



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: 19 November 2012

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

EUGENE ADLEM & ANOTHER v NESTOR ALGEMUS ARLOW

1. The SCA today interpreted s 3(d) of the subdivision of Agricultural Land Act 70 of 1970 to mean that a part of agricultural property registered in the deeds registry cannot be leased for more than ten years without the consent of the Minister of Agriculture; but that permission is not required if the whole property is leased.
2. The appellants had leased a farm to the respondent for nine years and 11 months, with a right to renew for two further periods of the same duration. Because the whole farm was leased, the SCA held that the consent of the minister was not required.
3. The decision of the North West High Court, Mafikeng, was set aside.

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