

# **O B I T E R**

---

INDEX / INDEKS

VOLUME 31

(2010)

## 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 Short Discussion on the Effects of the <i>In Duplum</i> Rule Upon Commencement of Litigation and After Judgement: A View Both “Inside” and “Outside” the National Credit Act by <i>ML Vessio</i> .....	31.725
Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialization of Major Sporting Events Part 1: An Overview of Ambush Marketing in Sport by <i>Andre M Louw and Daniel Areias</i> .....	31.57
Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 2: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events by <i>Andre M Louw</i> .....	31.264
Are there Laws and Policies Protecting People Infected and Affected by HIV/AIDS in Southern Africa? An Update of a Review of the Extent to which Countries within the South African Development Community have Implemented the <i>HIV/AIDS and Human Rights International Guidelines</i> by <i>Ann Strode, Brenda Grant and Suhayfa Bhamjee</i> .....	31.459
Assessing the WTO Compliance of Selected Aspects of South Africa’s International Trade Administration Amendment Bill by <i>Lonias Ndlovu</i> ...	31.310
The Basis of Tacit Contracts by <i>C-J Pretorius</i> .....	31.518
Bridging the Gap: The Role of Micro-insurance in a Comprehensive Social-Protection System in South Africa by <i>Letlhokwa George Mpedi and Daleen Millard</i> .....	31.497
Cold Comfort for the Parties to a Muslim Marriage – The Saga Continues – <i>Hassam v Jacobs NO (Muslim Youth Movement of South Africa and Women’s Legal Trust as Amici Curiae)</i> [2009] ZACC 19 by <i>Razaana Denson and Glynis van der Walt</i> .....	31.201
Consumer Protection Legislation and Private International Law by <i>Jan L Neels</i> .....	31.122
Consumer Protection Measures for Erroneous or Unauthorized Internet Payments: Some Lessons from the European Union? by <i>Vivienne A Lawack-Davids and Frans E Marx</i> .....	31.446
The Constitutional Duty to Engage in Collective Bargaining by <i>Angela Patricia Molusi</i> .....	31.156
The Contract of Employment in Labour Law: Obstacle or Panacea? by <i>Radley Henrico and Nicola Smit</i> .....	31.247
The Contribution of the Defence Act to the Fight Against Piracy by <i>PHG Vrancken and SV Hoor</i> .....	31.428
Debt Counselling v Debt Enforcement: Some Procedural Questions Answered – <i>BMW Financial Services (SA) (Pty) Ltd v Donkin</i> 2009 6 SA 63 (KZD) by <i>Corlia van Heerden and Hermie Coetzee</i> .....	31.756
Dekriminalisering nie die Enigste Struikelblok in Sekswerkers se Stryd om Arbeidsregte nie deur <i>Rinda Botha en Hennie Oosthuizen</i> .....	31.107
De-linking <i>Ubuntu</i> : Towards a Unique South African Jurisprudence by <i>Freddy Mnyongani</i> .....	31.134
Determining the Best Interests of the Child in Custody Battles: Should a Child’s Voice be Considered? by <i>Frans Mashilo Mahlobogwane</i> .....	31.232
Die Onderrig van die Inheemse Reg: Bevoeg, of Beperk deur Boeke? deur <i>Elmarie Knoetze</i> .....	31.662
Equality, the Consumer Protection Act and Customer Segment Pricing Strategies: Is There Relief for the Poor Rich Tourist? by <i>Mark Tait and Madéle Tait</i> .....	31.434

