SALJ HOUSE STYLE: EDITORS' GUIDE

INTRODUCTION

The editors welcome the submission of manuscripts in English for consideration for publication, and provided that the topic under discussion has some relevance to South African law or would be of interest to the (largely South African) academic and professional readership of the *Journal*.

The *SALJ* accepts manuscripts of three types. These are:

1. Articles. Articles are the feature pieces of each part of the journal. These provide a detailed, if not seminal, analysis of the topic under discussion. Articles are generally about 8000 to 10 000 words long, but should not exceed 12 000 words (these numbers exclude references). Special permission will have to be sought from the editors to consider pieces longer than this, and this permission will not lightly be granted. **Each article must be accompanied by an abstract of not more than 200 words, and 3 or 4 key words (maximum). All references in articles must be footnoted.** The abstract should summarise rather than introduce the argument of the article.
2. Notes. Notes are shorter, more focused pieces. Traditionally, many notes are case notes which analyse a particular recent judgment (or judgments) of the courts. However, notes can discuss any specific issue of legal interest, and are not constrained to case notes. Notes should be between 3000 and 8000 words long. Notes shorter or longer than this will, regrettably, not be accepted. **Notes must be accompanied by a short abstract (100 to 150 words maximum) and 3 or 4 key words (maximum). All references in notes are to be placed in-text, and in brackets.**
3. Book reviews. Book reviews are critical discussions of scholarly books on any topic related to law. **These should be between 2000 and 5000 words long. References are in-text, in brackets.**

A manuscript will be considered for publication

- only on the assurance that it has not in whole or in part or in substance been published or offered for publication elsewhere (a publication ethics declaration will be called for at the time of submission);
- on the understanding that it may be submitted in confidence to at least two expert referees for evaluation; and
- on the understanding that the editors reserve the right to make what changes they consider desirable

(a) to bring the manuscript into the house style of the *South African Law Journal*;
(b) to eliminate errors of typing, grammar, syntax, punctuation, spelling, idiom and the like;
(c) to eliminate ambiguity, illogicality, tautology, circumlocution and redundancy;
(d) to produce accuracy and coherence;
(e) to improve the mode of expression and style of writing; and
(f) to avoid possible criminal or civil liability.

Authors are required to read their manuscripts very carefully to avoid the need for the editors to exercise these rights extensively. In particular, authors are asked to acquaint themselves with the house style of the *SALJ*, and to check their manuscripts carefully against the guidelines that follow.

NOTE: Manuscripts that do not accord with the house style of the *SALJ* will be returned to authors immediately, with a request that the manuscript be placed, to the best of the authors' ability, in house style. The quality of the piece will normally not be assessed before this has occurred. Some examples of what an article or note manuscript should look like are given at the end of this document, to give authors a basic starting point (see pages 12 and 13 below).

HOUSE STYLE

General

What follows in this document are the stylistic requirements that most commonly require the attention of *SALJ* authors and editors. This document is by definition a general guide; it is not possible to cover every possible referencing and stylistic quirk. Where this document does not provide assistance, authors are requested to consider one of the following:

- to consult previous volumes of the *SALJ*, and to see how a similar stylistic issue has been dealt with in the text;
- to consult the main *House Style for Juta Publications*. This document was drawn up largely by Professor Ellison Kahn in conjunction with members of the editorial team at Juta & Co, and contains 102 pages of information pertaining to referencing, language and style;
- to contact the editors for advice (contact details may be found at the front of each part of the *SALJ*).

Matters of presentation and layout

Page layout

The page should have 1-inch (2.54 cm) margins all round (top, bottom, left, right). Line spacing should be 1.5. The text must be right-justified.

All paragraphs should be indented except any paragraph appearing immediately after a heading or subheading. All paragraphs beginning after a long separated quotation should similarly be indented.

Line spaces should not be left between paragraphs or after headings.

Font and type

A Times New Roman font is used by the *SALJ*. The text must be in 12 pt font. An 11 pt font must be used for all isolated or indented quotations, i e long quotations. Footnotes must be in 10 pt font.

Italics are used for emphasis, for case names, names of journals and titles of books, plays, operas and films, names of ships and the titles of paintings and other works of art; and for web sites and other electronic references. They are also used to indicate paragraphs in legislation, as in s 34(1)*(a)*. Italics are *not* used for foreign words. All italics in direct quotations are reproduced, however.

The *SALJ* does not use underlining at all. Nor is bold type to be used.

Titles of articles and notes, authors' names

All this material is *right-aligned*.

