

Editorial

The first edition of 2015 boasts 13 contributions dealing with a variety of topics. The first article, by [Ben Coetzee Bester and Anne Louw](#), discusses the persistence of the “choice argument”, which is based on the rationale that domestic partners who choose not to marry cannot claim spousal benefits, and arrives at the conclusion that legislation should differentiate between registered and unregistered domestic partnerships for the purpose of spousal benefits. Ernst Marais has written two articles on expropriation. In the [first](#) he examines the meaning and role of state acquisition in South African law and in the [second](#) he deals with the distinction between deprivation and expropriation in the light of *Agri South Africa v Minister for Minerals and Energy* 2013 4 SA 1 (CC), where the Constitutional Court recently revisited the distinction between the two concepts and held that the distinguishing feature of expropriation is that it entails state acquisition of property, whilst deprivation takes place where there is no such acquisition. The fourth article, by [Emeka Amechi](#), explores the measures taken by the National Recordal System and Disclosure of Origins in leveraging traditional knowledge within the structure, content and conceptual framework of the patent system in South Africa. The South African *Companies Act* and the realization of corporate human rights responsibilities is the focus of [Manson Gwanyanya's](#) article. He comes to the conclusion that the wording of the *Act* is such that it prevent human rights abuses by companies. In her contribution [Melanie Murcott](#) discusses the development of the doctrine of legitimate expectations in South African law and the failure of the Constitutional Court to develop the doctrine even further in the recent case of *Kwazulu-Natal Joint Liaison Committee v MEC for Education, Kwazulu Natal*. The second last article, which is by [Lucyline Murungi](#), considers the implementation of the *UN Convention on the Rights of Persons with Disabilities* (2006) to provide for inclusive basic education in South Africa, and the last article, which is by [Matome Ratiba](#), examines the significance of places of worship for Native Americans and demonstrates the valuable lessons South Africa could learn from the earth jurisprudence that has developed in the USA and elsewhere.

The first note, authored by [Magdaleen Swanepoel](#), discusses legal issues with regard to mentally ill offenders with specific reference to the cases where mental illness is raised as a defence in criminal cases. The second note, by [Michelle Fuchs](#), deals with recent legal developments relating to the formalities involved when a mortgagee wants to declare immovable property executable to satisfy outstanding debt. The last contribution in this edition is a case note by [Elmarie Fourie](#). She considers the question of what constitutes a benefit in terms of section 186(2) of the *Labour Relations Act* 66 of 1995, which was examined in *Apollo Tyres South Africa (Pty)Ltd v CCMA* 2013 5 BLLR 434 (LAC).

Editor:

Prof C Rautenbach