

O B I T E R

INDEX / INDEKS

VOLUME 32

(2011)

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]

The Absolute Anonymity of a State Witness <i>by BC Naudé</i>	32.158
Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 3: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events <i>by Andre M Louw</i>	32.10
Arrest Without Warrant: The SCA Brings Clarity – <i>Minister of Safety and Security v Sekhoto</i> 2011 1 SACR 315 (SCA); [2011] 2 All SA 157 (SCA) <i>by Pieter du Toit</i>	32.473
Aspects of Unfair Suspension at Work <i>by Lynn Biggs and Adriaan van der Walt</i>	32.697
At Last a South African Proper Law of Delict – <i>Burchell v Anglin</i> 2010 3 SA 48 (ECG) <i>by Frans E Marx</i>	32.224
The Bank’s Right to Cancel the Contract Between It and Its Customer Unilaterally – <i>Bredenkamp v Standard Bank of South Africa Ltd</i> 2010 4 SA 468 (SCA) <i>by WG Schulze</i>	32.211
The Basis of Common Error <i>by C-J Pretorius</i>	32.651
Breach of a Collective Agreement: Does the LRA Provide a Remedy in Section 24? – <i>Minister of Safety and Security v Safety and Security Sectoral Bargaining Council</i> [2010] 6 BLLR 594 LAC <i>by Adriaan van der Walt and Glynis van der Walt</i>	32.769
A Critical Assessment of the Introduction of Proportional Analysis by the South African Courts in Civil Forfeiture Jurisprudence <i>by Nkululeko Christopher Ndzengu and Dr John von Bonde</i>	32.83
Deductible Medical Expenses for Income Tax Purposes: Traditional Healers, Pharmacists and Cosmetic Procedures <i>by Fanie van Zyl</i>	32.171
Defamation of School Teachers by Learners – <i>Le Roux v Dey</i> 2011 3 SA 274 (CC) <i>by J Neethling and JM Potgieter</i>	32.721
Determining the Meaning of an Innuendo: Can the Context be Separated from the Words? <i>by Christin Gowar and CJ Visser</i>	32.411
An Estate Agent’s Claim for Payment of Commission, Partial Commission, Damages, Penalties and a <i>Quantum Meruit</i> <i>by Henk Delpont</i>	32.143
The Exclusion of Evidence Obtained by Entrapment: An Update <i>by Darren Subramanien and Nicci Whitear-Nel</i>	32.634
Geen Seks Geen Skadevergoeding <i>deur Magda Slabbert en Carina van der Westhuizen</i>	32.204
Going Against the Tide: Seeking Regulations for Private Military/Security Companies in a Globalized World <i>by Laurence Juma</i>	32.63
Hate Speech on Social Network Sites: Perpetrator and Service Providers’ Liability <i>by Frans Marx</i>	32.322
Introductory Perspectives on Marine Tourism in South African Law <i>by PHG Vrancken</i>	32.613
The Jurisdiction of the Labour Court in International Employment Contracts in Respect of Workplaces outside South Africa <i>by Karin Calitz</i>	32.678
Legal Aspects of Managing Failure of a Central Securities Depository (CSD) Participant <i>by Lynette Swart and Vivienne Lawack-Davids</i>	32.393
The Legality of the Automatic Termination of Contracts of Employment <i>by Tamara Cohen</i>	32.665

