

Legal Citor Case Analysis

Natal Joint Municipal Pension Fund
v Endumeni Municipality

[2012] 2 All SA 262 (SCA)

Powered by Lexis Library, Legal Citator is designed to analyse the precedential value of cases, reducing research that might otherwise take hours, to mere minutes.

We've taken the popular precedent-setting case of *Natal Joint Municipal Pension Fund v Endumeni Municipality* [2012] 2 All SA 262 (SCA) and used Legal Citator to delve into its analysis.

Want to save countless hours of research time? Here's how:

Judgment Analysis

Legal Citator offers a high-level analysis of the case in question, based a collection of algorithms that factor in court hierarchy, chronology and the complex relations between connected cases.

Natal Joint Municipal Pension Fund v Endumeni Municipality [2012] 2 All SA 262 (SCA)

Judgment History: National: Divisional:

Parallel Citations: [\[2012\] JOL 28621 \(SCA\)](#); [\[2012\] ZASCA 13 \(SCA\)](#); 2012 (4) SA 593 (SCA)

Judgment Details

Legal Citator provides you with the key judgment information for the case in question.

Country: South Africa

Case number: 920/2010

Hearing date: 02/23/2012

Judgment date: 16/03/2012

No. of Judges 5

Bench:	Majority	Minority
	Cachalia, Judge of Appeal Farlam, Judge of Appeal Leach, Judge of Appeal Van Heerden, Judge of Appeal Wallis, Judge of Appeal (Delivered)	

Appearances:	Kemp J Kemp SC and HS Gani	Advocate/s for the Appellant/s
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Subject Index

The Legal Citator Subject Index is developed from the key words for easy identification of the legal topics addressed in the case and for assessment of its usefulness to your matter at hand.

Pensions

- Municipal employees
- Payment of adjusted contribution by participating employer

Practice and Procedure

- Pleadings
- Close of
- *Litis contestatio*
- Refers to close of pleadings, but when pleadings are re-opened by amendment, the initial situation of *litis contestatio* falls away and is only restored once the issues have once more been defined in the pleadings

Statutes

- Interpretation
- Court's approach

Judgment History

Legal Citator offers you a full history of the case in question so you don't have to second guess its validity. Know with certainty if the case in question has been brought on appeal or review and to what end.

Constitutional Court

Division: Constitutional Court

n/span Municipal Employees Pension Fund v Natal Joint Municipal Pension Fund (Superannuation) and others | 2018 (2) BCLR 157 (CC)
Judgment Date: 01/12/2017

Supreme Court of Appeal / Appellate Division

Division: Supreme Court of Appeal / Appellate Division

 Approved and applied Natal Joint Municipal Pension Fund v Endumeni Municipality | [2012] 2 All SA 262 (SCA) (Chosen Judgment)
Judgment Date: 16/03/2012

Judgment Treatment (Noter-up)

Legal Citator Signal Indicators are your ace in the hole. The current heading in the Legal Citator "Judgment Treatment" is better known as the Noter-up. This is a collection of cases which sets out whether the topic case is still relevant and "good law" and has not been reversed on appeal or criticized by subsequent cases. We've used coloured signals for quick and easy visual identification of the treatment of a case.



Positive

The later case has quoted the subject case or has stated the law in the subject case as good authority for its reasoning.

NOTER-UP:	Applied	Approved	Followed	Affirmed
APPEAL HISTORY:	Confirmed on appeal			



Neutral

The later case has merely referenced the subject case, such as in a footnote. Or the later case has compared or discussed the facts, decision or quantum of the subject case. This signal is not used for appeal history.

NOTER-UP:	Referred to	Considered	Discussed	Compared
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Cautionary

The later case has distinguished the subject case due to different facts or has otherwise found it not applicable in the later case. Caution and further research are required before you rely on the subject case.

NOTER-UP:	Distinguished
APPEAL HISTORY:	Confirmed in part and reversed in part



Negative

The subject case was criticized or was not followed by the later case, such that it is not advisable to use the subject case as authority, unless careful research is done on the reason for the red signal.

NOTER-UP: **Doubted** **Criticized** **Not followed**

APPEAL HISTORY: **Reversed on appeal**



No analysis

Appearing as the National or Provincial indicator and meaning that the subject case has not yet been referenced by a later reported case.



Conflict

The subject case has been analysed in a contradictory way by different National Courts on the same day and the Citator cannot resolve this.



n/a No appeal or review recorded

No appeal or review has been recorded or the case is not capable of being appealed or reviewed (for example, the Constitutional Court).

Legal Citator displays and tracks all judgments that have treated the chosen judgment, sorted by division, and tells you just how many instances of each type of reference have occurred. The details with each case include the number of Judges in the majority and minority, enabling rapid assessment. What's more is it gives you quick access to the cases in question by hyperlinking directly to the Law Report Series on Lexis Library that has published it. With a mere tick or untick, you can filter the lists to see only selected colour treatments, substantially reducing research time.

