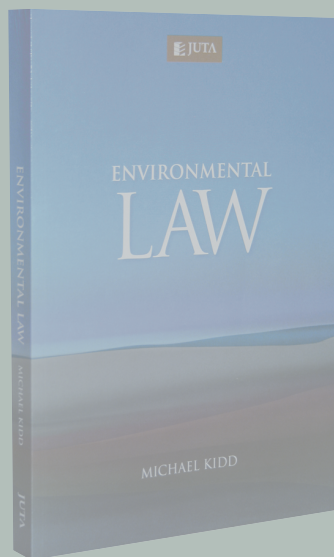


Environmental Law

Second edition by Michael Kidd
Juta Law (2008)
xxiv and 270 pages
Soft cover R280 (VAT incl)



The second edition of this useful work adopts a sensible approach towards its topic which confirms the appropriateness of its place on the bookshelves of both students and practitioners alike. The introductory portions of the book offer a broad overview of the meaning of environmental law, its history and the reasons for its emergence as a branch of the law in South Africa which is increasing in both importance and complexity.

Recognition of the youthfulness of this branch of the law is found in the treatment of the relevant sections of the Constitution 1996, and the broad framework of both historic and existing environmental legislation. The reader is well guided through the interrelationships and complexities of the various Acts of Parliament, and the applicable regulations where promulgated.

The skill of the author as professor of law at the University of KwaZulu-Natal, who has taught this subject since its introduction in 1992, is evident from the manner in which cogent academic comment accompanies his treatment of the matrix of legislation, anchored firmly in the context of the applicable principles of environmental law established in the text and with due regard to comparative positions in other jurisdictions, identifying both the successful portions of our existing legislation and areas where, sadly, either the legislation itself falls short of the desired standard or the designated authorities of the South African systems have failed to honour the spirit therein with either the promulgation of regulations or a more effective implementation of the legislated concepts.

The generic grouping of topics within the arrangement of the text contributes much towards the accomplishment of this work as an accessible, easy read which is both informative and authoritative in its critical approach. Further contribution is to be found in the lucid introduction and sensible index which embrace the major portion of the book.

Richard Brooks, Grahamstown



Cooper's Motor Law

Second edition by SV Hoctor
Juta (2008)
Loose leaf hardcover, R595.00 (VAT incl)

Practising members of the legal profession have over the years benefited from an unfortunate abundance of legal work, both civil and criminal, emanating from the driving of motor vehicles. The driving habits displayed on our roads exhibit the prospect of that unfortunate state of affairs to continue. As lawyers we might as well be prepared

to deal with it.

The second edition of *Cooper's Motor Law* was intended to assist in that respect and appears capable of succeeding within the relatively narrow confines it sets out to cover.

The first edition of this work was published in 1982. Since then the Road Traffic Act of 1989 repealed and replaced the various different provincial divisions with a single code. This in turn was replaced by the National Road Traffic Act, 93 of 1996. The need for a work which confines itself to the current legislation was therefore self evident.

This publication sets out to fulfil the void created by the changes in legislation, preserving where appropriate the commentary which appeared in the first edition. This it does by providing a historical overview (probably only useful for small talk at the dinner table) and then dealing comprehensively with the provisions of the National Road Traffic Act, referring to pronouncements and applicable principles as it goes along. This section contains what one would expect in a work of this nature.

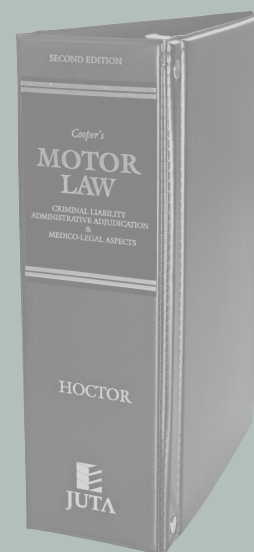
The main section of the work deals with offences under the Act, certain administrative provisions and lesser common rules of the road. Sub-sections herein contained include various commentaries covering topics such as sudden emergency, contributory negligence and various medico-legal matters finding application under the topic.