Liability of the State for Rape by a Policeman: The Saga Takes a New Direction – <i>Minister of Safety and Security v F</i> 2011 3 SA 487 (SCA) by <i>J Neethling</i>	32.428
Mind the Gap – Increasing Compliance – Burden and Regulatory Misalignment by <i>Vivienne Lawack-Davids</i>	32.712
A Missed Opportunity to Settle the Law on DNA Testing in Paternity Disputes – <i>YD (now M) v LB</i> 2010 6 SA 338 (SCA) by <i>Michael Buthelezi</i>	32.480
Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering <i>deur Rinda Botha en Johann Pienaar</i>	32.266
Proposals Regarding a Weapons Review Process in South Africa (Part 2) by <i>Ashley Moorhouse and David Abrahams</i>	32.249
A New Look at an Old Question – Precisely Where Does a Cause of Action Based on Contract or Delict “Arise” in the Case of Civil Claims in the Magistrates’ and Small Claims Courts? by <i>David Hulme and Stephen Peté</i>	32.304
Not Letting Them Whistle: The Labour Appeal Court’s Approach to the Protected Disclosures Act and Protecting Parliament’s Employees by <i>Craig Bosch and Rochelle le Roux</i>	32.591
Of Implication, Insinuation and Incitement – <i>R v Jones</i> [2010] 3 All ER 1186 (CA) by <i>Shannon Hoctor and Samantha Krause</i>	32.760
Oops I Said it Again ... Self-plagiarism or Text Re-use: When or Is it Acceptable? by <i>Tanya Woker</i>	32.233
The Payment for An Organ and the Admission of Guilt by a South African Hospital – <i>The State v Netcare Kwa-Zulu Natal (Pty) Ltd</i> – Agreement in terms of section 105A(1) of the Criminal Act 51 of 1977, Netcare Kwa-Zulu (Pty) Ltd and the State, Commercial Crime Court, Regional Court of Kwa-Zulu Natal, Durban Case No. 41/1804/2010 by <i>Magda Slabbert and Hennie Oosthuizen</i>	32.740
Preliminary Thoughts on Whether Vicarious Liability Should be Extended to the Parent-Child Relationship by <i>JM Potgieter</i>	32.189
Product Liability: A Changing Playing Field? by <i>Christin Gowar</i>	32.521
Proposals Regarding a Weapons Review Process in South Africa (Part 2) by <i>Ashley Moorhouse and David Abrahams</i>	32.249
Die Regsteoretiese Grondslag van die Integrasiereël in die Suid-Afrikaanse Kontrakereg <i>deur Thino Bekker</i>	32.341
To Regulate or to Over-regulate? Internet Service Provider Liability: The Industry Representative Body in Terms of the ECT Act and Regulations by <i>Frans E Marx and Neil O’Brien</i>	32.537
Reliance, Formalities and the Mode of Acceptance of An Offer – <i>Pillay v Schaik</i> 2009 4 SA 74 (SCA) by <i>C-J Pretorius and R Ismail</i>	32.453
The Role of Private Law in Promoting Social Justice by <i>Eltjo Schrage</i>	32.1
A Selection of Constitutional Aspects that Impact on the Mentally Disordered Patient in South Africa by <i>Magdaleen Swanepoel</i>	32.282
Signs of Change: The Renaming of Durban’s Streets – <i>Democratic Alliance v eThekweni Municipality</i> : Unreported Judgment (KZD) Case Number 10787/08 and 6608/07 Judgment delivered: 3 June 2010 by <i>Vishal Surbun</i>	32.731
Some Administrative Law Aspects of State Regulation of Insolvency Law Revisited – <i>Musenwa v Master of the North Gauteng High Court</i> (Unreported 54849/10 [2010] ZAGPPHC 190 (5 November 2010) by <i>Juanitta Calitz</i>	32.747
The South African Act Revisited – Some Constitutional and Political Reflections and Lessons to be Learned on the Centenary of the formation of the Union of South Africa in 1910 by <i>GE Devenish</i>	32.108

Spring was Rebellious, but It's All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part One <i>by Stephen Peté and Sarah Pudifin</i>	32.355
Spring was Rebellious, but It's All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part Two <i>by Stephen Peté and Sarah Pudifin</i>	32.557
State Liability for Final Court Orders Sounding in Money: At Long Last Alignment with the Constitution <i>by Nic JJ Olivier and Clara Williams</i>	32.489
The Status and Position of the Vatican and the Pope at International Law: Trying to Fit a Religious Square Peg into a Legal Circle? <i>by Siphon Nkosi</i>	32.573
Tax Reasons for Establishing a Headquarter Company <i>by Thabo Legwaila</i>	32.126
Transitional Prospecting Rights: A Moratorial Escort Across the Bridge? – <i>De Beers Consolidated Mines Ltd v Regional Manager, Mineral Regulation Free State Region: Department of Minerals and Energy Case 1590/2007 (OPD) Unreported (15-05-2008) (“De Beers (2)”) by PJ Badenhorst</i>	32.463
Which Structures Does the Housebreaking Crime Protect? <i>by Shannon Hoctor</i>	32.417
Who are the True Beneficiaries of Affirmative Action? – <i>Solidarity obo Barnard v SAPS 2010 5 BLLR 561 (LC)</i> <i>by Muriel Mushariwa</i>	32.439

