



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 1 December 2008

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

NATIONAL LOTTERIES BOARD

AND

R L BRUSS NO AND 8 OTHERS

Today the Supreme Court of Appeal (SCA) upheld an appeal by the National Lotteries Board against the judgment of the Pretoria High Court in favour of the trustees of the South African Children's Charity Trust (the Trust).

The Trust promotes and raises funds for charity and charitable causes. In order to generate an income for these charities the Trust promotes a campaign through the medium of a competition known as 'Winikhaya' which is broadcast on television by the SABC.

The SCA held that the Winikhaya competition, as presently administered and implemented by the trustees of the Trust is not a promotional competition as contemplated in the Lotteries Act, 57 of 1997 and is an unlawful lottery as contemplated in sections 56 and 57 thereof. Consequently, the appeal was upheld with costs.