

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 2024 / 066460

1. REPORTABLE: NO
2. OF INTEREST TO OTHER JUDGES: NO
3. REVISED: NO

DATE: 01 August 2025

SIGNATURE OF JUDGE: [REDACTED]

In the matter between:

**THE SOUTH AFRICAN PROFESSIONAL FIREARM
TRAINERS COUNCIL NPO**

First Applicant

**INTERNATIONAL FIREARMS TRAINING ACADEMY
(PTY) LTD (K2020/241569/07) (PREVIOUSLY
INTERNATIONAL FIREARM TRAINING ACADEMY CC)**

Second Applicant

and

**THE QUALITY COUNCIL FOR TRADES
AND OCCUPATIONS**

First Respondent

**THE SAFETY AND SECURITY SECTORAL
EDUCATION TRAINING AUTHORITY**

Second Respondent

**THE SOUTH AFRICAN QUALIFICATIONS
AUTHORITY**

Third Respondent

JUDGMENT

FLATELA J

Introduction

[1] This is an opposed application to intervene. The Applicant, International Firearms Training Academy (Pty) Ltd (formerly International Firearms Training Academy CC) (IFTA”), seeks to be joined or to intervene as Second Applicant in the main application brought by the First Applicant. The intervening Applicant claims that it has a direct and substantial interest in the dispute pending between the First Applicant and the Respondents.

[2] Relief is sought in Part A of the notice of motion, which reads as follows:

2. That an order be granted by the above Honourable Court joining the Applicant in this matter as Second Applicant.
3. That the Founding Affidavit attached hereto shall constitute the Founding Affidavit of the Second Applicant in the main application.
5. That the Applicant be permitted to file a supplementary founding affidavit in the event that Part A is granted for the review set out in Part B hereto.”

[3] In Part B of the application, the Applicant seeks the following relief:

- “6. For an order reviewing and setting aside the decision of the Fourth Respondent, the Minister of Higher Education and Training dated the 3rd June 2024, alternatively, the 5th of June 2024, not to extend qualification 50480 pending finalisation of, alternatively, the publication of an alternate realigned qualification for qualification 50480.
7. For an order in the event that such review is successful, that the Fourth Respondent pay the costs of such review application; and

8. For an order reviewing and setting aside the decision of the First Respondent, communicated to First Applicant on 13 June 2024, to delegate the assurance function for qualification 50480 to the Second Respondent.
9. Further and/or alternative relief.”

[4] Only the First to the Third Respondents oppose this application. Although the Minister initially opposed this application, the counsel representing the Minister informed the Court that no submissions would be made on behalf of the Minister.

[5] The First to the Third Respondents object to the intervention on three main grounds:

- i. First, the intervening Applicant has failed to demonstrate any direct and substantial interest warranting their joinder in the main application.
- ii. Secondly, the joinder application constituted an abuse of process because the intervening Applicant and the First Applicant advanced different cases.
- iii. Thirdly, no case is made out for the relief sought in Part B of the Application.

[6] I will begin by outlining the relevant parties involved. I will address the legal principles governing the application to intervene. Finally, I will analyse the pertinent facts and their legal implications, relying on the Applicant and the potential outcomes of this application.

The Parties

[7] The First Applicant is the South African Professional Firearm Trainers Council (“SAPFTC”), a registered non-profit company and the professional body envisaged in the National Qualification Framework Act 67 of 2008 (“NQF Act”). According to the SAPFTC, it was established in 2012 with the aim of being recognised as a professional body to quality assure firearm training from the private sector.

[8] The intervening Applicant is International Firearms Training Academy (Pty) Ltd (formerly International Firearm Training Academy CC) (IFTA). The Applicant is registered as a training provider with the First Applicant.

[9] The First Respondent is the Quality Council for Trades and Occupations (“QCTO”), a statutory body responsible for regulating trades and occupations. It was established in 2020 in terms of the Skills Development Act (Act 97 of 1998). The QCTO is responsible for establishing and maintaining occupational standards and qualifications, ensuring their quality, and submitting them to SAQA for registration on the National Qualifications Framework (NQF). While the QCTO does not directly provide training or oversee the quality control and monitoring of training providers, it may delegate some of its quality assurance powers to a SETA or a professional body.