Titles of articles and notes are always in caps.

Titles of articles are in italics with case names appearing in roman. Acknowledgements are placed in a footnote to an asterisk appearing at the end of the article's title. A line is left between the title and the author's name, which is in roman caps. The author's degrees are given in a footnote to the symbol † (and in the case of a second author, ‡). The author's designation appears immediately under her name, in italics and sentence case.

Titles of notes are in roman with case names in italics. A line is left between the title and the author's name, which is again in roman caps. The author's designation appears immediately under the name, in italics and sentence case. Degrees are not given but acknowledgements may be made in a footnote to an asterisk appearing after the author's name.

Abstracts and key words

From 2020, <u>all</u> submissions (notes and articles) must contain an abstract (articles up to a maximum of 200 words, and notes, a maximum of 150 words). The word limits may NOT be exceeded. Both types of submission must contain 3 or 4 key words (no more than this will be permitted).

Headings

All headings are left-aligned (other than headings of sections of the journal).

Main headings are in caps. The headings in articles only are numbered in roman numerals (e g 'I INTRODUCTION').

Subheadings and sub-subheadings in articles are in italics and sentence case (using *(a), (b), (c)* for subheadings, followed by *(i), (ii), (iii)* for sub-subheadings). Authors should avoid, wherever possible, going beyond sub-subheadings.

Note headings have no numbers or roman numerals. Main headings are in caps, and sub-headings in sentence case, and italics.

Lists

Bullet points may be used for any list, and should be used particularly where the list consists of phrases as opposed to full sentences. Full sentences should start with a cap and end with a full stop. Phrases may, however, begin with l/c and end with a semi-colon (and a full stop right at the end of the list).

Lengthy items consisting of whole sentences or several sentences may appear in numbered lists (using (a), (i) or whatever seems appropriate). Such items always begin with a cap and end with a full stop.

We use 'first' (not firstly); thereafter 'secondly', 'thirdly'.

Spelling, grammar and other related matters of style or convention

Spelling and capital letters

The *SALJ* uses the 's' form of English spelling: recognise, emphasise, analyse, realise, organisation (but assets are 'realized'). We say 'in so far as' and not 'insofar as'; 'moneys' and never 'monies'.

Capital letters are used only where essential, i e in all proper names (South Africa, Constitutional Court) and by tradition for a few other things, such as Act, President (of the country), Parliament and the Constitution (in the sense of a particular document; otherwise lower case).

Please note: Caps are *not* used for court, appeal court, judge, judge of appeal, committee, board, council, municipality, province, premier, etc. (When in doubt, use lower case.) But caps are used for High Court, Supreme Court of Appeal and Constitutional Court, reflecting how they are described in the Constitution.

The use of caps in titles and headings is dealt with below.

Numbers, dates, percentages, currencies

Use words for all numbers between one and twenty and for all approximations (about two hundred years, a thousand ways).

Numbers higher than twenty may be in figures. All numbers in tables and graphs are in figures. So are percentages (the *SALJ* uses the words 'per cent' in the text (10 per cent), and only uses the figure % in tables) and measurements and quantities and amounts (6 cm, 40 km, R5 million). It is advisable also to use figures where a lot of numbers appear in a piece, as a consistent style looks better. A space (not a comma) is used in large numbers, as for instance in 42 567. Where a 'rands and cents' figure is used, the cents should be connoted by a dot (R456.45). For other currencies, us US$, £, €.

A sentence should *never* begin with figures, i e recast the sentence or use words.

Dates and centuries: on 4 July 1978; in the 1980s (*not* 1980's – there is no apostrophe); in the twentieth century.

Dashes, hyphens etc

(a) The *SALJ* uses the long dash — (known in the publishing trade as the 'em rule') where the author wishes either (i) to tack a word, phrase or clause onto the end of a sentence for emphasis, or (ii) to mark off a 'by the way' remark in much the same way as a parenthesis, but generally to give it greater emphasis.

Examples:
His expertise and loyalty are available — at a price.
A policy shift is necessary to protect third parties — possibly unsophisticated entrepreneurs — who enter into pre-incorporation contracts.

(b) Where the author wishes to refer to sequences of figures to indicate continuity, or to join compounds, then a shorter en rule – should be used:

Examples:
Pollak on Jurisdiction (1967) 45–52. (This is the standard mark for all page references from … to … .)
The blood–brain barrier.

(c) In other circumstances, the short hyphen - must be used.

