

Year	Matter Name	Judgement / Court Order	of department Outcome	
2012/13	Triton Foods v DAFF	Court Order	Settlement in favour of applicant	Yes
	Seapoint Sidewalk v DAFF	Court Order	Judgement in favour of department	Yes
	J Sole v MAFF	Judgement	Judgement in favour of department	Yes
	Monodon Fishing v DAFF	Court Order	Judgement in favour of applicant	Yes
Year	Matter Name	Judgement / Court Order	of department Outcome	
2013/14	RD Summers	Court Order	Settlement in favour of applicant	Yes
	Fisherman Fresh	Court Order	Judgement in favour of department	Yes
	Red Rover	Court Order	Judgement in favour of department	Yes

Question 1a

Year	(aa) 2010 - 11 Number:	(bb) 2011 - 12	(cc) 2012 - 13	(dd) 2013 - 14
(i) Judgement	0 Nature:	0	1	1
(ii) Court orders	1 Nature: To compel the Minister to make a decision	1 Settlement order	Legislation unconstitutional	Legislation unconstitutional
Total Number	1	1	1	4

Question b

(i)(aa) Number of Judgements and Court orders implemented = 4

(i)(bb) Number awaiting implementation = 3

(ii) Nature of Judgement and Court orders
See table above

ADDITIONAL INFORMATION ON QUESTION 750

The judgement related to an Act namely the Performing Animals Protection Act, 1935 (Act no. 24 of 1935). It was found that Section 2 and 3 were inconsistent with the constitution. Section 2 provides that Magistrates must issue licences for exhibiting and training of performing animals and the use of dogs for security purposes. Section 3 relates to the issuing of a certificate for the licence by a Magistrate. The Plaintiff (NSPCA) the provisions in its current form are unconstitutional in that this function/power is administrative and must reside with executive authority (Minister). Only the constitutional court may declare law unconstitutional and therefore the matter was referred to that court.