



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

JUDGMENT

Reportable

Case no: 2025-078807

In the matter between:

ECONOMIC FREEDOM FIGHTERS

APPLICANT

and

MINISTER OF FINANCE

1ST RESPONDENT

COMMISSIONER, SOUTH AFRICAN

REVENUE SERVICE

2ND RESPONDENT

SPEAKER OF THE NATIONAL ASSEMBLY

3RD RESPONDENT

CHAIRPERSON OF THE NATIONAL

COUNCIL OF PROVINCES

4TH RESPONDENT

CHAIRPERSON OF THE STANDING COMMITTEE

ON FINANCE AND THE SELECT COMMITTEE ON

FINANCE

5TH RESPONDENT

Neutral citation: *Economic Freedom Fighters v Minister of Finance & Others* (Case no 2025-078807) [2025] ZAWCHC (22 September 2025)

Coram: ERASMUS J, NUKU J, MAYOSI AJ

Heard: 3 June 2025

Delivered: 22 September 2025

Summary: **Order sought suspending the first respondent's decision**

Urgent Part A suspension and interdictory relief sought relating to the first respondent's decision to increase the fuel levy, pending the final determination of review relief sought in Part B – whether extreme urgency justified - the requirements for interim interdictory relief – whether case made out for the suspension relief sought.

ORDER

- 1 The application is dismissed with costs.
- 2 The applicant is to pay the First Respondent's costs.
- 3 Costs to include that of two counsel where so employed, on Scale B.

JUDGMENT

Mayosi AJ:

Introduction and brief background

[1] This application was heard by a Full Court of this Division on 3 June 2025 and the order recorded above was made on the same day, after the hearing of full argument. This judgement contains the reasons for the above order.

[2] The application was brought on an extremely urgent basis against the following background.

[3] On Wednesday 21 May 2025, the first respondent (**the Minister**) delivered his annual budget speech in which he proposed, amongst other fiscal measures, an increase to the general fuel levy. He proposed to increase the petrol levy by 16 cents per litre, and diesel by 15 cents per litre. The increased fuel levy was to take effect exactly two weeks later, on 4 June 2025.

[4] Five days later, at 18h29 on Monday 26 May 2025, the Treasurer General of the applicant (**the EFF**), who is also a member of Parliament's Standing Committee on Finance, addressed email correspondence to the Minister, with regards to the fuel levy increase. The email was sent from the EFF Chief Whip's address, and it had attached to it a letter of demand from the EFF's Treasurer General.

[5] At 19h09 on the same day, the EFF's Chief Whip addressed a further email to the Minister, requesting him to disregard the letter sent earlier, on the

grounds that it contained a date error. An updated and corrected letter from the EFF's Treasurer General was attached to this email.

[6] Later on - on that same evening - at 21h00, the EFF's Chief Whip addressed yet another email to the Minister, requesting him to further disregard the letter sent to him earlier. The latter withdrawal was made for the reason that the earlier letter(s) contained a "*technical and computational material error*". A third iteration of the letter of demand to the Minister was attached to the 21h00 email, which appears to form the basis of the EFF's complaints regarding the fuel levy increase.

[7] This final letter of demand addressed to the Minister on 26 May 2025, after hours (as was the case with the previously retracted letters, for that matter) requested him to withdraw, and not give effect to, the proposed fuel levy increase, based on what the EFF characterised as economic, legal and political arguments that it set out in the letter of demand. The Minister was given 48 hours to provide a written response to this letter.

[8] The Minister's office acknowledged receipt of this letter at 09h46 on Tuesday 27 May 2025.

[9] The unissued papers in this urgent application were emailed to the various parties on Wednesday 28 May 2025, at 10.28pm. This of course did not signal the start of the litigation, as unissued papers have no legal standing unless, as can happen in some instances, there is some kind of agreement between the parties, which there was none in this case.

[10] The issued papers were sent via email on the morning of Thursday 29 May 2025, some four calendar days before the fuel levy was to come into effect – two court days before the hearing on 3 June. The Minister - the only respondent opposing the application - received the papers at 13h10 on the 29th. He was given until 17h00 on the next day, Friday 30 May 2025 within which to file both his notice of intention to oppose and his answering affidavit so that, on this timeline imposed by the EFF, the latter could deliver its replying affidavit by 17h00 on Saturday 31 May 2025. The Minister was therefore given one court day within which to, in essence, consider the founding papers, form a view regarding the merits of the case, procure counsel, consult and take advice, have an answering affidavit drafted and set aside the time to consider its contents and file same, if he intended to oppose the application.

