OBITER

INDEX / INDEKS

VOLUME 34

(2013)

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 of Selected Aspects of the South African Legal Framework Pertaining to Children Living in Prison with their Mothers – With Brief Comparative Comments by Meda Couzens and Nicole Mazoue	34.428
An Analysis of the General Enforcement Approaches to Combat Market Abuse (Part 2) by Howard Chitimira and Vivienne A Lawack	34.64
A Note on "Tacit Universal Partnerships": Clarity at Last: Ex-partner Can Get Slice of the Pie by Darren Subramanien	34.545
A Social Economy and Sustainability: Is There Potential for an Interface? by Rochelle le Roux	34.506
Bewys van 'n Gebruiklike Huwelik Kragtens Artikel 3(1)(B) van die Wet op Erkenning van Gebruiklike Huwelike 120 van 1988 – Southon v Moropane [2012] ZAGPJHC 146 deur Pieter Bakker	34.579
Blue Light Brigades and the Politics of Bad Driving <i>by Charnelle van der Bijl</i>	34.136
Breaking the Silence – Friends of the Court Can Adduce Evidence – Children's Institute v Presiding Officer of the Children's Court District of Krugersdorp Case CCT 69/12 [2012] ZACC 25 by Darren Subramanien	34.333
Children's Evidence in Sexual Cases in the Context of <i>S v QN</i> 2012 (1) SACR 380 (KZP) by <i>W Banoobhai and N Whitear-Nel</i>	34.359
Commercial Law Reasons (Other Than Tax) for Setting Up a Headquarter Company: A South African Observation by Thabo Legwaila	34.1
Critical-care Decisions on Neonates and Young Children in England and Wales – Lessons for South Africa by Carina van der Westhuizen	34.456
Cultural Identity, Tradition, and the Ritual Killing of Bulls – A Note on a Recent Decision of the French Constitutional Council on the Legality of Bullfighting by Stephen Peté and Angela Crocker	34.305
Current Issues of Constitutional Damages Litigation: A Contextual Analysis of Recent Commonwealth Decisions by Chuks Okpaluba	34.252
Determining the Threshold for Organisational Rights: A Legal Quagmire Facing Minority Unions – South African Post Office v Commissioner Nowosenetz NO (2013) 2 BLLR 216 (LC) by Clarence Tshoose	34.600
Flawed Law: A Critical Analysis of the Faults and Shortcomings of Chapter 8 of the National Health Act of 2003 by Larisse Prinsen	34.522
Fostering by Caregivers with no Common Law Duty of Support: At Last, Some Clarity in the Law – SS v Presiding Officer, Children's Court, Krugersdorp 2012 (6) SA 45 (GSJ) by F Noel Zaal	34.590
"Hearing the People on the Street" Testing the Extent of Public Participation in Durban's Street-renaming Process – <i>Democratic</i> <i>Alliance v eThekwini Municipality</i> [2012] 1 All SA 412 (SCA); 2012 (2) SA 151 (SCA) <i>by Vishal Surbun</i>	34.368
Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001 by Daleen Millard and Viviana Vergano	34.389
Identifying Critical Data and Databases – A Proposal for a Risk-based Theory of Implementing Chapter IX of the ECT Act <i>by Mzukisi Niven</i> <i>Njotini</i>	34.96
Judicial Recognition of the Application of the Maxim Res Ipsa Loquitur to a Case of Medical Negligence – Lungile Ntsele v MEC for Health,	