Examining the International Law Right of Self Defence: The Case of Russia and Georgia; Israel and Gaza by <i>FT Abioye</i> .....	31.396
The Fire, the Burglary and the Praetorian Edict <i>de nautis, cauponibus et stabulariis</i> by <i>Mark Tait and Patrick Vrancken</i> .....	31.167
The Influence of Plain Language and Structure on the Readability of Contracts by <i>Stephen Newman</i> .....	31.735
<i>Iniuria</i> in Cyberspace by <i>Frans E Marx</i> .....	31.146
Is the Right to Die with Dignity Constitutionally Guaranteed? <i>Baxter v Montana</i> and Other Development in Patient Autonomy and Physician Assisted Suicide by <i>Suhayfa Bhamjee</i> .....	31.333
Mainstreaming Islamic Juristic Thought in the Teaching of Human Rights Law: A Case for Integrative Curriculum and Pedagogy in African Law School by <i>'Dejo Olowu</i> .....	31.353
Notification of Acceptance and the Conclusion of a Contract – <i>Withok Small Farms (Pty) Ltd v Amber Sunrise Properties 5 (Pty) Ltd 2009 2 SA 504 (SCA)</i> by <i>C-J Pretorius and R Ismail</i> .....	31.177
Onregmatigheidsbewussyn as Element van <i>Animus Iniuriandi</i> by <i>Iniuria deur J Neethling</i> .....	31.702
Private Defence in Context of the Battered Wife Who Kills Her Husband/Partner – <i>Ann Elizabeth Steyn v The State</i> (reported as <i>S v Steyn 2010 1 SACR 411 (SCA)</i> ) by <i>Pieter Carstens</i> .....	31.478
Private International Law / Conflict of Laws and Diamond Trade by <i>Fikile Portia Ndlovu</i> .....	31.372
Proposals Regarding a Weapon Review Process in South Africa (Part 1) by <i>Ashley Charles Moorhouse and David Abrahams</i> .....	31.34
The Proposed Legalisation of Prostitution in South Africa – Framing the Debate from a Liberal Perspective by <i>Stephen Peté</i> .....	31.535
The Protection of Whistle-blowers in the Fight Against Fraud and Corruption: A South African Perspective by <i>Monray Marcellus Botha</i> ....	31.574
The Right to Legal Representation at State Expense for Children in Care and Contact Disputes – A Discussion of the South African Legal Position with Lessons from Australia by <i>Marita Carnelley</i> .....	31.638
Sentencing the Elderly – An Act of Mercy or Discrimination? – <i>S v Phillips</i> (unreported, DCLD), case CC141/08 by <i>Marita Carnelley and Shannon Hctor</i> .....	31.208
Short Message Services and E-contracting – <i>Jafta v Ezemvelo KZN Wildlife</i> [2008] 10 BLLR 954 (LC) by <i>Sylvia Papadopoulos</i> .....	31.188
Some Notable Divergences in the Development of South African and Namibian Insolvency Law by <i>André Boraine</i> .....	31.414
South Africa's Quixotic Hero and His Noble Quest – Constitutional Court Justice Albie Sachs and the Dream of a Rainbow Nation by <i>Stephen Peté</i> .....	31.1
Standards of Proof: Aid or Pitfall? by <i>Andra le Roux-Kemp</i> .....	31.686
Temporary Employment Services: Closing a Loophole in Section 198 of the Labour Relations Act 66 of 1995 by <i>Ezette Gericke</i> .....	31.92
Termination of Debt Review in terms of Section 86(10) of the National Credit Act and the Right of a Credit Provider to Enforce its Claim – <i>Standard Bank of South Africa Ltd v Kruger</i> (unreported case number 45438/09 (GSJ)) and <i>Standard Bank of South Africa Ltd v Pretorius</i> (unreported case number 39057/09 (GSJ)) by <i>Melanie Roestoff</i> .....	31.782
The Transaction or Activity Monitoring Process: An Analysis of the Customer Due Diligence Systems of the United Kingdom and South Africa by <i>Mzukisi Niven Njotini</i> .....	31.556

“True” Jurisdictional Questions and the irrelevance of a Certificate of Outcome – <i>Bombardier Transportation (Pty) Ltd v Mtiya NO</i> ([2010] 8 BLLR 840 (LC) by <i>Avinash Govindjee and Adriaan van der Walt</i> .....	31.486
Understanding the Right to Freedom of Association at the Workplace: Components and Scope by <i>M Budeli</i> .....	31.16
Understanding the South African Financial Markets: An Overview of the Regulators by <i>Lynette Swart and Vivienne A Lawack-Davids</i> .....	31.619
The United Nations Convention on the Rights of the Child – Has the Bridge Been Crossed between Theory and Practice: Mauritius and South Africa by <i>Glynis van der Walt</i> .....	31.715
Unlawful Arrest and Unlawful Detention: Separate Grounds of Action and Punitive Damages – <i>Mvu v Minister of Safety and Security</i> 2009 6 SA 82 (GSJ) by <i>J Neethling and JM Potgieter</i> .....	31.471
The Use of Stem Cells in Therapeutic Treatment Procedures: Legal and Ethical Aspects by <i>Hennie Oosthuizen</i> .....	31.594
Verkeer die Soepel Maatstaf vir Juridiese Kousaliteit in Gevaar? – <i>mCubed International (Pty) Ltd v Singer NNO</i> 2009 4 SA 471 (HHA) deur <i>JM Potgieter</i> .....	31.746
Victim Impact Statements at the Sentencing Stage: Giving Crime Victims a Voice by <i>PN Makiwane</i> .....	31.606
Why the Need for Consumer Protection Legislation? A Look at Some of the Reasons Behind the Promulgation of the National Credit Act and the Consumer Protection Act by <i>Tanya Woker</i> .....	31.217
Winning at all Costs – Too Costly? – <i>S v Rozani; Rozani v Director of Public Prosecutions, Western Cape</i> 2009 1 SACR 540 (C) by <i>Suhayfa Bhamjee</i> .....	31.776