[11] As was the Judge President of this Division for that matter, in the sense that she too had one court day - Friday, 30 May 2025 - to urgently constitute a Full Court, which she did and which, with the judicial resources at her disposal, comprised of at least one judge who had to postpone a running criminal matter scheduled for hearing on 3 June 2025 in order to accommodate the EFF's extremely urgent set down date. Furthermore, these judges had to reserve themselves over that week-end, constantly on the look-out for papers which never came as per the EFF's set deadlines, in order to place themselves in a state of readiness to deal with the EFF's application come 3 June 2025. The wait was in vain, as nothing happened and no papers were filed in accordance with these deadlines.

[12] As it turned out, and unsurprisingly, the Minister was unable to comply with the applicant's timelines as he was overseas on official business. To

further demonstrate the EFF's haphazard approach to this litigation, there was no provision made in its notice of motion for when the parties' respective heads of argument were to be delivered, on such a tight schedule.

[13] The only timeline that was met was the delivery of the Minister's notice of intention to oppose the application. This was delivered on his behalf on 30 May 2025, as per the EFF's programme. The third, fourth and fifth respondents filed notices to abide on Monday, 2 June 2025. And so it was that the *lis* was really between the EFF and the Minister.

[14] The Minister's extensive 75 page (with annexures) answering affidavit was delivered on 2 June 2025. The EFF's replying affidavit was delivered on 3 June 2025, on the morning of the hearing, as were the parties' respective heads of argument. By the time the judges convened to hear the matter on 3 June, some had not received the heads of argument or the replying affidavit, either physically or on case lines. Life nevertheless went on, as the saying goes.

[15] I set out this timeline because at the hearing of the matter on 3 June 2025, the Court questioned the extreme urgency with which this application was brought by the EFF.

[16] I accept that the issues raised in this application had to be addressed on an urgent basis. The issue I have with the EFF's approach relates to the question of when the urgency arose. It did not arise on 26 May at 21h00, nor did it arise 48 hours later on 28 May. It arose on 21 May 2025, as soon as the Minister made his announcement.

[17] There are degrees of urgency as we well know, and in my view, the urgency of this matter was apparent, or ought reasonably to have been apparent to the EFF on 21 May 2025 after the Minister made his announcement, given that the increased fuel levy was to come into operation a mere two weeks later, on 4 June 2025. In litigation terms, a period of two weeks is already so truncated as to induce immediate action. In its replying affidavit, the EFF's deponent asserts that after the Minister's announcement on 21 May 2025, the EFF immediately identified the constitutional crisis attendant upon his announcement. One wonders why, if the constitutional crisis was identified immediately after the announcement, the EFF did not act with the concomitant immediacy that the circumstances required. It addressed its letter of demand to the Minister five days after the announcement, having bungled two previous attempts at a letter of demand that was clearly meant to set up this application. It then delivered the issued papers in this application a whole eight days after the Minister's announcement and two court days before the hearing, and gave any respondents who wished to oppose it effectively one court day within which to deliver their papers. These time frames were unreasonable in the extreme.

[18] To reiterate, the urgency of this application occurred on 21 May 2025 as soon as the announcement was made. The laxity with which the EFF acted thereafter is unexplained given the circumstances. In my view, the extreme urgency with which the EFF brought this application was entirely self-created and unwarranted, and the inconvenience to the Court, and unfairness and potential prejudice to the participating party and other litigants in this Division is patent. The fact that the Minister managed to file papers and heads of

argument, albeit outside of the deadlines set by the EFF, does not remove the inherent unfairness to him caused by the EFF's unexplained conduct in bringing this application on the extremely urgent basis that it did.

[19] This is not the first time that this litigant has approached this Court in this manner. Although the facts of those cases were not the same as here, the manner in which the EFF approached the previous Full Courts of this Division in those cases is materially similar. The nature of the relief sought from those Full Courts is similar to that which is sought presently, also on an extremely urgent basis. I am referring to the cases of **EFF v & Others v The Chairperson of the Powers & Privileges Committee N.O. & Others¹** (EFF1) and **EFF & Others v The Chairperson of the Powers & Privileges Committee & Others²** (EFF2), both heard by Full Courts of this Division within a week of one another.

