

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

MINISTER OF TRANSPORT AND ANOTHER v D DU TOIT AND ANOTHER CASE NO 602/04

From: The Registrar, Supreme Court of Appeal

Date: 29 March 2006

Status: Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The SCA today dismissed the appeal of the Minister of Transport who had been found in the Johannesburg High Court to have been 20 per cent to blame for an accident which occurred late at night near the Grasmere toll gate. The High Court found that the accident had been partly caused by inadequate road signs for which the Minister was responsible. The respondent, who was a passenger in a vehicle driven from north to south by her husband on the N1, sustained serious bodily injuries when the vehicle plunged over an embankment at the end of the off-ramp leading to the road to Ennerdale. The respondent's husband, after going through the toll gate, proceeded

up the off-ramp in the mistaken belief that he was still on the free way. Not expecting a 'T' intersection, he drove through it and ended up in the veld.

In dismissing the appeal the SCA found that the overhead sign indicating the turn off was misleading as it suggested that the turn off was beyond, and not at, the toll gate. A sign on the off-ramp warning of the stop ahead was also badly positioned as it partly obscured a larger sign beyond it and at night the two tended to blend together. Finally, a sign bearing a T intersection chevron on the opposite side of the intersection was not aligned with the off-ramp so that it was not positioned in the path of a motorist approaching the intersection. These defects in the signage had all been corrected after the accident.

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