

# **O B I T E R**

---

INDEX / INDEKS

VOLUME 40

(2019)

## TITLES OF ARTICLES – TITELS VAN ARTIKELS

[References are to number of volume, followed by page number/  
Verwysings is na nommer van volume, gevolg deur bladsynommer]

A Critical Analysis on the Use of the Oppression Remedy by Directors Removed from Office by the Board of Directors under the Companies Act 71 of 2008 by <i>Rehana Cassim</i> .....	40(3).154
An Analysis of Mandatory Auditor Rotation Requirements in South Africa in light of International Legislative Trends by <i>Vela Madlela</i> .....	40(2).185
Breach of Promise to Marry Under Customary Law by <i>Siyabonga Sibisi</i> .....	40(2).340
Caveat <i>Jurisconsultus</i> : Warrantless Access to the Client Records of Legal Practitioners by <i>Abraham Hamman and Raymond Koen</i> .....	40(3).48
Climate Change Interventions in South Africa: The Significance of <i>Earthlife Africa Johannesburg v Minister of Environmental Affairs (Thabametsi case)</i> [2017] JOL 37526 (GP) by <i>Ademola O Jegede and Azwihangwisi W Makulana</i> .....	40(2).399
Comparing Self-Defence and Necessity in English and South African Law – <i>R v Riddell</i> [2018] 1 All ER 62; [2017] EWCA Crim 413 by <i>Samantha Goosen and Shannon Hcoctor</i> .....	40(3).191
Consumer Protection Measures in Non-Life Insurance Contracts: A South African and Australasian Trend? by <i>Samantha Huneberg</i> .....	40(3).170
English Insurance Law Reforms: Lessons for South Africa by <i>Samantha Huneberg</i> .....	40(1).18
Enhancing Corporate Democracy by the use of Shareholder Proxies by <i>Maleka Femida Cassim</i> .....	40(1).47
From being in the Audience to Waiting in the Wings: Can the <i>Ius Expectati Domini</i> improve the Unenviable Position of the Trust Beneficiary in the Ownership Trust? by <i>Eben Nel</i> .....	40(1).118
Giving Effect to Refugee Children’s Fundamental Rights to Life and a Basic Education by <i>Erika Serfontein</i> .....	40(3).117
Housing and Integrating Refugees: South African Exclusionary Approach by <i>Callixte Kavuro</i> .....	40(1).75
Investigating the Need to Reintroduce a Ballot Requirement for a Protected Strike in South Africa by <i>Mlungisi Tenza</i> .....	40(2).263
Lip Prints: The Underestimated Identifiers in the Combat against Crime by <i>Marc Welgemoed</i> .....	40(2).281
(Mis)Understanding the Once-and-For-All Rule <i>Member of the Executive Council for Health and Social Development, Gauteng v DZ obo WZ</i> 2018 (1) SA 335 (CC) by <i>André Mukheibir</i> .....	40(3).252
Negotiating Elusive Justice: Dilemmas of Land Distribution in Southern Africa by <i>Mark Anstey</i> .....	40(2).240
Parenting Plans Attentive to the Needs of the Divorcing Family by <i>Tanya Robinson, Elma Ryke and Cornelia Wessels</i> .....	40(2).221
Perspectives on the Disclosure of the Location of Goods in terms of Section 97 of the National Credit Act 34 of 2005 by <i>Stéfan Renke and Corlia van Heerden</i> .....	40(3).1
Preparing Law Students for Practice: A Non-Verbal Developmental Skill Approach by <i>Desan Iyer</i> .....	40(2).316
Presidential Powers in South Africa – More Questions than Answers by <i>George Barrie</i> .....	40(1).130
Revisiting the Interpretation of Section 50 of the Promotion of Access to Information Act – <i>Mahaeeane and Motlajsi Thakaso v Anglogold Ashanti Limited</i> (85/2016) [2017] ZASCA 090 by <i>Jean-Claude N Ashukem</i> .....	40(2).363