Examples:
Jean-Jacques.
Seven-year-old boy.

NB: Some books (especially looseleafs) have double-jointed page numbering; for example 'A-4' or '3-32'. In such cases, the short hyphen should be used, as this will indicate clearly a specific page is being referred to, and <u>not</u> a sequence from … to … .

Quotations

Quotations are reproduced exactly, including all original italics and original punctuation, notwithstanding that the original forms may not comply with the *SALJ* style.

Quotations appear in single quotation marks. Quotations within quotations appear in double quotation marks. (Back to single for the rare quotation within a quotation within a quotation.)

Short quotations appear as part of the text. Long quotations, i e quotations of more than three lines **or** more than one sentence, are isolated from the text by being indented from the margin. It is permissible to isolate a shorter quotation for emphasis.

Whenever a quotation is introduced with a colon, the quotation itself should begin with a capital letter (using square brackets to indicate an alteration where necessary). If no colon is used, the

quotation should start with l/c. Where the quotation begins with a capital letter, the closing full stop should normally appear inside the closing quotation mark. But if the quotation forms part of the larger sentence, the full stop should appear after the closing quotation mark.

Ellipses need not be used at the start of a quotation but must be used in the middle and at the end of a quotation to indicate missing words. We use three dots for any missing word/s and a fourth dot to show any missing full stop. (The placement of the dots indicates where the full stop appeared, so it will be … . or . ...)

Square brackets are used for all editorial changes and interpolations.

Requirements for referencing standard legal sources

Cases

Broad (Pty) Ltd v Thin 2008 (4) SA 456 (SCA).

All case titles are to appear in italics.

The citation of the SA Law Reports is preferred. One citation should be given, not a list. Only if there is no SALR reference will an alternative law report citation be accepted [eg All SA, BCLR, BLLR, *ILJ* etc].

The case name and citation should be given in full and exactly as it appears in the relevant law report the first time it is cited. However, additional parties should be left out unless it is necessary to retain them in order to make sense of the discussion (eg where the author makes mention of 'the respondents'). Such parties are given in l/c, and in English ampersands are used (& another, & others). In Afrikaans the ampersand is not used: en 'n ander, en andere.

Double citations are neither required nor encouraged. Our preferred law reports are the SALR and any other Juta reports.

Paragraph references or page references (with marginal letters) may be given. The former are preferred. The *SALJ* does not use 'at' with para references, although it does with page references.

If the case is not reported in a published set of law reports (either at all, or has not as yet been published in this manner due to the decision being very recent) the author should provide some form of citation for the purposes of reference. This could be a JOL or JDR citation, or a neutral citation used by the courts and SAFLII. The *SALJ* uses an abridged SAFLII style: [2023] ZASCA 3. No case numbers or dates should be included.

With the proliferation of electronic databases and neutral citations, there is less and less call for an author to refer to a case as being unreported. However, where it is necessary to do so, the *SALJ* uses two basic styles for unreported cases, the date being the date of judgment:

Dlamini v Jacobs (NPD) unreported case no 98/05 of 3 August 2006; **or**
Dlamini v Jacobs (NPD) unreported case no 98/05 (3 August 2006).

In addition, the placement of the word 'unreported' may be varied in accordance with the structure of the sentence, e g 'in the unreported case of *Dlamini v Jacobs* (NPD) case no 98/05 of 3 August 2006…'.

A full set of standard case abbreviations and citations may be found in the *House Style for Juta Publications*.

Books

When a book is referred to for the first time, authors' names must be given as they appear on the title page of the book or on the title page of the chapter / relevant page of the article. For instance, John D Smith must appear as John D Smith and not as J D Smith or J Smith.

The co-authors of any work (book, article, chapter, whatever) take an ampersand: Smith & Dlamini. We cite up to three authors: Smith, Dlamini & Pillay. Thereafter use 'et al'.

If the named persons are the authors of the book, then no more need be said. But if these are the editors, then the abbreviation (ed) or (eds) must appear after the names.

Book titles take the title case and appear in italics.

If the book is in an edition after the first, the number of the edition must appear after the title: 2 ed, 3 ed, 4 ed – but not 2nd or 3rd ed. If it is the first edition of the book, then no edition need be referred to; it will be assumed that it is the first edition.

The year of publication must appear in brackets after the title (first editions) or edition.

