



SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 30 September 2016
STATUS Immediate

Eskom Holdings Limited v Derek Anthony Halstead-Cleak (599/2015)
ZASCA 150 [30 September 2016]

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.

The SCA today upheld an appeal with costs against a judgment of the Gauteng Division of the High Court of South Africa (Pretoria) that found Eskom strictly liable, in terms of the provisions of s 61 of the Consumer Protection Act 68 of 2008, for damages Mr Halstead-Cleak had suffered.

Mr Halstead-Cleak, one of four cyclists, came into contact with a low hanging power line, spanning a footpath and in the process sustained severe electrical burns. The power line was not supplying or required to supply electricity to anyone.

The SCA held that Mr Halstead-Cleak was not a consumer as circumscribed in the Act and the facts and circumstances of the case fell outside the ambit of the Consumer Protection Act.

The effect of the finding by the SCA was that the issue concerning the delictual liability of Eskom still had to be determined by the trial court.

The effect of the order by the SCA is that the case is remitted to the trial court for determination of the remaining issues in the action.