies useful certainty in accrual litigation.
 - In *Smith v Legal Practitioners Fidelity Fund Board* 2025 (3) SA 476 (SCA), the candidate applied the statutory notion of "entrustment" claim by claim, rather than treating the payment of money into an attorney's trust account as conclusive. The distinction between a trust account used as a conduit for an investment and money held for a client's benefit was fact-sensitive and explains why only one of four claims succeeded.
 - In *Zeal Health Innovations (Pty) Ltd v Minister of Defence and Military Veterans* 2025 JDR 0042 (SCA), the candidate linked s 38(2) of the Public Finance Management Act to constitutional expenditure control and the invalidity of the procurement decision. The judgment separately addressed the constitutional remedial question under section 172(1)(b) of the Constitution, preserving an innocent service provider's right to establish payment for services rendered. This

reflects a sound understanding that invalidity and remedy are analytically distinct issues.

6.6. The judgments support a conclusion that the candidate is alert to constitutional principles.

- In *Stern NO v Minister of Mineral Resources* 2017 JDR 1717 (ECG), the candidate reviewed and set aside petroleum regulations on the grounds that the Minister lacked the enabling power and that the consultation process was procedurally unfair. On appeal, the SCA dismissed the Minister's appeal and agreed with the candidate's conclusion that the Mineral Resources Minister lacked power to regulate matters reserved to the Environment Minister under the "*One Environmental System*" (discussed more fully below).
- In *Sustaining the Wild Coast NPC v Minister of Mineral Resources and Energy* 2022 (2) SA 585 (ECG), the candidate recognised that meaningful consultation must be accessible to affected customary communities. The judgment considered English- and Afrikaans-language newspaper notices, inaccessible to many isiXhosa- and isiMpondo-speaking communities, as inadequate in context. It also treated customary fishing, spiritual, and cultural interests as legally cognisable constitutional concerns, and applied the environmental precautionary principle to the extensive expert evidence. The full court later set aside the exploration right and renewals in the merits phase, while declining to decide the alternative NEMA relief.
- The SCA later (in *Minister of Mineral Resources and Energy v Sustaining the Wild Coast NPC* 2024 (5) SA 38 (SCA)) held that the High Court had erred by not considering just and equitable relief and made an unnecessarily far-reaching statement regarding new oil and gas exploration and climate commitments. It suspended the setting-aside orders pending a renewal application. However, this finding did not attach to the candidate's judgment, as it was an interim order, expressly pending determination in Part B. The SCA confirmed the core finding of the candidate's judgment: that the consultation process was inadequate, that relevant cultural, livelihood, and coastal-management considerations had been omitted, and that the grant was reviewable. This confirmation underscores the candidate's constitutional and customary-law insight.
- In *Mlombo v Minister of Police* 2023 JDR 3142 (ECB), the candidate applied section

12(1)(a) of the Constitution and the principle in *S v Bogaards*: a warrant is not itself the legal basis for detention; the foundation is the court order. On uncontested evidence that the magistrate ordered release on warning, the candidate held the subsequent 39-day detention unlawful. The judgment demonstrates both constitutional fidelity and close attention to the evidentiary record.

6.7. The criminal law judgments of the candidate display close engagement with the charge, trial record, statutory sentencing regime, and the particular evidence relied upon.

