



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.

Muller NO & another v Community Medical Aid Scheme

The Supreme Court of Appeal today dismissed an appeal from the South Gauteng High Court dismissing the claim by the joint liquidators of the Humanity Medical Scheme for the repayment of the medical aid contributions of its members for the month of September 2008 from the Community Medical Aid Scheme. Humanity had been in dire financial circumstances and had agreed with Commed to transfer its members to Commed with effect from 1 September 2008. The September 2008 contributions, however, were paid into Humanity's account

and the liquidators of Humanity laid claim to them. The Supreme Court of Appeal rejected the argument and the finding of the court below that the contributions never formed part of Humanity's estate and held that they did but that, by virtue of the provisions of s 63(14) of the Medical Schemes Act 131 of 1998, they vested in Commed on confirmation by the Council of Medical Schemes of the transfer of the membership of Humanity's members to Commed. The decision of the court below was thus confirmed albeit for different reasons.