[20] As in the present case, in those cases too unreasonable timeframes were unilaterally imposed by the EFF on the respondents involved; the cases were brought on extreme urgency; in one of them (as in the present matter) one of the judges had to be removed from a matter with which he was seized in order to constitute the Full Court for the purposes of expediting the EFF's application. And in those cases, as in the present matter for the reasons more fully set out below, the EFF's applications were fundamentally defective.

[21] The EFF's conduct was frowned upon in both cases. In EFF1, our brother Erasmus, leading the Full Court,³ emphasised the need for an applicant

¹ [2024] ZAWCHC 16 (30 January 2024)

² [2024] ZAWCHC 31 (8 February 2024)

³ Thulare J dissented.

who applies for a date for a matter that they foresee will be opposed to ensure that the timelines they set are not only reasonable in the particular circumstances but that the matter will be ripe for hearing on the date so chosen.⁴ The timeframes in this matter were not reasonable. That application was struck from the roll with costs ordered against the EFF.

[22] In EFF2, which came to be heard by another Full Court virtually a week later, after the EFF re-enrolled EFF1 for hearing, Sher J writing for the Full Court (which was comprised of judges that were on duty in the motion and urgent Court in that week) expressed his general disapproval of the EFF's conduct in failing to act with the urgency that the circumstances called for in order for the matter to be heard for a second time, and its laxity in that regard.⁵ This feature appears in the present matter. The EFF attracted a punitive costs order for its conduct in that matter.⁶ It is hard to resist the conclusion that this manner of litigating, with the prejudices and unfairness inherent in it both for the opponents involved and other litigants in the Division, and the judges hearing those matters, has become a pattern for the EFF.

[23] As things turned out, and notwithstanding the defects inherent in the application before us, the exigencies of the situation demanded that this Full Court nevertheless deal with the application, self-created extreme urgency aside, as was the case in EFF2. Whilst the self-created extreme urgency ought properly to have warranted that the application be struck from the roll, however, given the importance of the issues involved and the need to do justice to the parties, and the fact that striking the matter from the roll would

⁴ EFF1, para [19]

⁵ Para [20]

⁶ Para [42]

not provide a solution to the immediate dispute relating to the fuel levy, the implementation of which was imminent,⁷ the Court decided to proceed to consider the merits of the matter.

The interim interdictory relief sought by the EFF

[24] The essence of what we are faced with here is an application for interim relief. The EFF seeks the suspension of the Minister's decision to increase the fuel levy. It also seeks an interdict preventing the Minister from giving effect to his decision. Both orders are sought pending the finalisation of the relief sought in Part B of the present application.

[25] This, of necessity given the dictum in **Economic Freedom Fighters v Gordhan and Others; Public Protector and Another v Gordhan and Others**⁸ (EFF3), takes us to a consideration of the review relief sought by the EFF in Part B of its application, and the grounds for that review relief.

[26] Herein lies the first fatal flaw in the EFF's application. In this regard, it faces an insurmountable EFF3 problem, in relation to which, I daresay, this particular applicant ought to have known better.

[27] In EFF3, the Constitutional Court held as follows:

[42] In addition, before a court may grant an interim interdict, it must be satisfied that the applicant for an interdict has good prospects of success in the main review. The claim for review must be based on strong grounds

⁷ At midnight on 4 June 2025

⁸ 2020 (6) SA 325 (CC), para [42]

which are likely to succeed. This requires the court adjudicating the interdict application to peek into the grounds of review raised in the main review application and assess their strength. It is only if a court is convinced that the review is likely to succeed that it may appropriately grant the interdict. The rationale is that an interdict which prevents a functionary from exercising public power conferred on it impacts on the separation of powers and should therefore only be granted in exceptional circumstances.

[28] The founding affidavit contains no review grounds at all. This Court, which is adjudicating the interim interdictory relief sought, is therefore unable to peek into the review grounds, as none are advanced whatsoever in the founding affidavit. This Court is, in the circumstances, unable to assess the strength of the review grounds for the purposes of determining whether or not to grant the interim interdictory relief sought. Given that the EFF was the applicant in the seminal EFF3, this is why I say that this particular applicant ought to have known better than bring an application for interim interdictory relief pending a review, that is completely devoid of any review grounds.