- In *S v Ntuli* 2025 (2) SACR 157 (SCA)¹, the candidate wrote the majority judgment. He treated the state’s failure to seek a timeous ruling on hearsay evidence of the complainant’s age as fatal to proof of an essential element for the life-sentence regime. The judgment tied that conclusion to the accused’s section 35(3)(a) fair-trial right while imposing a substantial 15-year sentence for rape under section 51(2).
- In *S v Ncombo* 2017 (2) SACR 683 (ECG), the candidate differentiated a continuous sexual assault from separate rapes by considering the interruption, intervening discussion, renewed penetration and renewed intent. The judgment neither multiplied penetrations nor overlooked the seriousness of the conduct.
- In *S v Jonga* 2020 (1) SACR 550 (ECG), the candidate identified two sentencing errors: reliance on untested allegations of prior conduct and an insufficiently reasoned rejection of a correctional-supervision report admitted by agreement. The resulting suspended sentence was reasoned by reference to the offender’s age, poverty, small quantity of drugs, cooperation and guilty plea—not simply sympathy.
- In *S v Myeni* 2019 (1) SACR 360 (ECG), the candidate sustained convictions arising from a complex cyber-fraud scheme only after testing accomplice evidence against objective electronic material, admissions, the chronology of events and corroboration. He also explained why the recovery of most funds was fortuitous rather than mitigating.

6.8. The following candidate’s judgments show an appreciation of practical justice, court efficiency and the protection of state resources:

- *Zeal Health* is an example of remedial pragmatism in that an invalid procurement

¹ Erroneously reflected in the candidate’s application as “*Ntuli v S* (20730/2014 [2025] ZASCA 53 (9 May 2025); 2025 (2) SCA 157 (SCA)”

contract did not automatically eliminate the innocent contractor's claim for the value of work performed.

- *Mlombo* not only dealt with the legal consequences of unlawful detention, but also confined recoverable appearance costs to two days because the evidence and submissions could reasonably have been completed within that period.
- In *Lawrie v Nursing Response CC* 2016 JDR 0896 (ECG), the candidate separated jurisdiction from the merits. He corrected the court below's erroneous view that only the Labour Court could adjudicate the application, but dismissed the appeal on the merits because the settlement was a valid compromise and its terms were not contrary to public policy.
- In *Eastern Cape Transport Tertiary Co-operative and Others v National Director of Public Prosecutions and Others* (Case number 2284/2021 delivered in Makhanda on 31 May 2022), the candidate dismissed an application to reconsider three *ex parte* preservation orders granted under the Prevention of Organised Crime Act 121 of 1998 ("POCA") over credit balances in numerous accounts. The judgment was prompt (heard on 26 May 2022, with judgment delivered on 31 May 2022), structured, evidence-conscious, and purposive. The candidate addressed inaccuracies in the NDPP's founding material, rejected unauthenticated expert material, and managed procedural issues by allowing the UIF respondents to adduce proof and respond. The candidate also issued a tailored costs order.

6.9. In *Barel v Popular Trading CC and Others* 2025 JDR 2703 (SCA), the candidate dissented from the majority. The majority held that the continued use of the mark after notice of the registered proprietor's rights constituted counterfeiting. The candidate concluded that the importer of genuine Italian-manufactured footwear had not intended its goods to be confused with those of the South African registered trade-mark owner, and that this lack of intent to deceive prevented counterfeiting.

- The dissent is detailed, identifies the competing constructions of "*calculated*", engages the statutory criminal character of counterfeiting and explains the unusual factual setting. It shows intellectual independence; however, a possible concern is that the candidate's reading introduced a *mens rea* requirement that the majority rejected on these facts.

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

7.1. The candidate has disclosed that 11 judgments have been taken on appeal. On appeal, six judgments have been upheld, and five judgments have been overturned.

