



SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 29 November 2011
STATUS Immediate

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

***White v City of Cape Town
(918/10) [2011] ZASCA 212 (29 November 2011)***

Media Statement

The Supreme Court of Appeal (the SCA) today furnished reasons for having struck an appeal by Mr Desmond White from the roll with costs on 10 November 2011 in terms of s 21A of the Supreme Court Act.

The appellant alleged that the respondent, the City of Cape Town, charged flat dwellers, such as himself, more than home dwellers for water, which he believed was unlawful and unfairly discriminatory. The appellant approached the Western Cape High Court seeking to have the City's water tariff policy declared null and void. The high court dismissed the application with costs.

Prior to the hearing of the appeal, the SCA had requested additional heads of argument from the parties to address the preliminary question of whether the appeal or any order made thereupon would within the meaning of s 21A have any practical effect or result. After receiving those heads and hearing argument, the SCA held that the relief sought by the appellant related to a policy that was no longer operative. The SCA stated further that courts should and ought not to decide issues of academic interest only and cases such as this unnecessarily clog the role of the court with matter that does not require its attention.

The court considered the issue of costs and stated that the appellant had been forewarned that the appeal was moot but persisted with the appeal. The court stated further that the respondent which was an administrative arm of the state should not have been forced to waste its scarce resources in defending a claim such as this. The SCA ordered the appellant to pay the costs of the respondent.

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