[29] In fact, to confirm the absence of any review grounds advanced by the EFF, in paragraph 12 of the founding affidavit, its deponent boldly states that: *“At this stage, the EFF is in no position to definitively set out to this Court what the nature of our Part B would be because to date, the Minister has not responded to the EFF letter.”* The only interpretation that can be given to this statement is that the EFF, at the time of drafting the founding affidavit, had not as yet formulated its review grounds. This is indeed borne out by the contents of the remainder of the founding affidavit.

[30] This is fatal to the EFF's application. More time was spent on this issue during argument than ought to have been the case, because Mr Ka-Siboto for the EFF could not find his client's way out of this conundrum.

[31] The second fatal flaw to the EFF's application for interim interdictory relief arises after the application of the now trite *Setlogelo*⁹ test. It is trite that for interdictory relief, the EFF was required to show: 1) that it has a *prima facie* right, albeit open to some doubt, which; 2) if not protected by an interdict would suffer irreparable harm; 3) the balance of convenience favours the granting of the interdict it seeks; and 4) it has no other reasonable, satisfactory alternative remedy. No such case has been made out by the EFF.

[32] If no *prima facie* right is established, even one open to some doubt, the interim interdictory relief sought is stillborn for this reason alone, and we see no reason for this Court to delve into the remaining requirements for such interim interdictory relief, and so we do not do so. Suffice to say that if there is no *prima facie* right established, there can be no right which, if not protected by an interim interdict, will suffer irreparable harm. In our view, the remaining considerations fall away for consideration.

[33] In its attempts make the case for a *prima facie* right, the EFF rightfully asserts that this Court must consider its prospects of success in Part B, and that the more possibilities of its success therein the more this Court should be inclined to grant the relief it seeks. We have already stated that there is no Part B review relief properly foregrounded in the founding affidavit at all (and this is conceded by the EFF), and so this Court is incapable of assessing the

⁹ *Setlogelo v Setlogelo* 1914 AD 221 at 227

strength or weakness (i.e.; the prospects of success) of any review grounds when none have been placed before it. The EFF's own statement in the founding affidavit that the more possibilities of its success in its Part B review relief, the more this Court should be inclined to grant the application is itself dispositive of the interim interdictory relief sought, as far the establishment of a *prima facie* right is concerned, given that it has advanced no review grounds in the founding affidavit to enable an assessment of its prospects of success in the review.

The suspension relief sought by the EFF

[34] The EFF's further assertions regarding its *prima facie* right to the relief that it seeks relate to its assertion that the Minister's decision is contaminated primarily by an *ultra vires* exercise of power. This argument, which is the foundational legal argument of this application in particular in relation to the suspension relief sought, is that by his announcement to increase the fuel levy, the Minister imposed a tax in terms of section 77(3) of the Constitution. The argument goes that this means that the Minister must introduce a Money Bill which imposes a tax and/or a levy as characterised in section 77(1) and (2) of the Constitution. The EFF argues that this would then trigger a section 75 parliamentary process before the Money Bill can take legal effect, which the Minister has not undertaken, and which can practically not be undertaken before the Minister's announcement takes effect on 4 June 2025.

[35] I state upfront that given the fact that the suspension relief too is sought in the interim pending Part B, the flaws inherent in the interdictory relief that are set out above, in addition to what is stated below, also permeate the suspension relief sought.

[36] According to its founding affidavit, the EFF contends that the fact that the Minister took the decision that he did on 21 May 2025 does not in itself render his decision unlawful. This is not an insignificant concession made by the EFF, under oath in its founding affidavit, for it confirms that, on its own version, it does not view the Minister's decision as unlawful.

[37] The EFF says that what it takes issue with is the Minister's failure to engage what the EFF describes as the mandatory parliamentary process to give effect to his decision, i.e., the process set out in section 75 of the Constitution that regulates ordinary bills not affecting provinces.

[38] This is the third fatal flaw in the EFF's application.

[39] With the EFF having conceded that the Minister's decision is not unlawful but nevertheless having stated that its problem is the mechanism for implementing it, it falls on this Court to then have regard to that mechanism. It bears mentioning that the statutory mechanism for increasing the fuel levy was known to the EFF before the institution of these proceedings, and its legality is not challenged herein.

[40] According to the Minister, the fuel levy adjustment is not a Money Bill, and accordingly section 77 of the Constitution does not apply. He contends that his decision and power to adjust the fuel levy was based on his legislated power in terms of section 48 of the Customs and Excise Act 91 of 1964 (**the Act**). The Minister contends that the statutory mechanism for adjusting the fuel levy is provided by the Act, rather than section 77 of the Constitution.