7.2. The judgments of the candidate upheld on appeal are:

- *Loni v MEC for Health, Eastern Cape Bhisho* (unreported judgment, High Court of South Africa, Eastern Cape Local Division, Bhisho, case no. 242/12 (26 March 2015))
 - This case involved the extinctive prescription of a claim for damages arising from medical negligence. The plaintiff, who was injured in 1999 and given further treatment in 2001, was informed by an expert in 2011 that his ongoing condition was attributable to the negligent treatment he had received about a decade before. He instituted a claim for damages in 2012.
 - In response to a special plea of prescription, the plaintiff argued that he acquired the knowledge necessary to institute his claim only in 2011.
 - The candidate upheld the special plea of prescription on the basis that the plaintiff had acquired the requisite knowledge long before 2011.
 - The candidate's judgment was upheld by the full court and ultimately by the Constitutional Court in *Loni v MEC for Health, Eastern Cape* 2018 (3) SA 335 (CC), which found that an objective assessment of the facts had been appropriately applied by the courts below, and that the plaintiff had acted unreasonably in delaying the institution of his claim.
- *Stern NO v Minister of Mineral Resources* [2017] ZAECGHC 109
 - The candidate reviewed and set aside the Regulations for Petroleum Exploration and Production 2015 (the Regulations) promulgated under the Mineral and Petroleum Resources Development Act 28 of 2002 on the ground that the Minister of Mineral Resources was not empowered to make most of them.

- On appeal in *Minister of Mineral Resources v Stern NO and Others and a related matter* [2019] 3 All SA 684 (SCA), the SCA dismissed the appeal, agreeing that most of the Regulations fell within the exclusive competence of the Minister of Environmental Affairs. Therefore, the majority of the Regulations were *ultra vires*. Because any separation of those *ultra vires* provisions from the provisions that were valid was complicated and impractical, the whole of the Regulations fell to be set aside.
- *S v Makeleni* (Makhanda Case Number: 74/2015)²
 - This judgment deals with the State's request to reserve three questions of law under s 319(1) of the Criminal Procedure Act. The candidate had convicted Makeleni of murder and unlawful possession of a firearm and ammunition, but acquitted him of robbery with aggravating circumstances, substituting theft. The basis was that, while the circumstantial evidence proved Makeleni had killed the deceased and taken the firearm, ammunition and cell phone, it did not prove beyond reasonable doubt that he used violence with the intention of overcoming resistance to the taking of those items—an essential element of robbery.
 - The candidate refused the State's request to reserve its three proposed questions. Applying *S v Basson*, *DPP, Gauteng v Pistorius*, and *Magmoed v Janse van Rensburg*, he held that the State was, in substance, challenging factual inferences concerning intention, rather than identifying a true question of law. Such a challenge fell outside the limited statutory route available to the State following an acquittal.

7.3. The following judgments of the candidate identified as being upheld on appeal were not found by the reviewers:

- *Qwememe and Others v The National Director of Public Prosecutions* (Bhisho Case Number: 298/2018);³
- *Ndlambe Local Municipality v Trustees for the time being of the Ferrymans Trust*

² Despite a thorough online search, no appeal judgment could be found by the reviewers. The reviewers note that in the absence of a reserved question of law, there could be no statutory state appeal through the Criminal Procedure Act.

³ This judgment is penned by Dawood J, and not the candidate.

(Makhanda Case number 241/2021);⁴ and

- *S v Stander* (Makhanda Case number 19/2023).⁵

7.4. The judgments of the candidate overturned on appeal are:

- *Badenhorst NO and Others v Minister of Forestry, Fisheries and the Environment NO and Others* 2023 JDR 4209 (ECMA)
 - A review of a decision to approve three environmental authorisations issued in terms of the National Environmental Management Act 107 of 1998; the candidate reviewed and set aside the authorisations on the following grounds:
 - One of the authorisations had been granted despite the location of the proposed activities not being described as required by regulation 26(c)(iv) of the Environmental Impact Assessment Regulations; and
 - The authorisations were granted without approved environmental management programmes, as required by regulation 26(d)(iv) of the Environmental Impact Assessment Regulations.
 - The candidate remitted the applications for environmental authorisation to the decision-maker for reconsideration, together with a list of factors to be considered in that process.
 - The judgment of the candidate was overturned in *Minister of Forestry, Fisheries and the Environment and Others v Badenhorst NO and Others* [2025] ZASCA 68; 2025 JDR 2374 (SCA). The SCA held that the candidate should have found that the applicant had not exhausted its internal remedies in respect of two of the environmental authorisations before approaching the court, and that, absent an application for exemption, the court lacked jurisdiction to review and set aside those decisions.