[10] The Second Respondent is the Safety and Security Sectoral Education Training Authority (SASSETA), established on July 1, 2005, under the Skills Development Act 97 of 1998. SASSETA was established by merging several existing SETAs, including Poslec SETA. On July 22, 2019, all SETAs, including SASSETA, were re-established, expanding SASSETA's jurisdiction to include SIC codes for Legal Activities, Investigation and Security Activities, Policing, Correctional Services, and Justice. SASSETA is responsible for quality assurance of training in the security sector.

[11] Third Respondent is the South African Qualifications Authority (“SAQA”), the statutory body established by the SAQA Act, and re-established by section 10 of the NQF Act. SAQA's objects, in terms of section 11 of the SAQA Act, are to advance the objects of the NQF, oversee the further development of the NQF and coordinate the sub-frameworks.

[12] The Fourth Respondent is the Minister of Higher Education and Training (“the Minister”). In terms of section 8 of the NQF Act, the Minister of Higher Education and Training (“Minister”) has the overall responsibility for the NQF, the SAQA, and the quality councils, including the QCTO. The Minister must establish policy on NQF matters and issue guidelines outlining the government's strategy and priorities for the

NQF. Importantly, under section 8(2)(e), the Minister is also required to determine the sub-frameworks specified in the NQF Act.

[13] The QCTO delegated the authority to monitor and ensure the training in respect of the qualification to the SAPFTC in 2013. The First Applicant was granted the training qualification 50480 in May 2013 for 10 years, expiring on June 30, 2023. It has been quality-assuring prescribed firearm training since 2013.

Factual Background

[14] The controversy in the main application pertains to Qualification ID 50480, designated as the “Further Education and Training Certificate: Firearm Training. This is the qualification for the required firearm training to obtain a competency certificate.

[15] This application is one of many brought before this Court in a lengthy legal dispute between the First Applicant and the Respondents concerning the right of the Applicant to continue quality assurance of the qualification pending the review of two decisions of the QCTO, namely:

- a. A decision of the QCTO not to consider PFT’s realigned qualification for 50480
- b. The decision of the QCTO to delegate the qualification to SASSETA communicated to the Applicant on 13 June 2024.

Historical Context

[16] The background has been discussed in various judgments of this Court. For context, a historical overview and the role played by the respondents are warranted.

[17] Overall responsibility for the quality assurance of all occupational training and quality assurance vests in the QCTO. The QCTO may, however, delegate some of its powers related to quality assurance to a SETA or a professional body, as it is not

directly involved in the provision of training or quality control and monitoring of training providers.

[18] On 5 April 2013, the QCTO withdrew the delegation of qualification 5048 from SASSETA and delegated that qualification, consisting of a number of unit standards, to the First Applicant. The First Applicant was granted the training qualification 50480 in May 2013 for 10 years, expiring on 30 June 2023.

[19] The delegation is as follows:

“This delegation commences on 1 April 2013 and expires once a qualification listed is reviewed and replaced by a qualification developed and registered on the Occupational Qualifications Framework (OQF) or until the qualification reaches its registration and the date and teach-out periods, or when the qualification is withdrawn by the QCTO.”

[20] The First Applicant has served as a quality assurer for qualification 50480 since 2013.

[21] The qualification of 50480, along with its associated unit standards, was approved by the Quality Council for Trades and Occupations (QCTO) and SAQA in 2009. It is classified as a historical qualification, as it existed before 2009 under the SAQA Act of 1995.

[22] In 2018, the First Applicant concluded a memorandum of understanding with the QCTO, wherein the QCTO mandated the First Applicant to complete the realignment of qualification 50480. According to the First Applicant, it submitted a realigned qualification in 2018. The First Applicant asserts that it was requested to rewrite the qualification using a recognised qualification development facilitator, whom the First Respondent recognises as a professional body qualified to write realigned qualifications in accordance with current requirements.

