

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: 31 May 2006

Status: Immediate

*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.*

**MEMBER OF THE EXECUTIVE COUNCIL FOR PUBLIC WORKS, ROADS AND TRANSPORT FREE STATE PROVINCIAL GOVERNMENT AND ANOTHER V PHUTHANANG TRANSPORT SERVICES (PTY) LTD**

The SCA today upheld an appeal by the MEC of the Executive Council for Public Works Roads and Transport, Free State Provincial Government and the Provincial Taxi Registrar against the judgment of the Free State High Court in which the decision of a Provincial Taxi Registrar, refusing to register Phuthanang Transport Service (Pty) Limited as a taxi association, was set aside. The High Court had ordered the registrar to reconsider the application for registration.

On appeal the SCA held that Phuthanang Transport Service (Pty) Limited had not complied with the provisions of section 18 of the Free State Passenger Transport Act 16 of 1996 which required that each member of the association should lodge an application for registration. The court found that when Phuthanang Transport Service (Pty) Limited lodged its application for registration on 17 June 1997, only the company did so and

that it had therefore not complied with the Act. The Act required that each association should have a minimum of 20 members and the section (s 18(1)) requires that each of these members should submit an application.

The Appeal Court held that the High Court should have refused the application for registration and it accordingly allowed the appeal by the MEC and the Provincial Registrar.