Road Accident Fund Steps into the Shoes of the Insured Owner – <i>Road Accident Fund v Abrahams</i> (276/2017) [2018] ZASCA 49 (29 March 2018) by <i>Darren Subramanien and Tamera Govender</i> .....	40(1).163
Standard of Care and Liability of Public Procurement Officials: Blessing or Curse? by <i>Allison Megan Anthony</i> .....	40(3).140
Student Engagement: More than Bells and Whistles by <i>Elizabeth Snyman-Van Deventer</i> .....	40(1).1
The Centrality of Customary Law in the Judicial Resolution of Disputes that Emanate from it – <i>Dalisile v Mgoduka</i> (5056/2018) [2018] ZAECMHC by <i>Nomthandazo Ntlama</i> .....	40(3).202
The Criminalization of “Revenge Porn” in South Africa by <i>Melody Musoni</i> ...	40(1).61
The Defence of Provocation – Where Are We Now? by <i>Sandhya Maharaj and Shannon Hoctor</i> .....	40(2).307
The Developer’s Right to Enforce a Reversionary Right due to the Failure of the Buyer to Erect Dwellings Within a Prescribed Period: A Real or Personal Right? <i>Bondev Midrand (Pty) Ltd v Puling and Another and a Similar Case</i> 2017 (6) SA 373 (SCA) by <i>Maphuti Tuba</i> .....	40(3).214
The Effect of Avoiding the FNB Methodology in Section 25 Disputes by <i>BV Slade</i> .....	40(1).36
The Ethics of Legal Practitioners in Resource-Scarce Institutions – <i>PM Mashishi v Z Mdlala</i> [2018] 17 BLLR 693 (LC); (2018) 39 ILJ 1607 (LC) by <i>Nicola Whitear and Helen Kruuse</i> .....	40(2).383
The Failure to Provide Notice of an Intended Gathering – <i>Mlungwana v The State</i> (CCT32/18) 2018 ZACC 45 (CC) by <i>Myrone Stoffels</i> .....	40(2).408
The Powers of the Court in terms of Section 7(2) of the Domestic Violence Act 116 of 1998: <i>KS v AM</i> 2018 (1) SACR 240 (GJ) by <i>Moffat Maitele Ndou</i> .....	40(3).241
The Removal of Directors of State-Owned Companies – <i>SOS Support Public Broadcasting Coalition v South African Broadcasting Corporation SOC Limited</i> (81056/14) [2017] ZAGPJHC 289 by <i>Rehana Cassim</i> .....	40(1).147
The Role of Expert Evidence in the Defence of Provocation and Emotional Stress in South Africa by <i>Sandhya Maharaj</i> .....	40(3).21
The Unqualified Right of Access to Company Records by Non-Holders of the Company’s Securities under South African Company Law – <i>Nova Property Group Holdings Ltd v Cobbett (MandG Centre for Investigative Journalism NPC as amicus curiae)</i> 2016 (4) SA 317 (SCA) by <i>Vela Madlela</i> .....	40(1).173
To Order or Not to Order Reinstatement as a Remedy for Constructive Dismissal by <i>KL Kubjana and ME Manamela</i> .....	40(2).325
What has the Constitutional Court Given Us? <i>Afriforum v University of the Free State</i> 2018 (4) BCLR 387 (CC) by <i>Mokgadi Margaret Mokgokong and Moses Retselisitsoe Phooko</i> .....	40(3).228
When Lawyers Lie, Cheat and Steal: Understanding the Role of the Bar – <i>Ndleve v Pretoria Society of Advocates</i> [2016] ZACC 29 by <i>Angelo Dube and Nicholene Nxumalo</i> .....	40(2).353
When the Lines are Blurred – A Case of Misconduct, Incapacity or Operational Requirements: Are All Dismissals Going Operational? by <i>Tukishi Manamela</i> .....	40(1).97
Whistle-Blowing for Reward – Friend or Foe? Exploring a Possible Tax Whistle-Blowing Programme in South Africa by <i>Monray Marsellus Botha and Carika Fritz</i> .....	40(3).65
Witchcraft Accusation and the Challenges Related Thereto: Can South Africa Provide a Response to this Phenomenon Experienced in Tanzania? by <i>Annie Singh and Norah Hashim Msuya</i> .....	40(3).105

## CONTRIBUTORS – MEDEWERKERS

ANSTEY, M: Negotiating Elusive Justice: Dilemmas of Land Distribution in Southern Africa.....	40(2).240
ANTHONY, AM: Standard of Care and Liability of Public Procurement Officials: Blessing or Curse? .....	40(3).140
ASHUKEM, JCN: Revisiting the Interpretation of Section 50 of the Promotion of Access to Information Act – <i>Mahaeeane and Motlajsi Thakaso v Anglogold Ashanti Limited</i> (85/2016) [2017] ZASCA 090 .....	40(2).363
BARRIE, G: Presidential Powers in South Africa – More Questions than Answers.....	40(1).130
BOTH, MM AND FRITZ, C: Whistle-Blowing for Reward – Friend or Foe? Exploring a Possible Tax Whistle-Blowing Programme in South Africa .....	40(3).65
CASSIM, MF: Enhancing Corporate Democracy by the use of Shareholder Proxies.....	40(1).47
CASSIM, R: The Removal of Directors of State-Owned Companies – <i>SOS Support Public Broadcasting Coalition v South African Broadcasting Corporation SOC Limited</i> (81056/14) [2017] ZAGPJHC 289 .....	40(1).147
CASSIM, R: A Critical Analysis on the Use of the Oppression Remedy by Directors Removed from Office by the Board of Directors under the Companies Act 71 of 2008 .....	40(3).154
DUBE, A AND NXUMALO, N: When Lawyers Lie, Cheat and Steal: Understanding the Role of the Bar – <i>Ndleve v Pretoria Society of Advocates</i> [2016] ZACC 29 .....	40(2).353
FRITZ, C AND BOTH, MM: Whistle-Blowing for Reward – Friend or Foe? Exploring a Possible Tax Whistle-Blowing Programme in South Africa .....	40(3).65
GOOSEN, S AND HOCTOR, S: Comparing Self-Defence and Necessity in English and South African Law – <i>R v Riddell</i> [2018] 1 All ER 62; [2017] EWCA Crim 413 .....	40(3).191
GOVENDER, T AND SUBRAMANIEN, D: Road Accident Fund Steps into the Shoes of the Insured Owner – <i>Road Accident Fund v Abrahams</i> (276/2017) [2018] ZASCA 49 (29 March 2018).....	40(1).163
HAMMAN, A AND KOEN, R: Caveat <i>Jurisconsultus</i> : Warrantless Access to the Client Records of Legal Practitioners .....	40(3).48
HOCTOR, S AND GOOSEN, S: Comparing Self-Defence and Necessity in English and South African Law – <i>R v Riddell</i> [2018] 1 All ER 62; [2017] EWCA Crim 413 .....	40(3).191
HOCTOR, S AND MAHARAJ, S: The Defence of Provocation – Where Are We Now? .....	40(2).307
HUNEBERG, S: English Insurance Law Reforms: Lessons for South Africa .....	40(1).18
HUNEBERG, S: Consumer Protection Measures in Non-Life Insurance Contracts: A South African and Australasian Trend? .....	40(3).170
IYER, D: Preparing Law Students for Practice: A Non-Verbal Developmental Skill Approach.....	40(2).316
JEGEDE, AO AND MAKULANA, AW: Climate Change Interventions in South Africa: The Significance of <i>Earthlife Africa Johannesburg v Minister of Environmental Affairs</i> ( <i>Thabametsi</i> case) [2017] JOL 37526 (GP).....	40(2).399
KAVURO, C: Housing and Integrating Refugees: South African Exclusionary Approach.....	40(1).75