The precise page number where the authority was found comes next, if necessary. If the book operates by paragraphs or sections (which may be connoted either by 'para' or by '§'), then this will be a sufficient reference. If it is necessary to refer to both paragraph/section and page, then do so as follows: para 27 p 160. This latter method should be used only where absolutely necessary. Where the reference is generally to a chapter in the book, this should be indicated by the abbreviation 'ch' (unless the word chapter starts the sentence, in which case it must be in full).

Examples:
John D Smith & Sipho Dlamini *Hand's Law of Arbitration* 5 ed (2006) 115.
P Q R Boberg *The Law of Delict: Aquilian Liability* (1984) ch 3.

Chapters in books

Where an author refers to a chapter in a book written by a specific author (most commonly in a book constituted of chapters by experts on a common theme, and which have been collected an edited by a general editor or editors), then both the chapter and the book must be referenced in full the first time the work is cited.

The author must be referred to exactly as he or she was in the book, and the titles of chapters in collections are always in sentence case and roman. The book is to be cited as above.

Example:
Mike Bear & Dave Bear 'Too hot, too cold, just right?' in Mary Goldilocks (ed) *The Politics of Cookery* 3 ed (2004) 23–7.

Some works (especially *LAWSA* and looseleaf books) can give problems. Try to follow this style:

A J Kerr 'Lease' in W A Joubert (founding ed) *The Law of South Africa* vol 14 First Reissue (1999) para 164.
Joe Bloggs 'Executive government' in Stuart Woolman et al (eds) *Constitutional Law of South Africa* 2 ed (Service 12) 6-18.

Journal articles

The name of the author(s) must appear exactly as they appear in the journal being cited.

The title of the article must appear in sentence case, in roman, and within single inverted commas.

The year (in brackets) the volume (where relevant) and the title of the journal must be supplied. The title of the journal must be in italics.

The names of well-known journals (such as *SALJ*) should be abbreviated. Otherwise *LJ*, *LR* and other abbreviations may be used.

Examples:
Jane Dube 'The new Consumer Protection Act: An introduction' (2002) 119 *SALJ* 700 at 725.
S P Moyo 'The decline and fall of constitutionalism' (1998) 23 *SAJHR* 456.

Where the periodical carries no volume number, the year is not placed in brackets, eg 2006 *Acta Juridica* 43; 2003 *TSAR* 89; 2004 *Annual Survey of South African Law* 776.

Theses

Mary Brown *South African Theories of Justice* (unpublished LLM thesis, Rhodes University, 2001) 334.

Newspapers

Angela Jones 'Nuclear reactor in trouble' *The Star* 24 May 2005 at 2.

White papers, etc

The *White Paper on Energy Policy* (GN 3007 in *GG* 19606 of 17 December 1998).
The 'National Policy on HIV/AIDS for Learners and Educators' (published in *GG* 20372 of 10 May 1999).

Law Commission papers

South African Law Commission Issue Paper 20 (Project 123) *Protected Disclosures* (2002) para 3.
South African Law Commission Discussion Paper 107 (Project 123) *Protected Disclosures* (2004) para 56.
South African Law Commission (Project 123) *Report on Protected Disclosures* (2007).

The Constitution

The new long citation (used when referring to the Constitution for the first time) is simply Constitution of the Republic of South Africa, 1996. The interim Constitution remains the Constitution of the Republic of South Africa, Act 200 of 1993, first time.

Legislation

In the first reference give the short title, number and year of a statute without any punctuation: the Judicial Service Commission Act 9 of 1994. Thereafter variants may be used: the Judicial Service Commission Act, the Act, Act 9 of 1994.

Use abbreviations for sections, subsections, paragraphs and subparagraphs, but never at the start of a sentence: chapter = chap, section = s, sections = ss, subsection = subsec, paragraph = para, subparagraph = subpara, article = art. (Plurals: subsecs, paras, subparas, arts.)

Use italics as shown to avoid confusion: s 45(2)*(b)*(i)*(aa)*.

Schedules: 'in terms of Schedule 4 to the Act' (cap), but 'according to the schedule' (l/c).

Delegated legislation

A proclamation is cited as follows: Proc R46 *GG* 24567 of 31 January 2003.

Regulations are cited by referring to the notice in which they appear, eg the Road Accident Fund regulations in GN 232 *GG* 24568 of 1 February 2003. A regulation is abbreviated to reg, as in reg 5(1) (but not at the start of a sentence).