[23] The First Applicant submitted its application for a realigned qualification on 9 May 2023. In 2020, the Minister issued directives regarding the realignment of the

qualifications, with the process of updating them to be completed by July 2023. The date was extended. The Fourth Respondent extended the validity period of the qualification to 30 June 2024.

2020 Determination by the Minister

[24] On 24 December 2020, the Minister published the Determination of the Sub-frameworks that Comprise the National Qualifications Framework in terms of section 8(2)(e) of the NQF Act (“the 2020 Determination”). The Minister outlined the following implementation and transitional arrangements regarding pre-2009 qualifications and unit standards registered on the Occupational Qualifications Sub-Framework (“OQSF”):

“Pre 2009 Qualifications (Under the SAQA Act, 1995)

The registration end date for pre-2009 qualifications and unit standards registered on the OQSF shall be 30 June 2023.

The last date of first-time learners enrolling for pre-2009 qualifications and unit standards registered on the OQSF shall be 30 June 2024.

The last date of achievement for learners enrolled for pre-2009 qualifications and unit standards on the OQSF shall be 30 June 2027.”

2021 Removal of the First Applicants of Delegation

[25] According to the Applicant, in 2021, without notice or consultation, the QCTO informed the First Applicant that its delegation had been removed or cancelled, and the QCTO and SASSETA had concluded a Memorandum of Understanding to delegate the quality assurance functions of the qualification 50480 to SASSETA. The First Applicant was required to communicate and collaborate with SASSETA to provide it with the database and providers. However, the First Applicant refused to

engage with SASSETA. As a result, the First Applicant filed an urgent application in court, which led to a court order by agreement in the following terms:

- 1. It is declared that the delegated mandate of the Applicant as set out on 1 April 2013, in respect of qualification 50480, remains valid and in force.*
- 2. It is noted that the First Respondent agrees to comply with the provisions of the delegation agreement of the 1st of April 2023, and or until expiry of the qualification listed is reviewed and replaced by a qualification developed and registered on the Occupational Qualifications Framework (OQF).*
- 3. No order is made in respect of costs*

The 2024 Minister's Directive regarding the implementation of transitional arrangements

[26] On 3 June 2024, the former Minister of Education, Dr Blade Nzimande, published a notice in the Government Gazette no.50742 titled "Directive on the Implementation of Transitional Arrangements for Pre-2009 Qualifications ". The directives stated the following in paragraph 1.5

- "b) the latest date of first-time learners enrolling for pre-2009 qualifications and unit standards registered on the OQFS shall be 30 June 2024.
- c) The latest date of achievement (that is, completion of qualification) for learners enrolled for pre-2009 qualifications and unit standards registered on OQSF shall be 30 June 2027.

5.6 "The pre-2009-unit standards that have been used for regulatory programmes will continue to be recognised provided that they are realigned through the QCTO as occupational skills programmes to replace the regulated unit standards"

[27] The list of qualifications was published on Thursday, 6 June 2024, and Qualification 50480 was not included in the list.

[28] On 13 June 2024, the first applicant applied to the fourth respondent, as outlined in the Government Gazette published on 3 June 2024, seeking an extension of the validity period of their qualification while the application for the realigned qualification, submitted in May 2023, was still under consideration. Mr Lata responded to the letter and advised the First Applicant to direct their query to the CEO of QCTO. On the same day, the first respondent stated that the old training had been assigned to the SETA and the second respondent. Importantly, Mr Lata indicated that from 1 July 2024, there would no longer be a delegated partner for the qualification.

[29] On 11 July 2024, the First Applicant and the intervening party approached the Court on an urgent basis for relief sought in their respective notices of motion.

[30] The relief claimed in Part A is outlined as follows:

Part A

- a. That the application be heard urgently and that the court dispense with the forms and rules relating to service in terms of the provisions of rule 6(12).
- b. That it be declared that the Applicant retains and has authority over the mandate for qualification 50480 and that it be declared to be valid pending the finalisation of Part B of this application.
- c. Alternatively, to prayer 2 and until the said qualification is replaced by a qualification registered on the Occupational Qualifications Framework as foreseen in the order granted on the 26th of October 2021, attached as Annexure "NOM1", pending the finalisation of Part B of this application.

