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- 20 years of providing free access to legal information.

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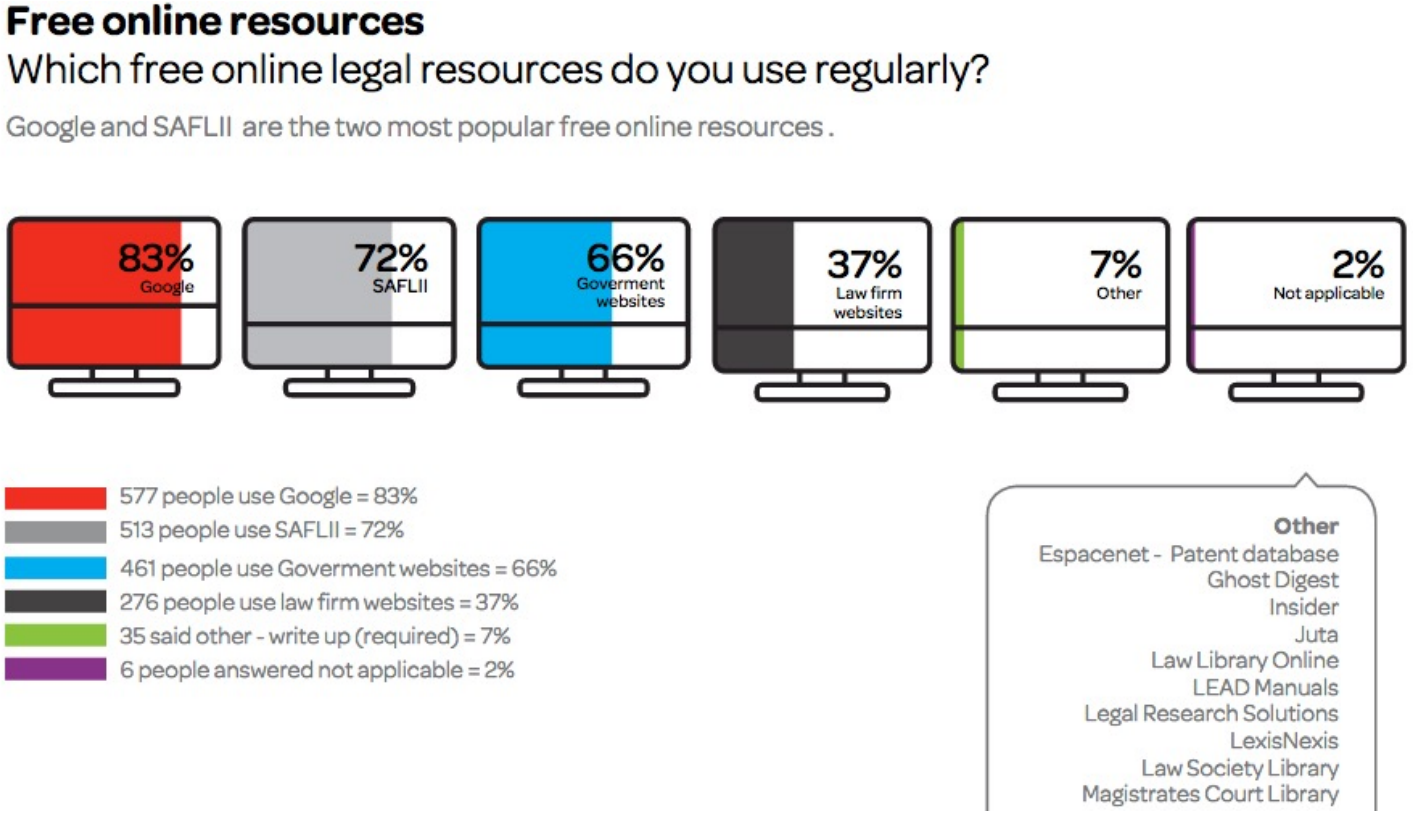
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This figure shows the popularity of SAFLII amongst interviewed legal practitioners. Please note that oftentimes Google will direct the person searching for a specific case, journal, gazette or Act to SAFLII.

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2) Inforgraphic report 2016 Surevy of the attorneys profession. (2016). LSSA. Retrieved from http://www.lssa.org.za/upload/LSSA-LexisNexis---Infographic-Report-2016-Survey-of-the-Attorneys-Profession.pdf

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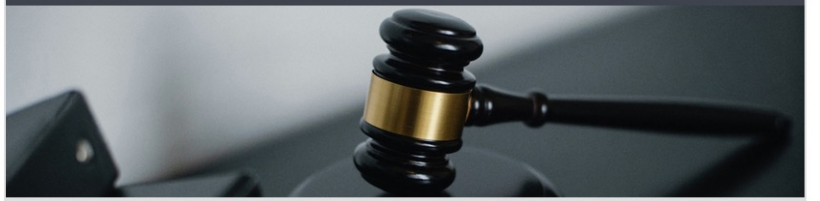
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- Constitutional Court
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Database last updated: 13 September 2017
Most recent decision: **5 September 2017**
Number of decisions: 687

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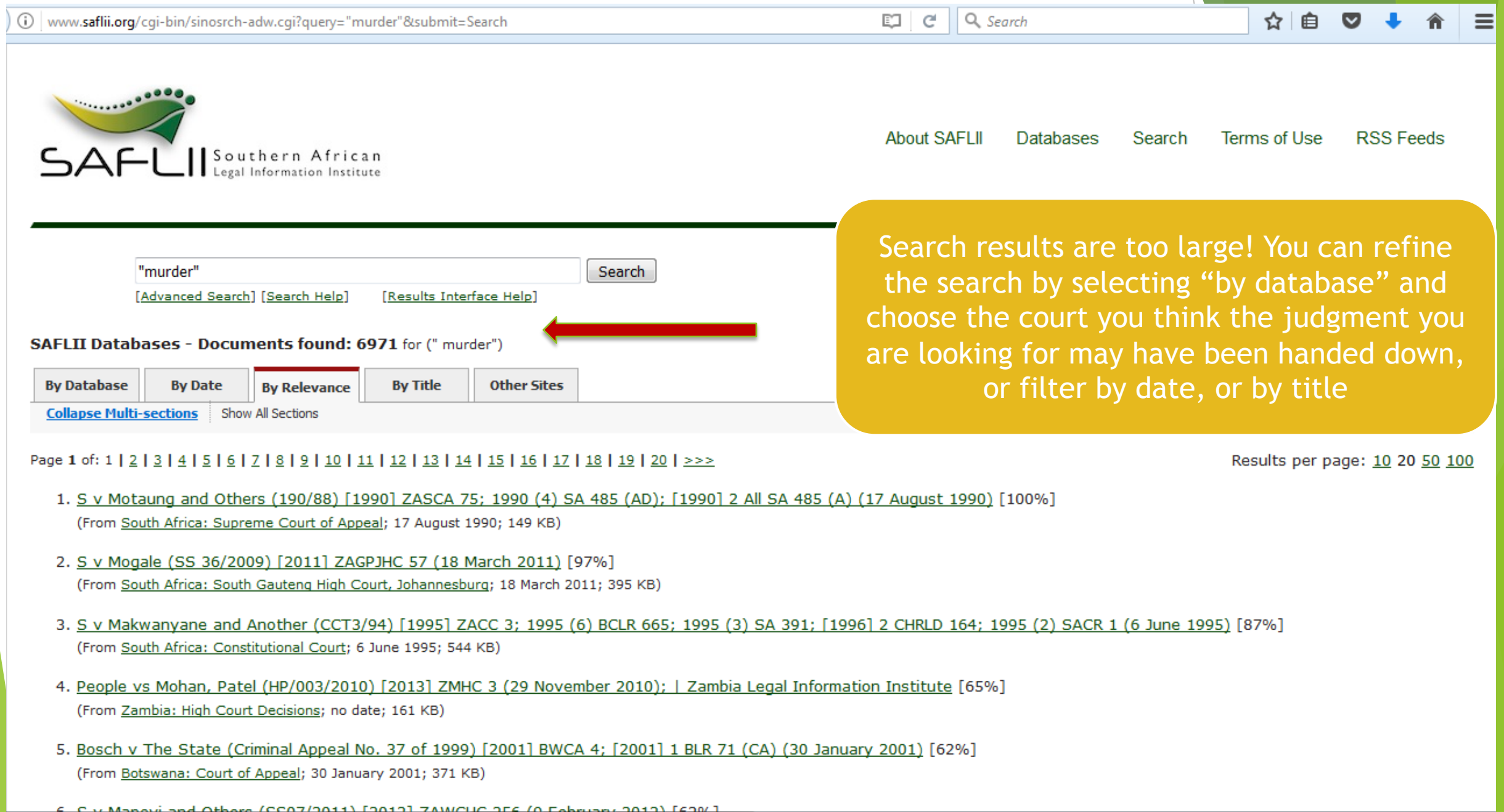
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Decisions for the years ...

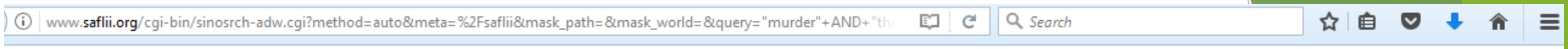
1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017

This database contains decisions of the Constitutional Court of South Africa. The decisions in this database are all those that have been provided by the Court and have been certified as complete up to September 2012 by the Registrar of the Court. Decisions are usually sent as soon as they are handed down.