It does not appear as if the commentaries and the pronouncements contained in this work were intended to be the final word on the topic but rather a relatively comprehensive summary of the applicable principles. In that sense it succeeds and no doubt when skilfully employed by a lawyer will continue to confuse magistrates and prosecutors for many years to come.

Although the purchase of a loose leaf publication has unfortunately close ties to the misery of a maintenance order, it is sensible for this work to be presented in that form so as to ensure that it does not with the passage of time become valueless, as happened to its predecessor.

This is a work which is highly recommended to all practitioners active in the realm of criminal law.

Anthonie Troskie SC, Durban Bar.



Unjustified Enrichment

By Daniel Visser
Juta (2008)
xliii & 795 pages
Hard cover R795.00
Soft cover R680.00 (VAT incl)

Until recently, it was contract and delict that occupied the posh suburbs in the law of obligations. Residentially speaking, unjustified enrichment was a dilapidated dwelling in the downmarket end of town: below-the-line, off-the-map and in urgent need of renovation. Then a series of international developments conspired to make enrichment a fashionable and, indeed, sexy area of the law; all of a sudden,

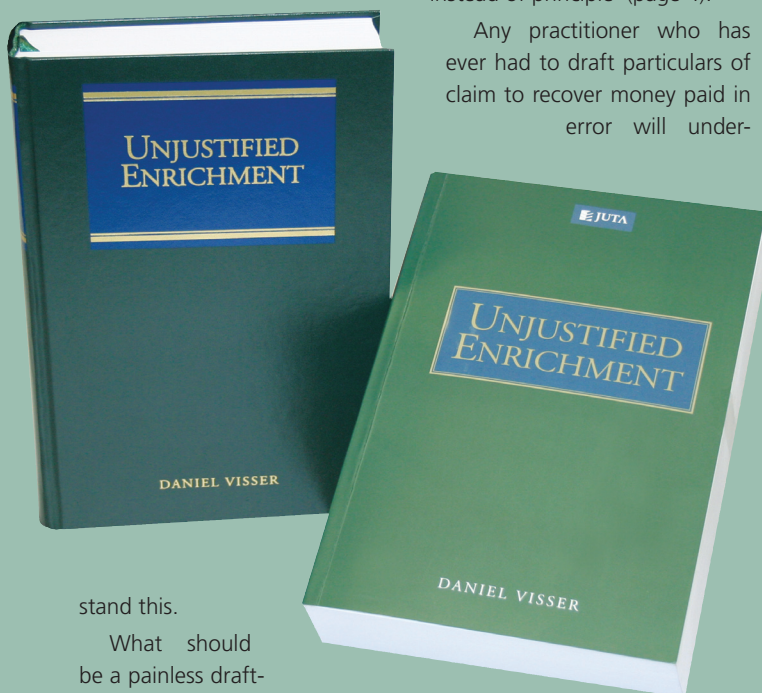
FROM THE PUBLISHERS

unjustified enrichment was transformed into the Playboy mansion in the law of obligations.

Professor Visser's *Unjustified Enrichment* explains these developments, puts them into a South African context and adds magnificently to them. It is a landmark achievement in South African legal scholarship.

The South African law of unjustified enrichment is based on a bewildering array of actions that are of considerable antiquity and questionable rationality. As Professor Visser points out, 'it is not so much a question of the forms of action ruling us from their graves, but that they have never died - causing us to continue thinking, quite primitively, in terms of 'actions' instead of principle' (page 4).

Any practitioner who has ever had to draft particulars of claim to recover money paid in error will under-



stand this.

What should be a painless drafting exercise (what could be simpler than recovering money mistakenly paid by A to B?) quickly morphs into the need to engage with a great deal of Latin and an eye-crossing collection of condictions that seem devoid of any internal logic. Confronted by this daunting task, the unwary pleader is likely to be throttled by the dead hand of the past.

