

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 31 May 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 31 May 2006 the Supreme Court of Appeal handed down judgment in *The Legal Aid Board (Ex Parte) v Johan Pretorius and Wilhelm Pretorius*.

The court was considering an application for leave to appeal by the Legal Aid Board against an order by Jordaan J in the ‘Boeremag treason trial’ directing it to provide alternative legal representation for the applicants Johan and Wilhelm Pretorius.

Although the Board had appointed alternative legal representation it was of the view that the judge had acted beyond his powers in making the order. It contended that it was important for this issue to be decided since it concerned a principle that would inform decisions in the future.

This court held that it was within the province and power of a presiding judicial officer to decide whether a trial without effective legal representation would be unfair. It held that the trial court had

acted commendably and that the Board had misconceived its powers and was mistaken about the role of a presiding judicial officer. The application for leave to appeal was dismissed and the matter was struck from the roll.

--ends--