Gauteng Provincial Government (unreported as yet, Case Number: 2009/52394 (GSJ) dated 24 October 2012) by Pieter Carstens	34.348
Liability to Disgorge Profits Upon Breach of Contract or a Delict by EJH Schrage	34.17
Multiple Acts of Sexual Penetration Within a Short Period of Time – Single or Multiple Acts of Rape? <i>by GP Stevens</i>	34.159
Nowhere to Hide for Executives – Fourie v FirstRand Bank Ltd (578/2012) [2012] ZASCA 19 (18 September 2012) by Darren Subramanien	34.174
Once Again <i>lustus Error</i> and Suretyships – Absa Bank Ltd v Trzebiatowsky 2012 (5) SA 134 (ECP) by C-J Pretorius	34.149
Overview of the Role-players in the Investigation, Prevention and Enforcement of Market-abuse Provisions in South Africa by Howard Chitimira and Vivienne A Lawack	34.200
Parenting Plans in terms of the Children's Act: Serving the Best Interests of the Parent or the Child by Frans Mashilo Mahlobogwane	34.218
Paying the Piper (<i>in Praesentia</i>) – Xstrata South Africa (Pty) Ltd v SFF Association 2012 (5) SA 60 (SCA) by PJ Badenhorst	34.322
Property-syndication Investment v Property Scam: Who Decides? A Critical Examination of the Regulation of Public-property Syndication Schemes in South Africa by Tanya Woker	34.233
Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran by B Venter and M Slabbert	34.185
Road-accident Fund: Serious Injury Claims and Judicial Precedent: The Supreme Court of Appeal has Spoken by Magda Slabbert	34.623
Section 4(1)(b) of the Deeds Registries Act 47 of 1937 as a Remedy for the Mistaken Transfer of Land – <i>Bester NNO v Schmidt Bou</i> <i>Ontwikkelings CC</i> [2012] ZASCA 125 (21 September 2012) by Maphuti Tuba	34.565
Superfluous Litigation, In a Wrong Forum About Nothing: When Lawyers and Experts Collude – <i>Motswai v RAF</i> 2012 SA (GSJ) Case No: 2010/17220 by Magda Slabbert	34.166
The African Charter on Human and Peoples' Rights, Its Regional System, and the Role of Civil Society in the First Three Decades: Calibrating the "Paper Tiger" by Dejo Olowu	34.29
The Buck Stops Where, Exactly? On Outsourcing and Liability Towards Third Parties by Daleen Millard and Monray Marsellus Botha	
The Crime of Defamation – Still Defensible in a Modern Constitutional	34.476
Democracy? by Shannon Hoctor The Duty of Utmost Good Faith in Asset-forfeiture Jurisprudence – Some	34.125
Lessons to Learn by Nkululeko Christopher Ndzengu and John C von Bonde	34.377
The Four-year Undergraduate LLB: Where to from Here? by Carmel van Niekerk	34.533
The Need for Vigilance in Banking Transactions in the Light of Prevalent Fraud, Misrepresentation and Ponzi Schemes in the Business World – The Trustees of the Insolvent Estate of Grahame Ernest John Whitehead v Dumas Case 323/12 [2013] ZASCA 19 Unreported (20 March 2013) by Muse Kirke and Mishael Columna Buthologi	24 611
March 2013) by Musa Kika and Michael Čelumusa Buthelezi The Offence of being Found in Disguise in Suspicious Circumstances by Shannon Hoctor	34.611 34.316
The Right to Mother Tongue Education: Practicable or Not? by Chrizell	
Chürr	34.274

The Right to Privacy and Drug-testing in Sport in South Africa: Could the New Zealand Case of <i>Cropp v Judicial Committee</i> Provide Some Guidance? <i>by Jean Wilké</i>	34.49
The Role of Remorse in Sentencing by Pieter du Toit	34.558
The Transformative Potential of the Constitutional Environmental Right Overlooked in <i>Grootboom by Oliver Njuh Fuo</i>	34.77
The Trust as Special-purpose Institution by Eben Nel, Vivienne A Lawack and Adriaan van der Walt	34.111

CONTRIBUTORS – MEDEWERKERS

BADENHORST, PJ: Paying the Piper (<i>in Praesentia</i>) – Xstrata South Africa (Pty) Ltd v SFF Association 2012 (5) SA 60 (SCA)	34.322
BAKKER, PIETER: Bewys van 'n Gebruiklike Huwelik Kragtens Artikel 3(1)(B) van die Wet op Erkenning van Gebruiklike Huwelike 120 van 1988 – Southon v Moropane [2012] ZAGPJHC 146	34.579
BANOOBHAI, W and WHITEAR-NEL, N: Children's Evidence in Sexual Cases in the Context of <i>S v QN</i> 2012 (1) SACR 380 (KZP)	34.359
BOTHA, MONRAY MARSELLUS and MILLARD, DALEEN: The Buck Stops Where, Exactly? On Outsourcing and Liability Towards Third Parties	34.476
BUTHELEZI, MICHAEL CELUMUSA and KIKA, MUSA: The Need for Vigilance in Banking Transactions in the Light of Prevalent Fraud, Misrepresentation and Ponzi Schemes in the Business World – The Trustees of the Insolvent Estate of Grahame Ernest John Whitehead v Dumas Case 323/12 [2013] ZASCA 19 Unreported (20 March 2013)	34.611
CARSTENS, PIETER: Judicial Recognition of the Application of the Maxim Res Ipsa Loquitur to a Case of Medical Negligence – Lungile Ntsele v MEC for Health, Gauteng Provincial Government (unreported as yet, Case Number: 2009/52394 (GSJ) dated 24 October 2012)	34.348
CHITIMIRA, HOWARD and LAWACK, VIVIENNE A: An Analysis of the General Enforcement Approaches to Combat Market Abuse (Part 2)	34.64
CHITIMIRA, HOWARD and LAWACK, VIVIENNE A: Overview of the Role-players in the Investigation, Prevention and Enforcement of Market-abuse Provisions in South Africa	34.200
CHÜRR, CHRIZELL: The Right to Mother Tongue Education: Practicable or Not?	34.274
COUZENS, MEDA and MAZOUE, NICOLE: A Critical Analysis of Selected Aspects of the South African Legal Framework Pertaining to Children Living in Prison with their Mothers – With Brief Comparative Comments	34.428
CROCKER, ANGELA and PETé, STEPHEN: Cultural Identity, Tradition, and the Ritual Killing of Bulls – A Note on a Recent Decision of the French Constitutional Council on the Legality of Bullfighting	34.305
DU TOIT, PIETER: The Role of Remorse in Sentencing	34.558
FUO, OLIVER NJUH: The Transformative Potential of the Constitutional Environmental Right Overlooked in <i>Grootboom</i>	34.77
HOCTOR, SHANNON: The Crime of Defamation – Still Defensible in a Modern Constitutional Democracy?	34.125
HOCTOR, SHANNON: The Offence of being Found in Disguise in Suspicious Circumstances	34.316
KIKA, MUSA and BUTHELEZI, MICHAEL CELUMUSA: The Need for Vigilance in Banking Transactions in the Light of Prevalent Fraud, Misrepresentation and Ponzi Schemes in the Business World – The Trustees of the Insolvent Estate of Grahame Ernest John Whitehead v Dumas Case 323/12 [2013] ZASCA 19 Unreported (20 March 2013)	
LAWACK, VIVIENNE A and CHITIMIRA, HOWARD: An Analysis of the	34.611
General Enforcement Approaches to Combat Market Abuse (Part 2)	34.64
LAWACK, VIVIENNE A and CHITIMIRA, HOWARD: Overview of the Role-players in the Investigation, Prevention and Enforcement of Market-abuse Provisions in South Africa	34.200

