IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CC Case No.: CCT _____ / 2026

GP Case No.: 2024-148142

In the matter between:

SAKELIGA NPC	**Appellant**
	Applicant *a quo*
and	
PROPERTY PRACTITIONERS' REGULATORY AUTHORITY	**First Respondent**
	First Respondent *a quo*
MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION	**Second Respondent**
	Second Respondent *a quo*
MINISTER OF TRADE, INDUSTRY AND COMPETITION	**Third Respondent**
	Third Respondent *a quo*
NATIONAL PROPERTY FORUM	**Fourth Respondent**
	Fourth Respondent *a quo*

SOUTH ... PRIVATE ...
2026 -09- 29
... APPEAL
REGISTRAR/CLERK
GRIFFIER VAN DIE HOF VAN SUID-AFRIKA, GAUTENG AFDELING, PRETORIA

NOTICE OF APPEAL

TAKE NOTICE that, in terms of section 172(2)(d) of the Constitution of the Republic of South Africa, 1996, read with section 15(1)(b) of the Superior Courts Act 10 of 2013 and rule 16(2) of this Court's Rules, the appellant hereby notes an appeal to this Court against paragraph 2 of the judgment and order granted by the Gauteng Division of the High Court, Pretoria, per Her Ladyship Madam Justice Van der Schyff, in case number 2024-148142 on 8 September 2026.

TAKE NOTICE FURTHER that a copy of the order granted by the Gauteng Division of the High Court, Pretoria, in case number 2024-148142 on 8 September 2026 is annexed hereto, marked "**A**".

TAKE NOTICE FURTHER that the appellant seeks an order on appeal in the following terms:

1. The appeal by the appellant is upheld with costs, including the costs of two counsel where so employed.

2. Paragraph 2 of the order granted by the Gauteng Division of the High Court, Pretoria, in case number 2024-148142 on 8 September 2026 is set aside and substituted with the following order:

   "Paragraphs (a)(iv), (b) and (c) of the definition of "property practitioner" in section 1 of the Property Practitioners Act 22 of 2019 (the Act) are declared inconsistent with the Constitution and invalid."

DATED at PRETORIA on this the 28 day of SEPTEMBER 2026.



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TO: **THE REGISTRAR OF THE CONSTITUTIONAL COURT**
BRAAMFONTEIN

AND TO: **CHITHA INCORPORATED ATTORNEYS**
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REF: Chitha/PPRA005/25

CHITHA T. ATTORNEYS INC.
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Date 29/09/26
Received Lungile

AND TO: **STATE ATTORNEY: PRETORIA** *
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STATE ATTORNEY
RECEPTION
2026 -09- 29
PRIVATE BAG/PRIVAATSAK X91
PRETORIA 0001 (3)
STAATSPROKUREUR

AND TO: **STATE ATTORNEY: PRETORIA**

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ENQ: MS PG PILLAY



AND TO: **KGOBOKOE & COMPANY INC**

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REF: R KGOBOKOE/HP/LITCON001

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 148142/2024

PRETORIA 8 SEPTEMBER 2026

BEFORE THE HONOURABLE JUSTICE VAN DER SCHYFF

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA
2026 -09- 11

In the matter between:

SAKELIGA NPC	APPLICANT
AND	
PROPERTY PRACTITIONERS REGULATORY AUTHORITY	1ST RESPONDENT
MINISTER OF HUMAN SETTLEMENTS WATER AND SANITATION	2ND RESPONDENT
MINISTER OF TRADE, INDUSTRY AND COMPETITION	3RD RESPONDENT
NATIONAL PROPERTY FORUM NPO	4TH RESPONDENT

HAVING HEARD counsel(s) for the parties and having read the documents filed the court reserved its judgment.

