

PRACTICE DIRECTION (PRECEDENT) 1981 (4) SA 981 (ZS)

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Court Zimbabwe Supreme Court

Judge Fieldsend CJ

[zJDz]Judgment

A FIELDSEND CJ: With the promulgation of the Supreme Court Act 28 of 1981 it is right that the Supreme Court should make known its practice in relation to the binding effect of its own judgments and those of its predecessors, particularly in the light of s 24 of that Act.

The Court considers it of importance that there be a degree of certainty B upon which people can rely on the conduct of their affairs. Precedent is an important factor upon which to decide both what the law is and how it is to be applied in particular cases. It also serves as a proper starting point for any development of the law.

Nevertheless, particularly in a changing society, it is essential for the C Court to have some flexibility so as not to restrict unduly its power to develop the law in proper cases to meet changing conditions and injustice in particular cases.

For the future this Court, while treating its past decisions and those of its predecessors as normally binding, will depart from a previous decision D when it appears right to do so, applying the principles generally accepted under our law.

Section 24

"(1) There shall be no appeal from any judgment or order of the Supreme Court.

(2) The Supreme Court shall not be bound by any of its own judgments, rulings or opinions nor by those of any of its predecessors." E

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[zAppz]APPENDIX

DIGEST OF CASES ON APPEAL