CONTRIBUTORS – MEDEWERKERS

ABRAHAMS, DAVID and MOORHOUSE, ASHLEY: Proposals Regarding a Weapons Review Process in South Africa (Part 2)	32.249
BADENHORST, PJ: Transitional Prospecting Rights: A Moratorial Escort Across the Bridge? – <i>De Beers Consolidated Mines Ltd v Regional Manager, Mineral Regulation Free State Region: Department of Minerals and Energy Case 1590/2007 (OPD) Unreported (15-05-2008) (“De Beers (2)”)</i>	32.463
BEKKER, THINO: Die Regsteoretiese Grondslag van die Integrasiereël in die Suid-Afrikaanse Kontrakereg	32.341
BIGGS, LYNN and VAN DER WALT, ADRIAAN: Aspects of Unfair Suspension at Work	32.697
BOSCH, CRAIG and LE ROUX, ROCHELLE: Not Letting Them Whistle: The Labour Appeal Court’s Approach to the Protected Disclosures Act and Protecting Parliament’s Employees	32.591
BOTH, RINDA en PIENAAR, JOHANN: Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering	32.266
BUTHELEZI, MICHAEL: A Missed Opportunity to Settle the Law on DNA Testing in Paternity Disputes – <i>YD (now M) v LB 2010 6 SA 338 (SCA)</i>	32.480
CALITZ, JUANITTA: Some Administrative Law Aspects of State Regulation of Insolvency Law Revisited – <i>Musenwa v Master of the North Gauteng High Court (Unreported 54849/10 [2010] ZAGPPHC 190 (5 November 2010))</i>	32.747
CALITZ, KARIN: The Jurisdiction of the Labour Court in International Employment Contracts in Respect of Workplaces outside South Africa	32.678
COHEN, TAMARA: The Legality of the Automatic Termination of Contracts of Employment	32.665
DELPOR, HENK: An Estate Agent’s Claim for Payment of Commission, Partial Commission, Damages, Penalties and a <i>Quantum Meruit</i>	32.143
DEVENISH, GE: The South African Act Revisited – Some Constitutional and Political Reflections and Lessons to be Learned on the Centenary of the formation of the Union of South Africa in 1910	32.108
DOMINGO, WESAHL: Muslim Personal Law in South Africa: “Until Two Legal Systems do us Part or Meet?”	32.377
DU TOIT, PIETER: Arrest Without Warrant: The SCA Brings Clarity – <i>Minister of Safety and Security v Sekhoto 2011 1 SACR 315 (SCA); [2011] 2 All SA 157 (SCA)</i>	32.473
GOWAR, CHRISTIN and VISSER, CJ: Determining the Meaning of an Innuendo: Can the Context be Separated from the Words?	32.411
GOWAR, CHRISTIN: Product Liability: A Changing Playing Field?	32.521
HOCTOR, SHANNON: Which Structures Does the Housebreaking Crime Protect?	32.417
HOCTOR, SHANNON and KRAUSE, SAMANTHA: Of Implication, Insinuation and Incitement – <i>R v Jones [2010] 3 All ER 1186 (CA)</i>	32.760
HULME, DAVID and PETÉ, STEPHEN: A New Look at an Old Question – Precisely Where Does a Cause of Action Based on Contract or Delict “Arise” in the Case of Civil Claims in the Magistrates’ and Small Claims Courts?	32.304
ISMAIL, R and PRETORIUS, C-J: Reliance, Formalities and the Mode of Acceptance of An Offer – <i>Pillay v Schaik 2009 4 SA 74 (SCA)</i>	32.453

JUMA, LAURENCE: Going Against the Tide: Seeking Regulations for Private Military/Security Companies in a Globalized World	32.63
KRAUSE, SAMANTHA and HOCTOR, SHANNON: Of Implication, Insinuation and Incitement – <i>R v Jones</i> [2010] 3 All ER 1186 (CA)	32.760
LAWACK-DAVIDS, VIVIENNE and SWART, LYNETTE: Legal Aspects of Managing Failure of a Central Securities Depository (CSD) Participant by <i>Lynette Swart and Vivienne Lawack-Davids</i>	32.393
LAWACK-DAVIDS, VIVIENNE: Mind the Gap – Increasing Compliance – Burden and Regulatory Misalignment	32.712
LEGWAILA, THABO: Tax Reasons for Establishing a Headquarter Company	32.126
LE ROUX, ROCHELLE and BOSCH, CRAIG: Not Letting Them Whistle: The Labour Appeal Court's Approach to the Protected Disclosures Act and Protecting Parliament's Employees by <i>Craig Bosch and Rochelle le Roux</i>	32.591
LOUW, ANDRE M: Anyone for a Game of Monopoly TM ? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 3: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events	32.10
MARX, FRANS E: At Last a South African Proper Law of Delict – <i>Burchell v Anglin</i> 2010 3 SA 48 (ECG)	32.224
MARX, FRANS: Hate Speech on Social Network Sites: Perpetrator and Service Providers' Liability	32.322
MARX, FRANS E and O'BRIEN, NEIL: To Regulate or to Over-regulate? Internet Service Provider Liability: The Industry Representative Body in Terms of the ECT Act and Regulations	32.537
MOORHOUSE, ASHLEY and ABRAHAMS, DAVID: Proposals Regarding a Weapons Review Process in South Africa (Part 2)	32.249
MUSHARIWA, MURIEL: Who are the True Beneficiaries of Affirmative Action? – <i>Solidarity obo Barnard v SAPS</i> 2010 5 BLLR 561 (LC)	32.439
NAUDÉ, BC: The Absolute Anonymity of a State Witness	32.158
NDZENGU, NKULULEKO CHRISTOPHER and VON BONDE, DR JOHN: A Critical Assessment of the Introduction of Proportional Analysis by the South African Courts in Civil Forfeiture Jurisprudence ..	32.83
NEETHLING, J: Liability of the State for Rape by a Policeman: The Saga Takes a New Direction – <i>Minister of Safety and Security v F</i> 2011 3 SA 487 (SCA)	32.428
NEETHLING, J and POTGIETER, JM: Defamation of School Teachers by Learners – <i>Le Roux v Dey</i> 2011 3 SA 274 (CC)	32.721
NKOSI, SIPHO: The Status and Position of the Vatican and the Pope at International Law: Trying to Fit a Religious Square Peg into a Legal Circle?	32.573
O'BRIEN, NEIL and MARX, FRANS E: To Regulate or to Over-regulate? Internet Service Provider Liability: The Industry Representative Body in Terms of the ECT Act and Regulations	32.537
OLIVIER, NIC JJ and WILLIAMS, CLARA: State Liability for Final Court Orders Sounding in Money: At Long Last Alignment with the Constitution	32.489
OOSTHUIZEN, HENNIE and SLABBERT, MAGDA: The Payment for An Organ and the Admission of Guilt by a South African Hospital – <i>The State v Netcare Kwa-Zulu Natal (Pty) Ltd</i> – Agreement in terms of section 105A(1) of the Criminal Act 51 of 1977, Netcare Kwa-Zulu (Pty) Ltd and the State, Commercial Crime Court, Regional Court of Kwa-Zulu Natal, Durban Case No. 41/1804/2010	32.740

