



DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: YES/NO
 (2) OF INTEREST TO OTHER JUDGES: YES/NO
 (3) REVISED

DATE: 2 AUGUST 2024 SIGNATURE: [REDACTED]

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case No. 2023/132695

In the matter between:

**THE GENERAL COUNCIL OF THE BAR
 OF SOUTH AFRICA**

FIRST APPLICANT

ADVOCATES FOR TRANSFORMATION

SECOND APPLICANT

And

THE MINISTER OF FINANCE

FIRST RESPONDENT

**THE MINISTER OF JUSTICE AND
 CORRECTIONAL SERVICES**

SECOND RESPONDENT

THE SOLICITOR-GENERAL

THIRD RESPONDENT

Coram: Millar J

Heard on: 30 July 2024

Delivered: 2 August 2024 - This judgment was handed down electronically by circulation to the parties' representatives by email, by being uploaded to the *CaseLines* system of the GD and by release to SAFLII. The date and time for hand-down is deemed to be 09H00 on 2 August 2024.

JUDGMENT

MILLAR J

- [1] This is an application for leave to appeal against a judgment and order handed down on 28 June 2024.
- [2] For convenience I will refer to the parties as they were in the main application save to note that it is the respondents who seek leave to appeal and the applicants who oppose its grant.
- [3] The test for granting leave to appeal The test for the granting of leave to appeal pertinent to the present matter is set out in section 17(1) of the Superior Courts Act¹ as follows:

¹ 10 of 2013.

"(1) *Leave to appeal may only be given where the judge or judges concerned are of the opinion that*

(a) (i) *the appeal would have a reasonable prospect of success or*

(ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration"

[4] I have considered the grounds upon which the application has been brought and the reasons given by me in the judgment for the order granted. I have also considered the submissions made by counsel for the granting of leave to appeal on the part of the respondents and those opposing the granting of leave to appeal on behalf of the applicants.

[5] I am not persuaded that another court would come to a different conclusion or that there is some other compelling reason why leave to appeal should be granted.

[6] The costs will follow the result.

[7] In the circumstances, I make the following order:

[6.1] The application for leave to appeal is refused with costs which costs are to include the costs consequent upon the engagement of 3 counsel where so engaged.

A MILLAR

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

HEARD ON: 30 JULY 2024

JUDGMENT DELIVERED ON: 2 AUGUST 2024

APPEARANCES

COUNSEL FOR THE FIRST & SECOND
APPLICANTS:

ADV. P LOUW SC
ADV. N LUTHULI
ADV. M SALUKAZANA

INSTRUCTED BY:

EDWARD NATHAN SONNENBERGS INC.

REFERENCE:

MR. A MOOSAJEE

COUNSEL FOR THE SECOND AND THIRD
RESPONDENTS:

ADV. N CASSIM SC
ADV. L NKOSI-THOMAS SC
ADV. N NTULI

INSTRUCTED BY:

STATE ATTORNEY, PRETORIA

REFERENCE:

MR. I CHOWE

NO APPEARANCE FOR THE FOURTH RESPONDENT