- d. That the First Respondent be ordered to pay the costs of this part of the application on scale C and in the event of opposition of this part by any other Respondent, that such costs be paid jointly and severally by such Respondents opposing, the one paying the other to be absolved on scale C.
- e. Further and / or alternative relief.

Part B

- f. That Applicant's application dated the 19th of May 2023, that its realigned replacement qualification for qualification 50480 submitted to the First Respondent, be deemed to be refused.
- g. For an order reviewing and setting aside that deemed refusal.
- h. That the realigned qualification submitted by the Applicant on 19 May 2023 as the new qualification to replace 50480, be deemed to be the appropriate replacement qualification for qualification 50480.
- i. That the First and/or Third Respondents jointly and severally be ordered to register the realigned qualification on the Occupational Qualifications Framework.
- j. For an order declaring that the Applicant is the appointed quality assurer for the realigned qualification substituted for qualification 50480.
- k. Alternatively, to prayers 8, 9 and 10 that the First and Second Respondents be ordered to make a decision on whether to accept Applicant's realigned qualification submitted on the 19th May 2023 as the replacement for qualification 50480 within 30 (thirty) days from date hereof.

- l. In the event that the First Respondent refuses the Applicant's application that its realigned qualification be the substitute for qualification 50480 subsequent to the service of these court papers, for an order permitting Applicant to supplement these papers within 15 (fifteen) days of such decision and thereafter reviewing and setting aside such refusal and for an order that the Applicant's realigned qualification submitted on the 19th of May 2023 be declared to be the replacement qualification for qualification 50480;
- m. That First Respondent pay the costs of this application on scale C and in the event of opposition by any other Respondent, that the costs of this application be paid on scale C by those Respondents opposing the relief, jointly and severally the one paying the other to be absolved.
- n. Further and/or alternative relief.

[31] The intervening Applicant sought the following relief: Part A of the notice of motion reads as follows:

1. That this application be had urgently and that the court dispenses with the forms and rules relating to service in terms of the provisions of rule 6 (2)
2. That an order be granted by the above Honourable Court joining the Applicant in this matter as Second Applicant.
3. That the Founding Affidavit attached hereto shall constitute the Founding Affidavit of the Second Applicant in the main application.
4. That an interim order be granted by the above Honourable court extending qualification for 50480 in terms of the court order dated 28 October 2021 under case number 50593/2021 valid and in place until such qualification is replaced by a qualification developed and replaced by a qualification developed and registered on the Occupational Qualification Framework for firearms training for the unit standards and curriculum covered

by qualification 50480 or until review is set out in Part B of this application is finalised

5. That the Applicant be permitted to file a supplementary founding affidavit in the event that Part A is granted for the review set out in Part B hereto.”

[32] In Part B of the application, the Applicant seeks the following relief:

- “6. For an order reviewing and setting aside the decision of the Fourth Respondent, the Minister of Higher Education and Training dated the 3rd June 2024, alternatively, the 5th of June 2024, not to extend qualification 50480 pending finalisation of, alternatively, the publication of an alternate realigned qualification for qualification 50480.
7. For an order in the event that such review is successful, that the Fourth Respondent pay the costs of such review application; and
8. For an order reviewing and setting aside the decision of the First Respondent, communicated to First Applicant on 13 June 2024, to delegate the assurance function for qualification 50480 to the Second Respondent.
9. Further and/or alternative relief.”

[33] On 11 July 2024, Minaar AJ granted the order in favour of the First Applicant. The order reads as follows:

1. The status *quo* as it existed prior to 30 June 2024, in respect of qualifications 50480, is extended pending the decision of the fourth respondent to extend, replace or realign the qualification with a new qualification, whichever the case may be
2. The cost of the application are reserved, pending the determination of Part B.

[34] In respect of the application for intervention, the learned judge granted the following order:

1. The second (intervening) applicant's joinder application is struck from the roll for lack of agency; and
2. The second (intervening) applicant is to pay the costs of the respondents relating to the joint application on an attorney and client scale, which shall include the costs of the hearing on 10 and 11 July 2024.

