



## THE 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 March 2012  
**STATUS** Immediate

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

***Beweging vir Christelik-Volkseie Onderwys v Minister of Education (308/2011) [2012] ZASCA 45 (29 March 2012)***

The Supreme Court of Appeal (SCA) dismissed an appeal against an order of the North Gauteng High Court, Pretoria. The appellants applied to the court a quo for three declaratory orders concerning the binding effect on them of certain government notices promulgated by the first respondent, the Minister of Education, setting out curriculum policy and religious education policy for schools. The appellants also applied for three orders in which they sought the setting aside of certain aspects of these policies.

In the main application the respondents contended that the appellants sought, in effect, the review of administrative action and as the application had been brought outside the 180-day time limit provided for by s 7(1) of the Promotion of Administrative Justice Act 3 of 2000 it therefore had to be dismissed. As a result the appellants applied for an extension of the 180-day period. As the replying papers were filed 18 months late the appellants also applied for condonation of this delay.

In the court a quo, Pretorius J dismissed the main application with costs, together with the extension application and the application for condonation.

In regard to the condonation application, the SCA found the explanations for the delay of 18 months unacceptable and could find no factors which could favour the granting of condonation. Consequently, the SCA dismissed the appeal against the dismissal of the application for condonation.

As for the extension application, the SCA held that three of the orders sought by the applicants amounted to applications to review administrative action and had been brought out of time. In respect of the declaratory orders that had been applied for, the appellants' delay in bringing the main application was unreasonably long. As the Court could find no acceptable explanation for either the lateness or the delay condonation was refused.

In the result the SCA held that the appeal against the dismissal of the application for an extension of time had to fail. The SCA further held that consequently the main application had to be dismissed without the merits even being considered.