PETÉ, STEPHEN and HULME, DAVID: A New Look at an Old Question – Precisely Where Does a Cause of Action Based on Contract or Delict “Arise” in the Case of Civil Claims in the Magistrates’ and Small Claims Courts? by David Hulme and Stephen Peté	32.304
PETÉ, STEPHEN and PUDIFIN, SARAH: Spring was Rebellious, but It’s All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part One	32.355
PETÉ, STEPHEN and PUDIFIN, SARAH: Spring was Rebellious, but It’s All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part Two	32.557
PIENAAR, JOHANN, en BOTHA, RINDA: Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering	32.266
POTGIETER, JM: Preliminary Thoughts on Whether Vicarious Liability Should be Extended to the Parent-Child Relationship	32.189
POTGIETER, JM and NEETHLING, J: Defamation of School Teachers by Learners – <i>Le Roux v Dey</i> 2011 3 SA 274 (CC)	32.721
PRETORIUS, C-J and ISMAIL, R: Reliance, Formalities and the Mode of Acceptance of An Offer – <i>Pillay v Schaik</i> 2009 4 SA 74 (SCA)	32.453
PRETORIUS, C-J: The Basis of Common Error	32.651
PUDIFIN, SARAH and PETÉ, STEPHEN: Spring was Rebellious, but It’s All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part One	32.355
PUDIFIN, SARAH and PETÉ, STEPHEN: Spring was Rebellious, but It’s All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part Two	32.557
SCHRAGE, ELTJO: The Role of Private Law in Promoting Social Justice ..	32.1
SCHULZE, WG: The Bank’s Right to Cancel the Contract Between It and Its Customer Unilaterally – <i>Bredenkamp v Standard Bank of South Africa Ltd</i> 2010 4 SA 468 (SCA)	32.211
SLABBERT, MAGDA en VAN DER WESTHUIZEN, CARINA: Geen Seks Geen Skadevergoeding	32.204
SLABBERT, MAGDA and OOSTHUIZEN, HENNIE: The Payment for An Organ and the Admission of Guilt by a South African Hospital – <i>The State v Netcare Kwa-Zulu Natal (Pty) Ltd – Agreement</i> in terms of section 105A(1) of the Criminal Act 51 of 1977, Netcare Kwa-Zulu (Pty) Ltd and the State, Commercial Crime Court, Regional Court of Kwa-Zulu Natal, Durban Case No. 41/1804/2010	32.740
SUBRAMANIEN, DARREN and WHITEAR-NEL, NICCI: The Exclusion of Evidence Obtained by Entrapment: An Update	32.634
SURBAN, VISHAL: Signs of Change: The Renaming of Durban’s Streets – <i>Democratic Alliance v eThekweni Municipality</i> : Unreported Judgment (KZD) Case Number 10787/08 and 6608/07 Judgment delivered: 3 June 2010	32.731
SWANEPOEL, MAGDALEEN: A Selection of Constitutional Aspects that Impact on the Mentally Disordered Patient in South Africa	32.282
SWART, LYNETTE and LAWACK-DAVIDS, VIVIENNE: Legal Aspects of Managing Failure of a Central Securities Depository (CSD) Participant	32.393
VAN DER WALT, ADRIAAN and BIGGS, LYNN: Aspects of Unfair Suspension at Work	32.697
VAN DER WALT, ADRIAAN and VAN DER WALT, GLYNIS: Breach of a Collective Agreement: Does the LRA Provide a Remedy in Section 24? – <i>Minister of Safety and Security v Safety and Security Sectoral Bargaining Council</i> [2010] 6 BLLR 594 LAC	32.769

