

THE LABOUR COURT OF SOUTH AFRICA. JOHANNESBURG

Not reportable

Case no: J 1774/23

In the matter between:

IMPALA BAFOKENG RESOURCES (PTY) LTD **Applicant**

And

NATIONAL UNION OF MINEWORKERS **First Respondent**

THE INDIVIDUALS LISTED IN ANNEXURE “A”
TO THE NOTICIE OF MOTION **Second to 2072 Respondent**

THE INDIVIDUALS LISTED IN ANNEXURE “B”
TO THE NOTICIE OF MOTION **2073 to 2076 Respondent**

Decided: In Chambers

Delivered: 07 February 2024

This judgment was handed down electronically by circulation to the parties' representatives by email. The date for hand-down is deemed to be on 07 February 2024

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

PRINSLOO, J

[1] The Second to 2076th Respondent applied for leave to appeal against an order handed down on 21 December 2023. The application for leave to appeal is unopposed.

[2] I have considered the grounds for appeal and I do not intend to repeat those herein.

The test for leave to appeal

[3] It is trite that there is no automatic right of appeal against a judgment of the Labour Court. This much is clear from section 166(1) of the Labour Relations Act¹ (LRA) which provides that any party to any proceedings before the Labour Court may apply for leave to appeal to the Labour Appeal Court against any final judgment or final order of the Labour Court. In order to be entitled to leave to appeal, an applicant in an application for leave to appeal must satisfy this Court that there is a reasonable prospect that another court could come to a different conclusion².

[4] Section 166(1) of the LRA makes it clear that a final judgment or order is appealable.

[5] *In casu* an interim order was issued, with a return date of 18 March 2024. The merits of the application were not finally decided and no final judgment or order was granted. As a result, the provisions of section 166(1) do not apply and the order granted is not appealable.

[6] In the premises, the following order is made:

Order

1. The application for leave to appeal is dismissed.

Connie Prinsloo
Judge of the Labour Court of South Africa

¹ No. 66 of 1995, as amended.

² See: *Woolworths Ltd v Matthews* [1999] 3 BLLR 288 (LC).