## CONTRIBUTORS – MEDEWERKERS

ABIOYE, FT: Examining the International Law Right of Self Defence: The Case of Russia and Georgia; Israel and Gaza .....	31.396
ABRAHAMS, DAVID and MOORHOUSE, ASHLEY CHARLES: Proposals Regarding a Weapon Review Process in South Africa (Part 1) .....	31.34
AREIAS, DANIEL and LOUW, ANDRE M: Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialization of Major Sporting Events Part 1: An Overview of Ambush Marketing in Sport .....	31.57
BHAMJEE, SUHAYFA, STRODE, ANN and GRANT, BRENDA: Are there Laws and Policies Protecting People Infected and Affected by HIV/AIDS in Southern Africa? An Update of a Review of the Extent to which Countries within the South African Development Community have Implemented the <i>HIV/AIDS and Human Rights International Guidelines</i> .....	31.459
BHAMJEE, SUHAYFA: Is the Right to Die with Dignity Constitutionally Guaranteed? <i>Baxter v Montana</i> and Other Development in Patient Autonomy and Physician Assisted Suicide .....	31.333
BHAMJEE, SUHAYFA: Winning at all Costs – Too Costly? – <i>S v Rozani; Rozani v Director of Public Prosecutions, Western Cape</i> 2009 1 SACR 540 (C) .....	31.776
BORAINE, ANDRÉ: Some Notable Divergences in the Development of South African and Namibian Insolvency Law .....	31.414
BOTH A, MONRAY MARCELLUS: The Protection of Whistle-blowers in the Fight Against Fraud and Corruption: A South African Perspective ...	31.574
BOTH A, RINDA and OOSTHUIZEN, HENNIE: Dekriminalisering nie die Enigste Struikelblok in Sekswerkers se Stryd om Arbeidsregte nie .....	31.107
BUDELI, M: Understanding the Right to Freedom of Association at the Workplace: Components and Scope .....	31.16
CARNELLEY, MARITA and HOCTOR, SHANNON: Sentencing the Elderly – An Act of Mercy or Discrimination? – <i>S v Phillips</i> (unreported, DCLD), case CC141/08 .....	31.208
CARNELLEY, MARITA: The Right to Legal Representation at State Expense for Children in Care and Contact Disputes – A Discussion of the South African Legal Position with Lessons from Australia .....	31.638
CARSTENS, PIETER: Private Defence in Context of the Battered Wife Who Kills Her Husband/Partner – <i>Ann Elizabeth Steyn v The State</i> (reported as <i>S v Steyn</i> 2010 1 SACR 411 (SCA)) .....	31.478
COETZEE, HERMIE and VAN HEERDEN, CORLIA: Debt Counselling v Debt Enforcement: Some Procedural Questions Answered – <i>BMW Financial Services (SA) (Pty) Ltd v Donkin</i> 2009 6 SA 63 (KZD) .....	31.756
DENSON, RAZAANA and VAN DER WALT, GLYNIS: Cold Comfort for the Parties to a Muslim Marriage – The Saga Continues – <i>Hassam v Jacobs NO (Muslim Youth Movement of South Africa and Women’s Legal Trust as Amici Curiae)</i> [2009] ZACC 19 .....	31.201
GERICKE, EZETTE: Temporary Employment Services: Closing a Loophole in Section 198 of the Labour Relations Act 66 of 1995 .....	31.92
GOVINDJEE, AVINASH and VAN DER WALT, ADRIAAN: “True” Jurisdictional Questions and the irrelevance of a Certificate of Outcome – <i>Bombardier Transportation (Pty) Ltd v Mtiya NO</i> ([2010] 8 BLLR 840 (LC) .....	31.486

GRANT, BRENDA, STRODE, ANN and BHAMJEE, SUHAYFA: Are there Laws and Policies Protecting People Infected and Affected by HIV/AIDS in Southern Africa? An Update of a Review of the Extent to which Countries within the South African Development Community have Implemented the <i>HIV/AIDS and Human Rights International Guidelines</i> .....	31.459
HENRICO, RADLEY and SMIT, NICOLA: The Contract of Employment in Labour Law: Obstacle or Panacea? .....	31.247
HOCTOR, SHANNON and CARNELLEY, MARITA: Sentencing the Elderly – An Act of Mercy or Discrimination? – <i>S v Phillips</i> (unreported, DCLD), case CC141/08 .....	31.208
HOCTOR, SV and VRANCKEN, PHG: The Contribution of the Defence Act to the Fight Against Piracy .....	31.428
ISMAIL, R and PRETORIUS, C-J: Notification of Acceptance and the Conclusion of a Contract – <i>Withok Small Farms (Pty) Ltd v Amber Sunrise Properties 5 (Pty) Ltd</i> 2009 2 SA 504 (SCA) .....	31.177
KNOETZE, ELMARIE: Die Onderrig van die Inheemse Reg: Bevoeg, of Beperk deur Boeke? .....	31.662
LAWACK-DAVIDS, VIVIENNE A and MARX, FRANS E: Consumer Protection Measures for Erroneous or Unauthorized Internet Payments: Some Lessons from the European Union? .....	31.446
LAWACK-DAVIDS, VIVIENNE A and SWART, LYNETTE: Understanding the South African Financial Markets: An Overview of the Regulators .....	31.619
LE ROUX-KEMP, ANDRA: Standards of Proof: Aid or Pitfall? .....	31.686
LOUW, ANDRE M and AREIAS, DANIEL: Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialization of Major Sporting Events Part 1: An Overview of Ambush Marketing in Sport .....	31.57
LOUW, ANDRE M: Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 2: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events .....	31.264
MAHLOBOGWANE, FRANS MASHILO: Determining the Best Interests of the Child in Custody Battles: Should a Child's Voice be Considered? .....	31.232
MAKIWANE, PN: Victim Impact Statements at the Sentencing Stage: Giving Crime Victims a Voice .....	31.606
MARX, FRANS E and LAWACK-DAVIDS, VIVIENNE A: Consumer Protection Measures for Erroneous or Unauthorized Internet Payments: Some Lessons from the European Union? .....	31.446
MARX, FRANS E: <i>Iniuria</i> in Cyberspace .....	31.146
MILLARD, DALEEN and MPEDI, LETLHOKWA GEORGE: Bridging the Gap: The Role of Micro-insurance in a Comprehensive Social-Protection System in South Africa .....	31.497
MNYONGANI, FREDDY: De-linking <i>Ubuntu</i> : Towards a Unique South African Jurisprudence .....	31.134
MOLUSI, ANGELA PATRICIA: The Constitutional Duty to Engage in Collective Bargaining .....	31.156
MOORHOUSE, ASHLEY CHARLES and ABRAHAMS, DAVID: Proposals Regarding a Weapon Review Process in South Africa (Part 1) .....	31.34
MPEDI, LETLHOKWA GEORGE and MILLARD, DALEEN: Bridging the Gap: The Role of Micro-insurance in a Comprehensive Social-Protection System in South Africa .....	31.497