LAWACK, VIVIENNE A, VAN DER WALT, ADRIAAN, and NEL, EBEN: The Trust as Special-purpose Institution	34.111
LEGWAILA, THABO: Commercial Law Reasons (Other Than Tax) for Setting Up a Headquarter Company: A South African Observation	34.1
LE ROUX, ROCHELLE: A Social Economy and Sustainability: Is There Potential for an Interface?	34.506
MAHLOBOGWANE, FRANS MASHILO: Parenting Plans in terms of the Children's Act: Serving the Best Interests of the Parent or the Child	34.218
MAZOUE, NICOLE and COUZENS, MEDA: A Critical Analysis of Selected Aspects of the South African Legal Framework Pertaining to Children Living in Prison with their Mothers – With Brief Comparative Comments by	34.428
MILLARD, DALEEN and VERGANO, VIVIANA: Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001	34.389
MILLARD, DALEEN and BOTHA, MONRAY MARSELLUS: The Buck Stops Where, Exactly? On Outsourcing and Liability Towards Third Parties	34.476
NDZENGU, NKULULEKO CHRISTOPHER and VON BONDE, JOHN C: The Duty of Utmost Good Faith in Asset-forfeiture Jurisprudence – Some Lessons to Learn	34.377
NEL, EBEN, LAWACK, VIVIENNE A and VAN DER WALT, ADRIAAN: The Trust as Special-purpose Institution	34.111
NJOTINI, MZUKISI NIVEN: Identifying Critical Data and Databases – A Proposal for a Risk-based Theory of Implementing Chapter IX of the ECT Act	34.96
OKPALUBA, CHUKS: Current Issues of Constitutional Damages Litigation: A Contextual Analysis of Recent Commonwealth Decisions	34.252
OLOWU, DEJO: The African Charter on Human and Peoples' Rights, Its Regional System, and the Role of Civil Society in the First Three Decades: Calibrating the "Paper Tiger"	34.29
PETé, STEPHEN and CROCKER, ANGELA: Cultural Identity, Tradition, and the Ritual Killing of Bulls – A Note on a Recent Decision of the French Constitutional Council on the Legality of Bullfighting	34.305
PRETORIUS, C-J: Once Again <i>lustus Error</i> and Suretyships – <i>Absa</i> <i>Bank Ltd v Trzebiatowsky</i> 2012 (5) SA 134 (ECP)	34.149
PRINSEN, LARISSE: Flawed Law: A Critical Analysis of the Faults and Shortcomings of Chapter 8 of the National Health Act of 2003	34.522
SCHRAGE, EJH: Liability to Disgorge Profits Upon Breach of Contract or	
a Delict	34.17
SLABBERT, M and VENTER, B: Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran	34.17 34.185
 SLABBERT, M and VENTER, B: Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran SLABBERT, MAGDA: Road-accident Fund: Serious Injury Claims and Judicial Precedent: The Supreme Court of Appeal has Spoken 	-
 SLABBERT, M and VENTER, B: Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran SLABBERT, MAGDA: Road-accident Fund: Serious Injury Claims and Judicial Precedent: The Supreme Court of Appeal has Spoken SLABBERT, MAGDA: Superfluous Litigation, In a Wrong Forum About Nothing: When Lawyers and Experts Collude – <i>Motswai v RAF</i> 2012 SA (GSJ) Case No: 2010/17220 	34.185
 SLABBERT, M and VENTER, B: Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran SLABBERT, MAGDA: Road-accident Fund: Serious Injury Claims and Judicial Precedent: The Supreme Court of Appeal has Spoken SLABBERT, MAGDA: Superfluous Litigation, In a Wrong Forum About Nothing: When Lawyers and Experts Collude – <i>Motswai y RAF</i> 2012 	34.185 34.623