[35] The intervening Applicant set the matter down on the normal court roll, seeking an interim relief as set out in the notice of motion. I now address the legal principles foundational to leave to intervene and the facts the applicant relies upon for the relief sought.

Legal Principles governing application to intervene

[36] Intervention applications are governed by Rule 12 of the Uniform Rules. It provides:

12. Intervention of persons as plaintiffs or defendants

"Any person entitled to join as a plaintiff or liable to be joined as a defendant in any action may, on notice to all parties, at any stage of the proceedings, apply for leave to intervene as a plaintiff or a defendant. The court may, upon such application, make such order, including any order as to costs, and give such directions as to further procedure in the action as to it may seem meet."

[37] The test for joinder is well established. It is that a party must have a direct and substantial legal interest that may be affected prejudicially by the judgment of the court in the proceedings concerned¹. In *Bowring NO v Vrededorp Properties CC and Another*,² Brand JA articulated the test for joinder of necessity, which is also equally applicable to an application for intervention, as follows:

'...The substantial test is whether the party that is alleged to be a necessary party for purposes of joinder has a legal interest in the subject matter of the litigation, which may

¹ See *Judicial Service Commission v Cape Bar Council* 2013 (1) SA 170 (SCA) paras 11-12; and *Bowring NO v Vrededorp Properties CC* 2007 (5) SA 391 (SCA) para 21.

² *Bowring NO v Vrededorp Properties CC and Another* 2007 (5) SA 391 (SCA).

be affected prejudicially by the judgment of the Court in the proceedings concerned ...'.³

[38] In *Minmetals Logistics Zhejiang Co Ltd v The Owners and Underwriters of the MV Smart and Another*⁴, the Supreme Court of Appeal held that:

‘...A direct and substantial interest means an interest in the subject matter of the litigation, not a mere financial or academic interest. If a party has a direct and substantial interest, it is a necessary party and should be joined unless the court is satisfied that it has waived the right to be joined’.⁵

[39] In *SA Riding for the Disabled Association v Regional Land Claims Commissioner & Others*⁶ *Jafta J*, writing for the unanimous court, articulated the test for intervention as follows:

‘It is now settled that an applicant for intervention must meet the direct and substantial interest test in order to succeed. What constitutes a direct and substantial interest is the legal interest in the subject-matter of the case which could be prejudicially affected by the order of the Court. This means that the applicant must show that it has a right adversely affected or likely to be affected by the order sought. But the applicant does not have to satisfy the court at the stage of intervention that it will succeed. It is sufficient for such applicant to make allegations which, if proved, would entitle it to relief.

If the applicant shows that it has some right which is affected by the order issued, permission to intervene must be granted. For it is a basic principle of our law that no order should be granted against a party without affording such party a pre-decision hearing. This is so fundamental that an order is generally taken to be binding only on parties to the litigation.

³ Ibid para 21.

⁴ 2025 (1) SA 392 (SCA).

⁵ Ibid para 14.

⁶ 2017 (5) SA 1 (CC).

Once the applicant for intervention shows a direct and substantial interest in the subject-matter of the case, the court ought to grant leave to intervene. In *Greyvenouw CC* this principle was formulated in these terms:

“In addition, when, as in this matter, the applicants base their claim to intervene on a direct and substantial interest in the subject-matter of the dispute, the Court has no discretion: it must allow them to intervene because it should not proceed in the absence of parties having such legally recognised interests.”⁷

[40] The court has wide discretion regarding this issue. In exercising its discretion to grant leave to intervene, the Court must determine whether the applicant has a direct and substantial interest in the subject matter of the litigation.

The Applicant’s Contentions

[41] In the founding affidavit, the Applicant asserts that the purpose of this application is to place the facts from the viewpoint of a training provider, as opposed to that of the quality assurance entity.

[42] The Applicant asserts that it is a registered training institution under SAPFTC, and therefore, it has a *locus standi* in this matter. It also states that it is a training provider for approximately 390 accredited training providers, along with an additional 120 providers currently undergoing the accreditation process. The Applicant asserts that the First Applicant accredits all training manuals used by these providers. In addition to its training services, the Applicant also operates as a dealer in arms and ammunition.