Some pieces of delegated legislation should be abbreviated, others not:

Government Notice = GN
General Notice = General Notice
Proclamation = Proc
Provincial Notice = Provincial Notice
regulation = reg

If unsure whether you are dealing with a proclamation, a government notice or a general notice, consult the list of contents on the back page of the *Government Gazette* in question or check Juta's annual index to the *Government Gazette.*

Internet references

Wherever possible, a published or authoritative source should form the basis of a reference. However, it is true that more and more frequently authors are referring to websites. This may be done, provided that the author considers carefully how authoritative the source of the information is before using it.

Where an internet reference is to be used, it must appear as follows:

John Bringardner 'IP's brave new world' available at *http://www.law.com*, accessed on 12 May 2008.
B I G Stick 'Time to bring back the death penalty?' *The Star* 24 May 2005 at 2, available at *http://www.thestar.com/arts/wed*, accessed on 23 February 2009.

NB: the URL must appear in italics, in black, and must NOT be underlined.

Where an author has accessed a published source on the internet (e g a journal article accessed through WestLaw) then the original citation should be given, and there is no need to refer to the URL.

The exceptions to the above rule are newspaper articles accessed from the internet, or resources such as law commission reports etc from other countries, which may not be obviously or easily accessible to interested readers. For convenience, a URL reference may be given to assist the reader.

<u>The use of footnotes in articles</u>

Authors are welcome to use footnotes to elaborate on points that would otherwise clutter the main text of the article. The other important purpose of footnotes is to provide the relevant references without cluttering the text.

In footnotes a reference to any authoritative source (which must comply with the house style described above) is given once in full.

Thereafter a book, chapter, journal article, newspaper article, law commission report, thesis will be cited by author and a cross-reference (using 'op cit')to the FIRST footnote where the full reference appeared. An abbreviated reference to the work may be used to provide further guidance where appropriate (e g several of an author's works are cited sporadically in an article).

Examples:
Smith & Dlamini op cit note 5 at 67.
Pillay et al *Disclosure* op cit note 19.

Cases are also cited using the cross-referencing method, but 'supra' is used:
Fedsure supra note 12 para 34.
Supra note 16 at 365G–H.

For consecutive references to the same work, ibid is used with or without a page number / paragraph reference as appropriate.

Examples:
Ibid.
Ibid at 45.
Ibid para 45 (no 'at' with para refs).

References in the text (used for all notes and book reviews)

Essentially the same rules apply for first and subsequent references, but now the references are contained in the text in brackets — using brackets for 'supra' and for other material where appropriate — and there is no reference to a previous note:

Examples:
Smith & Dlamini op cit at 56
Jacob's case (supra).

The use of 'supra' and 'op cit' can be obviated by giving a special abbreviated name (eg Smith) in brackets when the case / work is first mentioned. Thereafter the case / work can simply be referred to as 'Smith'. This style should be used where there are repeated references to the case /work in a note, as for instance where the note is essentially about a particular case.

Miscellaneous

A name should appear in full before any acronym is used for it. However, this does not apply to acronyms that are very well known, such as NGO and UN and US. (Having used 'United States' once, it is acceptable to start calling it 'the US' without announcing this in advance.)

If at all possible, avoid starting a sentence with an acronym or any other kind of abbreviation.

Where an entire sentence appears in parentheses, the full stop is placed *inside* the second bracket. (Here an entire sentence is bracketed.)

When giving starting and ending page numbers and paragraph numbers, chop off the unnecessary ones: thus 34–5 and not 34–35. Care must be taken with teens: it is 514–15 not 514–5. However, with ones it is correct to say 20–1, 400–1 and so on.

On the following two pages, examples are given of first pages of one article and one note, to give authors some guidance as to what their manuscripts should look like.

TAKING DIVERSITY SERIOUSLY: RELIGIOUS ASSOCIATIONS AND WORK-RELATED DISCRIMINATION

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This article investigates the impact of the right to freedom of religion in the workplace. In particular, it asks the question whether courts might be prepared to grant an exemption from anti-discrimination legislation to permit religious associations to engage in work-related discrimination on legally prohibited grounds. After a conspectus of legal developments to date, various solutions will be proposed.

Freedom of religion – diversity – workplace discrimination

I INTRODUCTION

In a series of decisions implicating the right to freedom of religion, the Constitutional Court has indicated its readiness in appropriate cases to grant exemptions from facially neutral laws or regulations of general application where such laws or regulations impose disproportionate burdens on members of religious groups.[1] In a recent decision, *MEC for Education, Kwazulu-Natal & others v Pillay*,[2] the Constitutional Court granted an exemption from a regulation to permit a member of a religious group to engage in a practice that (the court determined) expressed her religious beliefs and culture. Should courts likewise be prepared to grant an exemption from anti-discrimination legislation to permit religious associations to engage in work-related discrimination on legally prohibited grounds?