NDLOVU, FIKILE PORTIA: Private International Law / Conflict of Laws and Diamond Trade .....	31.372
NDLOVU, LONIAS: Assessing the WTO Compliance of Selected Aspects of South Africa's International Trade Administration Amendment Bill .....	31.310
NEELS, JAN L: Consumer Protection Legislation and Private International Law .....	31.122
NEETHLING, J and POTGIETER, JM: Unlawful Arrest and Unlawful Detention: Separate Grounds of Action and Punitive Damages – <i>Mvu v Minister of Safety and Security</i> 2009 6 SA 82 (GSJ) .....	31.471
NEETHLING, J: Onregmatigheidsbewussyn as Element van <i>Animus Iniuriandi</i> by <i>Iniuria</i> .....	31.702
NEWMAN, STEPHEN: The Influence of Plain Language and Structure on the Readability of Contracts .....	31.735
NJOTINI, MZUKISI NIVEN: The Transaction or Activity Monitoring Process: An Analysis of the Customer Due Diligence Systems of the United Kingdom and South Africa .....	31.556
OLOWU, 'DEJO: Mainstreaming Islamic Juristic Thought in the Teaching of Human Rights Law: A Case for Integrative Curriculum and Pedagogy in African Law School .....	31.353
OOSTHUIZEN, HENNIE and BOTHA, RINDA: Dekriminalisering nie die Enigste Struikelblok in Sekswerkers se Stryd om Arbeidsregte nie .....	31.107
OOSTHUIZEN, HENNIE: The Use of Stem Cells in Therapeutic Treatment Procedures: Legal and Ethical Aspects .....	31.594
PAPADOPOULUS, SYLVIA: Short Message Services and E-contracting – <i>Jafta v Ezemvelo KZN Wildlife</i> [2008] 10 BLLR 954 (LC) .....	31.188
PETÉ, STEPHEN: South Africa's Quixotic Hero and His Noble Quest – Constitutional Court Justice Albie Sachs and the Dream of a Rainbow Nation .....	31.1
PETÉ, STEPHEN: The Proposed Legalisation of Prostitution in South Africa – Framing the Debate from a Liberal Perspective .....	31.535
POTGIETER, JM and NEETHLING, J: Unlawful Arrest and Unlawful Detention: Separate Grounds of Action and Punitive Damages – <i>Mvu v Minister of Safety and Security</i> 2009 6 SA 82 (GSJ) .....	31.471
POTGIETER, JM: Verkeer die Soepel Maatstaf vir Juridiese Kousaliteit in Gevaar? – <i>mCubed International (Pty) Ltd v Singer NNO</i> 2009 4 SA 471 (HHA) .....	31.746
PRETORIUS, C-J and ISMAIL, R: Notification of Acceptance and the Conclusion of a Contract – <i>Withok Small Farms (Pty) Ltd v Amber Sunrise Properties 5 (Pty) Ltd</i> 2009 2 SA 504 (SCA) .....	31.177
PRETORIUS, C-J: The Basis of Tacit Contracts .....	31.518
ROESTOFF, MELANIE: Termination of Debt Review in terms of Section 86(10) of the National Credit Act and the Right of a Credit Provider to Enforce its Claim – <i>Standard Bank of South Africa Ltd v Kruger (unreported case number 45438/09 (GSJ)) and Standard Bank of South Africa Ltd v Pretorius (unreported case number 39057/09 (GSJ))</i> .....	31.782
SMIT, NICOLA and HENRICO, RADLEY: The Contract of Employment in Labour Law: Obstacle or Panacea? .....	31.247
STRODE, ANN, GRANT, BRENDA and BHAMJEE, SUHAYFA: Are there Laws and Policies Protecting People Infected and Affected by HIV/AIDS in Southern Africa? An Update of a Review of the Extent to which Countries within the South African Development Community have Implemented the <i>HIV/AIDS and Human Rights International Guidelines</i> .....	31.459

