



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: 27 March 2026

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 judgment of the Supreme Court of Appeal

TC Smelters (Pty) Ltd and Another v The Minister: Department of Mineral Resources and Energy and Others (910/2024) [2026] ZASCA 40 (27 March 2026)

Today, the Supreme Court of Appeal (SCA) dismissed an appeal against the judgment of the Gauteng Division of the High Court, Pretoria (the high court). The SCA also set aside the high court's order and substituted it with an order striking the application from the roll with costs.

The first appellant, TC Smelters (Pty) Ltd (TC Smelters), conducts smelting operations producing charge chrome on Buffelsfontein Farm 465JQ, Moonooi, in the North West Province. The second appellant, Samancor Chrome Limited, holds a mining right for platinum group metals and chrome and conducts mining operations at the Lesedi Mine on the same farm.

The appellants approached the high court seeking declaratory relief that TC Smelters' smelting operations do not constitute a 'mine' as defined in the Mine Health and Safety Act 29 of 1996 (MHSA) and that the MHSA does not apply to those smelting operations. They contended that the Occupational Health and Safety Act 85 of 1993, and not the MHSA, regulated the smelting operations.

Although neither party raised jurisdiction as an issue in the high court or on appeal, the SCA raised it of its own accord, because the point was apparent from the papers. The SCA directed the parties to address whether the high court had jurisdiction to entertain the application.

The SCA held that s 82(1) of the MHSA confers exclusive jurisdiction on the Labour Court to determine any dispute about the interpretation or application of any provision of the MHSA (subject to the MHSA's express exceptions). This Court reiterated that jurisdiction is determined with reference to the pleadings and the 'real dispute' and that the nature of the dispute, rather than the form of the relief sought, must be decisive.

On a proper reading of the notice of motion and founding affidavit, the SCA found that the appellants' case turned on the interpretation of the MHSA definition of 'mine' and whether the MHSA applied to the smelting operations. That dispute fell squarely within s 82(1) of the MHSA and therefore had to be determined by the Labour Court, to the exclusion of the high court.

The SCA concluded that the high court lacked jurisdiction to decide the matter. It therefore dismissed the appeal with costs, set aside the high court's order, and replaced it with an order striking the application from the roll with costs.

-----oOo-----