



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

JUDGMENT

Case No: 664/10

In the matter between:

EMERGENCY CARE TRAINING ASSOCIATION

Appellant

and

**HEALTH PROFESSIONS COUNCIL OF
SOUTH AFRICA**

First Respondent

**PROFESSIONAL BOARD FOR EMERGENCY CARE
PRACTITIONERS**

Second Respondent

**CHAIRPERSON: PROFESSIONAL BOARD FOR
EMERGENCY CARE PRACTITIONERS**

Third Respondent

Neutral citation: *Emergency Care Training Association v Health Professions Council of South Africa* (664/10) [2011] ZASCA 126 (9 September 2011).

Coram: CLOETE, SNYDERS, SHONGWE, SERITI and WALLIS JJA

Heard: 9 SEPTEMBER 2011

Delivered: 9 SEPTEMBER 2011

Summary:

ORDER

On appeal from: North Gauteng High Court (Pretoria) (Kollapen J sitting as court of first instance):

The appeal is dismissed. The appellant is ordered to pay the respondents' costs including the costs of two counsel.

JUDGMENT

CLOETE JA (SNYDERS, SHONGWE, SERITI and WALLIS JJA concurring):

[1] No decision was required by the court a quo as the undertakings given by some of the respondents in the answering affidavit rendered the relief sought unnecessary.

[2] A decision on the issues sought to be raised on appeal would have no practical effect or result.

[3] I would therefore exercise the discretion this court has in terms of s 21A of the Supreme Court Act, 59 of 1959, in favour of dismissing the appeal.

[4] The appeal is dismissed. The appellant is ordered to pay the respondents' costs including the costs of two counsel.

T D CLOETE
JUDGE OF APPEAL

APPEARANCES:

APPELLANTS:

D S Fourie SC

Instructed by Hurter Spies Inc, Pretoria
Rossouw Attorneys, Bloemfontein

RESPONDENTS:

M Chaskalson SC (with him Ms N J Jele)

Instructed by Gildenhuis Lessing Malatji Inc,
Pretoria
Honey Attorneys, Bloemfontein