



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 20 May 2016
STATUS Immediate

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

Abbott v Overstrand Municipality & others (99/2015) [2016] ZASCA 68 (20 May 2016)

The Supreme Court of Appeal (SCA) today dismissed the appeal of Mr Abbott, the owner of a house built on the bank of the Klein River, Hermanus, Western Cape, who sought to review and set aside the decision of the Overstrand Municipality to refuse to take steps to prevent damage being caused to his house by flooding of the Klein River. The SCA held that Abbott had failed to prove that the municipality had the legal authority or obligation to take such steps. Abbott's contention that he had a legitimate expectation that the municipality would take such steps and therefore that the municipality is obliged to take steps to protect his house from flooding, was also rejected. Abbott was ordered to pay the costs of the municipality including the costs of two counsel.