⁴ Despite a thorough online search, neither the judgment *a quo* nor appeal judgments could be found by the reviewers.

⁵ Despite a thorough online search, neither the judgment *a quo* nor appeal judgments could be found by the reviewers.

- The SCA held that the remaining environmental authorisation was not capable of implementation, as it was conditional on further steps being taken first. Given that the environmental authorisation was not yet final, the candidate ought not to have reviewed it and set it aside.
- *Busuku v Road Accident Fund* [2018] ZAECHMHC 72
 - In a claim against the Road Accident Fund (“RAF”), the plaintiff had not completed the “*medical report*” section of the claim form contemplated in section 24 of the Road Accident Fund Act 56 of 1996 (“RAF Act”).
 - The trial court held that the submission of an incomplete claim form had no legal effect, and that the plaintiff’s claim against the RAF had accordingly prescribed.
 - The full court, of which the candidate was a member, upheld an appeal.
 - The majority held that the trial court had erroneously failed to consider whether the hospital notes and serious injury assessment report were sufficient to render the claim valid, and referred the matter back to the trial court to consider this question.
 - The candidate wrote a minority judgment in which he agreed with the trial court’s finding that the plaintiff’s claim had prescribed.
 - In *Road Accident Fund v Busuku* 2023 (4) SA 507 (SCA), the SCA overturned the judgments of both the trial court and the full court. It recognised that the RAF had accepted that the claim was timeously lodged and objected only to the absence of the medical report. The prescribed requirements on the medical report were directory and, as such, only substantial compliance was required. Since the information that would have been contained in the medical report was, for the most part, contained elsewhere, such as in the hospital records, the claimant had complied with the requirements.
 - Moreover, the RAF had not objected to the claim, and it was therefore deemed to be valid in all respects.
 - In the circumstances, the SCA held that the plaintiff’s claim had not prescribed

- *Van Zyl NO v Road Accident Fund* (unreported judgment, High Court of South Africa, Eastern Cape Division, Grahamstown, case no. 761/2018 (11 December 2018))
 - In this case, the candidate dismissed a claim against the RAF on the basis that it had prescribed. The claim was brought on behalf of a person who had sustained serious brain injuries, with the result that he had reduced mental capacity and was unable to manage his own affairs.
 - The claimant did not fall into the classes of persons expressly protected against prescription under section 23 of the RAF Act, namely minors, persons detained in terms of mental health legislation, and persons under curatorship. Section 23 further excludes the application of any law that would allow for a different prescription period, including the Prescription Act 68 of 1969. The candidate accordingly held that the statute was inapplicable and the claim had prescribed in terms of section 23 of the RAF Act.
 - The SCA dismissed an appeal against the candidate's judgment and order, finding that prescription was regulated exclusively by section 23 of the RAF Act.
 - The Constitutional Court upheld the claimant's appeal in *Van Zyl NO v Road Accident Fund* 2022 (3) SA 45 (CC). The majority of the Court, per Jafta J, held that section 23 of the RAF Act was under-inclusive of creditors who most needed its protection. Such creditors are, however, protected by the common-law impossibility principle, which recognises that the claimant's diminished capacity rendered it impossible for him to comply with section 23 of the RAF Act. For as long as his condition persisted, prescription would not run against his claim.
- *Gajjar v Drake Flemmer and Orsmond Inc and Another*⁶
 - The plaintiff instituted an action for professional negligence against a law firm, Le Roux Incorporated (LRI), for allowing a claim for damages

⁶ Despite a thorough online search, neither the judgment *a quo* nor its case number could be found by the reviewers.

against a second law firm, Drake Flemmer & Orsmond Inc (DFO), to prescribe. The claim against DFO arose from the under-settlement of a claim against the RAF.

