



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: 30 November 2011

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

PREMIER OF THE WESTERN CAPE GOVERNMENT NO v BERENAY LAKAY

On 12 December 1998 Junate Lakay was born severely mentally retarded at the Tygerberg Hospital. His mother as the plaintiff and acting on his behalf sued the Premier of the Western Cape Province for damages alleging that the negligence of the medical staff at the provincial hospital had caused Junate's condition.

The Premier pleaded that Junate's mother had not timeously given the notice of intention to institute the proceedings required by the Legal Proceedings against Certain Organs of State Act.

The SCA held that Junate's mother had been obliged to give the notice but condoned the lateness of the notice given because Junate's claim had not become extinguished by effluxion of time, because his mother had shown good cause for not delivering the notice timeously and because there had been no prejudice to the Provincial Government.

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