SWART, LYNETTE and LAWACK-DAVIDS, VIVIENNE A: Understanding the South African Financial Markets: An Overview of the Regulators .....	31.619
TAIT, MADÉLE and TAIT, MARK: Equality, the Consumer Protection Act and Customer Segment Pricing Strategies: Is There Relief for the Poor Rich Tourist? .....	31.434
TAIT, MARK and TAIT, MADÉLE: Equality, the Consumer Protection Act and Customer Segment Pricing Strategies: Is There Relief for the Poor Rich Tourist? .....	31.434
TAIT, MARK and VRANCKEN, PATRICK: The Fire, the Burglary and the Praetorian Edict <i>de nautis, cauponibus et stabulariis</i> .....	31.167
VAN DER WALT, GLYNIS and DENSON, RAZAANA: Cold Comfort for the Parties to a Muslim Marriage – The Saga Continues – <i>Hassam v Jacobs NO (Muslim Youth Movement of South Africa and Women’s Legal Trust as Amici Curiae)</i> [2009] ZACC 19 .....	31.201
VAN DER WALT, GLYNIS: The United Nations Convention on the Rights of the Child – Has the Bridge Been Crossed between Theory and Practice: Mauritius and South Africa .....	31.715
VAN HEERDEN, CORLIA and COETZEE, HERMIE: Debt Counselling v Debt Enforcement: Some Procedural Questions Answered – <i>BMW Financial Services (SA) (Pty) Ltd v Donkin</i> 2009 6 SA 63 (KZD) .....	31.756
VESSIO, ML: A Short Discussion on the Effects of the <i>In Duplum</i> Rule Upon Commencement of Litigation and After Judgement: A View Both “Inside” and “Outside” the National Credit Act .....	31.725
VRANCKEN, PATRICK and TAIT, MARK: The Fire, the Burglary and the Praetorian Edict <i>de nautis, cauponibus et stabulariis</i> .....	31.167
VRANCKEN, PHG and HOCTOR, SV: The Contribution of the Defence Act to the Fight Against Piracy .....	31.428
WOKER, TANYA: Why the Need for Consumer Protection Legislation? A Look at Some of the Reasons Behind the Promulgation of the National Credit Act and the Consumer Protection Act .....	31.217

## SUBJECT INDEX – ONDERWERPREGISTER

### AUTOBIOGRAPHY

- South Africa's Quixotic Hero and His Noble Quest – Constitutional Court Justice Albie Sachs and the Dream of a Rainbow Nation *by Stephen Peté* ..... 31.1

### COMPANY LAW

- The Protection of Whistle-blowers in the Fight Against Fraud and Corruption: A South African Perspective *by Monray Marcellus Botha* .... 31.574

### COMPARATIVE STUDIES

- Are there Laws and Policies Protecting People Infected and Affected by HIV/AIDS in Southern Africa? An Update of a Review of the Extent to which Countries within the South African Development Community have Implemented the *HIV/AIDS and Human Rights International Guidelines* *by Ann Strode, Brenda Grant and Suhayfa Bhamjee* ..... 31.459
- Consumer Protection Measures for Erroneous or Unauthorized Internet Payments: Some Lessons from the European Union? *by Vivienne A Lawack-Davids and Frans E Marx* ..... 31.446
- Dekriminalisering nie die Enigste Struikelblok in Sekswerkers se Stryd om Arbeidsregte nie *deur Rinda Botha en Hennie Oosthuizen* ..... 31.107
- Is the Right to Die with Dignity Constitutionally Guaranteed? *Baxter v Montana* and Other Development in Patient Autonomy and Physician Assisted Suicide *by Suhayfa Bhamjee* ..... 31.333
- Some Notable Divergences in the Development of South African and Namibian Insolvency Law *by André Boraine* ..... 31.414
- The United Nations Convention on the Rights of the Child – Has the Bridge Been Crossed between Theory and Practice: Mauritius and South Africa *by Glynis van der Walt* ..... 31.715

### COMPETITION LAW

- Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialization of Major Sporting Events Part 1: An Overview of Ambush Marketing in Sport *by Andre M Louw and Daniel Areias* ..... 31.57
- Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 2: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events *by Andre M Louw* ..... 31.264

### CONSTITUTIONAL LAW

- Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialization of Major Sporting Events Part 1: An Overview of Ambush Marketing in Sport *by Andre M Louw and Daniel Areias* ..... 31.57
- The Constitutional Duty to Engage in Collective Bargaining *by Angela Patricia Molusi* ..... 31.156

Equality, the Consumer Protection Act and Customer Segment Pricing Strategies: Is There Relief for the Poor Rich Tourist? <i>by Mark Tait and Madéle Tait</i> .....	31.434
Is the Right to Die with Dignity Constitutionally Guaranteed? <i>Baxter v Montana</i> and Other Development in Patient Autonomy and Physician Assisted Suicide <i>by Suhayfa Bhamjee</i> .....	31.333
The Protection of Whistle-blowers in the Fight Against Fraud and Corruption: A South African Perspective <i>by Monray Marcellus Botha</i> ....	31.574
South Africa's Quixotic Hero and His Noble Quest – Constitutional Court Justice Albie Sachs and the Dream of a Rainbow Nation <i>by Stephen Peté</i> .....	31.1
Understanding the Right to Freedom of Association at the Workplace: Components and Scope <i>by M Budeli</i> .....	31.16