- The question before the court was the appropriate time at which the damages sustained by the plaintiff were to be assessed.
- The candidate found that the plaintiff's claim for damages against DFO arose on 21 December 1999, when the claim against the RAF was settled. LRI issued summons against DFO on the plaintiff's behalf on 21 April 2005, after the claim had prescribed. Following a series of delays in the litigation, the plaintiff instituted his claim against LRI on 12 June 2012.
- The trial commenced on 23 November 2015. Although the candidate awarded damages to the plaintiff, he held that the plaintiff had unreasonably delayed in instituting his claim against LRI, and that it would cause undue hardship to order payment of damages at the 2016 monetary value. He therefore reduced the plaintiff's damages by the inflation rate over the relevant period, resulting in a 43.69% reduction in damages payable to the plaintiff.
- On appeal in *Drake Flemmer and Orsmond Inc and Another v Gajjar* 2018 (3) SA 353 (SCA), the SCA held that the candidate had correctly rejected the date of settlement by DFO as the appropriate date for the assessment of the plaintiff's damages, but held that the 43.69% reduction in damages was unsound in law and unjustified on the facts. No legal principle entitles a court to reduce damages because of a delay in bringing a case to trial.
- The SCA held that the candidate should have calculated the damages due to the plaintiff with reference to the nominal value of his damages as at the notional trial date in respect of his claim against the RAF. This would have been the value of the claim against DFO, which LRI had allowed to prescribe. The plaintiff would then have been able to claim interest from the date that his claim against DFO had prescribed.

- *BS v PS*⁷

- This was an action for divorce, in which the candidate granted the divorce and ordered that the plaintiff forfeit part of her share of the defendant's accrual benefits, and that payment of her accrual claim on the defendant's pension be deferred.
- In *BS v PS* 2018 (4) SA 400 (SCA), the SCA overturned the orders pertaining to the forfeiture of the plaintiff's share of the defendant's accrual, and the deferral of the plaintiff's accrual claim on the defendant's pension.
- In respect of the forfeiture of the plaintiff's share of the defendant's accrual, the SCA held that the candidate had erred in finding that the plaintiff had caused the breakdown of the marriage, and that she had contributed less to the accrual of the defendant's estate. In addition, the SCA held that there should have been no forfeiture in the light of the long duration of the marriage and the fact that the plaintiff did not own a house.
- In respect of the deferral of the accrual claim on the defendant's pension, the SCA found that this was contrary to section 24A of the Government Employees Pension Law Act 21 of 1996, and the court *a quo* was not entitled to defer satisfaction of the accrual claim in the circumstances.

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

- 8.1. The candidate has considerable professional experience, having been a legal practitioner (first an attorney and then an advocate) for 25 years, with five years as senior counsel, and having served as a judge for over 10 years.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in English.
- 9.2. The candidate's judgments are well reasoned, well written, and easy to read.

⁷ Despite a thorough online search, neither the judgment *a quo* nor its case number could be found by the reviewers.

10. The candidate's ability to produce judgments promptly

- 10.1. The candidate indicated that one judgment was outstanding at the time of completing the questionnaire.
- 10.2. As far as could be ascertained at the time of completing this review, this judgment remains outstanding and has been outstanding for more than three months.
- 10.3. Of the 19 judgments of the candidate considered by the reviewers, none was handed down more than three months after hearing.

11. The candidate's ability to conduct court proceedings fairly, efficiently, and effectively

- 11.1. As far as the reviewers have been able to establish, the candidate conducts court proceedings fairly, efficiently and effectively. The candidate is generally well prepared, and engages with counsel rigorously but courteously.

12. The candidate's independent-mindedness

- 12.1. There is no reason to believe that the candidate, if appointed, would not bring an independent mind to bear on issues presented for judicial determination, nor that the candidate would be unduly influenced in any way, including by the executive or legislative branches of government.
- 12.2. Indeed, the candidate's judgments indicate that he is independently minded and brings his knowledge of the law to adjudicate cases based on the established facts.