VAN DER WALT, GLYNIS and VAN DER WALT, ADRIAAN: Breach of a Collective Agreement: Does the LRA Provide a Remedy in Section 24? – <i>Minister of Safety and Security v Safety and Security Sectoral Bargaining Council</i> [2010] 6 BLLR 594 LAC	32.769
VAN DER WESTHUIZEN, CARINA en SLABBERT, MAGDA: Geen Seks Geen Skadevergoeding	32.204
VAN ZYL, FANIE: Deductible Medical Expenses for Income Tax Purposes: Traditional Healers, Pharmacists and Cosmetic Procedures	32.171
VISSER, CJ and GOWAR, CHRISTIN: Determining the Meaning of an Innuendo: Can the Context be Separated from the Words?	32.411
VON BONDE, DR JOHN and NDZENGU, NKULULEKO CHRISTOPHER: A Critical Assessment of the Introduction of Proportional Analysis by the South African Courts in Civil Forfeiture Jurisprudence	32.83
VRANCKEN, PHG: Introductory Perspectives on Marine Tourism in South African Law	32.613
WILLIAMS, CLARA and OLIVIER, NIC JJ: State Liability for Final Court Orders Sounding in Money: At Long Last Alignment with the Constitution by <i>Nic JJ Olivier and Clara Williams</i>	32.489
WHITEAR-NEL, NICCI and SUBRAMANIEN, DARREN: The Exclusion of Evidence Obtained by Entrapment: An Update	32.634
WOKER, TANYA: Oops I Said it Again ... Self-plagiarism or Text Re-use: When or Is it Acceptable?	32.233

SUBJECT INDEX – ONDERWERPREGISTER

ADMINISTRATIVE LAW

- Signs of Change: The Renaming of Durban's Streets – *Democratic Alliance v eThekweni Municipality*: Unreported Judgment (KZD) Case Number 10787/08 and 6608/07 Judgment delivered: 3 June 2010 by Vishal Surbun 32.731
- Some Administrative Law Aspects of State Regulation of Insolvency Law Revisited – *Musenwa v Master of the North Gauteng High Court* (Unreported 54849/10 [2010] ZAGPPHC 190 (5 November 2010) by Juanitta Calitz 32.747

BANKING AND FINANCIAL LAW

- The Bank's Right to Cancel the Contract Between It and Its Customer Unilaterally – *Bredenkamp v Standard Bank of South Africa Ltd* 2010 4 SA 468 (SCA) by WG Schulze 32.211
- Legal Aspects of Managing Failure of a Central Securities Depository (CSD) Participant by Lynette Swart and Vivienne Lawack-Davids 32.393

CIVIL PROCEDURE

- A New Look at an Old Question – Precisely Where Does a Cause of Action Based on Contract or Delict "Arise" in the Case of Civil Claims in the Magistrates' and Small Claims Courts? by David Hulme and Stephen Peté 32.304
- State Liability for Final Court Orders Sounding in Money: At Long Last Alignment with the Constitution by Nic JJ Olivier and Clara Williams 32.489

COMPANY LAW

- Tax Reasons for Establishing a Headquarter Company by Thabo Legwaila 32.126

COMPARATIVE STUDIES

- Hate Speech on Social Network Sites: Perpetrator and Service Providers' Liability by Frans Marx 32.322
- The Jurisdiction of the Labour Court in International Employment Contracts in Respect of Workplaces outside South Africa by Karin Calitz 32.678
- Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering deur Rinda Botha en Johann Pienaar 32.266
- Muslim Personal Law in South Africa: "Until Two Legal Systems do us Part or Meet?" by Wesahl Domingo 32.377
- Of Implication, Insinuation and Incitement – *R v Jones* [2010] 3 All ER 1186 (CA) by Shannon Hoor and Samantha Krause 32.760
- Product Liability: A Changing Playing Field? by Christin Gowar 32.521
- To Regulate or to Over-regulate? Internet Service Provider Liability: The Industry Representative Body in Terms of the ECT Act and Regulations by Frans E Marx and Neil O'Brien 32.537
- Spring was Rebellious, but It's All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part One by Stephen Peté and Sarah Pudifin 32.355

Spring was Rebellious, but It's All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part Two <i>by Stephen Peté and Sarah Pudifin</i>	32.557
Who are the True Beneficiaries of Affirmative Action? – <i>Solidarity obo Barnard v SAPS 2010 5 BLLR 561 (LC)</i> <i>by Muriel Mushariwa</i>	32.439

COMPETITION LAW

Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 3: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events <i>by Andre M Louw</i>	32.10
---	-------

CONSTITUTIONAL LAW

A Critical Assessment of the Introduction of Proportional Analysis by the South African Courts in Civil Forfeiture Jurisprudence <i>by Nkululeko Christopher Ndzengu and Dr John von Bonde</i>	32.83
The Exclusion of Evidence Obtained by Entrapment: An Update <i>by Darren Subramanien and Nicci Whitear-Nel</i>	32.634
Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering <i>deur Rinda Botha en Johann Pienaar</i>	32.266
A Selection of Constitutional Aspects that Impact on the Mentally Disordered Patient in South Africa <i>by Magdaleen Swanepoel</i>	32.282
The South African Act Revisited – Some Constitutional and Political Reflections and Lessons to be Learned on the Centenary of the formation of the Union of South Africa in 1910 <i>by GE Devenish</i>	32.108
State Liability for Final Court Orders Sounding in Money: At Long Last Alignment with the Constitution <i>by Nic JJ Olivier and Clara Williams</i>	32.489
Who are the True Beneficiaries of Affirmative Action? – <i>Solidarity obo Barnard v SAPS 2010 5 BLLR 561 (LC)</i> <i>by Muriel Mushariwa</i>	32.439