SUBRAMANIEN, DARREN: Breaking the Silence – Friends of the Court Can Adduce Evidence – Children's Institute v Presiding Officer of the Children's Court District of Krugersdorp Case CCT 69/12 [2012] ZACC 25	34.333
SUBRAMANIEN, DARREN: Nowhere to Hide for Executives – <i>Fourie v</i> <i>FirstRand Bank Ltd</i> (578/2012) [2012] ZASCA 19 (18 September 2012)	34.174
SURBUN, VISHAL: "Hearing the People on the Street" Testing the Extent of Public Participation in Durban's Street-renaming Process – <i>Democratic Alliance v eThekwini Municipality</i> [2012] 1 All SA 412 (SCA); 2012 (2) SA 151 (SCA)	34.368
TSHOOSE, CLARENCE: Determining the Threshold for Organisational Rights: A Legal Quagmire Facing Minority Unions – South African Post Office v Commissioner Nowosenetz NO (2013) 2 BLLR 216 (LC)	34.600
TUBA, MAPHUTI: Section 4(1)(b) of the Deeds Registries Act 47 of 1937 as a Remedy for the Mistaken Transfer of Land – <i>Bester NNO v</i> <i>Schmidt Bou Ontwikkelings CC</i> [2012] ZASCA 125 (21 September 2012)	34.565
VAN DER BIJL, CHARNELLE: Blue Light Brigades and the Politics of Bad Driving	34.136
VAN DER WALT, ADRIAAN, LAWACK, VIVIENNE A and NEL, EBEN: The Trust as Special-purpose Institution	34.111
VAN DER WESTHUIZEN, CARINA: Critical-care Decisions on Neonates and Young Children in England and Wales – Lessons for South Africa	34.456
VAN NIEKERK, CARMEL: The Four-year Undergraduate LLB: Where to from Here?	34.533
VENTER, B and SLABBERT, M: Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran	34.185
VERGANO, VIVIANA and MILLARD, DALEEN: Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001	34.389
VON BONDE, JOHN C and NDZENGU, NKULULEKO CHRISTOPHER: The Duty of Utmost Good Faith in Asset-forfeiture Jurisprudence – Some Lessons to Learn	34.377
WHITEAR-NEL, N and BANOOBHAI, W: Children's Evidence in Sexual Cases in the Context of S v QN 2012 (1) SACR 380 (KZP)	34.359
WILKÉ, JEAN: The Right to Privacy and Drug-testing in Sport in South Africa: Could the New Zealand Case of <i>Cropp v Judicial Committee</i> Provide Some Guidance?	34.49
WOKER, TANYA: Property-syndication Investment v Property Scam: Who Decides? A Critical Examination of the Regulation of Public- property Syndication Schemes in South Africa	34.233
ZAAL, F NOEL: Fostering by Caregivers with no Common Law Duty of Support: At Last, Some Clarity in the Law – SS v Presiding Officer, Children's Court, Krugersdorp 2012 (6) SA 45 (GSJ)	34.590

