



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 27 November 2014
STATUS Immediate

South African Sports Confederation and Olympic Committee v Laraine Lane
(1016/2013) [2014] ZASCA (05 November 2014)

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

Today the Supreme Court of Appeal (SCA) upheld an appeal brought by the South African Sports Confederation and Olympic Committee (SASCOC) and overturned a judgment of the South Gauteng High Court which set aside a decision by SASCOC to suspend the respondent, Ms Lane as a board member of Athletics South Africa (ASA) and granted her ancillary declaratory relief.

The central issue before the SCA was whether Ms Lane's resignation as a board member of ASA which followed her suspension was valid.

On 5 November 2009, SASCOC suspended her and the entire board of ASA as a result of the manner in which the board handled Ms Caster Semenya's gender testing which caused her humiliation. SASCOC acted on the recommendation of the Collins Legal and Arbitration Commission which it had commissioned to investigate the incident. The commission had found contradictions in the evidence of Ms Lane who participated in its investigation and concluded that the board had been aware that improper procedures were followed. The high court found that her resignation was in vain and that SASCOC had unlawfully failed to give her a fair hearing before suspending her.

On appeal Ms Lane disputed that her resignation letter which she had sent to ASSA's General Manager had come to SASCOC's attention and contended that because SASCOC had not

acknowledged it her resignation was invalid. The SCA reiterated that a resignation is a unilateral, final and binding act which may be express or tacit and an express resignation such as the one of Ms Lane must merely be communicated and need not be accepted by ASA and SASCOC. The SCA held therefore that Ms Lane needed no consent from these bodies for the resignation to come into effect and that as there was no dispute in the affidavits that her resignation letter reached the intended recipient, she had resigned. This in the SCA's view, rendered the suspension moot and she was therefore not entitled to the relief granted by the court below.

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