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THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO: 2025-177321

Before the Honourable Justice Bam J
On 5 June 2026

In the matter between:

SAKELIGA NPC

Applicant

and

INTERNATIONAL AIR SERVICES COUNCIL

First Respondent

**CHAIRPERSON OF THE INTERNATIONAL
AIR SERVICES COUNCIL: DERICK BLOCK N.O.**

Second Respondent

MINISTER OF TRANSPORT

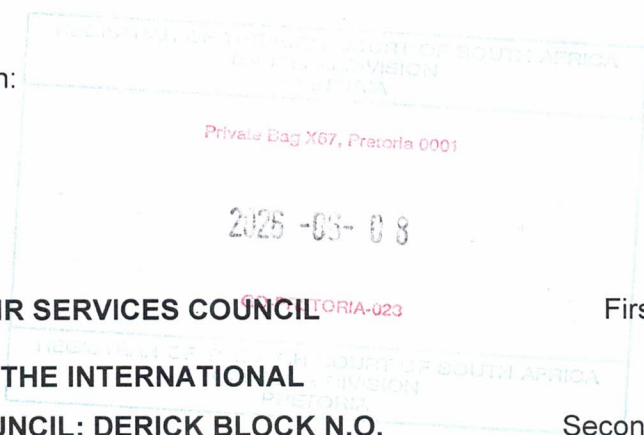
Third Respondent

**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 June 2026**.*

DRAFT ORDER

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

1. That the decision of the first respondent to include as a requirement in adjudicating applications for licences in terms of the International Air Services Act, No 60 of 1993, ("the Act"), the criteria set out in section 10(1) of the B-BBEE

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Act or any such criteria extraneous to the Act, is reviewed and set aside and declared unlawful.

- 2. That 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 or any such criteria extraneous to the Act, is declared unlawful.
- 3. That 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 or any such criteria extraneous to the Act, is declared unlawful.
- 4. That 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. That in terms of section 7(2)(c) of Promotion of Administrative Justice Act 3 of 2000 ("PAJA"), the applicant is exempted from exhausting the internal appeal process contemplated in section 37 of the Act.

6. That the party and party costs of these proceedings are borne by the first respondent. Costs to include the costs of two counsel (where so employed) on scale C.

Private Bag X67, Pretoria 001

2025-05-08

GD-PRETORIA-023

BY ORDER
REGISTRAR

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Parc Nouveau Advocates' Chambers

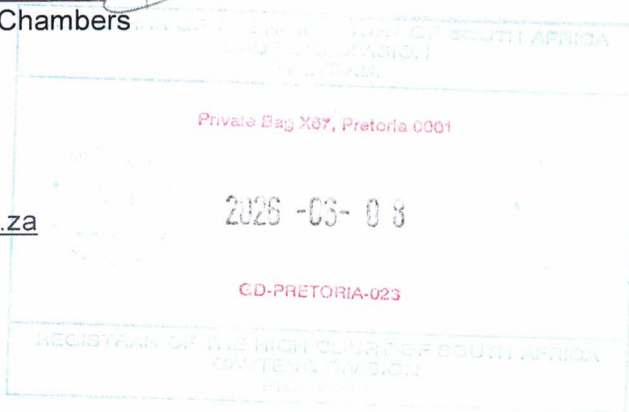
Instructed by:

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