REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

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

[redacted]

30 March 2026 ____________________________

DATE SIGNATURE

CASE NUMBER: 2024-070316

In the matter between:

RYNARD PIENAAR **APPLICANT**

And

ENGINEERING COUNCIL OF SOUTH AFRICA **FIRST RESPONDENT**

THE CHAIRPERSON OF THE INVESTIGATING COMMITTEE OF THE ENGINEERING COUNCIL OF SOUTH AFRICA **SECOND RESPONDENT**

THE CHAIRPERSON OF THE DISCIPLINARY TRIBUNAL OF THE ENGINEERING COUNCIL OF SOUTH AFRICA **THIRD RESPONDENT**

LEAVE TO APPEAL JUDGMENT

WINDELL J:

Introduction

[1] This is an application for leave to appeal against the whole of the judgment and order of this Court dated 17 February 2026.

[2] The test in section 17(1) of the Superior Courts Act 10 of 2013 requires the applicant to demonstrate either that the appeal would have reasonable prospects of success or that there exists some other compelling reason why the appeal should be heard.

[3] The dispute between the parties turned on whether the term "investigation" in section 20(3) of the Engineering Profession Act 46 of 2000 ("the Act"), is confined to the preliminary investigative phase or extends to the entire disciplinary process. That interpretive question was central and dispositive of the outcome. The conclusion reached did not involve any impermissible reading-in of words into the section, but rather a proper interpretation of the provision within its textual, contextual and purposive setting.

[4] The grounds upon which the self-review was granted were, in substance, not in issue. In light of the conclusion reached on section 20(3), it was not necessary to determine the proper interpretation or effect of section 39(3) of the Act.

[5] In the present matter, I am satisfied that there exists a compelling reason why the appeal should be heard. The application raises important and discrete questions of statutory interpretation concerning the proper meaning and scope of section 20(3) of the Act, as well as the extent of the disciplinary jurisdiction of a statutory regulator over former registrants. [1]

[6] These issues are not confined to the facts of this case. They bear directly on the limits of public power exercised by statutory bodies, the proper application of established principles of statutory interpretation, and the interface between administrative law and regulatory discipline. They are of general importance and warrant consideration by an appellate court.

[7] In addition, the matter raises questions concerning the requirements for legality self-review by an organ of state and the lawful sequencing of disciplinary proceedings under the Act. These issues further underscore the need for authoritative appellate guidance.

[8] In these circumstances, leave to appeal ought to be granted on the basis of compelling reasons as contemplated in section 17(1)(a)(ii) of the Superior Courts Act. The appeal is directed to the Supreme Court of Appeal, as the issues raised are of general importance and require authoritative determination.

[9] In the result the following order is made:

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[1] See *Body Corporate of Marine Sands v Extra Dimensions 121 (Pty) Ltd and Another* 2020 (2) SA 61 (SCA) and *Liberty Group Ltd v Moosa* 2023 (5) SA 126 (SCA).

1. Leave to appeal is granted to the Supreme Court of Appeal.

2. Costs of the application for leave to appeal are costs in the appeal.

[redacted]

L. WINDELL

JUDGE OF THE HIGH COURT

GAUTENG LOCAL DIVISION, JOHANNESBURG

Delivered: This judgement was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 30 March 2026.

APPEARANCES

For the Applicant:	L Seegels-Ncube and KK Gwaza
Instructed by:	Eversheds Sutherland (South Africa) Inc.
For the Respondent:	B Lekokotla
Instructed by:	Malatji & Co Attorneys
Date of hearing:	30 March 2026
Date of judgment:	30 March 2026