



SUPREME COURT OF APPEAL SOUTH AFRICA

MEDIA SUMMARY – JUDGEMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

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STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgement of the Supreme Court of Appeal.

PARKTOWN HIGH SCHOOL FOR GIRLS

v

EMERAN HISHAAM & ANOTHER

The Supreme Court of Appeal (SCA) today upheld an appeal against a judgment of the Gauteng Division of the High Court, holding the Parktown High School for Girls liable for the injuries sustained by Mr Naqeeb Emeran on the School's premises while attending a fashion show on 24 August 2012. The fashion show was organised by the Representative Council of Learners (RCL) to raise funds for its activities. Mr Naqeeb Emeran and his father, Mr Hishaam Emeran, sought to hold the School liable for Naqeeb's injuries. The SCA held that the Emerans ought to have sued the Member of the Executive Committee (MEC) and not the School by virtue of s 60(1) of the Schools Act 84 of 1996, which makes the State liable for civil wrongs in respect of school activities.

Naqeeb sustained injuries to his hand after a table top, which rested loosely on its base, flipped over and crushed his right hand. The School was sought to be held liable for negligently failing to take reasonable steps to avoid a foreseeable occurrence of this nature.

The plaintiffs contended that the s 60(4) of the School's Act exempts the State from liability where the negligent conduct occurs 'in connection with any enterprise or business operated under the authority of a public school for purposes of supplementing the resources of the school as contemplated in s 36. Section 36(1) deals with activities of the 'school governing body' to supplement resources supplied by the State for the purpose of the improving the quality of its education. They contended that the fashion show organised by the RCL was an enterprise within the meaning of the section. And therefore that the School, and not the MEC was liable.

The SCA rejected this contention. It held that the fashion show was not an enterprise, nor was it organized to supplement the School's resources. The plaintiffs were ordered to pay the costs of the appeal.