

## Editorial

This voluminous issue consists of 13 articles and 8 notes dealing with various legal topics in South Africa and abroad. The articles commence with Ig Rautenbach's discussion of the ever-elusive concept of proportionality in the light of the text of the South African Constitution. Mmaphuti Tuba analyses the different approaches adopted for the regulation of payment systems in a variety of legislative instruments by the European Union. Phoebe Bolton deals with the thorny issue of public tenders and the extent to which bidders must comply with tender specifications and conditions. Leentjie de Jong examines present-day family arbitration and the problems experienced with it. Daleen Millard and Birgit Kuschke evaluate the insurer's pre-contractual duties in the light of the transparency principle in insurance law. Karin Calitz deals with the question if a church can be held liable for the sexual assault of children by a priest, when the victims claim as adults, many years after the events took place. The entitlement of a non-member spouse to the member's pension forms the focus point of Clement Marumoagae's contribution. Mitzi Wiese reflects on the correctness of the classification of liens into enrichment and contractual liens. Frans Viljoen and Nicholas Orago analyses the importance and implications of the individual communications procedure under the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (OP-ICESCR) and details some of the reasons why it would be beneficial for South Africa to accede thereto. The interplay between international law and labour law in South Africa in the context of diplomatic immunity is investigated by Ezette Gericke. Cornelius Kilian and Elizabeth Snyman-Van Deventer consider section 75 in the *Companies Act* of 1973 (or its equivalent, section 36(2) in the *Companies Act* of 2008) and the topic of statutory approval for an artificial decrease or increase in the number of issued shares. Annelie Laas and Trynie Boezaart give a critical analysis of the legal measures available to curb bullying in schools. Further afield, Mtendeweka Mhango discusses the development and current status of the political question doctrine in Ghana.

The first note by Roger Evans and Lienne Steyn deliberate on the seemingly contradictory outcomes of three high court judgments regarding the question of ownership of property which vests in the master of the high court by virtue of the Insolvency Act 24 of 1936. Philip Stevens also discusses recent judgments pronouncing on the entering of the particulars of child sex offenders into the register for sex offenders as enunciated in Chapter 6 of the *Criminal Law (Sexual Offences and Related Matters) Amendment Act* 32 of 2007. Sieg Eiselen illustrates how the Department of Trade and Industry's proposed amendment to the definition of "electronic signature" would undermine the key principles of functional equivalence, media neutrality and party autonomy. Luanda Hawthorne deliberates on the element of exploitation in bargaining relationships between contractual parties, as highlighted in *Uniting Reformed Church, De Doorns v President of the Republic of South Africa* 2013 5 SA 205 (WCC). Anneliese Roos and Magda Slabbert discuss the case of *Isparta v Richter* 2013 6 SA 4529 (GP), which dealt with defamation in the social media on the Facebook platform. Rowena Bernard considers the case of *Department of Correctional Services v Police and Prison Civil Rights Union (POPCRU)* 2011 32 ILJ 2629 (LAC), where the employer's application of rules relating to the dress code of employees impacted on the religious beliefs and practices of five of the staff members. Nico Buitendag and Karin van Marle reflect on *Afriforum v Malema* 2011 6 SA 240 (EqC), which drew considerable attention in the media and in the public discourse. In the last contribution, James Linscott analyses *F v Minister of Safety and Security* 2012 1 SA 536 (CC), which dealt with the "standard" test for vicarious liability.

Editor

Christa Rautenbach