CONSUMER LAW

The Bank's Right to Cancel the Contract Between It and Its Customer Unilaterally – <i>Bredenkamp v Standard Bank of South Africa Ltd 2010 4 SA 468 (SCA)</i> <i>by WG Schulze</i>	32.211
Mind the Gap – Increasing Compliance – Burden and Regulatory Misalignment <i>by Vivienne Lawack-Davids</i>	32.712
Product Liability: A Changing Playing Field? <i>by Christin Gowar</i>	32.521

CONTRACT

The Bank's Right to Cancel the Contract Between It and Its Customer Unilaterally – <i>Bredenkamp v Standard Bank of South Africa Ltd 2010 4 SA 468 (SCA)</i> <i>by WG Schulze</i>	32.211
The Basis of Common Error <i>by C-J Pretorius</i>	32.651
An Estate Agent's Claim for Payment of Commission, Partial Commission, Damages, Penalties and a <i>Quantum Meruit</i> <i>by Henk Delport</i>	32.143
The Legality of the Automatic Termination of Contracts of Employment <i>by Tamara Cohen</i>	32.665
A New Look at an Old Question – Precisely Where Does a Cause of Action Based on Contract or Delict "Arise" in the Case of Civil Claims in the Magistrates' and Small Claims Courts? <i>by David Hulme and Stephen Peté</i>	32.304

Die Regsteoretiese Grondslag van die Integrasiereël in die Suid-Afrikaanse Kontrakereg <i>deur Thino Bekker</i>	32.341
Reliance, Formalities and the Mode of Acceptance of An Offer – <i>Pillay v Schaik</i> 2009 4 SA 74 (SCA) <i>by C-J Pretorius and R Ismail</i>	32.453
Spring was Rebellious, but It's All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part Two <i>by Stephen Peté and Sarah Pudifin</i>	32.557
CRIMINAL LAW	
A Critical Assessment of the Introduction of Proportional Analysis by the South African Courts in Civil Forfeiture Jurisprudence <i>by Nkululeko Christopher Ndzengu and Dr John von Bonde</i>	32.83
Liability of the State for Rape by a Policeman: The Saga Takes a New Direction – <i>Minister of Safety and Security v F</i> 2011 3 SA 487 (SCA) <i>by J Neethling</i>	32.428
Of Implication, Insinuation and Incitement – <i>R v Jones</i> [2010] 3 All ER 1186 (CA) <i>by Shannon Hocter and Samantha Krause</i>	32.760
The Payment for An Organ and the Admission of Guilt by a South African Hospital – <i>The State v Netcare Kwa-Zulu Natal (Pty) Ltd</i> – Agreement in terms of section 105A(1) of the Criminal Act 51 of 1977, Netcare Kwa-Zulu (Pty) Ltd and the State, Commercial Crime Court, Regional Court of Kwa-Zulu Natal, Durban Case No. 41/1804/2010 <i>by Magda Slabbert and Hennie Oosthuizen</i>	32.740
Which Structures Does the Housebreaking Crime Protect? <i>by Shannon Hocter</i>	32.417
CRIMINAL PROCEDURE	
Arrest Without Warrant: The SCA Brings Clarity – <i>Minister of Safety and Security v Sekhoto</i> 2011 1 SACR 315 (SCA); [2011] 2 All SA 157 (SCA) <i>by Pieter du Toit</i>	32.473
The Exclusion of Evidence Obtained by Entrapment: An Update <i>by Darren Subramanien and Nicci Whitear-Nel</i>	32.634
The Absolute Anonymity of a State Witness <i>by BC Naudé</i>	32.158
DELICT	
At Last a South African Proper Law of Delict – <i>Burchell v Anglin</i> 2010 3 SA 48 (ECG) <i>by Frans E Marx</i>	32.224
Defamation of School Teachers by Learners – <i>Le Roux v Dey</i> 2011 3 SA 274 (CC) <i>by J Neethling and JM Potgieter</i>	32.721
Determining the Meaning of an Innuendo: Can the Context be Separated from the Words? <i>by Christin Gowar and CJ Visser</i>	32.411
Liability of the State for Rape by a Policeman: The Saga Takes a New Direction – <i>Minister of Safety and Security v F</i> 2011 3 SA 487 (SCA) <i>by J Neethling</i>	32.428
A New Look at an Old Question – Precisely Where Does a Cause of Action Based on Contract or Delict “Arise” in the Case of Civil Claims in the Magistrates’ and Small Claims Courts? <i>by David Hulme and Stephen Peté</i>	32.304
Preliminary Thoughts on Whether Vicarious Liability Should be Extended to the Parent-Child Relationship <i>by JM Potgieter</i>	32.189
Product Liability: A Changing Playing Field? <i>by Christin Gowar</i>	32.521