SUBJECT INDEX – ONDERWERPREGISTER

ADMINISTRATIVE LAW

"Hearing the People on the Street" Testing the Extent of Public Participation in Durban's Street-renaming Process – <i>Democratic</i> <i>Alliance v eThekwini Municipality</i> [2012] 1 All SA 412 (SCA); 2012 (2) SA 151 (SCA) by Vishal Surbun	34.368
Road-accident Fund: Serious Injury Claims and Judicial Precedent: The Supreme Court of Appeal has Spoken by Magda Slabbert	34.623
BANKING AND FINANCIAL LAW	
An Analysis of the General Enforcement Approaches to Combat Market Abuse (Part 2) by Howard Chitimira and Vivienne A Lawack	34.64
Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001 by Daleen Millard and Viviana Vergano	34.389
Overview of the Role-players in the Investigation, Prevention and Enforcement of Market-abuse Provisions in South Africa by Howard Chitimira and Vivienne A Lawack	34.200
Property-syndication Investment v Property Scam: Who Decides? A Critical Examination of the Regulation of Public-property Syndication Schemes in South Africa by Tanya Woker	34.233
The Buck Stops Where, Exactly? On Outsourcing and Liability Towards Third Parties by Daleen Millard and Monray Marsellus Botha	34.476
The Need for Vigilance in Banking Transactions in the Light of Prevalent Fraud, Misrepresentation and Ponzi Schemes in the Business World – The Trustees of the Insolvent Estate of Grahame Ernest John Whitehead v Dumas Case 323/12 [2013] ZASCA 19 Unreported (20 March 2013) by Musa Kika and Michael Celumusa Buthelezi	34.611
The Trust as Special-purpose Institution by Eben Nel, Vivienne A Lawack and Adriaan van der Walt	34.111
CIVIL PROCEDURE	
Breaking the Silence – Friends of the Court Can Adduce Evidence – Children's Institute v Presiding Officer of the Children's Court District of Krugersdorp Case CCT 69/12 [2012] ZACC 25 by Darren Subramanien	34.333
Judicial Recognition of the Application of the Maxim <i>Res Ipsa Loquitur</i> to a Case of Medical Negligence – <i>Lungile Ntsele v MEC for Health,</i> <i>Gauteng Provincial Government</i> (unreported as yet, Case Number: 2009/52394 (GSJ) dated 24 October 2012) by Pieter Carstens	34.348
Superfluous Litigation, In a Wrong Forum About Nothing: When Lawyers and Experts Collude – <i>Motswai v RAF</i> 2012 SA (GSJ) Case No: 2010/17220 by Magda Slabbert	34.166
COMMON LAW	
Fostering by Caregivers with no Common Law Duty of Support: At Last, Some Clarity in the Law – SS v Presiding Officer, Children's Court, Krugersdorp 2012 (6) SA 45 (GSJ) by F Noel Zaal	34.590
Judicial Recognition of the Application of the Maxim <i>Res Ipsa Loquitur</i> to a Case of Medical Negligence – <i>Lungile Ntsele v MEC for Health,</i> <i>Gauteng Provincial Government</i> (unreported as yet, Case Number: 2009/52394 (GSJ) dated 24 October 2012) by Pieter Carstens	34.348
Liability to Disgorge Profits Upon Breach of Contract or a Delict by EJH Schrage	34.17

Multiple Acts of Sexual Penetration Within a Short Period of Time – Single or Multiple Acts of Rape? <i>by GP Stevens</i>	34.159
The Trust as Special-purpose Institution by Eben Nel, Vivienne A Lawack and Adriaan van der Walt	34.111
COMPANY LAW	
Commercial Law Reasons (Other Than Tax) for Setting Up a Headquarter Company: A South African Observation by Thabo Legwaila	34.1
Nowhere to Hide for Executives – <i>Fourie v FirstRand Bank Ltd</i> (578/2012) [2012] ZASCA 19 (18 September 2012) <i>by Darren Subramanien</i>	34.174
COMPARATIVE STUDIES	
A Critical Analysis of Selected Aspects of the South African Legal Framework Pertaining to Children Living in Prison with their Mothers – With Brief Comparative Comments by Meda Couzens and Nicole Mazoue	34.428
Critical-care Decisions on Neonates and Young Children in England and Wales – Lessons for South Africa by Carina van der Westhuizen	34.456
Cultural Identity, Tradition, and the Ritual Killing of Bulls – A Note on a Recent Decision of the French Constitutional Council on the Legality of Bullfighting by Stephen Peté and Angela Crocker	34.305
Current Issues of Constitutional Damages Litigation: A Contextual Analysis of Recent Commonwealth Decisions by Chuks Okpaluba	34.252
Determining the Threshold for Organisational Rights: A Legal Quagmire Facing Minority Unions – South African Post Office v Commissioner Nowosenetz NO (2013) 2 BLLR 216 (LC) by Clarence Tshoose	34.600
Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001 by Daleen Millard and Viviana Vergano	34.389
Identifying Critical Data and Databases – A Proposal for a Risk-based Theory of Implementing Chapter IX of the ECT Act <i>by Mzukisi Niven</i> <i>Njotini</i>	34.96
Liability to Disgorge Profits Upon Breach of Contract or a Delict by EJH Schrage	34.17
Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran by B Venter and M Slabbert	34.185
The Crime of Defamation – Still Defensible in a Modern Constitutional Democracy? <i>by Shannon Hoctor</i>	34.125
The Offence of being Found in Disguise in Suspicious Circumstances by Shannon Hoctor	34.316
The Right to Privacy and Drug-testing in Sport in South Africa: Could the New Zealand Case of <i>Cropp v Judicial Committee</i> Provide Some Guidance? <i>by Jean Wilké</i>	34.49
CONSTITUTIONAL LAW	
A Critical Analysis of Selected Aspects of the South African Legal Framework Pertaining to Children Living in Prison with their Mothers – With Brief Comparative Comments by Meda Couzens and Nicole Mazoue	34.428
Breaking the Silence – Friends of the Court Can Adduce Evidence – Children's Institute v Presiding Officer of the Children's Court District of Krugersdorp Case CCT 69/12 [2012] ZACC 25 by Darren Subramanien	34.333
Current Issues of Constitutional Damages Litigation: A Contextual Analysis of Recent Commonwealth Decisions by Chuks Okpaluba	34.252