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"murder" AND "theft" Search

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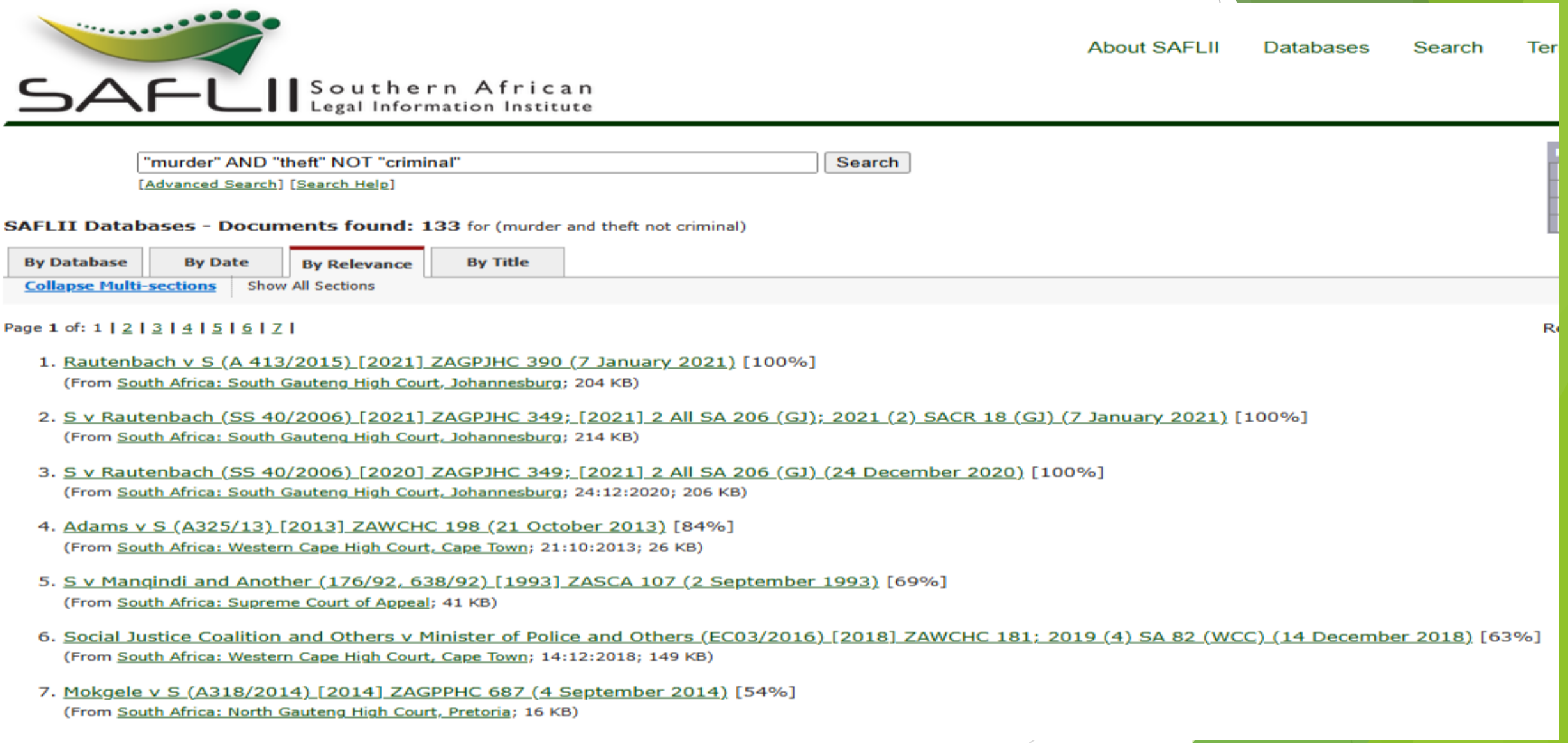
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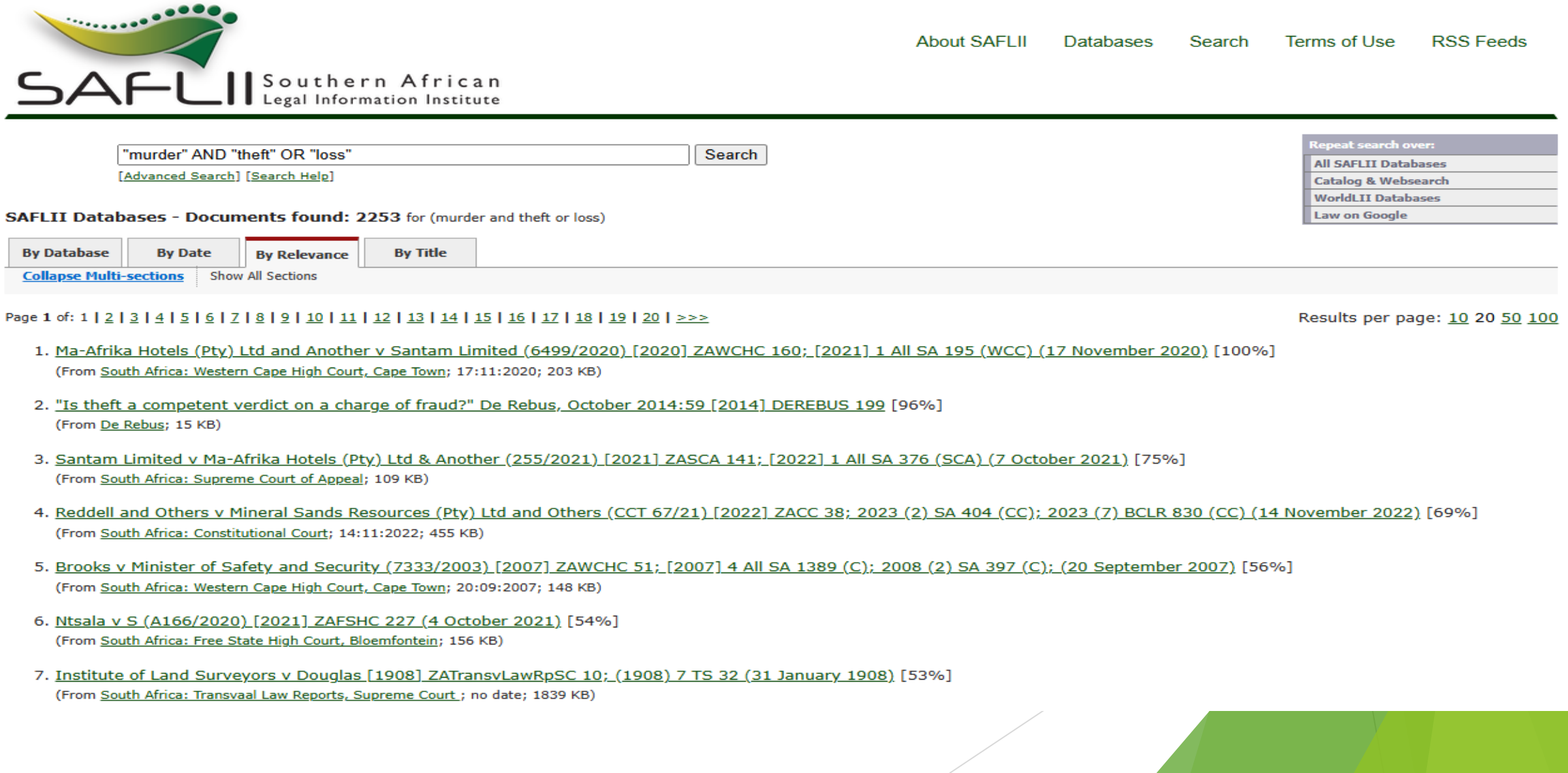
1. "Is theft a competent verdict on a charge of fraud?" De Rebus, October 2014:59 [2014] DEREBUS 199 [100%]
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5. S v Shange and Others (CC169/07) [2012] ZAKZPHC 69 (29 June 2012) [78%]
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Boolean search when adding “AND” or “NOT”



Boolean search when adding “OR”



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1. Ma-Afrika Hotels (Pty) Ltd and Another v Santam Limited (6499/2020) [2020] ZAWCHC 160; [2021] 1 All SA 195 (WCC) (17 November 2020) [100%]
   (From South Africa: Western Cape High Court, Cape Town; 17:11:2020; 203 KB)
2. "Is theft a competent verdict on a charge of fraud?" De Rebus, October 2014:59 [2014] DEREBUS 199 [96%]
   (From De Rebus; 15 KB)
3. Santam Limited v Ma-Afrika Hotels (Pty) Ltd & Another (255/2021) [2021] ZASCA 141; [2022] 1 All SA 376 (SCA) (7 October 2021) [75%]
   (From South Africa: Supreme Court of Appeal; 109 KB)
4. Reddell and Others v Mineral Sands Resources (Pty) Ltd and Others (CCT 67/21) [2022] ZACC 38; 2023 (2) SA 404 (CC); 2023 (7) BCLR 830 (CC) (14 November 2022) [69%]
   (From South Africa: Constitutional Court; 14:11:2022; 455 KB)
5. Brooks v Minister of Safety and Security (7333/2003) [2007] ZAWCHC 51; [2007] 4 All SA 1389 (C); 2008 (2) SA 397 (C); (20 September 2007) [56%]
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6. Ntsala v S (A166/2020) [2021] ZAFSHC 227 (4 October 2021) [54%]
   (From South Africa: Free State High Court, Bloemfontein; 156 KB)
7. Institute of Land Surveyors v Douglas [1908] ZATransvLawRpSC 10; (1908) 7 TS 32 (31 January 1908) [53%]
   (From South Africa: Transvaal Law Reports, Supreme Court ; no date; 1839 KB)



So how do I research old case authorities if I don't have access to one of the law reports series?

Let's use *Venter v Rex* 1907 TS 910 as an example.



