



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
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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.

Matoto v Free State Gambling and Liquor Authority and others (987/2017) [2018] ZASCA 110 (11 September 2018)

Today the Supreme Court of Appeal (SCA) handed down a unanimous judgment dismissing an appeal against the judgment and order of the Free State Division of the High Court, Bloemfontein. The matter concerned a review application against the decision of the Free State Gambling and Liquor Authority (the Authority) regarding its refusal to grant the appellant's application in terms of s 41 of the Free State Gambling and Liquor Act 6 of 2010 for the permanent removal of the registration of a liquor licence to new premises.

After having been informed by letter dated 12 March 2015 of the Authority's decision, the Appellant's attorney addressed a series of letters to the Authority expressing his dissatisfaction with their decision and threatening to proceed with a review application. However, by the time the review application was launched in the high court, the 180 days envisaged in s 7(1) of the Promotion of Administrative Justice Act 3 of 2000 (PAJA) had expired. The appellant accordingly sought an order that the period be extended in terms of s 9 of PAJA. The high court (per Molitswane AJ, Rampai J concurring) refused the extension and consequently dismissed the application without entering into the substantive merits of the review.

The SCA had to first determine whether the discretion exercised by the high court in refusing the extension sought by the appellant was one in the 'true' or 'loose' sense. The importance of the distinction is that it dictates the standard of interference on appeal. It concluded that the discretion exercised by the high courts was one in the loose sense. The SCA held that the appellant had failed to furnish a reasonably satisfactory and acceptable explanation for his delay in failing to meet the

180-day deadline. Accordingly, there was no warrant for it, sitting as a court of appeal, to interfere with the decision of the high court.