

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY - JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**TRANSNET LIMITED t/a NATIONAL PORTS AUTHORITY/THE OWNER OF
THE *MV 'SNOW CRYSTAL'***

**From : The Registrar, Supreme Court of Appeal
Date: 27 March 2008
Status: Immediate**

Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The owner of the *MV Snow Crystal*, a company registered in the Cayman Islands, was booked to enter the Sturrock dry dock in Cape Town harbour on 1 December 2002 and remain in the dry dock until 14 December 2002. The booking was made in June of that year and the operators of the vessel had planned the schedule for the vessel around this period. The *Snow Crystal* was, however, unable to enter the dock on 1 December because it was occupied by another vessel whose owner refused to move her to the smaller Robinson dry dock which was big enough to accommodate that vessel but too small to accommodate the *Snow Crystal*. Although the dock master had the power under the harbour regulations to give the owner 24 hours notice to vacate the harbour he declined to do so.

The owner of the *Snow Crystal* sued Transnet in the Cape High Court for damages for breach of contract. Transnet denied that there was a contract and averred that the dock master was merely exercising an administrative function when taking bookings for the dry dock. This defence was rejected by the Cape Town High Court and that court's decision was upheld on appeal by the Supreme Court of Appeal.

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