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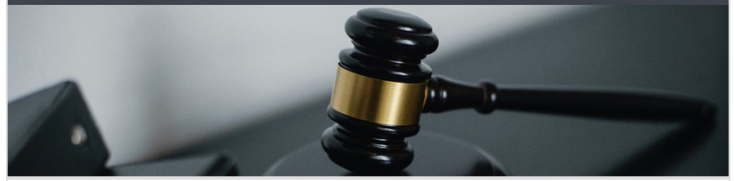
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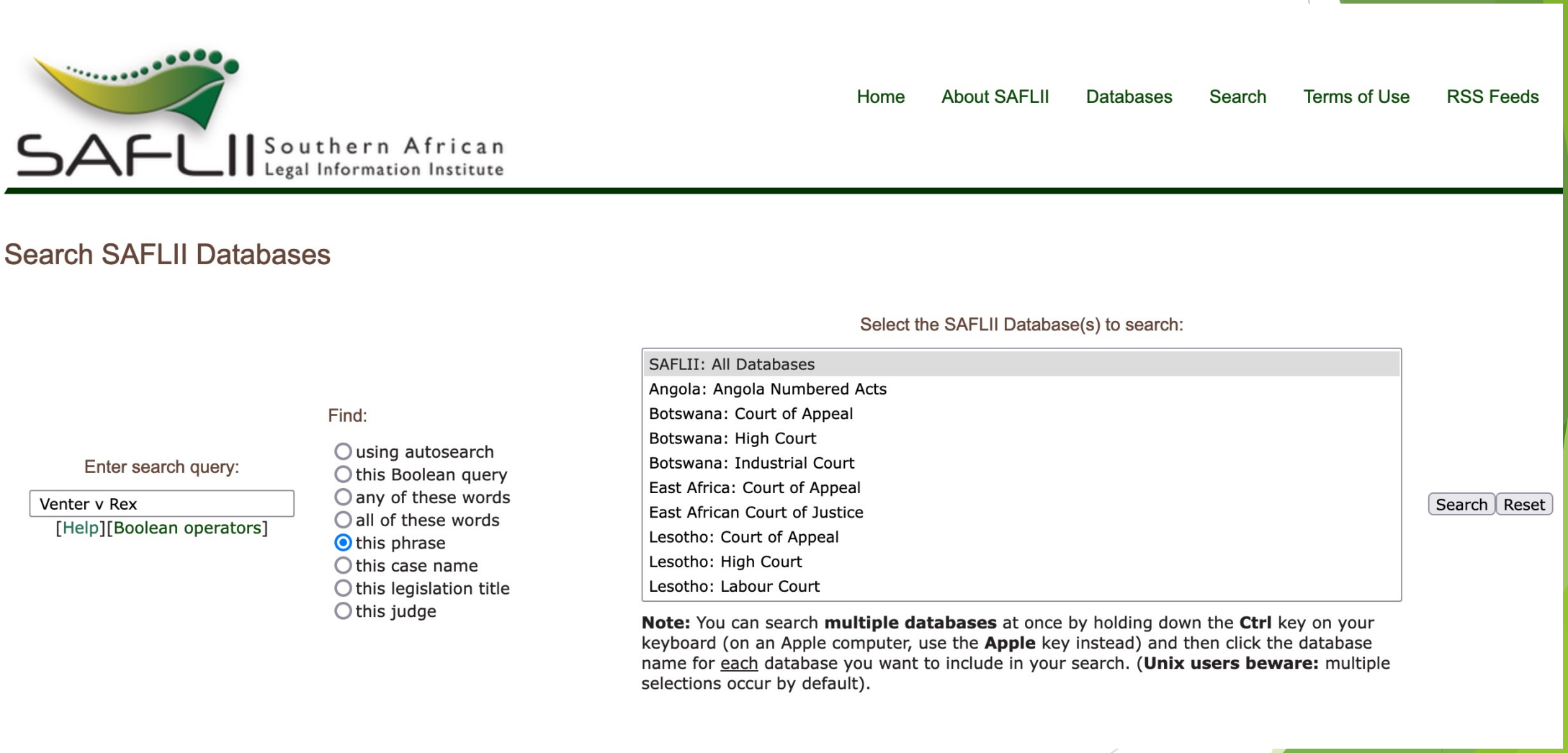


Constitutional Court

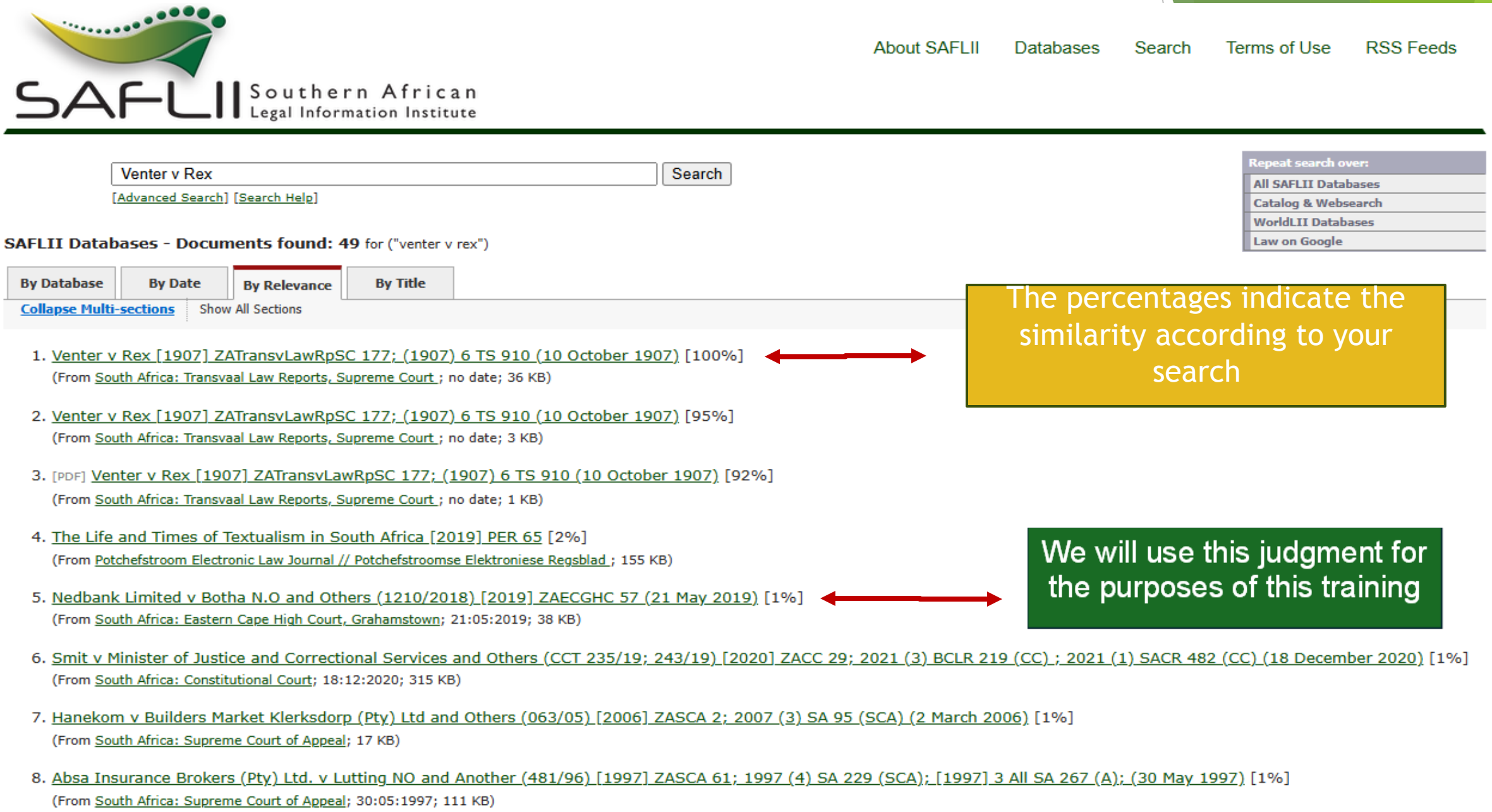
Supreme Court of Appeal

Eastern Cape High Court: Bisho

Enter your judgment name and click on either “this Boolean query” or “this phrase”



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Here we can see the reference to Venter v Rex in the judgment

South Africa: Eastern Cape High Court, Grahamstown

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Nedbank Limited v Botha N.O and Others (1210/2018) [2019] ZAECGHC 57 (21 May 2019)

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IN THE HIGH COURT OF SOUTH AFRICA

EASTERN CAPE DIVISION, GRAHAMSTOWN

CASE NO: 1210/2018

DATE HEARD: 02/05/2019

DATE DELIVERED: 21/05/2019

[3] In *Hanekom v Builders Market Klerksdorp (Pty) Ltd and Others* 2007 (3) SA 95 (SCA) Scott JA said the following at para [4]:

"..... the object of s 52 read as a whole is undoubtedly to protect non-consenting members, ie to prevent a member from using the resources of a close corporation for his or her own benefit, to the detriment of other members. ..... although not expressly stated in s 52, it is clear from ss (3) that any loan or security falling within ss (1) and not exempted in terms of ss (2) is void and not capable of ratification."

[4] The CC relies specifically on s 52 (1) (c) of the Act, maintaining that the reference to "or other juristic person" should be interpreted to include a trust. For the purposes of the exception, it is accepted that the other member of the CC, Ina Retief, did not consent in writing to the provision of security to the Trust.

[5] The plaintiff's position is that the section cannot be so interpreted and that even if it can, the Trust is not controlled by one or more members of the CC.