[41] This argument carries convincing weight when regard is had to the relevant provisions of the Act. The fuel levy is defined therein to mean “*any duty leviable under Part 5 of Schedule 1 on any goods which have been manufactured in or imported into the Republic.*” The fuel levy increase was levied under Part 5A of Schedule 1 of the Act.

[42] Section 48 of the Act regulates amendments to Schedule 1 of the Act. We now know that pursuant to his announcement on 21 May 2025 regarding the increase in the fuel levy, on 1 June 2025 the Minister approved the amendment of Part 5A of Schedule 1 and Part 3 of Schedule 6 of the Act, and signed the requisite Notices to be published in the Government Gazette, thus giving effect - with the amendment of Part 5A of Schedule 1 - to the fuel levy increase. The preamble to the Notice giving effect to the fuel levy increase reads thus:

In terms of section 48 of the Customs and Excise Act, 1964, Part 5A of Schedule 1 to the said Act is hereby amended, with effect from 4 June 2025 to the extent set out in the Schedule hereto.

[43] From a reading of section 48, together with the Government Gazette Notice attached to it, it seems evident to me that the Minister was empowered to increase the fuel levy by amending Part 5A of Schedule 1, by the provisions of section 48(2) of the Act which stipulate that:

The Minister may from time to time by like notice amend or withdraw or, if so withdrawn, insert Part 2, Part 4 or Part 5 of Schedule 1, whenever he deems it expedient in the public interest to do so: Provided that the Minister may, whenever he deems it expedient in the public interest to do so, reduce

any duty specified in the said Parts with retrospective effect from such date and to such extent as may be determined by him in such notice.

[44] We are told by the Minister that this is not the first time that the general fuel levy has been increased. It has occurred repeatedly, including seven times over the past ten years whilst the EFF has held seats in Parliament. At no point during that period did the EFF object to the statutory mechanism through which such increases are implemented, nor has it taken steps to challenge the legal framework of which it was, and remains, aware.

[45] The EFF did not dispute these assertions in its replying affidavit. As stated previously, it does not challenge this applicable statutory framework, of which it appears to have been aware all this time, in this litigation.

[46] The fact that the EFF was aware of the statutory mechanism empowering the Minister to impose and implement the fuel levy increase is apparent from the contents of paragraph 32.2 of the letter of demand sent to the Minister belatedly on 26 May 2025, where the EFF demanded, in terms, that the Minister refrain from issuing any Gazette or regulatory notice under the Customs and Excise Act for the purpose of implementing the increase in the fuel levy.

[47] In my view therefore, this is clearly not a section 77 Money Bills matter. The increased fuel levy was not introduced by a Bill, and there is no legal requirement that it must be subjected to the parliamentary process envisaged in section 75 of the Constitution. In this regard, the basic premise of the EFF's application is fatally defective.

[48] In **Nu Africa**,¹⁰ the Constitutional Court confirmed that section 48 is a valid form of subordinate fiscal law-making, subject to legislative oversight through the mechanism provided for in section 48(6) of the Act, which stipulates that any amendment, withdrawal or insertion made under section 48 in any calendar year shall, unless Parliament otherwise provides, lapse on the last day of the next calendar year, but without detracting from the validity of such amendment, withdrawal or insertion before it has so lapsed.

[49] In his judgment in **Nu Africa**, Mathopo J held as follows regarding this legislative scheme:

[99] I agree with the Commissioner that these amendments to the Schedules are necessary for smooth fiscal law-making and to enable the Executive to act speedily and effectively in capping mischief or abuse. Parliament's involvement under 48(6) of the Customs Act is necessary to make the measures long-term or permanent. In sum, the legislative delegation for the Minister to amend the Schedules is not constitutionally impermissible. The following factors are key this conclusion:

- (a) Section 75(15)(a)(i)(bb) of the Customs Act provides that the Minister may amend Schedules 3, 4, 5 and 6 amongst other reasons "whenever he deems it *expedient in the public interest to do so*" (Emphasis added.)
- (b) Amendments made to the Schedules (Customs Act and VAT Act) are subject to parliamentary oversight in terms of section 48(6). If

¹⁰ *Nu Africa Duty Free Shops (Pty) Ltd v Minister of Finance and Others* 2024 (1) SA 567 (CC)

Parliament does not intervene then there is an automatic lapsing of the amendment to the Schedules and, as a consequence, the lifespan of the amendments is limited.

