



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 23 July 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Mkhonto and Others v Bushbuckridge Local Municipality and Others (218/2024) [ZASCA] 111 (23 July 2025)

Today the Supreme Court of Appeal (SCA) struck from the roll application for reconsideration in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013 (the Superior Courts Act), and ordered the applicants to pay the costs incurred by the respondent, in opposing the application.

The Bohlabela District Municipality, who was originally responsible for the supply of bulk water in the Bushbuckridge municipal area through the Bushbuckridge Water Board (BWB), was delisted in 2014. As a result, its functions were transferred to the first respondent, the Bushbuckridge Local Municipality (the municipality). In 2014, the BWB was dissolved, and its duties were taken over by the Rand Water Board (RWB). However, as a result of financial difficulties faced by the municipality, in 2019, the municipality assumed both the functions of the RWB together with its employees, leading to a restructuring process. The applicants, who were regional office managers of the municipality, averred that the municipality failed to comply with the s 66(1) of the Local Government: Municipal Systems Act 32 of 2000 in that it had no policy framework for its staff establishment approved by its council and further that in its restructuring process, it failed to adequately consult with the applicants. The Mpumalanga Division of the High Court (the high court) dismissed their application with costs. The applicants subsequently petitioned the SCA for special leave to appeal which was dismissed. The applicants then applied to the President of the SCA in terms of s 17(2)(f) of the Superior Courts Act for reconsideration of the refusal of the petition, who referred the matter for oral argument in terms of s 17(2)(d).

The issue for determination before the SCA was whether the applicants have established exceptional circumstances for the granting of special leave appeal.

In striking the matter from the roll, the SCA found that the applicants failed to demonstrate exceptional circumstances as required in terms of s 17(2)(f) of the Superior Courts Act. The SCA held that the municipality had a valid policy framework in place since 2013 and that a fair consultative process had been followed. The SCA held further that the applicants had not shown any grave injustice or risk to the administration of justice that would justify reconsideration. The SCA accordingly found that the applicants had no prospects of success on appeal, and in essence were seeking a second chance to appeal without proper grounds. Consequently, the application for reconsideration was struck from the roll, and the applicants were ordered to pay the municipality's costs, jointly and severally.

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