[6] It was accepted on behalf of the CC that a trust is not a juristic person. It was however submitted that the section should be interpreted to give effect to its purpose as stated by Scott JA in *Hanekom* (*supra*). It was submitted further, relying on *Venter v Rex* 1907 TS 910, that in special circumstances it was permissible to read words into a statute. In *Venter v Rex* at 914-915 Innes CJ stated:

" ..... it appears to me that the principle we should adopt may be expressed somewhat in this way – that when to give the plain words of the statute their ordinary meaning would lead to absurdity so glaring that it could never have been contemplated by the legislature, or where it would lead to a result contrary to the intention of the legislature, as shown by the context or by such other considerations as the Court is justified in taking into account, the Court may depart from the ordinary effect of the words to the extent necessary to remove the absurdity and to give effect to the true intention of the legislature."

[7] Support for the interpretation contended for was twofold. Firstly it was submitted that where there is confusion between a trusteeship and a beneficiary, or an identity between the trustee and the beneficiary, then a loan to such trustee would become an indirect loan to the member in his capacity as a beneficiary and the same would apply to the provision of security. In my view this is an unwieldy interpretation. It would be dependent on and relative to the particular internal workings of a particular trust. If "other juristic person" was to include a trust, it would apply to all trusts, even where there was no confusion between a trusteeship and a beneficiary, or an identity between the trustee

Don’t know the full citation, search part of the citation e.g. *Transvaal Silver Mines*

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transvaal silver mines Search

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SAFLII Databases - Documents found: 7 for (" transvaal silver mine")

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1. Transvaal Silver Mines v Brayshaw [1895] ZATransvHCORp 84; (1895) 2 OR 95 (19 November 1895) [100%]
   (From South Africa: Official Reports of the South African Republic ; no date; 3 KB)
2. Transvaal Silver Mines vs Jacobs, Le Grange & Fox [1891] ZATransvSCRpKB 33; (1891-1892) 4 Kotze & Barber 116 (4 July 1891) [100%]
   (From Kotze & Barber's Supreme Court Reports, Transvaal; no date; 3 KB)
3. Transvaal Silver Mines vs Le Grange, Jacobs, N O and Fox [1891] ZATransvSCRpKB 5; (1891-1892) 4 Kotze & Barber 10 (21 January 1891) [99%]
   (From Kotze & Barber's Supreme Court Reports, Transvaal; no date; 3 KB)
4. [PDF] Transvaal Silver Mines v Brayshaw [1895] ZATransvHCORp 84; (1895) 2 OR 95 (19 November 1895) [97%]
   (From South Africa: Official Reports of the South African Republic ; no date; 1 KB)
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6. [PDF] Transvaal Silver Mines vs Le Grange, Jacobs, N O and Fox [1891] ZATransvSCRpKB 5; (1891-1892) 4 Kotze & Barber 10 (21 January 1891) [97%]
   (From Kotze & Barber's Supreme Court Reports, Transvaal; no date; 1 KB)
7. Deon Nel v Petrus Jacobus de Beer & Another (406/21) [2022] ZASCA 145; 2023 (2) SA 170 (SCA) (26 October 2022) [1%]
   (From South Africa: Supreme Court of Appeal; 26 October 2022; 72 KB)

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[28] In *McGregor v Jordaan*[11] the plaintiff (lessee) had a right of pre-emption over a farm. The defendant sold a portion of the farm to a third party who had knowledge of the plaintiff's prior right of pre-emption. Kotze J held that the object of the law is, *inter alia*, to discourage and prevent fraud and that the conduct of the second defendant (purchaser) amounted to fraud.[12] The court declared the sale agreement null and void and interdicted the seller from giving and the purchaser from accepting transfer of the half share of the farm.

[29] T Naude[13] states, with reference to *McGregor v Jordaan* and *Transvaal Silver Mines v Jacobs Le Grange and Fox*[14] that:

'It is, however, clear that the sale of a portion of the pre-emption property is regarded as a breach of the right of pre-emption, and that the holder is entitled to an interdict prohibiting such a sale or an order cancelling the transfer of the pre-emption property to a third party with prior knowledge of the right of pre-emption'[15]

She summarises the legal position in other jurisdictions as follows:

'A majority of courts in the USA have decided that the grantor's willingness to sell a partial interest in the pre-emption property gives the holder the right to buy that partial interest by matching the third party's offer. A Canadian court has also held that the sale of a portion of the pre-emption property (one of three parcels of land), triggers the right of pre-emption to buy that portion. . . The German BGB provisions on Vorkaufsrechte are silent on the effect of the sale of a partial interest in the pre-emption property. However, there is authority that the sale of a portion of the pre-emption property triggers the right of pre-emption to buy that portion.'[16]

[30] In *Pushka v Magnowski Estate*,[17] the Canadian case referred to by Naude, the right of pre-emption in a lease agreement referred to an offer for the 'demised premises' which consisted of three parcels of land. The defendant sold one parcel of land and contended that the right of pre-emption could only be triggered if all three

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Put Venter v Rex 1907 TS 910 in the first search bar called **all these words:**

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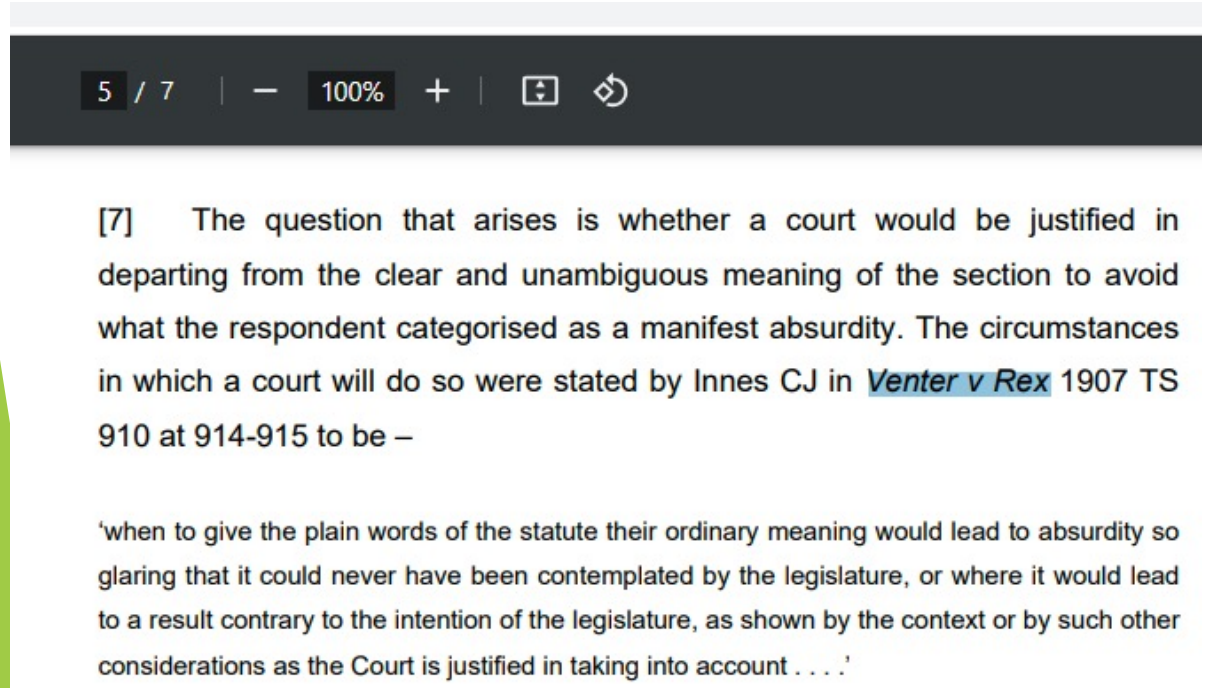
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Choose a case and read what it says about *Venter v Rex*

Use your keyboard buttons **Ctrl + F** to find the text within the judgment you have chosen to read.



About 126 results (0,28 seconds)

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THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

Venter v. Rex 1907 TS 910 at 913; Schenker **v** The Master and. Another 1936 A D 136 at 142". The premiums received by the appellant in the present case.
24 pages

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THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

15 Feb 2006 — The circumstances in which a court will do so were stated by Innes CJ in **Venter v Rex 1907 TS. 910** at 914-915 to be –.
7 pages

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the supreme court of appeal of south africa

09 Nov 2021 — 8 Hanekom **v** Builders Market Klerksdorp (Pty) Ltd and Others [2006] ZASCA 2; 2007 (3) SA 95 (SCA) para 7. 9 **Venter v** R **1907 TS 910** at 914-915 ...
18 pages

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IN THE HIGH COURT OF SOUTH AFRICA

This submission reflects over rules of interpretation. But it must give way to the express intention of the legislature. See **Venter v Rex 1907 TS 910** 914.

See the Supreme Court of Appeal case of *Hanekom v Builders Market* [2006] ZASCA 2 where Scott JA writes:

[7] The question that arises is whether a court would be justified in departing from the clear and unambiguous meaning of the section to avoid what the respondent categorisedas a manifest absurdity. The circumstances in which a court will do so were stated by Innes CJ in *Venter v Rex* 1907 TS 910 at 914-915 to be –

"when to give the plain words of the statute their ordinary meaning would lead to absurdity so glaring that it could never have been contemplated by the legislature, or where it would lead to a result contrary to the intention of the legislature, as shown by the context or by such other considerations as the Court is justified in taking into account . . . ."