- (c) In practical terms, if Parliament does not approve the amendment of a particular Schedule that amendment will be withdrawn. This clearly shows that the power of the Minister is subject to parliamentary scrutiny and control.

[100] The Executive is in a much better position than Parliament to appreciate the day- to-day needs and demands of administering the matters contained within the Schedules to the Customs and the VAT Act. Parliament's delegation promotes co- operative governance and actually enhances efficient governance, both of which are constitutional imperatives. Parliament made the conscious choice that the prevailing circumstances dictated that the law-making work in the form of amending the Schedules be best left to the expertise and proximity of the Executive. In the circumstances, I see nothing constitutionally impermissible with that. This is especially so since Parliament retains sufficient oversight.

[101] It is against this backdrop that I hold that Parliament's delegation in respect of the Customs Act and the VAT Act is constitutionally permissible. I say this based on the cumulative effect of the following considerations:

- (a) The Schedules run to hundreds of pages and contain enormous amount of detail which could permissibly have been left from the outset to the Minister to be determined by regulation.¹¹
- (b) The Schedules by their nature contain detail, which is likely to require frequent amendment. From time to time the classification details of the Harmonised System, on which all customs

¹¹ As published on the SARS website, the current Schedules 1 to 8 run to some 1475 pages. The agreements and protocols published as part of Schedule 10, and which the Minister may amend in terms of section 49(5)(d), run to nearly 3000 pages.

classification globally (including the Schedules) is based, are amended by the World Customs Organization in Brussels. South Africa must then bring the Schedules promptly into line. Additionally, the government may wish promptly to alter rates for reasons of industrial or economic policy.

(c) In some cases, retroactive national legislation, preceded by a budget or other public announcement, is sufficient for amendments to tax legislation. Rates of customs and excise duties and VAT are different, because the taxes are collected at the time of the relevant transactions, so it is not practicable to adjust them retroactively. Imported and excise goods are held in customs and excise warehouses until the relevant duties and VAT are paid. Retroactive national legislation would thus not suffice. It follows that the public have to know, in real time, what the rates and exemptions are.

(d) The Ministerial amendments apply for a limited period, after which, if they are to be continued, they must be adopted by Parliament pursuant to section 48(6).

[50] To the extent that the EFF's complaint is that the Minister has failed to engage the mandatory parliamentary process to give effect to his decision, that process is not what is set out in section 75 of the Constitution. Within the statutory scheme empowering the Minister to increase the fuel levy, the involvement of Parliament appears to be provided for by the provisions of section 48(6) of the Act, in that the delegation given to the Minister under section 48 is not an open-ended one. It is time-bound and structured, and section 48(6) ensures parliamentary control, so that any amendment to the Schedule lapses unless Parliament enacts a law to confirm or substitute it.

[51] The EFF in reply does not engage meaningfully with the Minister's answer to its challenge. Save to complain that section 48(6) dates back to the pre-constitutional era, it does not seek to challenge its constitutionality or for that matter, the constitutionality of the other relevant aspects of that framework. Given what the Constitutional Court held in *Nu Africa* in relation to similar provisions in the Act and the parliamentary safe guards provided by section 48(6) within that statutory framework, this Court finds no merit to the EFF's complaints.

[52] No legal basis has been established for the suspension relief that the EFF seeks.

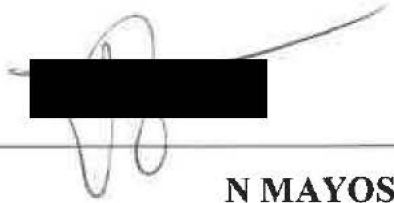
Conclusion

[53] For all the reasons set out above, the Full Court found that the application lacked merit, and the following order was made on 3 June 2025:

[53.1] The application is dismissed with costs.

[53.2] The applicant is to pay the First Respondent's costs.

[53.3] Costs to include that of two counsel where so employed, on Scale B.



N MAYOSI
ACTING JUDGE OF THE HIGH COURT

I agree, and it was so ordered.


N T ERASMUS
JUDGE OF THE HIGH COURT

I agree.


L NUKU
JUDGE OF THE HIGH COURT

Appearances

For applicant: Msondezo Ka-Siboto

Tongayi Masvikwa

Instructed by: England Slabbert Attorneys Inc.

For first respondent: Kameel Prehmid

Mpendulo Mfeka

Instructed by: The State Attorney, Cape Town