### CONSUMER LAW

A Short Discussion on the Effects of the <i>In Duplum</i> Rule Upon Commencement of Litigation and After Judgement: A View Both "Inside" and "Outside" the National Credit Act <i>by ML Vessio</i> .....	31.725
Consumer Protection Legislation and Private International Law <i>by Jan L Neels</i> .....	31.122
Consumer Protection Measures for Erroneous or Unauthorized Internet Payments: Some Lessons from the European Union? <i>by Vivienne A Lawack-Davids and Frans E Marx</i> .....	31.446
Debt Counselling v Debt Enforcement: Some Procedural Questions Answered – <i>BMW Financial Services (SA) (Pty) Ltd v Donkin</i> 2009 6 SA 63 (KZD) <i>by Corlia van Heerden and Hermie Coetzee</i> .....	31.756
Equality, the Consumer Protection Act and Customer Segment Pricing Strategies: Is There Relief for the Poor Rich Tourist? <i>by Mark Tait and Madéle Tait</i> .....	31.434
Termination of Debt Review in terms of Section 86(10) of the National Credit Act and the Right of a Credit Provider to Enforce its Claim – <i>Standard Bank of South Africa Ltd v Kruger</i> (unreported case number 45438/09 (GSJ)) and <i>Standard Bank of South Africa Ltd v Pretorius</i> (unreported case number 39057/09 (GSJ)) <i>by Melanie Roestoff</i> .....	31.782
The Transaction or Activity Monitoring Process: An Analysis of the Customer Due Diligence Systems of the United Kingdom and South Africa <i>by Mzukisi Niven Njotini</i> .....	31.556
Why the Need for Consumer Protection Legislation? A Look at Some of the Reasons Behind the Promulgation of the National Credit Act and the Consumer Protection Act <i>by Tanya Woker</i> .....	31.217

### CONTRACT

The Basis of Tacit Contracts <i>by C-J Pretorius</i> .....	31.518
The Contract of Employment in Labour Law: Obstacle or Panacea? <i>by Radley Henrico and Nicola Smit</i> .....	31.247
The Influence of Plain Language and Structure on the Readability of Contracts <i>by Stephen Newman</i> .....	31.735
Notification of Acceptance and the Conclusion of a Contract – <i>Withok Small Farms (Pty) Ltd v Amber Sunrise Properties 5 (Pty) Ltd</i> 2009 2 SA 504 (SCA) <i>by C-J Pretorius and R Ismail</i> .....	31.177
Short Message Services and E-contracting – <i>Jafra v Ezemvelo KZN Wildlife</i> [2008] 10 BLLR 954 (LC) <i>by Sylvia Papadopoulos</i> .....	31.188

## CRIMINAL LAW

The Contribution of the Defence Act to the Fight Against Piracy by PHG Vrancken and SV Hoctor .....	31.428
Dekriminalisering nie die Enigste Struikelblok in Sekswerkers se Stryd om Arbeidsregte nie deur Rinda Botha en Hennie Oosthuizen .....	31.107
<i>Iniuria</i> in Cyberspace by Frans E Marx .....	31.146
Private Defence in Context of the Battered Wife Who Kills Her Husband/Partner – <i>Ann Elizabeth Steyn v The State</i> (reported as <i>S v Steyn</i> 2010 1 SACR 411 (SCA)) by Pieter Carstens .....	31.478
The Proposed Legalisation of Prostitution in South Africa – Framing the Debate from a Liberal Perspective by Stephen Peté .....	31.535
Sentencing the Elderly – An Act of Mercy or Discrimination? – <i>S v Phillips</i> (unreported, DCLD), case CC141/08 by Marita Carnelley and Shannon Hoctor .....	31.208
Unlawful Arrest and Unlawful Detention: Separate Grounds of Action and Punitive Damages – <i>Mvu v Minister of Safety and Security</i> 2009 6 SA 82 (GSJ) by J Neethling and JM Potgieter .....	31.471
Victim Impact Statements at the Sentencing Stage: Giving Crime Victims a Voice by PN Makiwane .....	31.606
Winning at all Costs – Too Costly? – <i>S v Rozani; Rozani v Director of Public Prosecutions, Western Cape</i> 2009 1 SACR 540 (C) by Suhayfa Bhamjee .....	31.776

## CRIMINAL PROCEDURE

Winning at all Costs – Too Costly? – <i>S v Rozani; Rozani v Director of Public Prosecutions, Western Cape</i> 2009 1 SACR 540 (C) by Suhayfa Bhamjee .....	31.776
---	--------

## DELICT

<i>Iniuria</i> in Cyberspace by Frans E Marx .....	31.146
Onregmatigheidsbewussyn as Element van <i>Animus Iniuriandi</i> by <i>Iniuria</i> deur J Neethling .....	31.702
Unlawful Arrest and Unlawful Detention: Separate Grounds of Action and Punitive Damages – <i>Mvu v Minister of Safety and Security</i> 2009 6 SA 82 (GSJ) by J Neethling and JM Potgieter .....	31.471
Verkeer die Soepel Maatstaf vir Juridiese Kousaliteit in Gevaar? – <i>mCubed International (Pty) Ltd v Singer NNO</i> 2009 4 SA 471 (HHA) deur JM Potgieter .....	31.746