"Hearing the People on the Street" Testing the Extent of Public Participation in Durban's Street-renaming Process – <i>Democratic</i> <i>Alliance v eThekwini Municipality</i> [2012] 1 All SA 412 (SCA); 2012 (2) SA 151 (SCA) <i>by Vishal Surbun</i>	34.368
The Crime of Defamation – Still Defensible in a Modern Constitutional Democracy? <i>by Shannon Hoctor</i>	34.125
The Duty of Utmost Good Faith in Asset-forfeiture Jurisprudence – Some Lessons to Learn by Nkululeko Christopher Ndzengu and John C von Bonde	34.377
The Right to Mother Tongue Education: Practicable or Not? by Chrizell Chürr	34.274
The Right to Privacy and Drug-testing in Sport in South Africa: Could the New Zealand Case of <i>Cropp v Judicial Committee</i> Provide Some Guidance? <i>by Jean Wilké</i>	34.49
The Transformative Potential of the Constitutional Environmental Right Overlooked in <i>Grootboom by Oliver Njuh Fuo</i>	34.77
CONSUMER LAW	
Property-syndication Investment v Property Scam: Who Decides? A Critical Examination of the Regulation of Public-property Syndication Schemes in South Africa <i>by Tanya Woker</i>	34.233
The Buck Stops Where, Exactly? On Outsourcing and Liability Towards Third Parties by Daleen Millard and Monray Marsellus Botha	34.476
CONTRACT	
A Note on "Tacit Universal Partnerships": Clarity at Last: Ex-partner Can Get Slice of the Pie by Darren Subramanien	34.545
Liability to Disgorge Profits Upon Breach of Contract or a Delict by EJH Schrage	34.17
Once Again <i>lustus Error</i> and Suretyships – Absa Bank Ltd v Trzebiatowsky 2012 (5) SA 134 (ECP) by C-J Pretorius	34.149
The Trust as Special-purpose Institution by Eben Nel, Vivienne A Lawack and Adriaan van der Walt	34.111
CRIMINAL LAW	
A Critical Analysis of Selected Aspects of the South African Legal Framework Pertaining to Children Living in Prison with their Mothers – With Brief Comparative Comments by Meda Couzens and Nicole	24 420
Mazoue Blue Light Brigades and the Politics of Bad Driving by Charnelle van der	34.428
Bijl	34.136
Children's Evidence in Sexual Cases in the Context of <i>S v QN</i> 2012 (1) SACR 380 (KZP) <i>by W Banoobhai and N Whitear-Nel</i>	34.359
Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001 by Daleen Millard and Viviana Vergano	34.389
Multiple Acts of Sexual Penetration Within a Short Period of Time – Single or Multiple Acts of Rape? <i>by GP Stevens</i>	34.159
The Crime of Defamation – Still Defensible in a Modern Constitutional Democracy? <i>by Shannon Hoctor</i>	34.125
The Duty of Utmost Good Faith in Asset-forfeiture Jurisprudence – Some Lessons to Learn by Nkululeko Christopher Ndzengu and John C von Bonde	34.377
The Offence of being Found in Disguise in Suspicious Circumstances by Shannon Hoctor	34.316