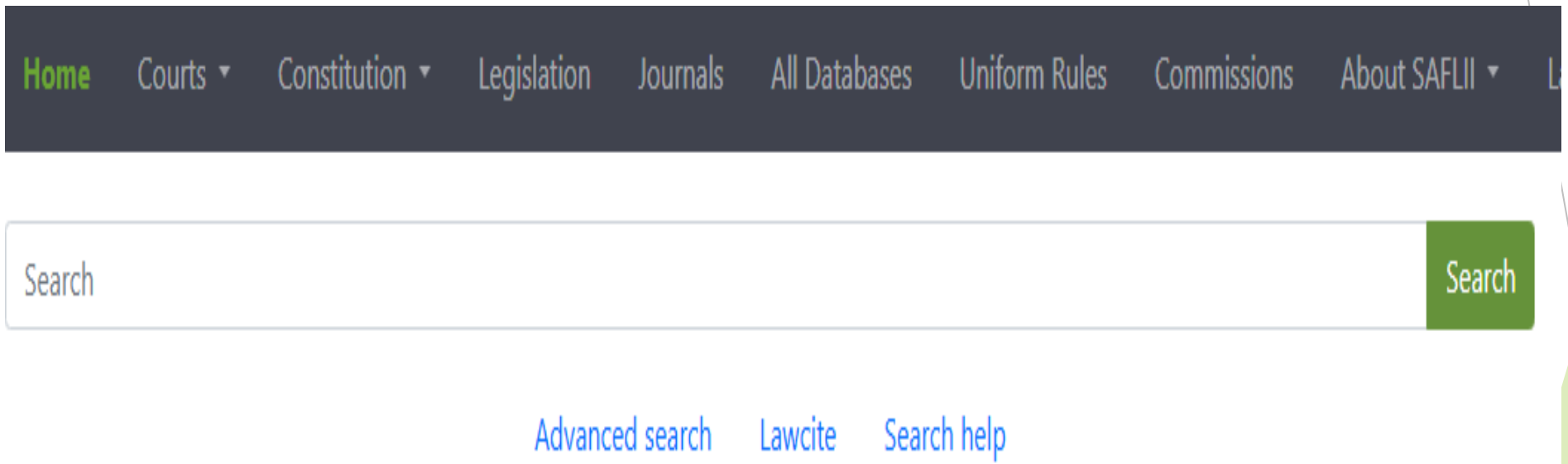
This approach has since been consistently followed. Over the years courts have repeatedly warned of the dangers of departing too readily from the ordinary meaning of the words of the statute and have stressed that the absurdity must be 'utterly glaring' or the true intention quite clear and not merely a matter of surmise or probability. On the other hand, as accepted in *Venter v Rex*, ambiguity in the provision in question is not a requirement for departure from its literal meaning. It has also been accepted that to avoid the absurdity or give effect to the true intention of the legislature it is permissible not only to cut down or restrict the language used but also so expand it.



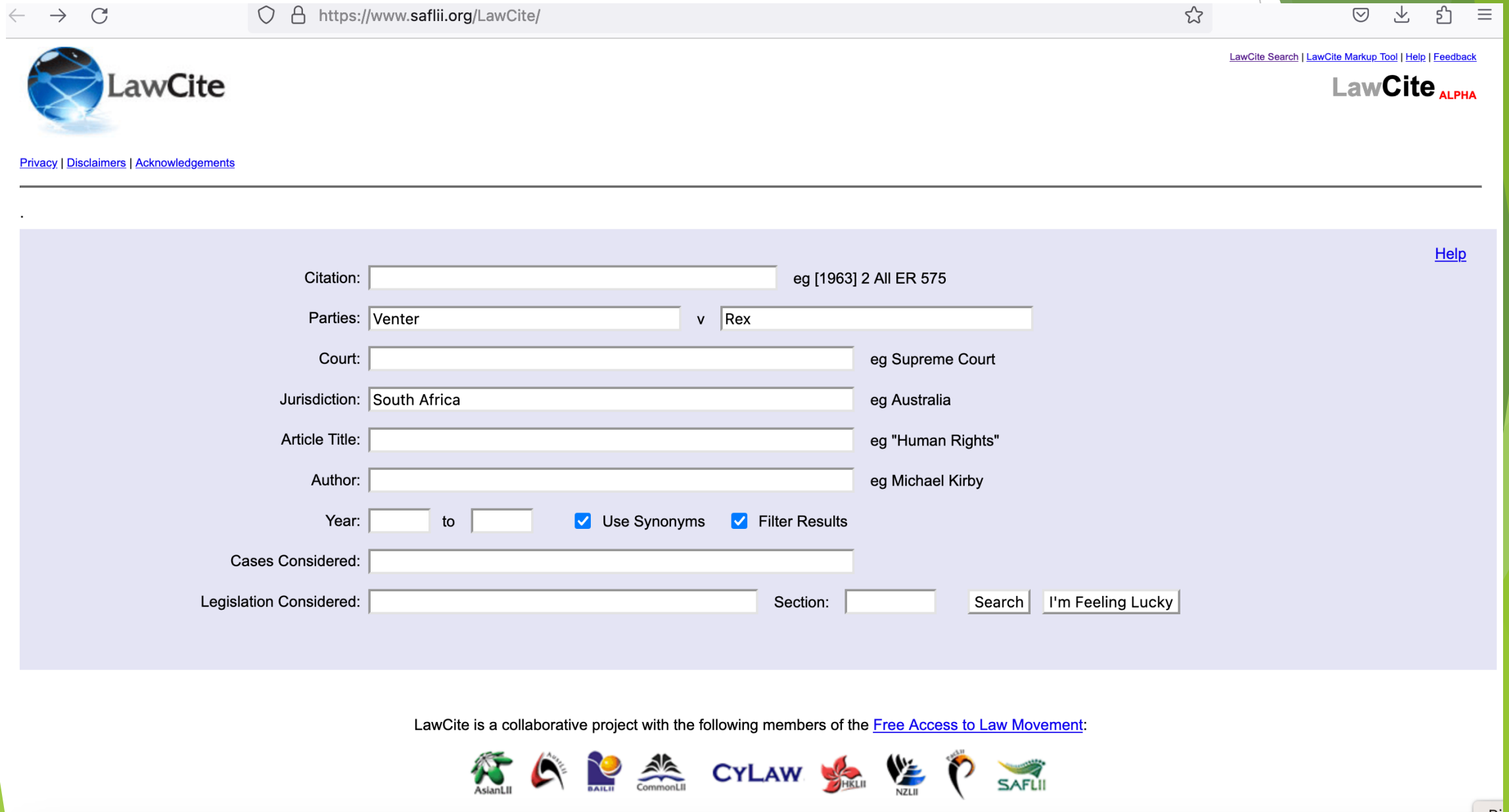
Rather than approaching the original text with a mindset from 1907, gain valuable insights by relying on the expertise of an experienced SCA, Con-Court, or High Court judge. They can articulate the significant principles from older authorities such as *Venter v Rex* within the framework of contemporary cases, the present common law, and modern legal perspectives, while also taking into account recent legislation, particularly the Constitution.

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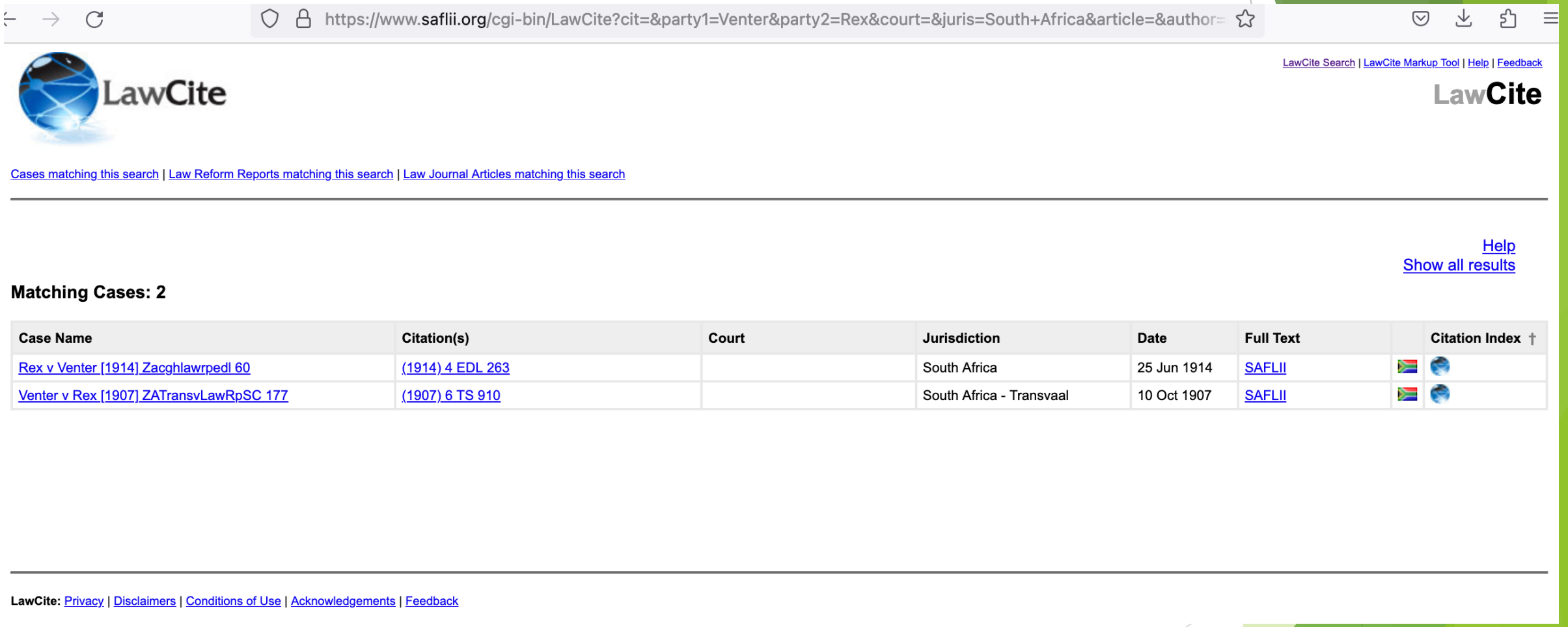
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Venter v Rex [1907] ZATransvLawRpSC 177