[43] The Applicant asserts that the expiry date of the certificate of accreditation is 30 June 2024 and that the deponent was advised that the First Applicant did not issue certificates beyond 30 June 2024 unless the qualification was extended. This was done to align the date with the qualification's expiry.

⁷ Ibid para 9 – 11.

[44] The Applicant puts the following facts:

- a. It is a leading training provider that has played a crucial role in helping to draft a realigned qualification, due to its experience and presence in the training sector. Therefore, its livelihood and that of its employees depend on the legislative framework. If it cannot train legally, it will cease to exist.
- b. The applicant's training material is accredited by the First Applicant. The applicant sells training manuals that are accredited by other training providers, which do not have their accredited material, but are accredited trainers. These accredited trainers and training facilities conduct accredited training using the applicant's material.
- c. If a person wishes to possess a firearm for personal or business use, they must undergo accredited training and be issued a training provider certificate by the entity that provided the training.
- d. The training provider uploads details of the training onto the learner management system of the first applicant.
- e. If the training provider is compliant with the accreditation requirements of the first applicant—that is, the training material is accredited, and training has been completed and certified by the training provider—then the applicant issues what is known as a statement of results. Only when the First applicant has stated the result may the learner apply for a competency certificate, as contemplated by Section 9 of the Firearms Control Act.
- f. Only after the use of the issue of a competency certificate, a person may either apply for an individual firearm licence to be issued in their name or may possess a business firearm licence in terms of section 20 of the Firearms Control Act.
- g. For a Security Service provider to issue a firearm to a registered security officer, the officer must hold a competency certificate.

- h. The first applicant requested the minister on 11 June 2022 to extend the qualification 54880 in terms of the government Gazette number 50742. The request was never answered.
- i. On 13 June 2024 at 1:30pm, the First respondent allocated all qualifications under the occupational qualification sub-framework to SETAs. The unilateral decision was made without giving notice to the first applicant or the two training providers, including the second applicant. This directly affects not only the rights of all training providers accredited to the first respondent, including the first applicant, but also the prospects of all potential new competency certificate applicants seeking to possess or use a firearm for business purposes. Therefore, a review of Part B of this decision by the first respondent and the fourth respondent is being sought.

[45] The Applicant states that, according to the First and Second Respondents' attorneys, the QCTO, SASSETA, and SAQA recognise that the training provided by any registered training provider that commenced before 30 June 2024 is valid and may be completed up until 30 June 2027.

[46] The Applicant submits that the Minister's failure to extend the qualification means that its validity ended on 30 June 2024.

[47] The Applicant further submitted that it is important to note that each step in the training referred to above takes approximately 2 days, which means the pool of prospective applicants who were registered prior to 30 June 2024 budgeted for is very small and does not constitute a sustainable source of income for accredited training providers and will diminish rapidly.

[48] It is submitted that in the absence of an extension of this qualification by the Minister, no new firearm training may take place. The consequences of this will be devastating not only to the First Applicant but also to hundreds of training providers, such as the applicant in this application, who will have no business and will be unable to provide accredited training. They will be forced to cease trading and close their businesses.

[49] The Applicant states that the economic impact on, among other things, firearm training institutions and license dealers (there are over 800 such license dealers) could be potentially disastrous. Firearm dealers rely heavily on the sale of firearms, ammunition, and related accessories. If a person cannot obtain a licence for a firearm due to a lack of competence, there will be no firearms industry.

[50] In conclusion, the Applicant stated that it is most important that an extension be granted to the qualification until a review has taken place of the Minister's failure to extend the qualification's validity or until a new, realigned qualification is implemented.

[51] It was submitted on behalf of the Applicant that the original relief sought in paragraph 4 was cured by the interim order granted in favour of the First Applicant on 11 July 2024.

The Respondents' Contentions

[52] The First to Third Respondents argue that the Applicant has not shown a direct and substantial legal interest in the First Respondent's main application.

