"X" 05/08/2025

THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NUMBER: 2024-130028

On this the 5th of August 2025
Before the Honourable KHUMALO J
Roll number: 13

In the matter between:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA
Private Bag X67, Pretoria 0001
2025 -08- 13
GD-PRETORIA-023
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

SAKELIGA NPC	**APPLICANT**
AND	
AIR SERVICE LICENCING COUNCIL	**FIRST RESPONDENT**
LEROY MUSA NSIBANDE NO	**SECOND RESPONDENT**
MINISTER OF TRANSPORT	**THIRD RESPONDENT**
DIRECTOR GENERAL: THE DEPARTMENT OF TRANSPORT	**FOURTH RESPONDENT**
SOUTH AFRICAN CIVIL AVIATION AUTHORITY	**FIFTH RESPONDENT**

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be **5 August 2025.**

DRAFT ORDER

HAVING heard counsel for the applicant, having read the papers filed and having considered the matter, it is ordered that:

1. The decision of the first respondent to include as a requirement in adjudicating applications for licences in terms of the Air Services Licensing Act, No 115 of 1990, ("the Act"), the criteria set out in section 10(1) of the Broad-Based Black Economic Empowerment Act 53 of 2003 ("the B-BBEE Act") is set aside and declared unlawful.

2. The conduct of the first respondent in including as a requirement in adjudicating applications for licences in terms of the Act, the criteria set out in section 10(1) of the B-BBEE Act is declared unlawful.

3. The policy and practice of the first respondent in including as a requirement in applications for licences in terms of the Act, the criteria set out in section 10(1) of the B-BBEE Act is declared unlawful.

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4. The conduct of the first respondent in including race-based requirements extraneous to the Act and regulations under the Act in adjudicating applications for licences in terms of the Act is declared unlawful.

5. The prohibition imposed by the first respondent on license applicants and attendees from:

   5.1 accessing personal electronic devices during public hearings and licencing meetings; and

   5.2 making recordings of any proceedings before or interactions with the first respondent and its staff,

   is hereby declared unlawful.

6. The party and party costs of these proceedings shall be paid by the first respondent on a Scale C.

BY ORDER

REGISTRAR OF THE HIGH COURT

For the applicant:
N Fourie
Cell: 072 519 4436
E-mail: natasha@chambersa.co.za

Instructed by Mr R Eloff
Cell: 072 412 4757
E-mail: rohann@kriekprok.co.za

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