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(1907) 6 TS 910

Transvaal Supreme Court Reports
South Africa - Transvaal
10th October, 1907

Clicking here will take you to the Judgment

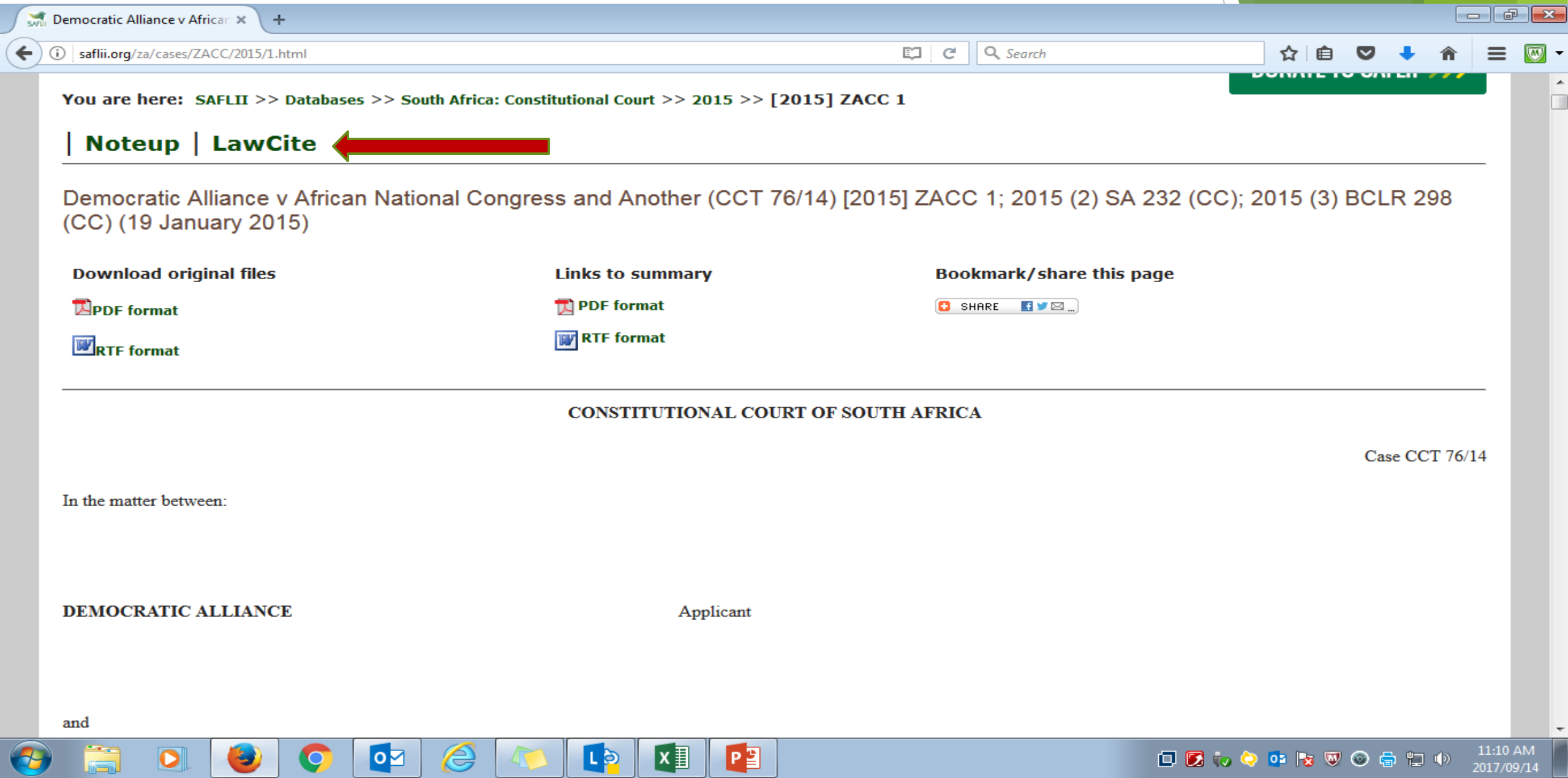
Cases and Articles Cited

Case Name	Citation(s)	Court	Jurisdiction	Date	Full Text		Citation Index
[1905] Sec 3	[1905] SEC 3		United States	*circa* 1905			1
Hornsey Local Board v Monarch Investment Building Society	[1889] UKLawRpKQB 163; 24 QBD 1	Queen's Bench	United Kingdom	8 Nov 1889	CommonLII		29
Clerical, Medical, and General Life Assurance Society v Carter	[1889] UKLawRpKQB 39; 22 QBD 444	Queen's Bench	United Kingdom	23 Feb 1889	CommonLII		11
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Hampstead, v Cotton	12 AC 1		United Kingdom		LexisNexis / Westlaw		2
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Democratic Alliance v African National Congress 43

[2015] ZACC 1; 2015 2 SA 232

Constitutional Court of South Africa
South Africa
19th January, 2015

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Law Journal Articles Referring to this Case

Journal Article Title	Citation(s)	Author	Jurisdiction	Date †	Full Text		Citation Index
Life and Times of Textualism in South Africa	[2019] PER 65	Potchefstroom Electronic Law Journal	South Africa	*circa* 2019	SAFLII		
'Biodiversity law and the weeding out of alien species ' De Rebus, July 2015:40	[2015] DEREBUS 18		South Africa				