ETHICS

A Missed Opportunity to Settle the Law on DNA Testing in Paternity Disputes – <i>YD (now M) v LB</i> 2010 6 SA 338 (SCA) by <i>Michael Buthelezi</i>	32.480
Oops I Said it Again ... Self-plagiarism or Text Re-use: When or Is it Acceptable? by <i>Tanya Woker</i>	32.233
The Payment for An Organ and the Admission of Guilt by a South African Hospital – <i>The State v Netcare Kwa-Zulu Natal (Pty) Ltd</i> – Agreement in terms of section 105A(1) of the Criminal Act 51 of 1977, Netcare Kwa-Zulu (Pty) Ltd and the State, Commercial Crime Court, Regional Court of Kwa-Zulu Natal, Durban Case No. 41/1804/2010 by <i>Magda Slabbert and Hennie Oosthuizen</i>	32.740

EVIDENCE

The Exclusion of Evidence Obtained by Entrapment: An Update by <i>Darren Subramanien and Nicci Whitear-Nel</i>	32.634
The Absolute Anonymity of a State Witness by <i>BC Naudé</i>	32.158

FAMILY LAW

Geen Seks Geen Skadevergoeding <i>deur Magda Slabbert en Carina van der Westhuizen</i>	32.204
A Missed Opportunity to Settle the Law on DNA Testing in Paternity Disputes – <i>YD (now M) v LB</i> 2010 6 SA 338 (SCA) by <i>Michael Buthelezi</i>	32.480
Muslim Personal Law in South Africa: “Until Two Legal Systems do us Part or Meet?” by <i>Wesahl Domingo</i>	32.377
Preliminary Thoughts on Whether Vicarious Liability Should be Extended to the Parent-Child Relationship by <i>JM Potgieter</i>	32.189

FINANCIAL MARKETS

Legal Aspects of Managing Failure of a Central Securities Depository (CSD) Participant by <i>Lynette Swart and Vivienne Lawack-Davids</i>	32.393
---	--------

HUMAN RIGHTS

Arrest Without Warrant: The SCA Brings Clarity – <i>Minister of Safety and Security v Sekhoto</i> 2011 1 SACR 315 (SCA); [2011] 2 All SA 157 (SCA) by <i>Pieter du Toit</i>	32.473
Hate Speech on Social Network Sites: Perpetrator and Service Providers’ Liability by <i>Frans Marx</i>	32.322
Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering <i>deur Rinda Botha en Johann Pienaar</i>	32.266
Not Letting Them Whistle: The Labour Appeal Court’s Approach to the Protected Disclosures Act and Protecting Parliament’s Employees by <i>Craig Bosch and Rochelle le Roux</i>	32.591
A Selection of Constitutional Aspects that Impact on the Mentally Disordered Patient in South Africa by <i>Magdaleen Swanepoel</i>	32.282
State Liability for Final Court Orders Sounding in Money: At Long Last Alignment with the Constitution by <i>Nic JJ Olivier and Clara Williams</i>	32.489
Who are the True Beneficiaries of Affirmative Action? – <i>Solidarity obo Barnard v SAPS</i> 2010 5 BLLR 561 (LC) by <i>Muriel Mushariwa</i>	32.439
Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 3:	

Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events <i>by Andre M Louw</i>	32.10
INFORMATION TECHNOLOGY	
Hate Speech on Social Network Sites: Perpetrator and Service Providers' Liability <i>by Frans Marx</i>	32.322
To Regulate or to Over-regulate? Internet Service Provider Liability: The Industry Representative Body in Terms of the ECT Act and Regulations <i>by Frans E Marx and Neil O'Brien</i>	32.537
INSOLVENCY LAW	
Some Administrative Law Aspects of State Regulation of Insolvency Law Revisited – <i>Musenwa v Master of the North Gauteng High Court</i> (Unreported 54849/10 [2010] ZAGPPHC 190 (5 November 2010) <i>by Juanitta Calitz</i>	32.747
INTELLECTUAL PROPERTY LAW	
Oops I Said it Again ... Self-plagiarism or Text Re-use: When or Is it Acceptable? <i>by Tanya Woker</i>	32.233
Spring was Rebellious, but It's All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part One <i>by Stephen Peté and Sarah Pudifin</i>	32.355
Spring was Rebellious, but It's All Over Now – Public Art, Politics and the Law in Post-apartheid South Africa – Part Two <i>by Stephen Peté and Sarah Pudifin</i>	32.557
Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 3: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events <i>by Andre M Louw</i>	32.10
INTERNATIONAL HUMANITARIAN LAW	
Going Against the Tide: Seeking Regulations for Private Military/Security Companies in a Globalized World <i>by Laurence Juma</i>	32.63
Proposals Regarding a Weapons Review Process in South Africa (Part 2) <i>by Ashley Moorhouse and David Abrahams</i>	32.249
ISLAMIC LAW	
Proposals Regarding a Weapons Review Process in South Africa (Part 2) <i>by Ashley Moorhouse and David Abrahams</i>	32.249
LABOUR LAW	
Aspects of Unfair Suspension at Work <i>by Lynn Biggs and Adriaan van der Walt</i>	32.697
Breach of a Collective Agreement: Does the LRA Provide a Remedy in Section 24? – <i>Minister of Safety and Security v Safety and Security Sectoral Bargaining Council</i> [2010] 6 BLLR 594 LAC <i>by Adriaan van der Walt and Glynis van der Walt</i>	32.769
The Jurisdiction of the Labour Court in International Employment Contracts in Respect of Workplaces outside South Africa <i>by Karin Calitz</i>	32.678
The Legality of the Automatic Termination of Contracts of Employment <i>by Tamara Cohen</i>	32.665