## ETHICS

The Use of Stem Cells in Therapeutic Treatment Procedures: Legal and Ethical Aspects by Hennie Oosthuizen .....	31.594
---	--------

## EVIDENCE

Standards of Proof: Aid or Pitfall? by Andra le Roux-Kemp .....	31.686
---	--------

## **FAMILY LAW**

Cold Comfort for the Parties to a Muslim Marriage – The Saga Continues – <i>Hassam v Jacobs NO (Muslim Youth Movement of South Africa and Women’s Legal Trust as Amici Curiae)</i> [2009] ZACC 19 by <i>Razaana Denson and Glynis van der Walt</i> .....	31.201
Determining the Best Interests of the Child in Custody Battles: Should a Child’s Voice be Considered? by <i>Frans Mashilo Mahlobogwane</i> .....	31.232
Private Defence in Context of the Battered Wife Who Kills Her Husband/Partner – <i>Ann Elizabeth Steyn v The State</i> (reported as <i>S v Steyn</i> 2010 1 SACR 411 (SCA)) by <i>Pieter Carstens</i> .....	31.478
The Right to Legal Representation at State Expense for Children in Care and Contact Disputes – A Discussion of the South African Legal Position with Lessons from Australia by <i>Marita Carnelley</i> .....	31.638

## **FINANCIAL MARKETS**

The Transaction or Activity Monitoring Process: An Analysis of the Customer Due Diligence Systems of the United Kingdom and South Africa by <i>Mzukisi Niven Njotini</i> .....	31.556
Understanding the South African Financial Markets: An Overview of the Regulators by <i>Lynette Swart and Vivienne A Lawack-Davids</i> .....	31.619

## **HUMAN RIGHTS**

Are there Laws and Policies Protecting People Infected and Affected by HIV/AIDS in Southern Africa? An Update of a Review of the Extent to which Countries within the South African Development Community have Implemented the <i>HIV/AIDS and Human Rights International Guidelines</i> by <i>Ann Strode, Brenda Grant and Suhayfa Bhamjee</i> .....	31.459
Equality, the Consumer Protection Act and Customer Segment Pricing Strategies: Is There Relief for the Poor Rich Tourist? by <i>Mark Tait and Madéle Tait</i> .....	31.434
Is the Right to Die with Dignity Constitutionally Guaranteed? <i>Baxter v Montana</i> and Other Development in Patient Autonomy and Physician Assisted Suicide by <i>Suhayfa Bhamjee</i> .....	31.333
Mainstreaming Islamic Juristic Thought in the Teaching of Human Rights Law: A Case for Integrative Curriculum and Pedagogy in African Law School by <i>’Dejo Olowu</i> .....	31.353
South Africa’s Quixotic Hero and His Noble Quest – Constitutional Court Justice Albie Sachs and the Dream of a Rainbow Nation by <i>Stephen Peté</i> .....	31.1
Understanding the Right to Freedom of Association at the Workplace: Components and Scope by <i>M Budeli</i> .....	31.16
The United Nations Convention on the Rights of the Child – Has the Bridge Been Crossed between Theory and Practice: Mauritius and South Africa by <i>Glynis van der Walt</i> .....	31.715

## **INDIGENOUS LAW**

Die Onderrig van die Inheemse Reg: Bevoeg, of Beperk deur Boeke? deur <i>Elmarie Knoetze</i> .....	31.662
--	--------

## INFORMATION TECHNOLOGY

Consumer Protection Measures for Erroneous or Unauthorized Internet Payments: Some Lessons from the European Union? <i>by Vivienne A Lawack-Davids and Frans E Marx</i> .....	31.446
<i>Iniuria</i> in Cyberspace <i>by Frans E Marx</i> .....	31.146
Short Message Services and E-contracting – <i>Jafta v Ezemvelo KZN Wildlife</i> [2008] 10 BLLR 954 (LC) <i>by Sylvia Papadopoulos</i> .....	31.188

## INSOLVENCY LAW

Some Notable Divergences in the Development of South African and Namibian Insolvency Law <i>by André Boraine</i> .....	31.414
--	--------

## INSURANCE LAW

Bridging the Gap: The Role of Micro-insurance in a Comprehensive Social-Protection System in South Africa <i>by Letlhokwa George Mpedi and Daleen Millard</i> .....	31.497
---	--------

## INTELLECTUAL PROPERTY LAW

Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialization of Major Sporting Events Part 1: An Overview of Ambush Marketing in Sport <i>by Andre M Louw and Daniel Areias</i> .....	31.57
Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever-increasing Commercialisation of Major Sporting Events Part 2: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events <i>by Andre M Louw</i> .....	31.264

## INTERNATIONAL CRIMINAL LAW

The Contribution of the Defence Act to the Fight Against Piracy <i>by PHG Vrancken and SV Hoor</i> .....	31.428
--	--------

