

# 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 2007

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*

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### **AMPLATS MANAGEMENT SERVICES (PTY) LTD v VAN JAARSVELD**

The Supreme Court of Appeal today upheld by a majority of four to one an appeal from a judgment of the High Court, Johannesburg, which had held Amplats Management Services (Pty) Ltd to be liable in damages to a former employee for breach of contract. The former employee, Mr Auret van Jaarsveld, was initially seconded for a period of 6 months to Amplats from another subsidiary in the Anglo Platinum group. He contended that he had concluded a contract with Amplats in terms of which, in the event of his performance being satisfactory, he would be appointed with effect from the end of the 6 month period and that in breach of that contract Amplats had failed to appoint him until more than 2 years had elapsed after the expiry of the initial 6 month period, despite his satisfactory performance. He contended that had he been appointed at the end of the initial 6 month period he would have been entitled to participate in a share option scheme available to senior employees which would have benefited him to the extent of some R7 million.

The majority of the SCA held however that he had failed on the probabilities to establish the contract on which he relied and the claim had to be dismissed with costs.

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