



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 15 March 2018
STATUS Immediate

Khoza v MEC for Health, Gauteng (216/17) [2018] ZASCA 13 (15 March 2018)

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

This morning, the Supreme Court of Appeal (SCA) unanimously upheld an appeal, with costs, in respect of the quantum of damages and the deduction for contingencies for a child who had suffered severe brain damage but was conscious of his suffering, as a result of a hypoxic-ischaemic incident during his birth at the Chris Hani Baragwanath Hospital. Having regard to other awards in similar cases across the country, the SCA held that R1 800 000 and not R200 000 was appropriate as general damages. Insofar as the deduction for contingencies was concerned, the SCA found that there was no proper justification for a figure of 50 per cent and that 20 per cent was appropriate.