<i>KOEN, R AND HAMMAN, A: Caveat Jurisconsultus: Warrantless Access to the Client Records of Legal Practitioners</i> .....	40(3).48
<i>KRUUSE, H AND WHITEAR, N: The Ethics of Legal Practitioners in Resource-Scarce Institutions – PM Mashishi v Z Mdlala [2018] 17 BLLR 693 (LC); (2018) 39 ILJ 1607 (LC)</i> .....	40(2).383
<i>KUBJANA, KL AND MANAMELA, ME: To Order or Not to Order Reinstatement as a Remedy for Constructive Dismissal</i> .....	40(2).325
<i>MADLELA, V: The Unqualified Right of Access to Company Records by Non-Holders of the Company’s Securities under South African Company Law – Nova Property Group Holdings Ltd v Cobbett (MandG Centre for Investigative Journalism NPC as amicus curiae) 2016 (4) SA 317 (SCA)</i> .....	40(1).173
<i>MADLELA, V: An Analysis of Mandatory Auditor Rotation Requirements in South Africa in light of International Legislative Trends</i> .....	40(2).185
<i>MAHARAJ, S AND HOCTOR, S: The Defence of Provocation – Where Are We Now?</i> .....	40(2).307
<i>MAHARAJ, S: The Role of Expert Evidence in the Defence of Provocation and Emotional Stress in South Africa</i> .....	40(3).21
<i>MAKULANA, AW AND JEGEDE, AO: Climate Change Interventions in South Africa: The Significance of Earthlife Africa Johannesburg v Minister of Environmental Affairs (Thabametsi case) [2017] JOL 37526 (GP)</i> .....	40(2).399
<i>MANAMELA, ME AND KUBJANA, KL: To Order or Not to Order Reinstatement as a Remedy for Constructive Dismissal</i> .....	40(2).325
<i>MANAMELA, T: When the Lines are Blurred – A Case of Misconduct, Incapacity or Operational Requirements: Are All Dismissals Going Operational?</i> .....	40(1).97
<i>MOKGOKONG, MM AND PHOOKO, MR: What has the Constitutional Court Given Us? Afriforum v University of the Free State 2018 (4) BCLR 387 (CC)</i> .....	40(3).228
<i>MSUYA, H AND SINGH, AN: Witchcraft Accusation and the Challenges Related Thereto: Can South Africa Provide a Response to this Phenomenon Experienced in Tanzania?</i> .....	40(3).105
<i>MUKHEIBIR, A: (Mis)Understanding the Once-and-For-All Rule Member of the Executive Council for Health and Social Development, Gauteng v DZ obo WZ 2018 (1) SA 335 (CC)</i> .....	40(3).252
<i>MUSONI, M: The Criminalization of “Revenge Porn” in South Africa</i> .....	40(1).61
<i>NDOU, MM: The Powers of the Court in terms of Section 7(2) of the Domestic Violence Act 116 of 1998: KS v AM 2018 (1) SACR 240 (GJ)</i> .....	40(3).241
<i>NEL, E: From being in the Audience to Waiting in the Wings: Can the Ius Expectati Dominii improve the Unenviable Position of the Trust Beneficiary in the Ownership Trust?</i> .....	40(1).118
<i>NTLAMA, N: The Centrality of Customary Law in the Judicial Resolution of Disputes that Emanate from it – Dalisile v Mgoduka (5056/2018) [2018] ZAECMHC</i> .....	40(3).202
<i>NXUMALO, N AND DUBE, A: When Lawyers Lie, Cheat and Steal: Understanding the Role of the Bar – Ndleve v Pretoria Society of Advocates [2016] ZACC 29</i> .....	40(2).353
<i>PHOOKO, MR AND MOKGOKONG, MM: What has the Constitutional Court Given Us? Afriforum v University of the Free State 2018 (4) BCLR 387 (CC)</i> .....	40(3).228
<i>RENKE, S AND VAN HEERDEN, C: Perspectives on the Disclosure of the Location of Goods in terms of Section 97 of the National Credit Act 34 of 2005</i> .....	40(3).1

