



## 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** 17 November 2016  
**STATUS** Immediate

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

***UFS v Afriforum (929/2016) [2016] ZASCA 165 (17 November 2016)***

The Supreme Court of Appeal (SCA) today upheld an appeal by the University of the Free State against the order of the Full Court of the Free State Division of the High Court directing that its order of 21 July 2016, not be suspended pending the determination of an appeal by the University against such order. The matter concerned the introduction of a new multilingual language policy by the University with effect from the commencement of the 2017 academic year. The Full Court, on 21 July 2016 and upon the application of Afriforum, reviewed and set aside the decision to adopt the new policy and subsequently ordered that such order would not be suspended pending the University's appeal, with the result that the implementation of the new policy could not proceed. The SCA found that Afriforum had failed to show that the order of 21 July 2016 should not be suspended pending appeal, inter alia by failing to prove that any of the Afrikaans speaking students whose interests it claimed to represent, would suffer irreparable harm if such an order was not made. The effect of the order of the SCA is that pending the finalisation of the main appeal the University is entitled to implement the new policy. Afriforum was also ordered to pay the University's costs.

