



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: 25 March 2009  
Status: Immediate

**THE CITY OF JOHANNESBURG & OTHERS v L MAZIBUKO & OTHERS**

*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 declared that the pre-payment water meters used in Phiri (a township in Soweto) in respect of water level 3 consumers is unlawful, because such use is not authorised by the by-laws, but suspended its order for a period of two years so as to enable the City of Johannesburg to legalise that use if it was able to do so.

The SCA also declared that the City of Johannesburg is constitutionally obliged to provide 42 litres free water to each Phiri resident who cannot afford to pay for such water, to the extent that it is reasonable to do so, having regard to its available resources. It ordered the City and Johannesburg Water (Pty) Ltd to reconsider and reformulate their free water policy accordingly. Until such time as that policy is reformulated the City and Johannesburg Water were ordered to provide

accountholders in Phiri who are registered as indigent with 42 litres free water per day per member of his or her household.

The appeal that was brought by the City, Johannesburg Water and the Minister of Water Affairs and Forestry against declarations and orders made against them by the Johannesburg High Court was partially successful, to the extent that those declarations and orders were amended.