



8 July 2026

Mr Sandile Khoza

Director

Deneys Reitz Inc t/a Deneys

3 Pencarrow Crescent

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By Email: sandile.khoza@deneys.co.za

Your Ref: PBO3171/SSK

Re: KwaZulu-Natal Athletics / Comrades Marathon Association — Response to your letter dated 7 July 2026

Dear Mr Khoza

1. We refer to your letter dated 7 July 2026, bearing your reference PBO3171/SSK, addressed to the Comrades Marathon Association (“CMA”) on behalf of your client, KwaZulu-Natal Athletics (“KZNA”). The contents thereof are noted.
2. We respond as set out herein.

CLARIFICATION OF CMA’S POSITION REGARDING KZNA

3. At the outset, we wish to correct a material mischaracterisation contained in your letter. Your letter creates the impression, at paragraph 3.2, that CMA’s announcement of the date of the 100th Comrades Marathon “creates the false impression that KZNA has sanctioned the 2027 Comrades Marathon and that CMA has been authorised by KZNA to host the event.”



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4. This is simply not so. At no stage has the CMA announced, stated, or implied that the 2027 Comrades Marathon will be run under the auspices of KZNA, or that the event has been approved or sanctioned by KZNA. The CMA's announcement of 16 June 2026 did no more than confirm the date on which the 100th Comrades Marathon will take place — being Sunday, 13 June 2027 — and indicated that further details would follow. There is nothing in the announcement that could reasonably be construed as a representation that KZNA has sanctioned the event or authorised CMA to host it.
5. The assertion at paragraph 3.4 of your letter, that the announcement “undermines KZNA’s regulatory authority and constitutes a deliberate attempt to mislead athletes, clubs, sponsors, officials and members of the general public”, is rejected. The announcement was a straightforward communication of a race date — nothing more and nothing less.

ASA’S APPROVAL OF THE RACE DATES

6. We record that the 2027 and 2028 Comrades Marathon race dates have been duly approved at the national level by Athletics South Africa (“ASA”). On 27 November 2025, Mr Enoch Skosana, the Chair of Road Running for ASA (SACA/ASA RR Chair), confirmed in writing to Mr Alain Dalais, CMA General Manager, that CMA’s request for the following race dates was approved:
 - (a) 2027 event: Sunday, 13 June 2027; and
 - (b) 2028 event: Sunday, 11 June 2028.
7. Mr Skosana’s written approval stated: “Your dates request is approved and please email the KZNA for their fixture list provincia.” CMA has accordingly acted with the express approval of ASA in announcing the 2027 race date. The assertion in your letter that CMA’s application “remains under consideration by KZNA” and that “no approval has been granted” is therefore, at best, incomplete. The race dates have been approved at the highest level of the national federation.



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NO LEGAL REQUIREMENT FOR FEDERATION SANCTION

8. Central to your client's demands is the proposition that CMA requires KZNA's approval — or, at minimum, federation sanction — to lawfully organise, host, or administer the Comrades Marathon. This proposition is, with respect, legally unfounded.
9. The legal position under South African law is clear: no statute expressly requires a marathon or ultramarathon organiser to be affiliated with a provincial or national athletics federation in order to lawfully stage such an event. We set out the position as follows:
 - 9.1 The National Sport and Recreation Act 110 of 1998 (as amended by the National Sport and Recreation Amendment Act 18 of 2007) ("the Act") is the principal statute governing sport in South Africa. The Act provides for the relationship between Sport and Recreation South Africa ("SRSA"), the South African Sports Confederation and Olympic Committee ("SASCOC"), national federations, and provincial confederations. Critically, the Act does not contain any provision that prohibits a person or entity from staging a sporting event — including a road race — without being affiliated with or sanctioned by the relevant national or provincial federation.
 - 9.2 Section 6 of the Act imposes obligations on recognised sport or recreation bodies regarding the safety and security of participants and spectators. These are obligations imposed on recognised bodies — not prohibitions against unaffiliated organisers staging events.
 - 9.3 The Safety at Sports and Recreational Events Act 2 of 2010 ("SASREA") is the primary legislative framework governing the safety and security of sporting events in South Africa. SASREA applies to all entities that organise sporting events, including events "along a route." Importantly, nowhere does SASREA require that an event organiser be affiliated with, recognised by, or sanctioned by a controlling body (i.e., a national or provincial federation) in order to stage an event. SASREA treats the "controlling body" and the "event organiser" as separate categories of responsible persons, and the obligations it imposes apply independently to each.
 - 9.4 The provisions of the KZNA Constitution relied upon in your letter — including the requirement that "all athletics meetings staged in KwaZulu-Natal shall be organised under the auspices of a member of KZNA or a structure of KZNA" — are binding on KZNA members by virtue of their contractual adherence to the KZNA Constitution. They do not bind non-members and do not carry the force of statutory law. An entity that is not a member of KZNA is not, in law, subject to these rules.
 - 9.5 The ASA rules and regulations (including the sanctioning regime and athlete licensing system) operate through contractual obligations binding on ASA members — its provincial members, affiliated clubs, and licensed athletes — rather than through legislative force.