The Role of Remorse in Sentencing by Pieter du Toit	34.558
CRIMINAL PROCEDURE	
Children's Evidence in Sexual Cases in the Context of <i>S v QN</i> 2012 (1) SACR 380 (KZP) by <i>W Banoobhai and N Whitear-Nel</i>	34.359
The Role of Remorse in Sentencing by Pieter du Toit	34.558
CUSTOMARY LAW	
Bewys van 'n Gebruiklike Huwelik Kragtens Artikel 3(1)(B) van die Wet op Erkenning van Gebruiklike Huwelike 120 van 1988 – Southon v Moropane [2012] ZAGPJHC 146 deur Pieter Bakker	34.579
Cultural Identity, Tradition, and the Ritual Killing of Bulls – A Note on a Recent Decision of the French Constitutional Council on the Legality of Bullfighting by Stephen Peté and Angela Crocker	34.305
DELICT	
Current Issues of Constitutional Damages Litigation: A Contextual Analysis of Recent Commonwealth Decisions by Chuks Okpaluba	34.252
Judicial Recognition of the Application of the Maxim <i>Res Ipsa Loquitur</i> to a Case of Medical Negligence – <i>Lungile Ntsele v MEC for Health,</i> <i>Gauteng Provincial Government</i> (unreported as yet, Case Number: 2009/52394 (GSJ) dated 24 October 2012) by Pieter Carstens	34.348
Liability to Disgorge Profits Upon Breach of Contract or a Delict by EJH Schrage	34.17
Nowhere to Hide for Executives – <i>Fourie v FirstRand Bank Ltd</i> (578/2012) [2012] ZASCA 19 (18 September 2012) by Darren Subramanien	34.174
Road-accident Fund: Serious Injury Claims and Judicial Precedent: The Supreme Court of Appeal has Spoken by Magda Slabbert	34.623
Superfluous Litigation, In a Wrong Forum About Nothing: When Lawyers and Experts Collude – <i>Motswai v RAF</i> 2012 SA (GSJ) Case No: 2010/17220 by Magda Slabbert	34.166
The Crime of Defamation – Still Defensible in a Modern Constitutional Democracy? by Shannon Hoctor	34.125
ETHICS	
Critical-care Decisions on Neonates and Young Children in England and Wales – Lessons for South Africa by Carina van der Westhuizen	34.456
Flawed Law: A Critical Analysis of the Faults and Shortcomings of Chapter 8 of the National Health Act of 2003 by Larisse Prinsen	34.522
Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001 by Daleen Millard and Viviana Vergano	34.389
The Duty of Utmost Good Faith in Asset-forfeiture Jurisprudence – Some Lessons to Learn by Nkululeko Christopher Ndzengu and John C von Bonde	34.377
EVIDENCE	0.1011
Breaking the Silence – Friends of the Court Can Adduce Evidence – Children's Institute v Presiding Officer of the Children's Court District of Krugersdorp Case CCT 69/12 [2012] ZACC 25 by Darren Subramanien	34.333
Children's Evidence in Sexual Cases in the Context of <i>S v QN</i> 2012 (1) SACR 380 (KZP) by <i>W Banoobhai and N Whitear-Nel</i>	34.359
Judicial Recognition of the Application of the Maxim <i>Res Ipsa Loquitur</i> to a Case of Medical Negligence – <i>Lungile Ntsele v MEC for Health,</i> <i>Gauteng Provincial Government</i> (unreported as yet, Case Number: 2009/52394 (GSJ) dated 24 October 2012) by Pieter Carstens	34.348

FAMILY LAW

A Critical Analysis of Selected Aspects of the South African Legal Framework Pertaining to Children Living in Prison with their Mothers – With Brief Comparative Comments by Meda Couzens and Nicole Mazoue	34.428
A Note on "Tacit Universal Partnerships": Clarity at Last: Ex-partner Can Get Slice of the Pie by Darren Subramanien	34.545
Bewys van 'n Gebruiklike Huwelik Kragtens Artikel 3(1)(B) van die Wet op Erkenning van Gebruiklike Huwelike 120 van 1988 – Southon v Moropane [2012] ZAGPJHC 146 deur Pieter Bakker	34.579
Fostering by Caregivers with no Common Law Duty of Support: At Last, Some Clarity in the Law – SS v Presiding Officer, Children's Court, Krugersdorp 2012 (6) SA 45 (GSJ) by F Noel Zaal	34.590
Parenting Plans in terms of the Children's Act: Serving the Best Interests of the Parent or the Child by Frans Mashilo Mahlobogwane	34.218
FINANCIAL MARKETS	
An Analysis of the General Enforcement Approaches to Combat Market Abuse (Part 2) by Howard Chitimira and Vivienne A Lawack	34.64
Overview of the Role-players in the Investigation, Prevention and Enforcement of Market-abuse Provisions in South Africa by Howard Chitimira and Vivienne A Lawack	34.200
Property-syndication Investment v Property Scam: Who Decides? A Critical Examination of the Regulation of Public-property Syndication Schemes in South Africa by Tanya Woker	34.233
HUMAN RIGHTS	
Critical-care Decisions on Neonates and Young Children in England and Wales – Lessons for South Africa by Carina van der Westhuizen	34.456
The African Charter on Human and Peoples' Rights, Its Regional System, and the Role of Civil Society in the First Three Decades: Calibrating the "Paper Tiger" by Dejo Olowu	34.29
The Right to Mother Tongue Education: Practicable or Not? by Chrizell Chürr	34.274
The Right to Privacy and Drug-testing in Sport in South Africa: Could the New Zealand Case of <i>Cropp v Judicial Committee</i> Provide Some Guidance? <i>by Jean Wilké</i>	34.49
The Transformative Potential of the Constitutional Environmental Right Overlooked in <i>Grootboom by Oliver Njuh Fuo</i>	34.77
INFORMATION TECHNOLOGY LAW	
Identifying Critical Data and Databases – A Proposal for a Risk-based Theory of Implementing Chapter IX of the ECT Act by Mzukisi Niven Njotini	34.96
INSOLVENCY LAW	
The Need for Vigilance in Banking Transactions in the Light of Prevalent Fraud, Misrepresentation and Ponzi Schemes in the Business World – The Trustees of the Insolvent Estate of Grahame Ernest John Whitehead v Dumas Case 323/12 [2013] ZASCA 19 Unreported (20 March 2013) by Musa Kika and Michael Celumusa Buthelezi	34.611
LABOUR LAW	
A Social Economy and Sustainability: Is There Potential for an Interface? by Rochelle le Roux	34.506
Determining the Threshold for Organisational Rights: A Legal Quagmire Facing Minority Unions – South African Post Office v Commissioner	

