

## From the publishers ...

### Agreements in restraint of trade in South African law Issue 1, October 1999

Editor: John Saner

Butterworths (1999)  
Loose leaf R435,46(VAT excl)

At last we have a comprehensive work on restraint of trade agreements in South African Law. In a user-friendly loose leaf format, this work deals with the relevant case law from *Magna Alloys and Research (SA) (Pty) Ltd v Ellis* to the present day, with excerpts from the leading cases being included in the work.

This work is suitable for use by practitioners and legal advisors, as well as businessmen, estate agents, franchise operators, and students. A useful aspect of the work is that there is a section containing draft restraint clauses which have been adapted from the cases quoted from and referred to in the work where the restraint was upheld and an interdict granted.

There are fifteen chapters in the main body of the work, each with a separate contents page, making the reader's task of finding a particular topic that much easier. Some of the topics dealt with by the author, after a lengthy discussion of the case law in South Africa, are the incidence of the onus, the reasonableness of restraint agreements in terms of public policy and a discussion as to what constitutes protectable interests. The thoroughness of the work is demonstrated by the inclusion of a chapter relating to income tax implications of restraint agreements.

In the preface, the author, referring to the reasoning that mountain climbers climb mountains because they are there, states that the reason why he wrote this work was because a book focusing exclusively on restraints of trade in South African Law "wasn't there." This lacuna has been more than adequately filled.

**Patrick Scott**  
*Port Elizabeth*

### Pension dispute resolution procedure: an easy guide

by Vuyani Ngalwana

Juta (1999)  
xv + 52 pp  
Soft cover R68 (VAT incl)

Written for a broad readership (no party is entitled to legal representation at the proceedings) this brief text delivers on its promise to be an easy guide to the pension dispute resolution procedure introduced by the Pension Funds Amendment Act 22 of 1996. The bulk of its 52 pages set out the procedure to be followed and include a specimen "complaint to the Adjudicator". Complaints must relate to at least one of the ways in which:

- the pension fund is administered;
- the rules of the fund are interpreted or applied; or
- fund income is invested.

Page 20 n 24 contains the perhaps startling statistic that "the Adjudicator has heard and decided more retirement fund cases in seven months than the ordinary courts, put together, have since 1956 ..." Notwithstanding the exclusion of lawyers from any hearing it would appear that there is scope for professional involvement in the drafting of complaints, giving advice in preparation for hearings and the leading and cross-examination of witnesses. Such assistance will often be necessary, particularly where pension funds are represented by legally trained employees. In that eventuality this booklet will serve as a very useful introduction to the pension dispute resolution procedure.

**Martin Glover**  
*Grahamstown*

### Environmental justice and the legal process

Editors: Jan Glazewski and Graham Bradfield

Juta (1999)  
lx & 338 pp  
Soft cover R281 (incl VAT)

Consisting largely of reworked papers presented at an April 1998 conference held at the University of Cape Town in collaboration with Macquarie University, Sydney, the 15 distinct chapters deal intensively with selected issues involving environmental justice, environmental jurisprudence, environmental and constitutional law, natural resource conservation and utilisation, waste management, cross border pollution, environmental standards in legislation, and liability for damage to environment and health. The broad range of topics ensures that this collection will be of interest to a wide audience, but particularly food for thought for those involved in environmental impact assessments, litigation, law enforcement, drafting legislation and teaching environmental law in Southern Africa. Each contribution has been written in the context of South Africa's transition to democracy with all the advantages, problems and opportunities that process has continued to generate.

Among papers of local interest is a case study of the formal and informal (poaching) exploitation of abalone (perlemoen) on South African shore as well as a discussion on where responsibility lies (since underscored by recent litigation in the UK) for disease arising out of asbestos mining. Another fascinating essay is an account of trans boundary pollution issues in the Netherlands arising out of the highly polluted European rivers flowing through it on their way to the sea. Of particular interest in this paper is the discussion on the history of strict liability in Dutch law; its current application with regard to trans boundary pollution involving Germany, and comparison with other legal systems.

**Martin Glover**  
*Grahamstown*

### Bill of Rights Compendium Service Issue 5

Butterworths (1999)  
Loose-leaf R694,43 (VAT excl)

This work provides a selection of writings on the South African Bill of Rights. Its chapters and contents provide principles of organisation and assembly that seem to have more to do with what the respective authors like writing about