<i>ROBINSON, T; RYKE, E AND WESSELS, C: Parenting Plans Attentive to the Needs of the Divorcing Family</i> .....	40(2).221
<i>RYKE, E; ROBINSON, T AND WESSELS, C: Parenting Plans Attentive to the Needs of the Divorcing Family</i> .....	40(2).221
<i>SERFONTEIN, E: Giving Effect to Refugee Children’s Fundamental Rights to Life and a Basic Education</i> .....	40(3).117
<i>SIBISI, S: Breach of Promise to Marry Under Customary Law</i> .....	40(2).340
<i>SINGH, AN AND MSUYA, H: Witchcraft Accusation and the Challenges Related Thereto: Can South Africa Provide a Response to this Phenomenon Experienced in Tanzania?</i> .....	40(3).105
<i>SLADE, BV: The Effect of Avoiding the FNB Methodology in Section 25 Disputes</i> .....	40(1).36
<i>SNYMAN-VAN DEVENTER, E: Student Engagement: More than Bells and Whistles</i> .....	40(1).1
<i>STOFFELS, M: The Failure to Provide Notice of an Intended Gathering – Mlungwana v The State (CCT32/18) 2018 ZACC 45 (CC)</i> .....	40(2).408
<i>SUBRAMANIEN, D AND GOVENDER, T: Road Accident Fund Steps into the Shoes of the Insured Owner – Road Accident Fund v Abrahams (276/2017) [2018] ZASCA 49 (29 March 2018)</i> .....	40(1).163
<i>TENZA, M: Investigating the Need to Reintroduce a Ballot Requirement for a Protected Strike in South Africa</i> .....	40(2).263
<i>TUBA, M: The Developer’s Right to Enforce a Reversionary Right due to the Failure of the Buyer to Erect Dwellings Within a Prescribed Period: A Real or Personal Right? Bondev Midrand (Pty) Ltd v Puling and Another and a Similar Case 2017 (6) SA 373 (SCA)</i> .....	40(3).214
<i>VAN HEERDEN, C AND RENKE, S: Perspectives on the Disclosure of the Location of Goods in terms of Section 97 of the National Credit Act 34 of 2005</i> .....	40(3).1
<i>WELGEMOED, M: Lip Prints: The Underestimated Identifiers in the Combat against Crime</i> .....	40(2).281
<i>WESSELS, C; ROBINSON, T AND RYKE, E: Parenting Plans Attentive to the Needs of the Divorcing Family</i> .....	40(2).221
<i>WHITEAR, N AND KRUUSE, H: The Ethics of Legal Practitioners in Resource-Scarce Institutions – PM Mashishi v Z Mdlala [2018] 17 BLLR 693 (LC); (2018) 39 ILJ 1607 (LC)</i> .....	40(2).383

## SUBJECT INDEX – ONDERWERPREGISTER

### ADMINISTRATIVE LAW

Climate Change Interventions in South Africa: The Significance of *Earthlife Africa Johannesburg v Minister of Environmental Affairs (Thabametsi case)* [2017] JOL 37526 (GP) by Ademola O Jegede and Azwihangwisi W Makulana .....40(2).399

Presidential Powers in South Africa – More Questions than Answers by George Barrie.....40(1).130

Standard of Care and Liability of Public Procurement Officials: Blessing or Curse? by Allison Megan Anthony .....40(3).140

### CHILDREN’S RIGHTS

Giving Effect to Refugee Children’s Fundamental Rights to Life and a Basic Education by Erika Serfontein.....40(3).117

### CIVIL PROCEDURE

The Effect of Avoiding the *FNB* Methodology in Section 25 Disputes by BV Slade ..... 40(1).36

### COMMON LAW

Comparing Self-Defence and Necessity in English and South African Law – *R v Riddell* [2018] 1 All ER 62; [2017] EWCA Crim 413 by Samantha Goosen and Shannon Hoctor.....40(3).191

From being in the Audience to Waiting in the Wings: Can the *ius Expectati Dominii* improve the Unenviable Position of the Trust Beneficiary in the Ownership Trust? by Eben Nel .....40(1).118

(Mis)Understanding the Once-and-For-All Rule *Member of the Executive Council for Health and Social Development, Gauteng v DZ obo WZ* 2018 (1) SA 335 (CC) by André Mukheibir.....40(3).252

Road Accident Fund Steps into the Shoes of the Insured Owner – *Road Accident Fund v Abrahams* (276/2017) [2018] ZASCA 49 (29 March 2018) by Darren Subramanien and Tamera Govender .....40(1).163

The Centrality of Customary Law in the Judicial Resolution of Disputes that Emanate from it – *Dalisile v Mgoduka* (5056/2018) [2018] ZAECMHC by Nomthandazo Ntlama .....40(3).202

The Developer’s Right to Enforce a Reversionary Right due to the Failure of the Buyer to Erect Dwellings Within a Prescribed Period: A Real or Personal Right? *Bondev Midrand (Pty) Ltd v Puling and Another and a Similar Case* 2017 (6) SA 373 (SCA) by Maphuti Tuba.....40(3).214

The Removal of Directors of State-Owned Companies – *SOS Support Public Broadcasting Coalition v South African Broadcasting Corporation SOC Limited* (81056/14) [2017] ZAGPJHC 289 by Rehana Cassim.....40(1).147

### COMPANY LAW

A Critical Analysis on the Use of the Oppression Remedy by Directors Removed from Office by the Board of Directors under the Companies Act 71 of 2008 by Rehana Cassim.....40(3).154

An Analysis of Mandatory Auditor Rotation Requirements in South Africa in light of International Legislative Trends by Vela Madlela.....40(2).185