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- 9.6 We further note that the South African Rugby Union, in submissions to Parliament regarding the 2006 Amendment Bill to the National Sport and Recreation Act, flagged that any statutory provision forcibly associating private-law bodies with SASCO would conflict with the right to freedom of association enshrined in section 18 of the Bill of Rights in the Constitution of the Republic of South Africa, 1996. Any statutory mandate compelling event organisers to affiliate with a federation would need to be justified under section 36 of the Constitution as a reasonable and justifiable limitation. The absence of such a mandate in the current legislative framework may partly reflect sensitivity to this constitutional constraint.
10. In these circumstances, the legal basis upon which your client demands that CMA retract its announcements concerning the race date, or cease and desist from communicating the date of its own event, is untenable. There is no statutory prohibition against the CMA staging the Comrades Marathon, and the internal rules of KZNA do not bind the CMA. The CMA accordingly declines the demands set out in paragraphs 4.1 and 4.2 of your letter and declines to furnish the undertaking sought at paragraph 6.

CONCERN REGARDING MISUSE OF FEDERATION RESOURCES

11. Without detracting from the above, we record the CMA's concern — raised in good faith and in the spirit of constructive cooperation — regarding the expenditure of federation resources in this matter. The CMA presumes that ASA is unaware that KZNA is expending federation funds on the retention of high-priced legal counsel for purposes that appear designed solely to frustrate the CMA's sincere desire to work collaboratively — as a partner — with both KZNA and ASA for the advancement of ultra-running and athletics in South Africa. The CMA would respectfully suggest that federation resources would be better directed toward the development and promotion of athletics in this country, rather than toward litigation aimed at obstructing an event that has been staged annually for nearly a century and which brings immeasurable benefit to the sport, to the province of KwaZulu-Natal, and to South Africa as a whole.

CMA'S GOOD STANDING AND DECLINATION OF DEMANDED ACTION

12. The CMA has acted properly and in good faith at all material times. It has done nothing wrong. It has announced the date of an event that it has the legal right to host, in respect of which it has obtained approval from ASA at the national level. It has not misrepresented KZNA's involvement or approval.



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13. Accordingly, the CMA declines to take any retraction or corrective action as demanded in your letter. The CMA further declines to furnish any undertaking in the terms demanded.
14. The CMA remains willing to engage constructively with both KZNA and ASA, as it has always been, in the interests of the sport and its athletes. The CMA trusts that this matter can be resolved through dialogue and cooperation rather than through adversarial correspondence.
15. Our rights are reserved, including the right to oppose any application contemplated at paragraph 5 of your letter and to seek an appropriate costs order in respect thereof.

Yours faithfully

ALAIN DALAIS
GENERAL MANAGER
COMRADES MARATHON ASSOCIATION

Cc: ASA Acting CEO, ASA Road Running Chair and ASA Acting President



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