[†] MA LLB (Natal) PhD (Cantab). [Authors who have orcids should provide the url link here, in italics.]

[1] *Christian Education South Africa v Minister of Justice* 2000 (4) SA 757 (CC), *Prince v President of the Law Society of the Cape of Good Hope* 2002 (2) SA 794 (CC) and *MEC for Education, Kwazulu-Natal & others v Pillay* 2008 (1) SA 474 (CC). For a discussion of these decisions and related matters, see: Paul Farlam 'Freedom of religion, conscience, thought and belief' in S Woolman, T Roux, J Klaaren, A Stein, M Chaskalson & M Bishop (eds) *Constitutional Law of South Africa* 2 ed (2003) (service 2) ch 41; Denise Meyerson 'Religion and the South African Constitution' in P Radan, D Meyerson & R Croucher (eds) *Law and Religion* (2005) ch 5; Patrick Lenta 'Religious liberty and cultural accommodation' (2005) 122 *SALJ* 3; Johan van der Vyver 'The contours of religious liberty in South Africa' (2007) 21 *Emory International LR* 77; Patrick Lenta 'Muslim headscarves in schools and in the workplace' (2007) 124 *SALJ* 296; Patrick Lenta 'Cultural and religious accommodations to school uniform regulations' (2008) 1 *Constitutional Court Review* 259; and Mark Kende *Constitutional Rights in Two Worlds: South Africa and the United States* (2009) ch 8.

[2] Supra note 1.

In *Pillay*, a central reason for the court's decision to accommodate the pupil concerned was that the school's interest in enforcing the school uniform regulations without exception was weak. As Langa CJ observed, it was difficult to see how granting an exemption to permit the wearing of a nose stud by a pupil would interfere with the effective running of the school and the purposes the school uniform was designed to further.[3] The government's interest in enforcing …

[3] *Pillay*'s case ibid para 101.

REVIVAL OF WILLS — THE SUPREME COURT OF APPEAL RESOLVES LONG STANDING UNCERTAINTY: *WESSELS NO v DIE MEESTER*

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This note investigates the law relating to revival of revoked wills. The matter has been the subject of uncertainty for decades. However, the recent decision in Wessels NO v Die Meester *has finally put paid to this lacuna in our law. The note discusses the judgment, and its implications for the law of succession in future.*

Succession – wills – revival

INTRODUCTION

In 2001, our leading textbook on the law of succession, commenting on the decision of the Appellate Division in *Moses v Abinader* 1951 (4) SA 537 (A), stated with justification that '[t]he result of this decision is that the law is in an uncertain state in so far as the question of the revival of a revoked will is concerned' (see The Hon M M Corbett, Gys Hofmeyr & Ellison Kahn *The Law of Succession in South Africa* 2 ed (2001) 111). In particular, the *Moses* decision left unresolved the question whether it is physically necessary to re-execute a revoked will in order to bring it to life once more. This issue has now thankfully been resolved in a decision of the Supreme Court of Appeal in *Wessels NO v Die Meester* [2007] SCA 17 (RSA) (coram Brand JA, van Heerden JA & Combrinck JA), in which Brand JA delivered the unanimous judgment of a the bench. (For a discussion of the revival of wills immediately prior to the Wills Act 7 of 1953 coming into force, see Corbett et al op cit at 110. In short, revival by a subsequent will was expressly provided for in the Natal statute and had been held to be permissible under the Cape and Transvaal statutes, all of which were repealed by the Wills Act.)

In *Wessels* the deceased, who died on 7 March 2004, was pre-deceased by his wife, to whom he had been married in community of property. They had executed a joint will on 18 January 2002, the core provisions of which worked on the assumption (in the event incorrect) that the testator would pre-decease the testatrix (see para 2 of the judgment). Thus, for example, clause

3(a) provided that '[w]e specially bequeath, *in the event that the Testator comes to die first,* to our grandson Freddie Rautenbach all our immovable property' (my translation from the Afrikaans original clause in para 3 of the judgment, emphasis supplied by me). In the event that the testator survived the testatrix, clause 8 of the will provided succinctly that '[i]f the Testatrix comes to die first we name and institute the Testator as sole heir' (my translation from the original Afrikaans; see para 3 of the judgment). In the event, the testator survived the testatrix and thus came to own their entire joint estate. …