

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA**

**Zondi v Member of the Executive Council for Traditional and Local Government  
Affairs**

**Case CCT 73/03**

**Heard on 15 October 2004**

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**Pre-Hearing Media Summary**

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*The following media summary is provided to assist in reporting this case and is not binding on the Constitutional Court or any member of the Court.*

On Tuesday 9 March 2004, the Constitutional Court will hear an application for confirmation of the constitutional invalidity of certain provisions of the Pound Ordinance 32 of 1947. The provisions were declared unconstitutional by the High Court (Pietermaritzburg). They authorise landowners and poundkeepers to impound the livestock found trespassing on land. They also empower poundkeepers to sell impounded animals to recover pound and other related fees. All of this may occur without a court order. The case is being brought by Mrs Zondi, a widow residing at Thornville Farm in Greytown, KwaZulu-Natal. She owns some livestock, which she kept on the farm. The owner of the farm gave her one-month notice to remove her livestock from the farm and threatened to impound the livestock, under the Pound Ordinance, if they were not removed. Mrs Zondi approached the High Court and sought an order declaring certain provisions of the Pound Ordinance unconstitutional on the ground, amongst others, that they authorise self-help. Then, the Member of the Executive Council for Traditional and Local Government Affairs, KwaZulu-Natal (the MEC) did not oppose the relief sought and gave notice to abide the outcome of the claim. The High Court found that certain provisions of the Pound Ordinance unjustifiably infringed the Constitution. In this Court, the MEC opposes the confirmation application and has also appealed against the decision of the High Court. He contends that it was not necessary for the High Court to decide whether the provisions of the Pound Ordinance were constitutional, or that, if it was, the provisions in question are constitutional. Before this Court, Mrs Zondi is also asking that the entire Pound Ordinance be declared unconstitutional. The MEC opposes this application.