The Buck Stops Where, Exactly? On Outsourcing and Liability Towards Third Parties by Daleen Millard and Monray Marsellus Botha	34.476
LAW OF SALE AND LEASE	
Section 4(1)(b) of the Deeds Registries Act 47 of 1937 as a Remedy for the Mistaken Transfer of Land – <i>Bester NNO v Schmidt Bou</i> <i>Ontwikkelings CC</i> [2012] ZASCA 125 (21 September 2012) by Maphuti Tuba	34.565
LEGAL INTERPRETATION	
Blue Light Brigades and the Politics of Bad Driving by Charnelle van der Bijl	34.136
Breaking the Silence – Friends of the Court Can Adduce Evidence – Children's Institute v Presiding Officer of the Children's Court District of Krugersdorp Case CCT 69/12 [2012] ZACC 25 by Darren Subramanien	34.333
Flawed Law: A Critical Analysis of the Faults and Shortcomings of Chapter 8 of the National Health Act of 2003 by Larisse Prinsen	34.522
Fostering by Caregivers with no Common Law Duty of Support: At Last, Some Clarity in the Law – SS v Presiding Officer, Children's Court, Krugersdorp 2012 (6) SA 45 (GSJ) by F Noel Zaal	34.590
Nowhere to Hide for Executives – Fourie v FirstRand Bank Ltd (578/2012) [2012] ZASCA 19 (18 September 2012) by Darren Subramanien	34.174
Paying the Piper (<i>in Praesentia</i>) – Xstrata South Africa (Pty) Ltd v SFF Association 2012 (5) SA 60 (SCA) by PJ Badenhorst	34.322
Section 4(1)(b) of the Deeds Registries Act 47 of 1937 as a Remedy for the Mistaken Transfer of Land – <i>Bester NNO v Schmidt Bou</i> <i>Ontwikkelings CC</i> [2012] ZASCA 125 (21 September 2012) by Maphuti Tuba	34.565
LEGAL PRACTICE LAW	
Hung Out to Dry? Attorney-client Confidentiality and the Reporting Duties Imposed by the Financial Intelligence Centre Act 38 of 2001 by Daleen Millard and Viviana Vergano	34.389
Superfluous Litigation, In a Wrong Forum About Nothing: When Lawyers and Experts Collude – <i>Motswai v RAF</i> 2012 SA (GSJ) Case No: 2010/17220 by Magda Slabbert	34.166
LLB REFORM	
The Four-year Undergraduate LLB: Where to from Here? by Carmel van Niekerk	34.533
MEDICAL LAW	
Critical-care Decisions on Neonates and Young Children in England and Wales – Lessons for South Africa by Carina van der Westhuizen	34.456
Flawed Law: A Critical Analysis of the Faults and Shortcomings of Chapter 8 of the National Health Act of 2003 by Larisse Prinsen	34.522
Judicial Recognition of the Application of the Maxim <i>Res Ipsa Loquitur</i> to a Case of Medical Negligence – <i>Lungile Ntsele v MEC for Health,</i> <i>Gauteng Provincial Government</i> (unreported as yet, Case Number: 2009/52394 (GSJ) dated 24 October 2012) by Pieter Carstens	34.348
Rewarding a Living Kidney Donor: A Comparison between South Africa, Singapore and Iran by B Venter and M Slabbert	34.185
MINERAL LAW	
Paying the Piper (<i>in Praesentia</i>) – Xstrata South Africa (Pty) Ltd v SFF Association 2012 (5) SA 60 (SCA) by PJ Badenhorst	34.322

PROPERTY LAW

34.565
34.49
34.1