(240) (1) (161) (0) (0) (0)

Constitutional Court

Signal Determined by: [2020] ZACC 29 (CC); [2021] JOL 49205 (CC)

Referred to Smit v Minister of Justice and Correctional Services and others At Page 235

Judgment Date: 18/12/2020

Number of Judges : Majority 6, Minority 4

Underpinnings for the above Judgment.

Referred to National Union of Metalworkers of South Africa and others v Aveng Trident Steel (a division of Aveng Africa (Pty) Ltd) and another At Page 46

Judgment Date: 27/10/2020

Number of Judges : Majority 10, Minority 0

Underpinnings for the above Judgment.

Approved Chisuse and others v Director-General, Department of Home Affairs and another At Page 1189

Judgment Date: 22/07/2020

Number of Judges : Majority 8, Minority 0

Underpinnings for the above Judgment.

Referred to New Nation Movement NPC and others v President of the Republic of South Africa and others (Council for the Advancement of the South African Constitution and another as amici curiae) At Page 997

Judgment Date: 11/06/2020

Number of Judges : Majority 8, Minority 1

Underpinnings for the above Judgment.

●	Referred to	National Union of Metalworkers of South Africa v Lufil Packaging (Isithebe) (A Division of Bidvest Paperplus (Pty) Ltd) and others	At Page 741
		Judgment Date: 26/03/2020	
		Number of Judges : Majority 8, Minority 0	
		Underpinnings for the above Judgment.	
●	Referred to	Independent Institute of Education (Pty) Limited v KwaZulu-Natal Law Society and others	At Page 506
		Judgment Date: 11/12/2019	
		Number of Judges : Majority 7, Minority 2	
		Underpinnings for the above Judgment.	
●	Discussed	Moyo v Minister of Justice and Constitutional Development and Others; Sonti v Minister of Justice and Correctional Services and others	At Page 101
		Judgment Date: 22/10/2019	
		Number of Judges : Majority 9, Minority 0	
		Underpinnings for the above Judgment.	
✓	Approved	Dykema v Malebane and another (South African Association of Consulting and applied Professional Planners as amicus curiae)	At Page 1309
		Judgment Date: 10/09/2019	
		Number of Judges : Majority 10, Minority 0	
		Underpinnings for the above Judgment.	
✓	Applied	Road Traffic Management Corporation v Waymark Infotech (Pty) Ltd	At Page 39
		Judgment Date: 02/04/2019	
		Number of Judges : Majority 9, Minority 0	
		Underpinnings for the above Judgment.	
✓	Applied	Cloete and another v S (Legal Aid South Africa as amicus curiae) and a related matter	At Page 551
		Judgment Date: 19/02/2019	
		Number of Judges : Majority 10, Minority 0	
		Underpinnings for the above Judgment.	
✓	Applied	Diener NO v Minister of Justice and Correctional Services and others	At Page 387
		Judgment Date: 29/11/2018	
		Number of Judges : Majority 10, Minority 0	
		Underpinnings for the above Judgment.	
✓	Applied	Airports Company South Africa v Big Five Duty Free (Pty) Limited and others	At Page 12
		Judgment Date: 27/09/2018	
		Number of Judges : Majority 8, Minority 1	
		Underpinnings for the above Judgment.	
●	Referred to	Marshall and others NNO v Commissioner for the South African Revenue Service	At Page 404
		Judgment Date: 25/04/2018	
		Number of Judges : Majority 11, Minority 0	
		Underpinnings for the above Judgment.	

[View the full case analysis here:](#)

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Judgment Cited by Court

Access to all the judgments that have been cited within the current judgment, also with colour signals referencing how these cases have been cited, e.g applied, referred to, not followed or compared. If you need more information simply follow the hyperlinks directly to judgment cited.