## INTERNATIONAL HUMANITARIAN LAW

Proposals Regarding a Weapon Review Process in South Africa (Part 1) <i>by Ashley Charles Moorhouse and David Abrahams</i> .....	31.34
--	-------

## ISLAMIC LAW

Cold Comfort for the Parties to a Muslim Marriage – The Saga Continues – <i>Hassam v Jacobs NO (Muslim Youth Movement of South Africa and Women’s Legal Trust as Amici Curiae)</i> [2009] ZACC 19 <i>by Razaana Denson and Glynis van der Walt</i> .....	31.201
--	--------

## JURISPRUDENCE

De-linking <i>Ubuntu</i> : Towards a Unique South African Jurisprudence <i>by Freddy Mnyongani</i> .....	31.134
The Proposed Legalisation of Prostitution in South Africa – Framing the Debate from a Liberal Perspective <i>by Stephen Peté</i> .....	31.535

## LABOUR LAW

The Constitutional Duty to Engage in Collective Bargaining by <i>Angela Patricia Molusi</i> .....	31.156
The Contract of Employment in Labour Law: Obstacle or Panacea? by <i>Radley Henrico and Nicola Smit</i> .....	31.247
Dekriminalisering nie die Enigste Struikelblok in Sekswerkers se Stryd om Arbeidsregte nie deur <i>Rinda Botha en Hennie Oosthuizen</i> .....	31.107
The Protection of Whistle-blowers in the Fight Against Fraud and Corruption: A South African Perspective by <i>Monray Marcellus Botha</i> ....	31.574
Temporary Employment Services: Closing a Loophole in Section 198 of the Labour Relations Act 66 of 1995 by <i>Ezette Gericke</i> .....	31.92
“True” Jurisdictional Questions and the irrelevance of a Certificate of Outcome – <i>Bombardier Transportation (Pty) Ltd v Mtiya NO</i> ([2010] 8 BLLR 840 (LC) by <i>Avinash Govindjee and Adriaan van der Walt</i> .....	31.486
Understanding the Right to Freedom of Association at the Workplace: Components and Scope by <i>M Budeli</i> .....	31.16

## LEGAL INTERPRETATION

The Influence of Plain Language and Structure on the Readability of Contracts by <i>Stephen Newman</i> .....	31.735
--	--------

## LEGAL HISTORY

The Fire, the Burglary and the Praetorian Edict <i>de nautis, cauponibus et stabulariis</i> by <i>Mark Tait and Patrick Vrancken</i> .....	31.167
--	--------

## MEDICAL LAW

Are there Laws and Policies Protecting People Infected and Affected by HIV/AIDS in Southern Africa? An Update of a Review of the Extent to which Countries within the South African Development Community have Implemented the <i>HIV/AIDS and Human Rights International Guidelines</i> by <i>Ann Strode, Brenda Grant and Suhayfa Bhamjee</i> .....	31.459
Is the Right to Die with Dignity Constitutionally Guaranteed? <i>Baxter v Montana</i> and Other Development in Patient Autonomy and Physician Assisted Suicide by <i>Suhayfa Bhamjee</i> .....	31.333
The Use of Stem Cells in Therapeutic Treatment Procedures: Legal and Ethical Aspects by <i>Hennie Oosthuizen</i> .....	31.594

## PRIVATE INTERNATIONAL LAW

Consumer Protection Legislation and Private International Law by <i>Jan L Neels</i> .....	31.122
Private International Law / Conflict of Laws and Diamond Trade by <i>Fikile Portia Ndlovu</i> .....	31.372

## PUBLIC INTERNATIONAL LAW

The Contribution of the Defence Act to the Fight Against Piracy by <i>PHG Vrancken and SV Hoctor</i> .....	31.428
Examining the International Law Right of Self Defence: The Case of Russia and Georgia; Israel and Gaza by <i>FT Abioye</i> .....	31.396

Proposals Regarding a Weapon Review Process in South Africa (Part 1) <i>by Ashley Charles Moorhouse and David Abrahams</i> .....	31.34
The United Nations Convention on the Rights of the Child – Has the Bridge Been Crossed between Theory and Practice: Mauritius and South Africa <i>by Glynis van der Walt</i> .....	31.715

#### **SOCIAL SECURITY LAW**

Bridging the Gap: The Role of Micro-insurance in a Comprehensive Social-Protection System in South Africa <i>by Letlhokwa George Mpedi and Daleen Millard</i> .....	31.497
--	--------

#### **TRADE LAW**

Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever- increasing Commercialization of Major Sporting Events Part 1: An Overview of Ambush Marketing in Sport <i>by Andre M Louw and Daniel Areias</i> .....	31.57
Anyone for a Game of Monopoly™? A Critical Evaluation of the Ever- increasing Commercialisation of Major Sporting Events Part 2: Examining the Legitimacy of the Creation and Maintenance of Commercially-driven Monopolies in Sport Events <i>by Andre M Louw</i> .....	31.264
Assessing the WTO Compliance of Selected Aspects of South Africa's International Trade Administration Amendment Bill <i>by Lonias Ndlovu</i> ...	31.310
Private International Law / Conflict of Laws and Diamond Trade <i>by Fikile Portia Ndlovu</i> .....	31.372