



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable
Case no: J 616/22

In the matter between:

**PUBLIC SERVANTS ASSOCIATION
OF SOUTH AFRICA**

Applicant

and

DEPARTMENT OF EMPLOYMENT AND LABOUR

First Respondent

REGISTRAR OF LABOUR RELATIONS

Second Respondent

Heard: 31 October 2024

Delivered: 23 January 2025

JUDGMENT – LEAVE TO APPEAL

STEENKAMP, AJ

Introduction

[1] On 02 May 2024, I handed down judgment in the appeal launched by the Applicant in accordance with section 111(3) of the Labour Relations Act¹ (LRA), against the First and/or Second Respondent's refusal to approve, register and endorse the Applicant's amended constitution.

[2] I upheld the appeal and ordered the Second Respondent to approve and register the Applicant's amendments to its constitution in terms of section 101(3) of the LRA within 14 days from the date of the order and to send the Applicant a copy of the resolution endorsed by the Second Respondent, certifying that the amendments have been registered in terms of section 101(3)(b) of the LRA within 10 days from the date upon which the amendments were approved and registered. The Respondents were further ordered to pay the costs of the appeal on a party-and-party scale.

[3] For ease of reference, I will refer to the parties as in convention.

[4] The First and Second Respondents launched an application for leave to appeal in terms of Rule 30 of the now repealed rules of this Court² on or about 20 May 2024, and filed their submissions in support of leave to appeal on or about 3 June 2024.

[5] The Applicant filed its opposing submissions on or about 7 June 2024.

[6] I was favoured with the pleadings in the application for leave to appeal on 6 September 2024, and on my directive, the application came before me for oral argument on 31 October 2024.

[7] The Respondents base their application for leave to appeal on purported errors of fact and errors in law. I will immediately state that the reference to section 91 of the LRA at paragraph 12 of the judgment is incorrect and ought to have read as a reference to section 91 of the constitution of the PSA, which is apparent from the context. In any event, nothing turns on this, and it did not inform the decision that this Court arrived at.

¹ Act 66 of 1995, as amended.

² The Rules for the Conduct of Proceedings in the Labour Court GN 1665 of 1996 was repealed and replaced with Rules Regulating the Conduct of Proceedings of the Labour Court GN 4775 of 2024 effective 17 July 2024. This application for leave to appeal was launched properly as contemplated in the rules that prevailed at the time of making the current application.

[8] Having considered the application for leave to appeal, and in view of the scarcity of judgments by the Labour Appeal Court (LAC) on section 111(3) appeals, I am of the view that it would be appropriate and in the interest of justice for the LAC to consider the matter as contemplated in section 17(1) of the Superior Courts Act.³

[9] In the premises, I make the following order:

Order

1. Leave to appeal to the Labour Appeal Court is granted;
2. There is no order as to costs.

L Steenkamp

Acting Judge of the Labour Court of South Africa

Appearances:

For the Applicant:

Adv L M Malan SC

Instructed by:

Bowman Gilfillan Inc

For the Respondent:

Adv A Ramawele SC with Adv E B Ndebele

Instructed by:

The State Attorney

³ Act 10 of 2013