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African National Congress v Democratic Alliance	[2014] ZAEC 4; 2014 5 SA 44		South Africa				
African National Congress v Democratic Alliance	[2014] ZAGPJHC 58; 2014 3 SA 608	South Gauteng High Court, Johannesburg	South Africa				
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Journal Article Title	Citation(s)	Author	Jurisdiction	Date	Full Text		Citation Index
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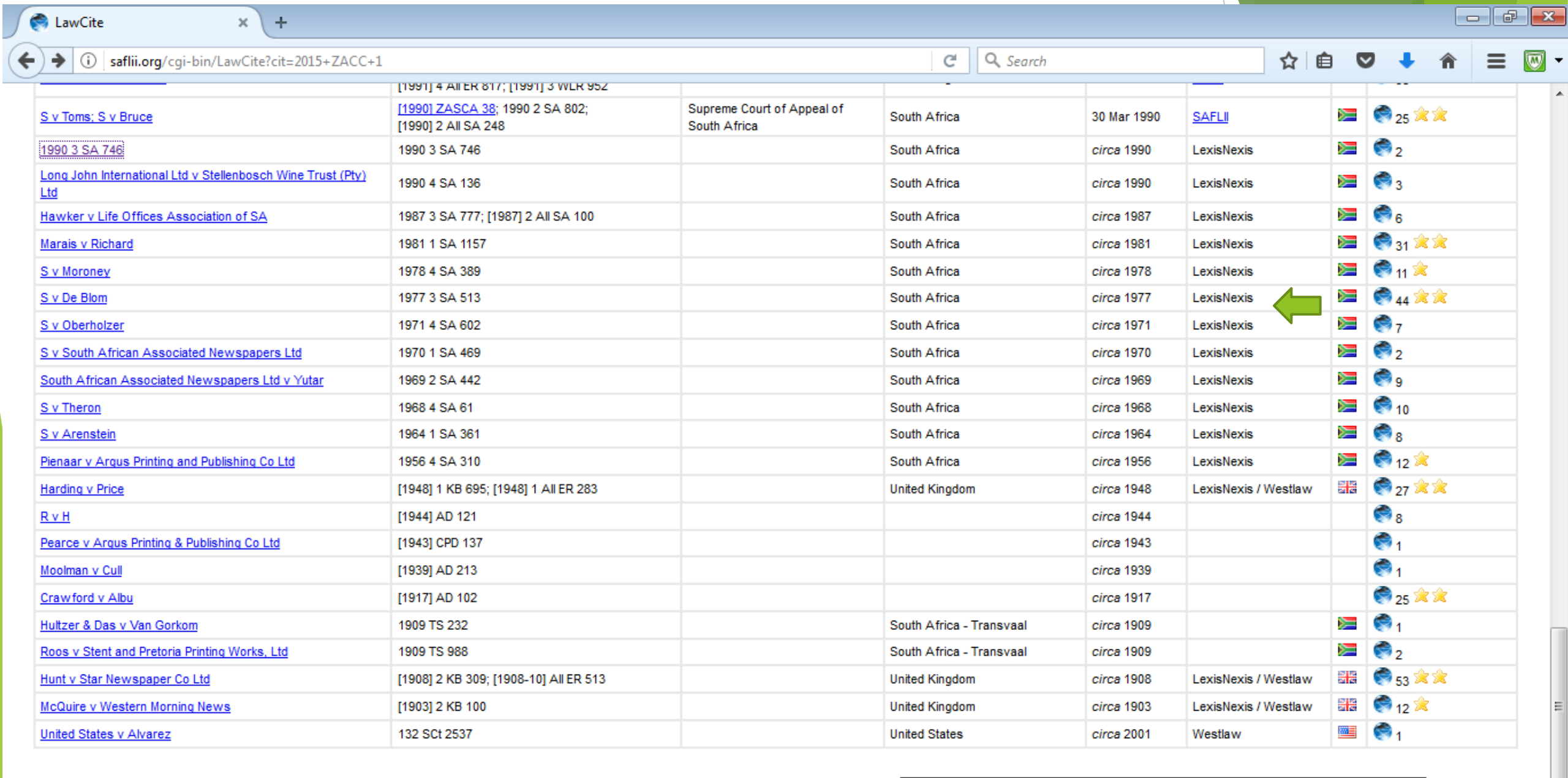
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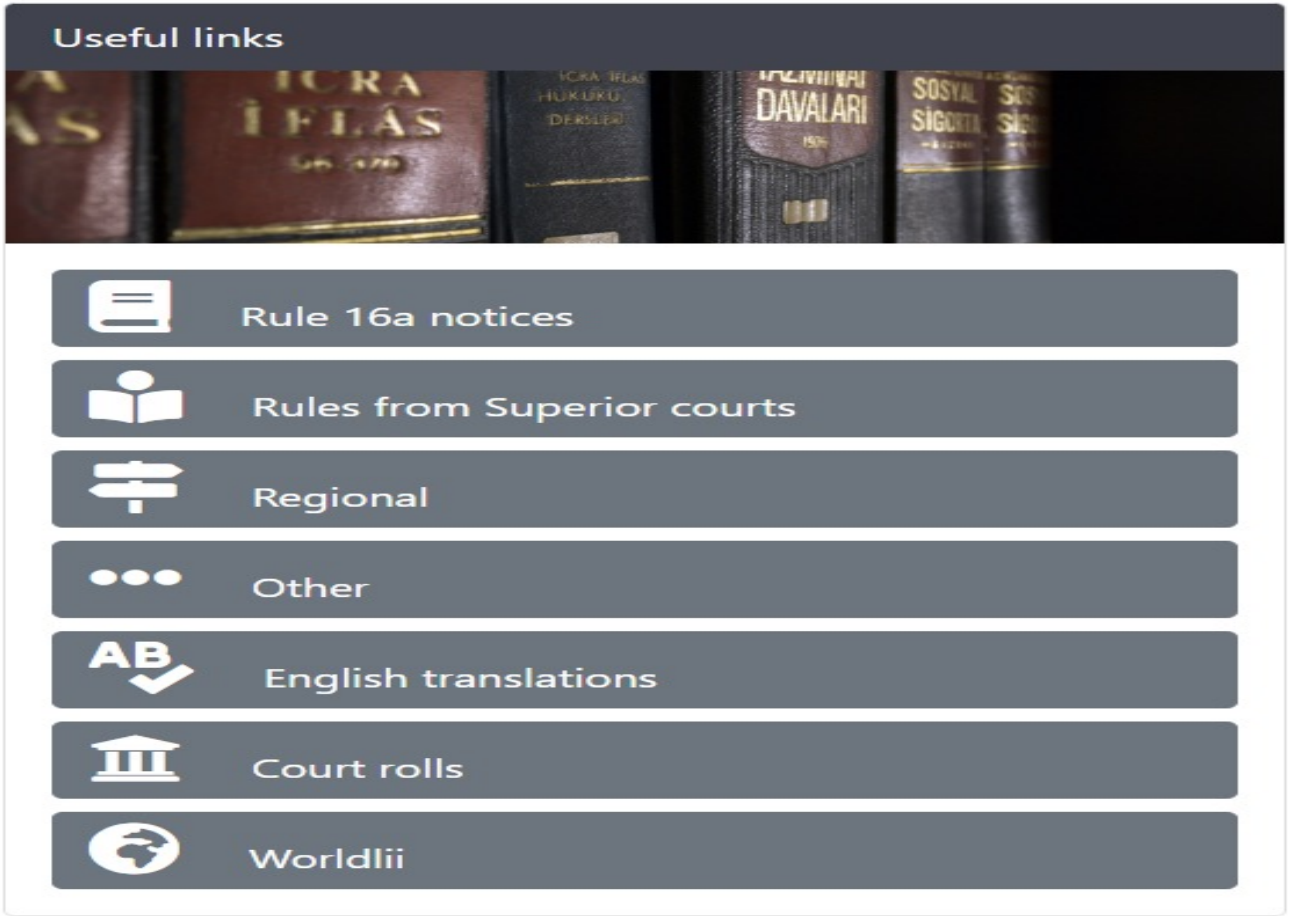
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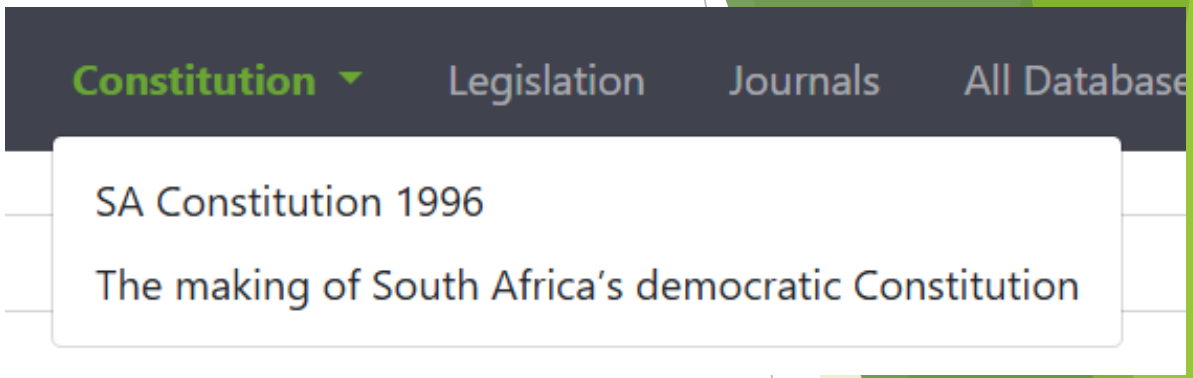