Liability of the State for Rape by a Policeman: The Saga Takes a New Direction – <i>Minister of Safety and Security v F</i> 2011 3 SA 487 (SCA) by <i>J Neethling</i>	32.428
Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering <i>deur Rinda Botha en Johann Pienaar</i>	32.266
Not Letting Them Whistle: The Labour Appeal Court's Approach to the Protected Disclosures Act and Protecting Parliament's Employees by <i>Craig Bosch and Rochelle le Roux</i>	32.591
Who are the True Beneficiaries of Affirmative Action? – <i>Solidarity obo Barnard v SAPS</i> 2010 5 BLLR 561 (LC) by <i>Muriel Mushariwa</i>	32.439

LEGAL INTERPRETATION

Determining the Meaning of an Innuendo: Can the Context be Separated from the Words? by <i>Christin Gowar and CJ Visser</i>	32.411
Not Letting Them Whistle: The Labour Appeal Court's Approach to the Protected Disclosures Act and Protecting Parliament's Employees by <i>Craig Bosch and Rochelle le Roux</i>	32.591

LEGAL HISTORY

The Role of Private Law in Promoting Social Justice by <i>Eltjo Schrage</i>	32.1
The South African Act Revisited – Some Constitutional and Political Reflections and Lessons to be Learned on the Centenary of the formation of the Union of South Africa in 1910 by <i>GE Devenish</i>	32.108

MEDICAL LAW

Deductible Medical Expenses for Income Tax Purposes: Traditional Healers, Pharmacists and Cosmetic Procedures by <i>Fanie van Zyl</i>	32.171
A Missed Opportunity to Settle the Law on DNA Testing in Paternity Disputes – <i>YD (now M) v LB</i> 2010 6 SA 338 (SCA) by <i>Michael Buthelezi</i>	32.480
Die Moontlikheid van Verpligte MIV-toetsing vir Sekswerkers in Suid-Afrika na Dekriminalisering <i>deur Rinda Botha en Johann Pienaar</i>	32.266
The Payment for An Organ and the Admission of Guilt by a South African Hospital – <i>The State v Netcare Kwa-Zulu Natal (Pty) Ltd</i> – Agreement in terms of section 105A(1) of the Criminal Act 51 of 1977, Netcare Kwa-Zulu (Pty) Ltd and the State, Commercial Crime Court, Regional Court of Kwa-Zulu Natal, Durban Case No. 41/1804/2010 by <i>Magda Slabbert and Hennie Oosthuizen</i>	32.740
A Selection of Constitutional Aspects that Impact on the Mentally Disordered Patient in South Africa by <i>Magdaleen Swanepoel</i>	32.282

MINERAL LAW

Transitional Prospecting Rights: A Moratorial Escort Across the Bridge? – <i>De Beers Consolidated Mines Ltd v Regional Manager, Mineral Regulation Free State Region: Department of Minerals and Energy</i> Case 1590/2007 (OPD) Unreported (15-05-2008) ("De Beers (2)") by <i>PJ Badenhorst</i>	32.463
--	--------

PRIVATE INTERNATIONAL LAW

Hate Speech on Social Network Sites: Perpetrator and Service Providers' Liability by <i>Frans Marx</i>	32.322
--	--------

The Jurisdiction of the Labour Court in International Employment Contracts in Respect of Workplaces outside South Africa by <i>Karin Calitz</i>	32.678
---	--------

PUBLIC INTERNATIONAL LAW

Going Against the Tide: Seeking Regulations for Private Military/Security Companies in a Globalized World by <i>Laurence Juma</i>	32.63
Introductory Perspectives on Marine Tourism in South African Law by <i>PHG Vrancken</i>	32.613
Proposals Regarding a Weapons Review Process in South Africa (Part 2) by <i>Ashley Moorhouse and David Abrahams</i>	32.249
The Status and Position of the Vatican and the Pope at International Law: Trying to Fit a Religious Square Peg into a Legal Circle? by <i>Sipho Nkosi</i>	32.573

SPORT LAW

Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 3: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events by <i>Andre M Louw</i>	32.10
---	-------

TRADE LAW

Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 3: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events by <i>Andre M Louw</i>	32.10
---	-------

TAX LAW

Deductible Medical Expenses for Income Tax Purposes: Traditional Healers, Pharmacists and Cosmetic Procedures by <i>Fanie van Zyl</i>	32.171
Tax Reasons for Establishing a Headquarter Company by <i>Thabo Legwaila</i>	32.126

TOURISM LAW

Introductory Perspectives on Marine Tourism in South African Law by <i>PHG Vrancken</i>	32.613
---	--------