Enhancing Corporate Democracy by the use of Shareholder Proxies by Maleka Femida Cassim..... 40(1).47

The Removal of Directors of State-Owned Companies – *SOS Support Public Broadcasting Coalition v South African Broadcasting Corporation SOC Limited* (81056/14) [2017] ZAGPJHC 289 by Rehana Cassim.....40(1).147

The Unqualified Right of Access to Company Records by Non-Holders of the Company's Securities under South African Company Law – <i>Nova Property Group Holdings Ltd v Cobbett (MandG Centre for Investigative Journalism NPC as amicus curiae)</i> 2016 (4) SA 317 (SCA) by <i>Vela Madlela</i> .....	40(1).173
---	-----------

**COMPARATIVE STUDIES**

A Critical Analysis on the Use of the Oppression Remedy by Directors Removed from Office by the Board of Directors under the Companies Act 71 of 2008 by <i>Rehana Cassim</i> .....	40(3).154
An Analysis of Mandatory Auditor Rotation Requirements in South Africa in light of International Legislative Trends by <i>Vela Madlela</i> .....	40(2).185
Caveat <i>Jurisconsultus</i> : Warrantless Access to the Client Records of Legal Practitioners by <i>Abraham Hamman and Raymond Koen</i> .....	40(3).48
Comparing Self-Defence and Necessity in English and South African Law – <i>R v Riddell</i> [2018] 1 All ER 62; [2017] EWCA Crim 413 by <i>Samantha Goosen and Shannon Hoctor</i> .....	40(3).191
Consumer Protection Measures in Non-Life Insurance Contracts: A South African and Australasian Trend? by <i>Samantha Huneberg</i> .....	40(3).170
English Insurance Law Reforms: Lessons for South Africa by <i>Samantha Huneberg</i> .....	40(1).18
Negotiating Elusive Justice: Dilemmas of Land Distribution in Southern Africa by <i>Mark Anstey</i> .....	40(2).240
Presidential Powers in South Africa – More Questions than Answers by <i>George Barrie</i> .....	40(1).130
The Role of Expert Evidence in the Defence of Provocation and Emotional Stress in South Africa by <i>Sandhya Maharaj</i> .....	40(3).21
To Order or Not to Order Reinstatement as a Remedy for Constructive Dismissal by <i>KL Kubjana and ME Manamela</i> .....	40(2).325
Whistle-Blowing for Reward – Friend or Foe? Exploring a Possible Tax Whistle-Blowing Programme in South Africa by <i>Monray Marsellus Botha and Carika Fritz</i> .....	40(3).65
Witchcraft Accusation and the Challenges Related Thereto: Can South Africa Provide a Response to this Phenomenon Experienced in Tanzania? by <i>Annie Singh and Norah Hashim Msuya</i> .....	40(3).105

**CONSTITUTIONAL LAW**

Caveat <i>Jurisconsultus</i> : Warrantless Access to the Client Records of Legal Practitioners by <i>Abraham Hamman and Raymond Koen</i> .....	40(3).48
Housing and Integrating Refugees: South African Exclusionary Approach by <i>Callixte Kavuro</i> .....	40(1).75
Presidential Powers in South Africa – More Questions than Answers by <i>George Barrie</i> .....	40(1).130
Standard of Care and Liability of Public Procurement Officials: Blessing or Curse? by <i>Allison Megan Anthony</i> .....	40(3).140
The Centrality of Customary Law in the Judicial Resolution of Disputes that Emanate from it – <i>Dalisile v Mgoduka (5056/2018)</i> [2018] ZAECMHC by <i>Nomthandazo Ntlama</i> .....	40(3).202
The Effect of Avoiding the <i>FNB</i> Methodology in Section 25 Disputes by <i>BV Slade</i> .....	40(1).36
The Failure to Provide Notice of an Intended Gathering – <i>Mlungwana v The State (CCT32/18)</i> 2018 ZACC 45 (CC) by <i>Myrone Stoffels</i> .....	40(2).408
The Unqualified Right of Access to Company Records by Non-Holders of the Company's Securities under South African Company Law – <i>Nova Property Group Holdings Ltd v Cobbett (MandG Centre for</i>	