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

- 13.1. There is no indication that the candidate is lacking in administrative ability.

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

- 14.1. With a career spanning more than 35 years, the candidate brings a wealth of diverse experience, including 25 years as a legal practitioner at all levels (clerk, attorney, counsel, and senior counsel) and over a decade as a judge of the High Court.
- 14.2. The candidate's appointment would reflect the well-earned elevation of an experienced jurist who has a history of public service through his work at the Legal Resources Centre, as a leader in the advocates' profession, and as a judge.

- 14.3. The candidate's elevation would help transform the SCA to reflect the demographics of our society.
- 14.4. This would communicate a commitment to appointing or elevating experienced judges with backgrounds in public service, and ensuring that the appellate bench reflects the composition of society.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

- 1 *S v Hector* 2017 (2) SACR 588 (ECG)
- 2 *S v Ncombo* 2017 (2) SACR 683 (ECG)
- 3 *Sustaining the Wild Coast NPC v Minister of Mineral Resources and Energy* 2022 (2) SA 585 (ECG)

Unreported judgments

- 4 *Stern NO v Minister of Mineral Resources* 2017 JDR 1717 (ECG)
- 5 *Eastern Cape Transport Tertiary Co-operative and Others v National Director of Public Prosecutions and Others* 2022 JDR 1524 (ECM)
- 6 *Mlombo v Minister of Police* 2023 JDR 3142 (ECB)
- 7 *Zeal Health Innovations (Pty) Ltd v Minister of Defence and Military Veterans and Another* [2024] ZASCA 183 (27 December 2024)
- 8 *Twenty-Third Century Systems (Pty) Ltd and Another v SAP Africa Region (Pty) Ltd* [2025] ZASCA 51 (30 April 2025)
- 9 *S v Ntuli* 2025 (2) SACR 157 (SCA)
- 10 *Manelis v Manelis* [2025] ZASCA 55 (9 May 2025)
- 11 *Yossi Barrel v Popular Trading CC and Others* [2025] ZASCA 94 (23 June 2025)
- 12 *Skhumbuzo Zulu v Vikizitha R Mlotshwa and Others* [2025] ZASCA 177 (28 November 2025)

Judgments upheld on appeal

- 13 *Loni v MEC for Health, Eastern Cape (Bhisho)*, upheld in *Loni v MEC for Health, Eastern Cape (Bhisho)* 2018 (3) SA 335 (CC)
- 14 *Stern NO v Minister of Mineral Resources* 2017 JDR 1717 (ECG), upheld in *Minister of Mineral Resources v Stern NO and Others and a related matter* [2019] 3 All SA 684 (SCA)
- 15 *Sustaining the Wild Coast NPC v Minister of Mineral Resources and Energy* 2022 (2) SA 585 (ECG), upheld in *Minister of Mineral Resources and Energy v Sustaining the Wild Coast NPC* 2024 (5) SA 38 (SCA)

Judgments overturned on appeal

- 16 *Badenhorst NO and Others v Minister of Forestry, Fisheries and the Environment NO and Others* 2023 JDR 4209 (ECMA), overturned in *Minister of Forestry, Fisheries and the Environment and Others v Badenhorst NO and Others* 2025 JDR 2374 (SCA)
- 17 *Busuku v Road Accident Fund* [2018] ZAECMHC 72, overturned in *Road Accident Fund v Busuku* 2023 (4) SA 507 (SCA)
- 18 *Van Zyl NO v Road Accident Fund*, overturned in *Van Zyl NO v Road Accident Fund* 2022 (3) SA 45 (CC)
- 19 *BS v PS*, overturned in *BS v PS* 2018 (4) SA 400 (SCA)
- 20 *Gajjar v Drake Flemmer & Orsmond Inc*, overturned in *Drake Flemmer and Orsmond Inc v Gajjar* 2018 (3) SA 353 (SCA)

Academic writings

- 21 None disclosed or identified.