

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 17 March 2006

Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

On 17 March 2006 the Supreme Court of Appeal, in the case of *The Minister of Safety and Security v Allister Roy Luiters*, dismissed an appeal against a judgment of the Cape High Court, in terms of which the Minister of Safety and Security was held liable for the consequences of shots fired at the respondent, Mr Allister Roy Luiters, by a policeman who was officially off-duty.

The shooting rendered Mr Luiters a tetraplegic. The Cape High Court considered a statement made by the policeman concerned, Mr Lionel Siljeur, shortly after the shots had been fired, that he was in pursuit of persons who had attempted to rob him. That court concluded that the statement was indicative of his state of mind, namely, that he wanted to apprehend the would-be robbers, was thus about police business and that the Minister was consequently vicariously liable for the results of the shooting.

This court was in agreement with the reasoning of the Cape High Court and dismissed the appeal with costs.

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