<i>Investigative Journalism NPC as amicus curiae</i> 2016 (4) SA 317 (SCA) by <i>Vela Madlela</i> .....	40(1).173
What has the Constitutional Court Given Us? <i>Afriforum v University of the Free State</i> 2018 (4) BCLR 387 (CC) by <i>Mokgadi Margaret Mokgokong and Moses Retselisitsoe Phooko</i> .....	40(3).228
<b>CONSUMER PROTECTION LAW</b>	
Consumer Protection Measures in Non-Life Insurance Contracts: A South African and Australasian Trend? by <i>Samantha Huneberg</i> .....	40(3).170
Perspectives on the Disclosure of the Location of Goods in terms of Section 97 of the National Credit Act 34 of 2005 by <i>Stéfan Renke and Corlia van Heerden</i> .....	40(3).1
<b>CONTRACT</b>	
From being in the Audience to Waiting in the Wings: Can the <i>Ius Expectati Domini</i> improve the Unenviable Position of the Trust Beneficiary in the Ownership Trust? by <i>Eben Nel</i> .....	40(1).118
<b>CRIMINAL LAW</b>	
Caveat <i>Jurisconsultus</i> : Warrantless Access to the Client Records of Legal Practitioners by <i>Abraham Hamman and Raymond Koen</i> .....	40(3).48
Comparing Self-Defence and Necessity in English and South African Law – <i>R v Riddell</i> [2018] 1 All ER 62; [2017] EWCA Crim 413 by <i>Samantha Goosen and Shannon Hoctor</i> .....	40(3).191
Lip Prints: The Underestimated Identifiers in the Combat against Crime by <i>Marc Welgemoed</i> .....	40(2).281
The Criminalization of “Revenge Porn” in South Africa by <i>Melody Musoni</i> ...	40(1).61
The Defence of Provocation – Where Are We Now? by <i>Sandhya Maharaj and Shannon Hoctor</i> .....	40(2).307
The Failure to Provide Notice of an Intended Gathering – <i>Mlungwana v The State</i> (CCT32/18) 2018 ZACC 45 (CC) by <i>Myrone Stoffels</i> .....	40(2).408
The Powers of the Court in terms of Section 7(2) of the Domestic Violence Act 116 of 1998: <i>KS v AM</i> 2018 (1) SACR 240 (GJ) by <i>Moffat Maitete Ndou</i> .....	40(3).241
The Role of Expert Evidence in the Defence of Provocation and Emotional Stress in South Africa by <i>Sandhya Maharaj</i> .....	40(3).21
<b>CRIMINAL PROCEDURE</b>	
Caveat <i>Jurisconsultus</i> : Warrantless Access to the Client Records of Legal Practitioners by <i>Abraham Hamman and Raymond Koen</i> .....	40(3).48
Lip Prints: The Underestimated Identifiers in the Combat against Crime by <i>Marc Welgemoed</i> .....	40(2).281
The Powers of the Court in terms of Section 7(2) of the Domestic Violence Act 116 of 1998: <i>KS v AM</i> 2018 (1) SACR 240 (GJ) by <i>Moffat Maitete Ndou</i> .....	40(3).241
<b>CUSTOMARY LAW</b>	
Breach of Promise to Marry Under Customary Law by <i>Siyabonga Sibisi</i> .....	40(2).340
The Centrality of Customary Law in the Judicial Resolution of Disputes that Emanate from it – <i>Dalisile v Mgoduka</i> (5056/2018) [2018] ZAECMHC by <i>Nomthandazo Ntlama</i> .....	40(3).202
Witchcraft Accusation and the Challenges Related Thereto: Can South Africa Provide a Response to this Phenomenon Experienced in Tanzania? by <i>Annie Singh and Norah Hashim Msuya</i> .....	40(3).105

## DELICT

- (Mis)Understanding the Once-and-For-All Rule *Member of the Executive Council for Health and Social Development, Gauteng v DZ obo WZ* 2018 (1) SA 335 (CC) by André Mukheibir.....40(3).252
- Revisiting the Interpretation of Section 50 of the Promotion of Access to Information Act – *Mahaeeane and Motlajsi Thakaso v AngloGold Ashanti Limited* (85/2016) [2017] ZASCA 090 by Jean-Claude N Ashukem .....40(2).363
- Road Accident Fund Steps into the Shoes of the Insured Owner – *Road Accident Fund v Abrahams* (276/2017) [2018] ZASCA 49 (29 March 2018) by Darren Subramanien and Tamera Govender .....40(1).163

## EDUCATION LAW

- What has the Constitutional Court Given Us? *Afriforum v University of the Free State* 2018 (4) BCLR 387 (CC) by Mokgadi Margaret Mokgokong and Moses Retselisitsoe Phooko.....40(3).228

## ENVIRONMENTAL LAW

- Climate Change Interventions in South Africa: The Significance of *Earthlife Africa Johannesburg v Minister of Environmental Affairs* (*Thabametsi* case) [2017] JOL 37526 (GP) by Ademola O Jegede and Azwihangwisi W Makulana .....40(2).399

## ETHICS

- Caveat *Jurisconsultus*: Warrantless Access to the Client Records of Legal Practitioners by Abraham Hamman and Raymond Koen ..... 40(3).48
- The Ethics of Legal Practitioners in Resource-Scarce Institutions – *PM Mashishi v Z Mdlala* [2018] 17 BLLR 693 (LC); (2018) 39 ILJ 1607 (LC) by Nicola Whitear and Helen Kruuse.....40(2).383
- When Lawyers Lie, Cheat and Steal: Understanding the Role of the Bar – *Ndleve v Pretoria Society of Advocates* [2016] ZACC 29 by Angelo Dube and Nicholene Nxumalo.....40(2).353

## EVIDENCE

- Lip Prints: The Underestimated Identifiers in the Combat against Crime by Marc Welgemoed.....40(2).281
- Revisiting the Interpretation of Section 50 of the Promotion of Access to Information Act – *Mahaeeane and Motlajsi Thakaso v AngloGold Ashanti Limited* (85/2016) [2017] ZASCA 090 by Jean-Claude N Ashukem .....40(2).363
- The Powers of the Court in terms of Section 7(2) of the Domestic Violence Act 116 of 1998: *KS v AM* 2018 (1) SACR 240 (GJ) by Moffat Maitetele Ndou .....40(3).241
- The Role of Expert Evidence in the Defence of Provocation and Emotional Stress in South Africa by Sandhya Maharaj ..... 40(3).21