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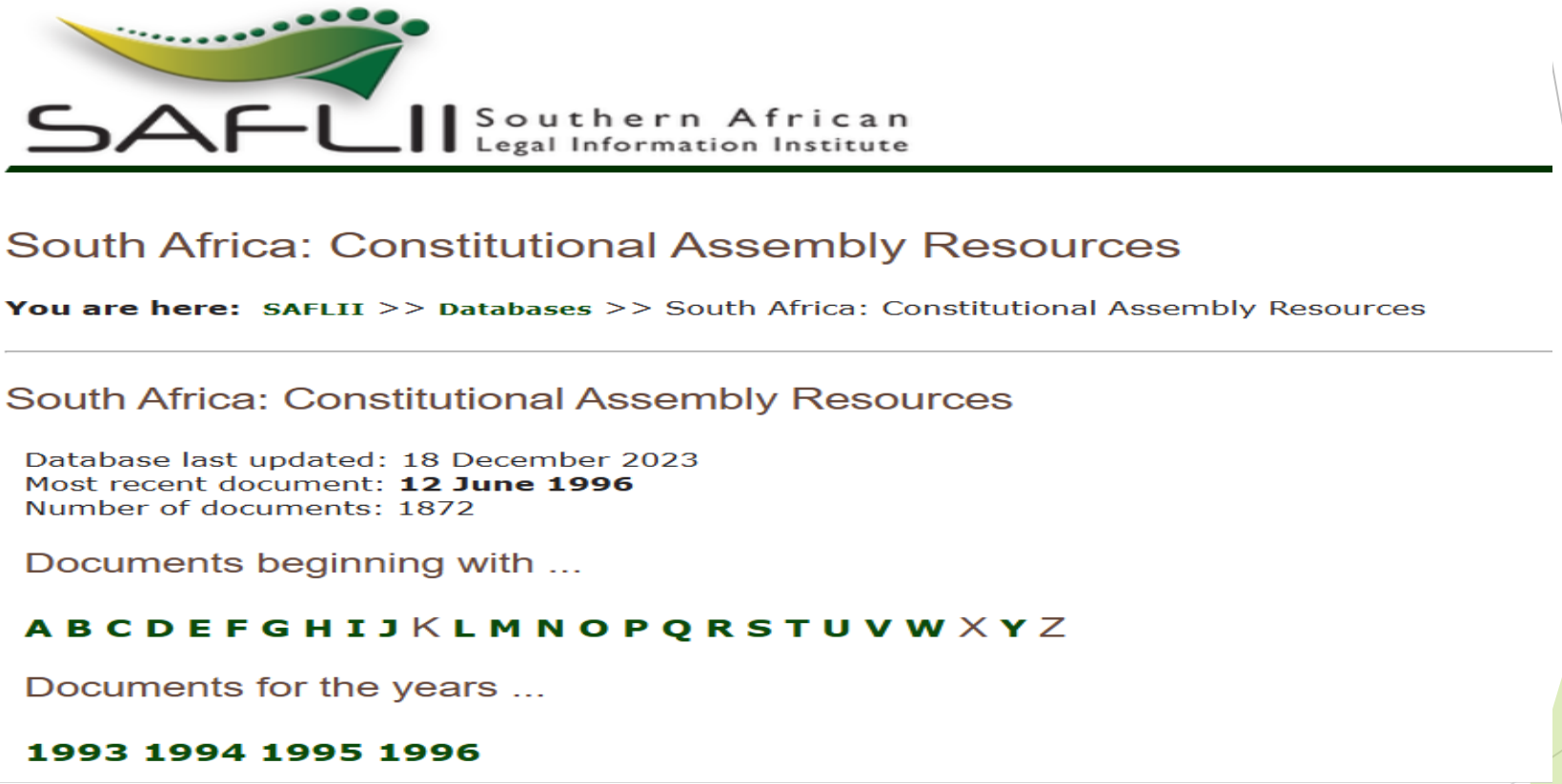
- Superior Courts Act 10 of 2013
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- Rules of the Supreme Court of Appeal.
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- Rules Regulating the Conduct of the Proceedings of the Orange Free State Provincial Division of the High Court of South Africa.
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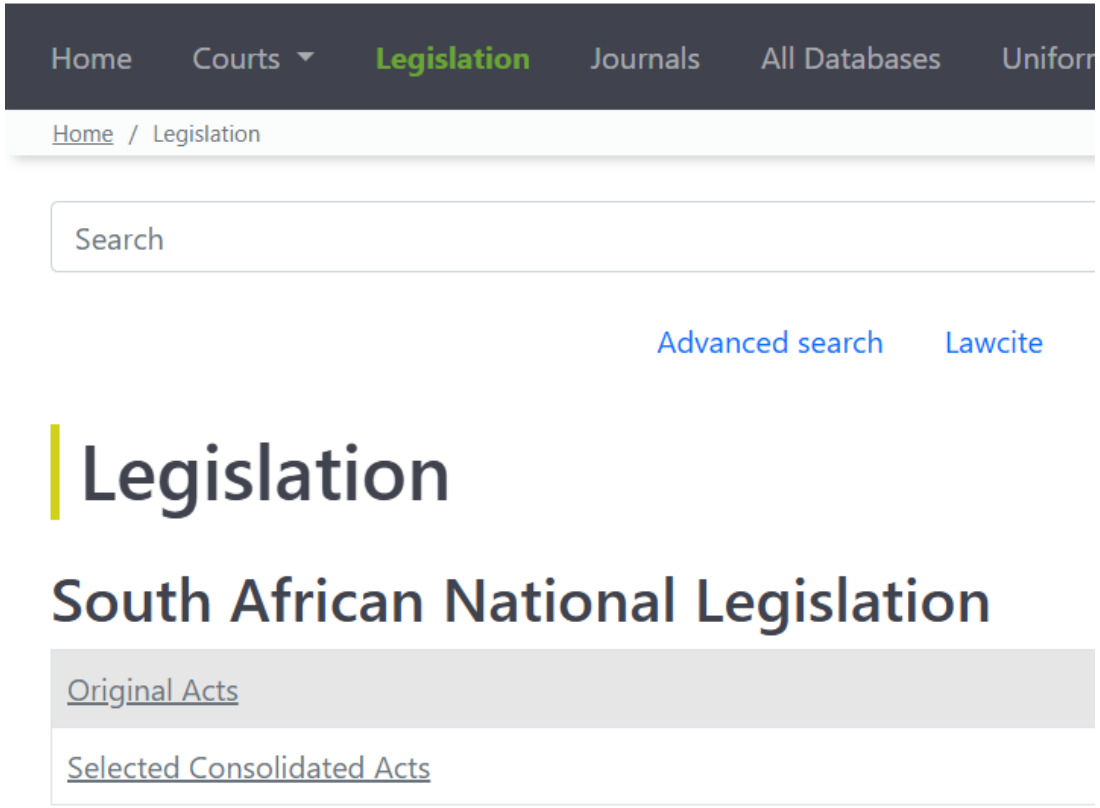
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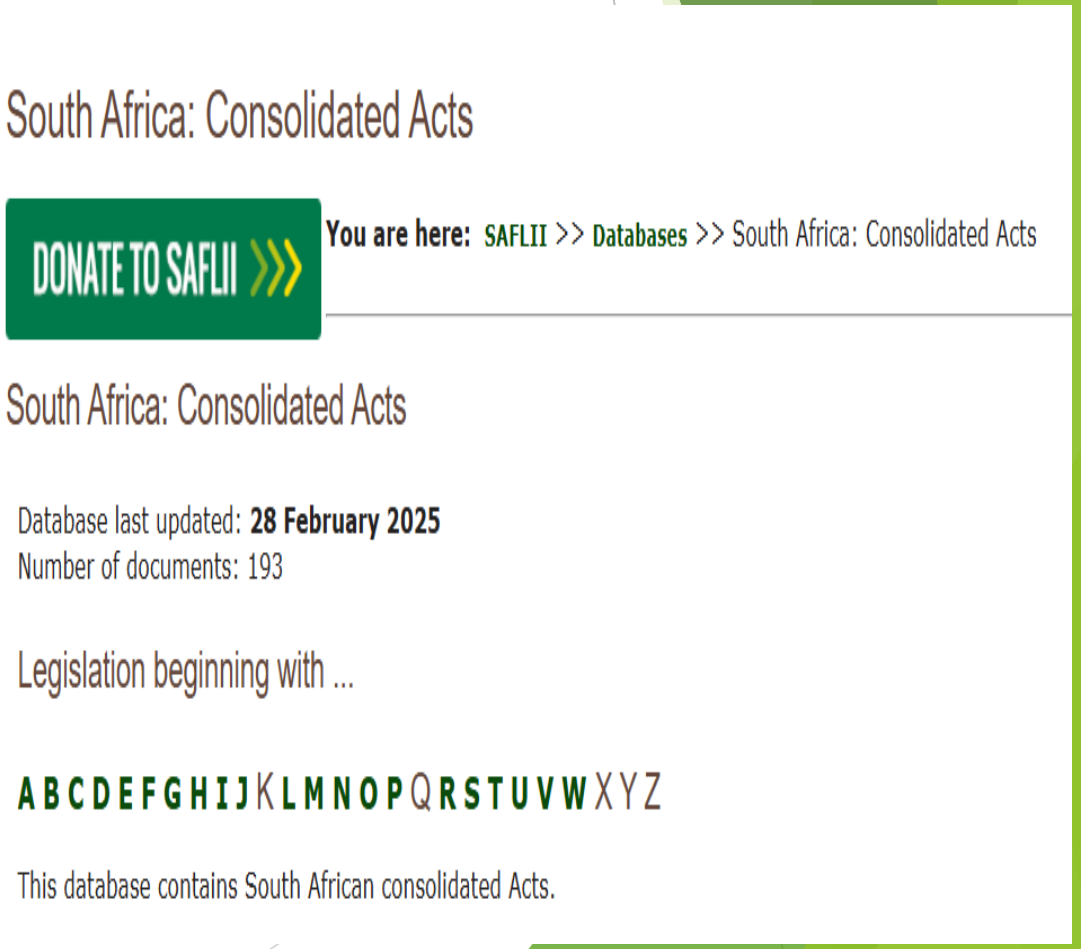
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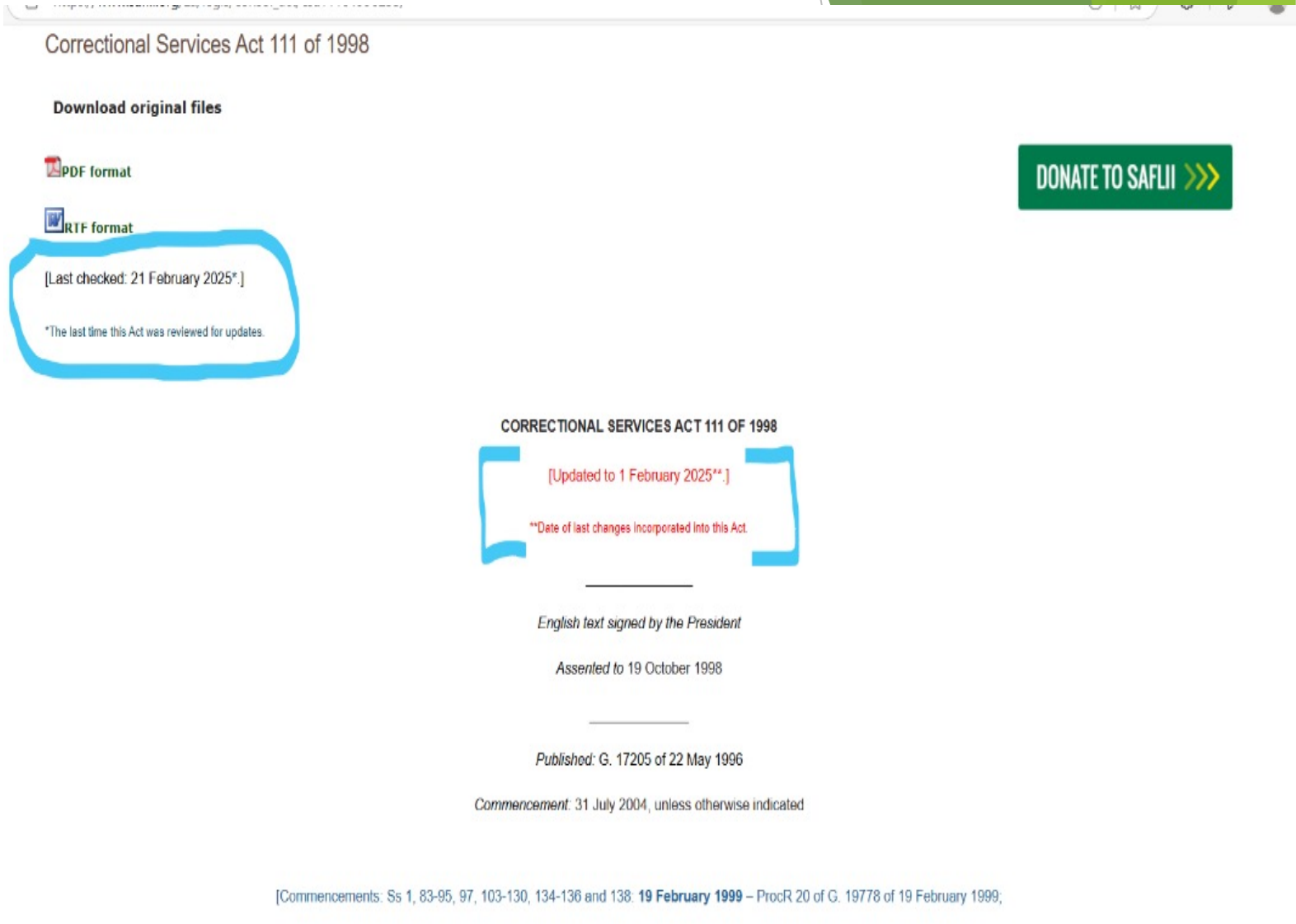




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