

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA STATEMENT – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 28 November 2007
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THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS v W J VERMAAK

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.

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The Supreme Court of Appeal (SCA) today (28 November 2007) dismissed an appeal by the National Director of Public Prosecutions (NDPP) against an order of the High Court refusing to order the forfeiture of a motor vehicle that had been driven under the influence of intoxicating liquor. (National Director of Public Prosecutions v Vermaak)

The NDPP had sought an order from the High Court that the vehicle be forfeited under the provisions of chapter 6 of the Prevention of Organised Crime Act 121 of 1998.

The SCA affirmed its earlier decision that it is competent in law to make such an order. But it pointed out that in its earlier decision to that effect it also said that the Act may not be used merely as a substitute for conventional remedies. It held that it would require very special circumstances for an order of forfeiture to be made in relation to the offence of driving under the influence of intoxicating liquor.

It held those circumstance did not exist in the case before it and the High Court correctly refused to make such an order.