## FAMILY LAW

- Breach of Promise to Marry Under Customary Law by Siyabonga Sibisi.....40(2).340
- Parenting Plans Attentive to the Needs of the Divorcing Family by Tanya Robinson, Elma Ryke and Cornelia Wessels .....40(2).221

## HUMAN RIGHTS

- Climate Change Interventions in South Africa: The Significance of *Earthlife Africa Johannesburg v Minister of Environmental Affairs* (*Thabametsi* case) [2017] JOL 37526 (GP) by Ademola O Jegede and Azwihangwisi W Makulana .....40(2).399
- Giving Effect to Refugee Children's Fundamental Rights to Life and a Basic Education by Erika Serfontein.....40(3).117

Investigating the Need to Reintroduce a Ballot Requirement for a Protected Strike in South Africa by <i>Mlungisi Tenza</i> .....	40(2).263
Revisiting the Interpretation of Section 50 of the Promotion of Access to Information Act – <i>Mahaeane and Motlajsi Thakaso v AngloGold Ashanti Limited</i> (85/2016) [2017] ZASCA 090 by <i>Jean-Claude N Ashukem</i> .....	40(2).363
The Criminalization of “Revenge Porn” in South Africa by <i>Melody Musoni</i> ...	40(1).61
The Effect of Avoiding the FNB Methodology in Section 25 Disputes by <i>BV Slade</i> .....	40(1).36
The Failure to Provide Notice of an Intended Gathering – <i>Mlungwana v The State</i> (CCT32/18) 2018 ZACC 45 (CC) by <i>Myrone Stoffels</i> .....	40(2).408
The Powers of the Court in terms of Section 7(2) of the Domestic Violence Act 116 of 1998: <i>KS v AM</i> 2018 (1) SACR 240 (GJ) by <i>Moffat Maitele Ndou</i> .....	40(3).241
Witchcraft Accusation and the Challenges Related Thereto: Can South Africa Provide a Response to this Phenomenon Experienced in Tanzania? by <i>Annie Singh and Norah Hashim Msuya</i> .....	40(3).105
<b>INSURANCE LAW</b>	
Consumer Protection Measures in Non-Life Insurance Contracts: A South African and Australasian Trend? by <i>Samantha Huneberg</i> .....	40(3).170
English Insurance Law Reforms: Lessons for South Africa by <i>Samantha Huneberg</i> .....	40(1).18
<b>INTELLECTUAL PROPERTY LAW</b>	
The Criminalization of “Revenge Porn” in South Africa by <i>Melody Musoni</i> ...	40(1).61
<b>INTERNATIONAL LAW</b>	
Climate Change Interventions in South Africa: The Significance of <i>Earthlife Africa Johannesburg v Minister of Environmental Affairs</i> ( <i>Thabametsi</i> case) [2017] JOL 37526 (GP) by <i>Ademola O Jegede and Azwihangwisi W Makulana</i> .....	40(2).399
Giving Effect to Refugee Children’s Fundamental Rights to Life and a Basic Education by <i>Erika Serfontein</i> .....	40(3).117
Housing and Integrating Refugees: South African Exclusionary Approach by <i>Callixte Kavuro</i> .....	40(1).75
Parenting Plans Attentive to the Needs of the Divorcing Family by <i>Tanya Robinson, Elma Ryke and Cornelia Wessels</i> .....	40(2).221
<b>LABOUR LAW</b>	
Investigating the Need to Reintroduce a Ballot Requirement for a Protected Strike in South Africa by <i>Mlungisi Tenza</i> .....	40(2).263
Road Accident Fund Steps into the Shoes of the Insured Owner – <i>Road Accident Fund v Abrahams</i> (276/2017) [2018] ZASCA 49 (29 March 2018) by <i>Darren Subramanien and Tamera Govender</i> .....	40(1).163
The Ethics of Legal Practitioners in Resource-Scarce Institutions – <i>PM Mashishi v Z Mdlala</i> [2018] 17 BLLR 693 (LC); (2018) 39 ILJ 1607 (LC) by <i>Nicola Whitear and Helen Kruuse</i> .....	40(2).383
To Order or Not to Order Reinstatement as a Remedy for Constructive Dismissal by <i>KL Kubjana and ME Manamela</i> .....	40(2).325
When the Lines are Blurred – A Case of Misconduct, Incapacity or Operational Requirements: Are All Dismissals Going Operational? by <i>Tukishi Manamela</i> .....	40(1).97
Whistle-Blowing for Reward – Friend or Foe? Exploring a Possible Tax Whistle-Blowing Programme in South Africa by <i>Monray Marsellus Botha and Carika Fritz</i> .....	40(3).65

## LEGAL EDUCATION

- Preparing Law Students for Practice: A Non-Verbal Developmental Skill Approach by *Desan Iyer*..... 40(2).316
- Student Engagement: More than Bells and Whistles by *Elizabeth Snyman-Van Deventer* ..... 40(1).1

