



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 14 March 2013
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

Neutral citation: *Crafford v South African National Roads Agency Limited* (215/2012) [2013] ZASCA 8 (14 March 2013)

The appellant, Mr Dirk Johannes Crafford, was severely injured when the motor vehicle he was driving along the national road between Thabazimi and Ellisras collided with a kudu late at night on 13 January 2006. He subsequently instituted action for damages against the South African National Roads Agency Limited, in the Pretoria High Court, contending that the collision and the injuries he had suffered as a consequence had been due to its negligent failure to keep the grass on the road reserve mown short, which resulted in him not having seen the kudu until it was too late to take avoiding action.

As a result of a head injury sustained in the collision, Mr Crafford was unable to describe how the collision occurred and the high court held that he had not established that the long grass on the road reserve at the time had caused the collision. His claim was therefore dismissed.

Mr Crafford appealed to the Supreme Court of Appeal which today held that he had indeed failed to establish liability on the part of the South African National Roads Agency. The court found that even if the grass on the road reserve had been short, it would be a matter of speculation to find that the kudu would have become visible when there was still sufficient time and space available for effective avoiding action to be taken. The appeal was therefore dismissed.

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