THEREAFTER ON THIS DAY THE COURT ORDERS

JUDGMENT

1. The late filing of the fourth respondent's answering affidavit is condoned.

2. Paragraph (b) of the definition of "property practitioner" in s 1 of the Property Practitioners Act 22 of 2019 (the Act) is declared inconsistent with the Constitution and invalid to the extent that it includes –

   (a) a natural person who sells, markets, promotes or advertises a part, unit or section of, or rights or shares in, a property or property development where the part, unit, section, right or share belongs to him or her in his or her personal capacity, where that person does not do so in the course of property development or a business involving the sale, marketing, advertising or promotion of such interests, and who would not otherwise be a property practitioner as defined in the Act;

(b) a person whose involvement goes no further than carrying, hosting, publishing or disseminating an advertisement placed by another person in respect of a part, unit or section of, or rights or shares in, a property or property development, and who does not otherwise participate in the sale, marketing, promotion or advertising of that property interest;

(c) a person who sells, markets, promotes or advertises a part, unit or section of, or rights or shares in, a property or property development otherwise than in the ordinary course of business, and who would not otherwise be a property practitioner as defined in the Act.

3. The declaration of invalidity in paragraph 2 is suspended for 24 months from the date of confirmation by the Constitutional Court, to enable Parliament to correct the defect.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA
2026 -09- 11
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

4. During the period of suspension, paragraph (b) of the definition of "property practitioner" in s 1 of the Property Practitioners Act 22 of 2019 is to be read as though the following words appeared at the end thereof:

"but does not include –

(i) a natural person who sells, markets, promotes or advertises a part, unit or section of, or rights or shares in, a property or property development where that part, unit, section, right or share belongs to him or her in his or her personal capacity, where that person does not do so in the course of property development or a business involving the sale, marketing, advertising or promotion of such interests, and who would not otherwise be a property practitioner as defined in the Act; or

(ii) a person whose involvement goes no further than carrying, hosting, publishing or disseminating an advertisement placed by another person in respect of a part, unit or section of, or rights or shares in, a property or property development, and who does not otherwise participate in the sale, marketing, promotion or advertising of that property interest; or

(iii) a person who sells, markets, promotes or advertises a part, unit or section of, or rights or shares in, a property or property development otherwise than in the ordinary course of business, and who would not otherwise be a property practitioner as defined in the Act."

If Parliament does not correct the constitutional defect within the period referred to in paragraph 3, the reading-in in this paragraph shall continue to operate until legislation correcting the defects comes into force.

5. Section 50(a)(x) of the Property Practitioners Act 22 of 2019 is declared inconsistent with the Constitution and invalid.

6. The declaration of invalidity in paragraph 5 operates prospectively from the date of confirmation by the Constitutional Court and does not affect the validity of any Fidelity Fund certificate issued before that date.

7. The declarations of invalidity in paragraphs 2 and 5 are referred to the Constitutional Court for confirmation in terms of s 172(2)(a) of the Constitution.

8. Pending the decision of the Constitutional Court, and in terms of s 172(2)(b) of the Constitution:

   (a) paragraph (b) of the definition of "property practitioner" is to be read as set out in paragraph 4 above; and

   (b) the first respondent may not refuse to issue a Fidelity Fund certificate solely by reason of s 50(a)(x) of the Property Practitioners Act 22 of 2019.

9. Save as set out above, the application is dismissed.

10. The first respondent is ordered to pay the applicant's costs, including the costs of two counsel where so employed, on scale C, save for the costs to be paid by the fourth respondent as determined below.

11. The fourth respondent is ordered to pay the costs occasioned by the late delivery of its answering affidavit, including the costs of the applicant's further replying affidavit, on scale C.

12. The Registrar of this Court is directed to comply with Constitutional Court Rule 16 by lodging a copy of the order and judgment with the Registrar of the Constitutional Court within 15 days of this order.

THIS ORDER OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

2026 -09- 11

GD-PRETORIA-023

BY THE COURT

REGISTRAR
AT

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Attorney: KRIEK WASSENAAR & VENTER INC.