

Recent articles and research

By Henk Delport

ABBREVIATIONS:

EL: Employment Law (LexisNexis)
I&T: Insurance and Tax (LexisNexis)
ILJ: Industrial Law Journal (Juta)
JJS: Journal for Juridical Science (Faculty of Law, University of the Free State)
PLD: Property Law Digest (LexisNexis)
SACJ: South African Journal of Criminal Justice (Juta)
SALJ: The South African Law Journal (Juta)
SA Merc LJ: SA Mercantile Law Journal (Juta)
THRHR: Tydskrif vir Hedendaagse Romeins-Hollandse Reg (LexisNexis)
TSAR: Tydskrif vir die Suid-Afrikaanse Reg (Juta)

Administrative law

Calitz, J 'Some administrative law aspects of State regulation of insolvency law revisited – *Musenwa v Master of the North Gauteng High Court* (unreported 54849/10) [2010] ZAGPPHC 190 (5 November 2010)' 2011 32.3 *Obiter* 747.

Bill of Rights

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Competition

Munyai, PS 'Interim relief jurisprudence in South African competition law: A critical review of the competition tribunal's approach' 23.3 *SA Merc LJ* 432.

Consumer protection

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Contract law

Hutchison, A 'Remoteness in contract: Under revision in the House of Lords too?' 129.2 *SALJ* 199.
Pretorius, CJ 'The basis of common error' 2011 32.3 *Obiter* 651.

Corporate law

Esser, IM 'Corporate social responsibility: A company law perspective' 2011 23.3 *SA Merc LJ* 317.

Credit law

Kelly-Louw, M 'The statutory *in duplum* rule as an indirect debt relief mechanism' 23.3 *SA Merc LJ* 352.

Otto, JM 'Hemelhoë rentekoerse, die gemeenregtelike verbod op woeker en die ingrypingsbevoegdheid van howe indien die Nasionale Kredietwet nie van toepassing is nie' 2012 *THRHR* 271.

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Albertus, C 'Palliative care for terminally ill inmates: Does the state have a legal obligation?' (2012) 25 *SACJ* 67.

Ballard, C 'A statute of liberty? The right to bail and a case for legislative reform' (2012) 25 *SACJ* 24.

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Le Roux, J and Stevens, GP 'Pathological criminal incapacity and the conceptual interface between law and medicine' (2012) 25 *SACJ* 44.

Slabbert, M and Oosthuizen, H 'The payment for an organ and the admission of guilt by a South African hospital – *The State v Netcare KwaZulu-Natal (Pty) Ltd* – agreement in terms of section 105A(1) of the Criminal Procedure Act 51 of 1977, Netcare KwaZulu (Pty) Ltd and the State, Commercial Crime Court, Regional Court of KwaZulu-Natal, Durban case no 41/1804/2010' 2011 32.3 *Obiter* 740.

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Van der Bijl, C "Psychological" assault: The crime of assault revisited' (2012) 25 *SACJ* 1.

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Watney, M 'The prosecution's duty to disclose: More reason to litigate?' 2012.2 *TSAR* 320.

Whitear-Nel, N 'Sentencing filicidal parents: A discussion in the context of two recent cases: *S v Saziso Notice Mtsbali* Case Number CC 147/09, and *S v Sbaw* 2011 (1) *SACR* 368 (ECG)' (2012) 25 *SACJ* 93.

Delict

Gowar, C 'Product liability: A changing playing field?' 2011 32.3 *Obiter* 521.

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Neethling, J and Potgieter, JM 'Defamation of school teachers by learners -- *Le Roux v Dey* 2011 3 SA 274 (CC)' 2011 32.3 *Obiter* 721.

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Insurance

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Reinecke, MFB 'Extension clauses and indemnity insurance' 2012.2 *TSAR* 342.

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Wagener, AN 'Motor-vehicle insurance and discrimination: A comparative analysis of the acceptability of actuarial evidence' 23.3 *SA Merc LJ* 376.

Intellectual property

Kelbrick, R 'Geographical names: Has Century City changed the landscape? *Century City Apartments Property Services CC v Century City Property Owners' Association*' 23.3 *SA Merc LJ* 513.

Visser, C 'Jurisdiction in respect of claims of extraterritorial copyright infringement: *Gallo Africa v Sting Music*' 23.3 *SA Merc LJ* 529.

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Nkosi, S 'The status and position of the Vatican and the Pope at international law: Trying to fit a religious square peg into a legal circle?' 2011 32.3 *Obiter* 573.

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Malkawi, BH 'Legal architecture and design for Gulf Cooperation Council economic integration' 2011 36.2 *JJS* 58.

Thomashaussen, A 'Export taxes as a means to protect South Africa's minerals beneficiation strategy' 23.3 *SA Merc LJ* 407.

Wethmar-Lemmer, M 'The Vienna Sales Convention and gap-filling' 2012.2 *TSAR* 274.

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Marx, FE and O'Brien, N 'To regulate or to over-regulate? Internet service provider liability: The industry representative body in terms of the ECT Act and regulations' 2011 32.3 *Obiter* 537.

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Van der Walt, A and Van der Walt, G 'Breach of collective agreements: Does the LRA provide a remedy in section 24? – *Minister of Safety and Security v Safety and Security Sectoral Bargaining Council* [2010] 6 BLLR 594 LAC' 2011 32.3 *Obiter* 769.

Lease

Van der Walt, AJ and Maass, S 'The enforceability of tenants' rights (part 2)' 2012.2 *TSAR* 228.

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Badenhorst, PJ and Olivier, NJJ 'Expropriation of "unused old order rights" by the MPRDA: You have lost it! – *Agri SA v Minister of Minerals and Energy (Centre for Applied Legal Studies as amicus curiae)*' 2012 *THRHR* 329.

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Nevondwe, L 'Conciliation of pension funds complaints: Guidelines and procedures' 2012 27.2 *I&T* 10.

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Ferreira, N 'Feasibility constraints and the South African Bill of Rights: Fulfilling the Constitution's promise in conditions of scarce resources' 129.2 *SALJ* 274.

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Succession

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Suretyship

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Titus, A 'The different permutations of *CSARS v Brummeria*: Was it something other than an "interest-free" loan?' 129.2 *SALJ* 236.

Tourism law

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Henk Delport *BA LLD (UP)* is a professor of law at the Nelson Mandela Metropolitan University. E-mail: henk.delport@nmmu.ac.za