

Recent articles and research

By Meryl Federl

List of journals indexed in this issue of *De Rebus*

Obiter: *Obiter* (2015) 36.1 (Faculty of Law – Nelson Mandela Metropolitan university)

SAJHR: *South African Journal Human Rights* (2015) vol 31.1 (Juta)

SALJ: *South African Law Journal* (2015) vol 132.2 (Juta)

SLR: *Stellenbosch Law Review* (2015) vol 26.1 (Juta)

Access to justice

Dugard, J 'Closing the doors of justice: An examination of the Constitutional Court's approach to direct access, 1995 – 2013: Political rights since 1994' (2015) 31.1 *SAJHR* 112.

Administrative law

Govender, K 'Malfeasance, administrative justice and the right of access to health-care services: An assessment of *MEC for Health v Kirkland Investment (Pty) Ltd* 2014 (5) BCLR 547 (CC)' (2015) 36.1 *Obiter* 178.

Hoexter, C 'The enforcement of an official promise: Form, substance and the Constitutional Court' (2015) 132.2 *SALJ* 207.

Constitutional Court

Magaya, I, Cooke, M, Macchelli, P and Chamberlain, L 'Constitutional Court statistics for the 2010 term' (2015) 31.1 *SAJHR* 205.

Viljoen, J, Magaya, I, Ongeso, JP, Ndebele, C, Grant Tungay, SJ, Samaradiwakera-Wijesundara, C, Cooke, M and Chamberlain, L 'Constitutional Court statistics for the 2011 term' (2015) 31.1 *SAJHR* 219.

Constitutional law

Van Staden, M 'The case of the Speluncan Explorers in the South African Constitutional Court' (2015) 36.1 *Obiter* 1.

Child law

Karels, M and Pienaar, L 'Determination of criminal capacity for child offenders – interfacing the procedural requirements of the Child Justice and Criminal Procedure Act' (2015) 36.1 *Obiter* 57.

Moyo, A 'Child participation under South African law: Beyond the convention on the rights of the child?' (2015) 31.1 *SAJHR* 173.

Nkosi, G 'African children and sexuality: A perspective on traditional and contemporary approaches' (2015) 36.1 *Obiter* 112.

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Naude, T and Koep, C 'Factors relevant to the assessment of the unfairness or unreasonableness of contract terms: Some guidance from the German law on standard contract terms' (2015) 26.1 *SLR* 85.

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Sangoni, T, Smuts, I, Turner, N and Powers, J 'Commemoration of the 150th anniversary of the Eastern Cape High Court' (2015) 132.2 *SALJ* 438.

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Kelly-Louw, M 'The overcomplicated interpretation of the word "may" in sections 129 and 123 of the National Credit Act' (2015) 132.2 *SALJ* 245.

Steyn, L 'Reinstatement of a home mortgage bond by paying the arrears: The need for appropriate legislative reform' (2015) 26.1 *SLR* 132.

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Makiwane, PN 'Restorative justice: Bringing justice for crime victims?' (2015) 36.1 *Obiter* 79.

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Cyber law

Swales, L 'The regulation of electronic signatures: Time for review and amendment' (2015) 132.2 *SALJ* 257.

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Parker, J and Zaal, FN 'Damages for deprivation of parental care: Initiating a groundbreaking new remedy for children *M v Minister of Police* 2013 (5) SA 622 (GNP)' (2015) 36.1 *Obiter* 164.

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Lerm, H 'Fracking: An energy dream come true or an environmental nightmare?' (2015) 36.1 *Obiter* 41.

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Monyakane, MME 'The disparities in section 3, hearsay-admissibility rules and the negative effects the consent clause in section 3(1)(a) has on the accused whose representatives agree to the admission of hearsay evidence to prove a case against their clients' (2015) 36.1 *Obiter* 136.

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Barratt, A 'Private contract or automatic court discretion? Current trends in legal regulation of permanent life-partnerships' (2015) 26.1 *SLR* 110.

Health law

Forcier, MB and Stirner, B 'Twelve years after Canada's access to medicines regime: Should South Africa follow the path?' (2015) 132.2 *SALJ* 313.

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Xaba, GMN 'Presence as a basis for the recognition and enforcement of foreign judgment sounding in money: The "real and substantial connection" test considered' (2015) 36.1 *Obiter* 121.

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Botha, MM 'Revisiting an old friend: What constitutes "a matter of mutual interest" in relation to a strike? A tale of two recent cases *Pikitup (SOC) Ltd v SA Municipal Workers Union on behalf of Members* (2014) 35 ILJ 983 (LAC); and *Vanachem Vanadium Products (Pty) Ltd v National Union of Metal Workers of SA* case no J 658/14' (2015) 36.1 *Obiter* 194.