Against this background, Visser's *Unjustified Enrichment* sets out to modernise South African law by doing three things.

First, it seeks to engage with the underlying principles and policies that inform the law of unjustified enrichment. Second, it seeks to interrogate the interrelationship between the law of unjustified enrichment and other branches of law (such as contract and delict). Third, it seeks to draw on the rich resources of other jurisdictions in both the civilian and the common-law traditions. The result is a work of considerable ingenuity and breathtaking erudition. Quite simply, it redraws the landscape of the South African law of unjustified enrichment.


The boldness of the redrawing exercise will be apparent from a cursory glance at the table of contents, which bears no obvious resemblance to most of the existing South African treatises on the subject. It distinguishes between 'enrichment by transfer', 'imposed enrichment' (or 'enrichment due to unauthorized expenditure'), and 'enrichment by invasion of rights' (or 'enrichment by act of the party enriched'). Professor Visser seeks to map our common-law rules onto this novel typology of enrichment-based liability. Although it takes some effort to become used to the new terminology, the result is the production of a set of principles that can be defended on grounds of rationality

rather than historical accident.

Visser's *Unjustified Enrichment* is a world-class book that will have a profound influence on the development of our law. In twenty years time, we are likely to look back and see that it has altered our private law in the same way, say, that Baxter's Administrative Law has altered our public law in the past two decades.

All that a legal textbook can do, is done here.1*

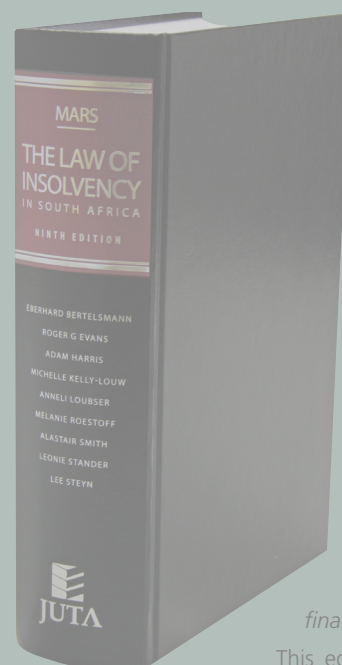
Alfred Cockrell, Johannesburg Bar

*Alan Warner said something similar but in a very different context in 'The Road to Hell' The Guardian 4 November 2006. 

Mars - The Law of Insolvency in South Africa

Ninth edition by E Bertelsmann, R Evans, A Harris, N Kelly-Louw, A Loubser, M Roestoff, A Smith, L Stander, L Steyn

Juta Law (2008), lxxvii & 919 pages
Hard cover R948.65 (VAT incl)



Since the eighth edition of the *Law of Insolvency* appeared in 1988 under the authorship of Professor Elmarie de la Rey, practitioners and everyone interested in insolvency law in South Africa have been looking forward to its sequel.

Since the first edition authored by Walter Mars in 1917, the work has, as its present nine authors proclaim, '... established itself as a specialist work that has for decades been the guide not only for insolvency practitioners and members of the bench but also for insurance companies and other financial institutions.'

This edition includes the provisions of the National Credit Act 34 of 2005, the Civil Union Act 17 of 2006, the Long Term Insurance Act 52 of 1998 and updates the Land Bank and Agricultural Credit, based on the new Land and Agricultural Development Bank Act 15 of 2002. The authors have also added a chapter on cross-border insolvency that deals not only with The Cross-border Insolvency Act 42 of 2000, but with relevant international instruments.

The authors have retained the basic structure of the previous edition, although ventured to make certain sequential amendments. The encyclopaedic approach of the previous editions is maintained and references to most of the old court cases is retained, updated with case law of the past 20 years. A new feature of the present edition is the inclusion of references to articles in legal journals, which elucidates new case law.

The latest edition of this renowned work constitutes a welcome addition to the library of insolvency law practitioners.

André Badenhorst SC, Pretoria Bar 