[53] The Respondents further contend that the "joinder" application is irregular, as the First Applicant and the intervening Applicant advance vastly different cases and causes of action. The Respondents believe that the true purpose is to attempt to remedy the fatal deficiencies in the original urgent application brought on 18 June 2024 by the First Applicant, and that is an impermissible abuse of process.

[54] The Respondents argued further that the matter had become moot as the Court granted an order maintaining the *status quo* pending the decision of the Fourth Respondent to extend, replace or realign the qualification with a new qualification.

[55] The Respondents argue that the founding papers do not make out any case for review relief or advance any grounds in support of a review. The Minister has stated that no decision has been taken at this stage, and any challenge is premature. There is also no reliance on either the principle of legality or the Promotion of Administrative Justice Act 3 of 2000 ("PAJA"). As such, there are no prospects of success in Part B

and no basis to justify the relief sought in Part A. In the absence of a right, there is no remedy.

Analysis

[56] In order for the Applicant to succeed in this matter, it must establish a direct and substantial interest in the proceedings.

[57] The issue this court must decide is whether, based on the facts presented by the intervening party, it can be determined that they have a direct and substantial interest in the main application.

[58] The Applicant, recognised as a lead trainer, is registered with the First Applicant. It has stated in its founding papers that it could suffer significant financial losses if the application is not granted. Based on the facts presented by the intervening Applicant, it is clear that the Applicant's motive for participating in these proceedings is financial interest.

[59] Moreover, at no point does the intervening Applicant elucidate its direct interest in its founding affidavit or reply. It is only in the heads of argument that the intervening Applicant attempts to address the requisite substantial interest. Consequently, the intervening Applicant fails to meet the necessary criteria to substantiate its claim.

[60] In any event, the relief sought by the intervening applicant regarding the extension of the qualification was addressed by the order of Minaar J.

[61] Furthermore, the Applicant does not state how the outcome of the application will prejudice them. In the main application, the First Applicant outlines the purpose of the Application as follows:

“ The purpose of this application is to obtain urgent interim relief in part A of this application to be able to qualify assure the qualification 50480 and SAQA title of “ Further Education and Training Certificate; Firearm Training, pending the finalisation of PART B to review and set aside a decision of QCTO not to consider PFTC's realigned qualification for 50

480, and to review the decision of the QCTO to delegate the qualification to SASSETA communicated to the applicant on 13 June 2024”

[62] The First Applicant is seeking a declaratory order to affirm that they retain authority over the mandate for qualification 50480 and that this mandate will remain valid until Part B of this application is finalised. The intervening Applicant, on the other hand, seeks to review and set aside the Minister’s decision not to extend the qualification pending finalisation of, alternatively, publication of an alternate realigned qualification and review of the First Respondent’s decision to delegate the assurance function for qualification 50480 to the Second Respondent.

[63] The Applicant presents a completely different case from the relief sought by the First Applicant.

[64] The Respondents argued that the applicant’s case does not depend on the determination of the same issues of law and fact as in the main application. In its replying affidavit, the intervening Applicant refutes the claim that it is pursuing entirely distinct relief. However, it subsequently acknowledges that there is a shared interest in the ongoing litigation. It is not sufficient to merely have a common interest in the controversy, which is indirect.

[65] Consequently, the application for intervention is refused. In the result I make the following order:

1. The Application to intervene is dismissed.
2. The Applicant is to pay the First to Third Respondents’ costs, which shall include the costs of counsel on scale C


FLATELA LULEKA
JUDGE OF THE HIGH
COURT, GAUTENG
DIVISION, PRETORIA

This Judgment was handed down electronically by circulation to the parties and or parties' representatives by email and by being uploaded to CaseLines. The date and time for the hand down is deemed to be 10h00 on 01 August 2025.

Appearances

Counsel for the Intervening Party: Adv Snyman SC

Instructed by: MJ Hood & Associates

Counsel First to Third Respondents: Adv R Tshehlo

Instructed by: Cheadle Thompson & Haysom Inc

Date of the Hearing: 16 October 2024

Date of the Judgement: 01 August 2025