

LIABILITY FOR THE PAYMENT OF PUBLIC SCHOOL FEES**M Carnelley*****SUMMARY**

The author highlights some legal issues regarding the liability of parents and other individuals to pay public school fees in the light of recent judicial precedent, specifically *Fish Hoek Primary School v GW* 2009 JOL 24624 (SCA). The various possible legal bases for the liability for such fees are examined. In this regard the common law duty to maintain as amended by legislation; contractual liability; and the concepts of household necessities, *stipulatio alteri*, *negotiorum gestio* and unjustified enrichment are considered.

KEYWORDS: *South African Schools Act*; parental liability; guardian; custodian; persons who voluntarily undertake the responsibility; public school fees; duty to maintain; contractual liability; *stipulatio alteri*; *negotiorum gestio*; unjustified enrichment

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