## LEGAL INTERPRETATION

- A Critical Analysis on the Use of the Oppression Remedy by Directors Removed from Office by the Board of Directors under the Companies Act 71 of 2008 by *Rehana Cassim*..... 40(3).154
- An Analysis of Mandatory Auditor Rotation Requirements in South Africa in light of International Legislative Trends by *Vela Madlela*..... 40(2).185
- Caveat *Jurisconsultus*: Warrantless Access to the Client Records of Legal Practitioners by *Abraham Hamman and Raymond Koen* ..... 40(3).48
- Enhancing Corporate Democracy by the use of Shareholder Proxies by *Maleka Femida Cassim*..... 40(1).47
- Housing and Integrating Refugees: South African Exclusionary Approach by *Callixte Kavuro*..... 40(1).75
- Investigating the Need to Reintroduce a Ballot Requirement for a Protected Strike in South Africa by *Mlungisi Tenza*..... 40(2).263
- (Mis)Understanding the Once-and-For-All Rule *Member of the Executive Council for Health and Social Development, Gauteng v DZ obo WZ 2018 (1) SA 335 (CC)* by *André Mukheibir*..... 40(3).252
- Perspectives on the Disclosure of the Location of Goods in terms of Section 97 of the National Credit Act 34 of 2005 by *Stéfan Renke and Corlia van Heerden*..... 40(3).1
- Presidential Powers in South Africa – More Questions than Answers by *George Barrie*..... 40(1).130
- Revisiting the Interpretation of Section 50 of the Promotion of Access to Information Act – *Mahaeane and Motlajsi Thakaso v AngloGold Ashanti Limited (85/2016) [2017] ZASCA 090* by *Jean-Claude N Ashukem* ..... 40(2).363
- Road Accident Fund Steps into the Shoes of the Insured Owner – *Road Accident Fund v Abrahams (276/2017) [2018] ZASCA 49 (29 March 2018)* by *Darren Subramanien and Tamera Govender* ..... 40(1).163
- The Centrality of Customary Law in the Judicial Resolution of Disputes that Emanate from it – *Dalisile v Mgoduka (5056/2018) [2018] ZAECMHC* by *Nomthandazo Ntlama* ..... 40(3).202
- The Developer’s Right to Enforce a Reversionary Right due to the Failure of the Buyer to Erect Dwellings Within a Prescribed Period: A Real or Personal Right? *Bondev Midrand (Pty) Ltd v Puling and Another and a Similar Case 2017 (6) SA 373 (SCA)* by *Maphuti Tuba*..... 40(3).214
- The Failure to Provide Notice of an Intended Gathering – *Mlungwana v The State (CCT32/18) 2018 ZACC 45 (CC)* by *Myrone Stoffels* ..... 40(2).408
- The Removal of Directors of State-Owned Companies – *SOS Support Public Broadcasting Coalition v South African Broadcasting Corporation SOC Limited (81056/14) [2017] ZAGPJHC 289* by *Rehana Cassim*..... 40(1).147
- The Unqualified Right of Access to Company Records by Non-Holders of the Company’s Securities under South African Company Law – *Nova Property Group Holdings Ltd v Cobbett (MandG Centre for Investigative Journalism NPC as amicus curiae) 2016 (4) SA 317 (SCA)* by *Vela Madlela* ..... 40(1).173
- When the Lines are Blurred – A Case of Misconduct, Incapacity or Operational Requirements: Are All Dismissals Going Operational? by *Tukishi Manamela* ..... 40(1).97

Whistle-Blowing for Reward – Friend or Foe? Exploring a Possible Tax Whistle-Blowing Programme in South Africa by <i>Monray Marsellus Botha and Carika Fritz</i> .....	40(3).65
<b>LEGAL JURISPRUDENCE</b>	
Negotiating Elusive Justice: Dilemmas of Land Distribution in Southern Africa by <i>Mark Anstey</i> .....	40(2).240
The Centrality of Customary Law in the Judicial Resolution of Disputes that Emanate from it – <i>Dalisile v Mgoduka</i> (5056/2018) [2018] ZAECMHC by <i>Nomthandazo Ntlama</i> .....	40(3).202
<b>PROPERTY LAW</b>	
Negotiating Elusive Justice: Dilemmas of Land Distribution in Southern Africa by <i>Mark Anstey</i> .....	40(2).240
The Developer’s Right to Enforce a Reversionary Right due to the Failure of the Buyer to Erect Dwellings Within a Prescribed Period: A Real or Personal Right? <i>Bondev Midrand (Pty) Ltd v Puling and Another and a Similar Case</i> 2017 (6) SA 373 (SCA) by <i>Maphuti Tuba</i> .....	40(3).214
<b>REFUGEE LAW</b>	
Giving Effect to Refugee Children’s Fundamental Rights to Life and a Basic Education by <i>Erika Serfontein</i> .....	40(3).117
Housing and Integrating Refugees: South African Exclusionary Approach by <i>Callixte Kavuro</i> .....	40(1).75
<b>REGIONAL LAW</b>	
Housing and Integrating Refugees: South African Exclusionary Approach by <i>Callixte Kavuro</i> .....	40(1).75
Witchcraft Accusation and the Challenges Related Thereto: Can South Africa Provide a Response to this Phenomenon Experienced in Tanzania? by <i>Annie Singh and Norah Hashim Msuya</i> .....	40(3).105
<b>TAX LAW</b>	
Whistle-Blowing for Reward – Friend or Foe? Exploring a Possible Tax Whistle-Blowing Programme in South Africa by <i>Monray Marsellus Botha and Carika Fritz</i> .....	40(3).65
<b>TRUST LAW</b>	
From being in the Audience to Waiting in the Wings: Can the <i>Ius Expectati Dominii</i> improve the Unenviable Position of the Trust Beneficiary in the Ownership Trust? by <i>Eben Nel</i> .....	40(1).118