Referred to	Associated Institutions Pension Fund and Another v Le Roux and Others 2001 (4) SA 262 (SCA)	At Page 279
Referred to	Barkett v SA Mutual Trust and Assurance Co Ltd 1951 (2) SA 353 (AD)	At Page 278
Referred to	Barkhuizen v Napier 2007 (5) SA 323 (CC)	At Page 275
Approved	Dictum at paras [16]-[19] Bastian Financial Services (Pty) Ltd v General Hendrik Schoeman Primary School [2008] 4 All SA 117 (SCA)	At Page 273
Referred to	Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Tourism and Others 2004 (7) BCLR 687 (CC)	At Page 273
Referred to	Bertie Van Zyl (Pty) Ltd and another v Minister for Safety and Security and others 2010 (2) SA 181 (CC)	At Page 278
Referred to	Chartbrook Ltd v Persimmon Homes Ltd and others [2009] 4 All ER 677 (HL)	At Page 278
Referred to	Ebrahim v Minister of the Interior 1977 (1) SA 665 (AD)	At Page 274
Applied	Dictum at 608D-E Government of the Republic of South Africa v Ngubane 1972 (2) SA 601 (AD)	At Page 271
Referred to	Hanekom v Builders Market Klerksdorp (Pty) Ltd and Others 2007 (3) SA 95 (SCA)	At Page 278
Referred to	Investors Compensation Scheme Ltd v West Bromwich Building Society [1998] 1 WLR 896	At Page 278
Applied	Dictum at 662G-663A Jaga v Dönges NO and another; Bhana v Dönges NO and another 1950 (4) SA 653 (A)	At Page 273
Approved	Dictum at 315 K and S Lake City Freighters (Pty) Ltd v Gordon and Gotch Ltd (1985) 157 CLR 309	At Page 274
Applied	Dictum at para [39] KPMG Chartered Accountants v Securefin Ltd and another [2009] 2 All SA 523 (SCA)	At Page 273
Referred to	Manyasha v Minister of Law and Order 1999 (2) SA 179 (SCA)	At Page 274
Referred to	Melmoth Town Board v Marius Mostert (Pty) Ltd 1984 (3) SA 718 (AD)	At Page 278
Referred to	Mphosi v Central Board for Co-Operative Insurance Ltd 1974 (4) SA 633 (AD)	At Page 268
Considered and criticised	NAAV v Minister for Immigration and Multicultural Affairs [2002] 193 ALR 449 (FCA)	At Page 277
Referred to	Protective Mining and Industrial Equipment Systems (Pty) Ltd (Formerly Hampo Systems (Pty) Ltd) v Audiolens (Cape) (Pty) Ltd 1987 (2) SA 961 (AD)	At Page 274
Referred to	R v Detody 1926 AD 198 (A)	At Page 278
Referred to	R v Schonken 1929 AD 36 (A)	At Page 278
Referred to	R v Secretary of State for the Environment, Transport and the Regions and another, Ex parte Spath Holme Ltd [2001] 2 AC 349	At Page 275
Approved	Dictum at para [28] Rainy Sky SA and others v Kookmin Bank [2012] Lloyds Rep 34 (SC)	At Page 273
Referred to	Richardson v Austin (1911) 12 CLR 463	At Page 276
Referred to	S v Sweers 1963 (4) SA 163 (E)	At Page 274

Referred to	S v Zuma and Others 1995 (2) SA 642 (CC)	At Page 278	
Referred to	Salomon v Salomon and Company 1897 AC 22 (HL)	At Page 274	
Referred to	Shell and BP South African Petroleum Refineries (Pty) Ltd v Murphy NO and Others 2001 (3) SA 683 (D)	At Page 272	
Approved	Sigma Finance Corp (in administrative receivership), Re: Re the Insolvency Act 1986 [2010] 1 All ER 571 (SC)	At Page 273	
Referred to	Sigma Finance Corp, Re [2008] EWCA Civ 1303 (CA)	At Page 273	
Considered and criticised	Singh v The Commonwealth [2004] HCA 43	At Page 276	
Referred to	South African Airways (Pty) Ltd v Aviation Union of South Africa and Others 2011 (3) SA 148 (SCA)	At Page 273	
Referred to	Standard Bank v Estate Van Rhyn 1925 AD 266 (AD)	At Page 283	
Referred to	Summit Industrial Corporation v Claimants Against the Fund Comprising the Proceeds of the Sale of the MV Jade Transporter 1987 (2) SA 583 (AD)	At Page 274	
Referred to	Swart v Smuts 1971 (1) SA 819 (AD)	At Page 283	
Referred to	Tek Corporation Provident Fund and Others v Lorentz 1999 (4) SA 884 (SCA)	At Page 279	
Applied	Dictum at 416-417	Town Council of Springs v Moosa and Another 1929 AD 401 (AD)	At Page 283
Referred to	Venter v Rex 1907 TS 910 (TS)	At Page 278	

Acts, Ordinances & By-Laws

Easy reference to the Acts, Ordinances & By-Laws referred to, if any apply.

Act 104 of 1993 Financial Institutions Second Amendment Act

Date of Commencement: 07/01/1993, Assented to Date: 28/06/1993

Act 24 of 1956 Pension Funds Act

Date of Commencement: 01/01/1958, Assented to Date: 28/04/1956

Act 4 of 1995 KwaZulu-Natal Joint Municipal Provident Fund Act (KwaZulu-Natal)

Date of Commencement: 02/01/1996, Assented to Date: 21/11/1995

Ordinance 24 of 1973 Local Government Superannuation Ordinance (KwaZulu-Natal)

Date of Commencement: 05/24/1974, Assented to Date: 05/04/1974

Rules

Easy reference to the rules referred to if any apply.

No known Rules are referred to in this Judgment.



Regulations

Easy reference to the regulations referred to if any apply.

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 1(xxi)(h)

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 13

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 16(10)(a)

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 19(1)

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 19(2)

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 21

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 21(1)(b)

**Natal Municipal Pension Fund Regulations into All SA of Local Government Superannuation Ordinance (KwaZulu-Natal),
Ordinance 24 of 1973**

Date of Commencement: 05/24/1974; Assented to Date: 04/05/1974

Reg 22(2)

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