



## **MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

### **THE MEC: DEPARTMENT OF EDUCATION NORTH WEST PROVINCE & ANOTHER V FEDSAS CASE NO 021/2016**

From: The Registrar, Supreme Court of Appeal

Date:

Status: Immediate

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

The Supreme Court of Appeal today upheld an appeal against a judgment of the high court, Mahikeng, North West Division, concerning the reviewing and setting aside of the 'Regulations relating to the Administration of Public school hostels' promulgated in the North West Provincial Gazette Extraordinary 7031, GN 430 of 2012, of 31 August 2012 (hostel regulations). The issue on appeal was whether the court a quo was correct in finding that the hostel regulations were unlawfully promulgated, ipso facto void and of no force or effect, due to the fact that the MEC had no power to promulgate the hostel regulations. The Supreme Court of Appeal held that the MEC is vested with regulation-making powers and that it can lawfully make regulations pertaining to schools and hostels as they form an integral part of schools. The appeal succeeds.

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