Mathiba, MK 'Deemed dismissals and suspensions in the public sector *Grootboom v National Prosecuting Authority* (2014) ILJ 121 (CC)' (2015) 36.1 *Obiter* 223.

Wagener, S 'The abandonment-mismanagement rule: Vicarious liability for an employee's simultaneous commission and omission' (2015) 132.2 *SALJ* 270.

Law of precedent

Ryan, S 'The balance between certainty and flexibility in horizontal and vertical *stare decisis*: *Bosch v Commissioner for the South African Revenue Service*' (2015) 132.2 *SALJ* 230.

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Quinot, G and Greenbaum, L 'The contours of a pedagogy of law in South Africa' (2015) 26.1 *SLR* 29.

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Marumoagae, C 'Factors justifying forfeiture of patrimonial benefits orders *Molapo v Molapo* (2013) ZAFSHC 29 14 Mar 2013' (2015) 36.1 *Obiter* 232.

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Feehily, R 'The role of the commercial mediator in the mediation process: A critical analysis of the legal and regulatory issues' (2015) 132.2 *SALJ* 372.

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Dafel, M 'The directly enforceable Constitution: Political parties and the horizontal application of the bill of rights: Political rights since 1994' (2015) 31.1 *SAJHR* 56.

De Vos, P 'It's my party (and I'll do what I want to)?: Internal party democracy and section 19 of the South African Constitution: Political rights since 1994' focus (2015) 31.1 *SAJHR* 30.

Fowkes, J 'Right after all: Reconsidering New National Party in the South African canon: Political rights since 1994' (2015) 31.1 *SAJHR* 151.

Raboshakga, N 'Towards participatory democracy, or not: The reasonableness approach in public involvement cases: Political rights since 1994' (2015) 31.1 *SAJHR* 4.

Spies, A 'Considering the impact of *amicus curiae* participation on feminist litigation strategy: Political rights since 1994' (2015) 31.1 *SAJHR* 136.

Prison law

Pete, SA 'Holding up a mirror to Apartheid South Africa: Public discourse on the issue of overcrowding in South African prisons 1980 to 1984 – part 2' (2015) 36.1 *Obiter* 17.

Property law

Njotini, MN 'Evaluating the position of information or data in the law of property' (2015) 26.1 *SLR* 220.

Tuba, M and Mbiriri, E 'A case for title insurance in the South African property-registration system' (2015) 36.1 *Obiter* 95.

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Du Plessis, GA 'Freedom of expression and defamation of religion: *Mohammedi v SABC3*' (2015) 31.1 *SAJHR* 185.

Sectional title

Booyesen, J and van der Merwe, CG 'The rationale for the imposition of non-financial obligations on apartment owners in a sectional title scheme' (2015) 26.1 *SLR* 168.

Separation of powers

Cachalia, F 'Separation of powers, active liberty and the allocation of public resources: The E-Tolling case' (2015) 132.2 *SALJ* 285.

Socio-economic rights

Bilchitz, D 'Are socio-economic rights a form of political rights?: Political rights since 1994' (2015) 31.1 *SAJHR* 86.

Liebenberg, S 'Toward an equality-promoting interpretation of socio-economic rights in South Africa: Insights from the egalitarian liberal tradition' (2015) 132.2 *SALJ* 411.

Tenure

Sonnekus, JC 'Bewoningsreg (habitat) – aard van die regsobjek en die effek daarvan op die registrasie van die reg' (2015) 26.1 *SLR* 63.

Trade mark law

Subramanien, D 'Narrowing of the "own name" defence *Hotel Cipriani SRL v Cipriani (Grosvenor Street) Limited* [2008] EWHC 3032 (Ch); [2010] EWCA Civ 110; [2013] EWHC 70 (Ch)' (2015) 36.1 *Obiter* 210.

Unjust enrichment

Sonnekus, JC and Schlemmer, EC 'Covering bonds, the accessorial principle and remedies founded in equity – not self-evident bedfellows' (2015) 132.2 *SALJ* 132.2 340.

Meryl Federl *BA HDip Lib (Wits)* is an archivist at the Johannesburg Society of Advocates library. E-mail: merylfederl@yahoo.co.uk

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- De Jure published by the University of Pretoria: www.dejure.up.ac.za/
- Journal for Juridical Science published by the Faculty of Law, University of the Free State: <https://africansunmedia.snapplify.com/product/journal-for-juridical-science-382>
- Law, Democracy & Development is the journal of the Faculty of Law at the University of the Western Cape: www.ldb.org.za/current-volume.html
- LitNet Akademies (Regte): <http://www.litnet.co.za/Category/akademies/litnet-akademies/litnet-akademies-regte>
- Potchefstroom Electronic Law Journal: www.nwu.ac.za/p-per/volumes
- Speculum Juris published by the Nelson R Mandela School of Law, University of Fort Hare: www.speculumjuris.co.za/articles

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