THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

JUDGMENT

Reportable

Case No: 910/2024

In the matter between:

TC SMELTERS (PTY) LTD	**First Appellant**
SAMANCOR CHROME LIMITED	**Second Appellant**

and

THE MINISTER: DEPARTMENT OF MINERAL RESOURCES AND ENERGY	**First Respondent**
THE CHIEF INSPECTOR OF MINES: DEPARTMENT OF MINERAL RESOURCES AND ENERGY	**Second Respondent**
THE PRINCIPAL INSPECTOR OF MINES: NORTH WEST REGION	**Third Respondent**

Neutral citation: *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)

Coram: MOLEMELA P, MOCUMIE and MEYER JJA and STEYN and GOVINDJEE AJJA

Heard: 19 February 2026

Delivered: 27 March 2026

Summary: Jurisdiction – Mine Health and Safety Act 29 of 1996 (MHSA) – application for declaratory relief that smelting operations do not constitute a 'mine' and

that the MHSA does not apply – whether high court had jurisdiction – s 82(1) of the MHSA conferring exclusive jurisdiction on the Labour Court to determine disputes concerning the interpretation or application of the MHSA – jurisdiction determined with reference to pleadings and real dispute – dispute concerned interpretation of statutory definition of 'mine' and applicability of MHSA to smelting operations – nature of dispute, not form of relief sought, decisive – constitutional allocation of jurisdiction in s 169 of the Constitution – high court lacked jurisdiction – appeal dismissed – order of high court set aside and substituted with order striking application from the roll.

ORDER

On appeal from: Gauteng Division of the High Court, Pretoria (Nyathi J, sitting as court of first instance):

1 The appeal is dismissed.

2 The appellants are ordered to pay the costs of the appeal, excluding the costs associated with the late filing of the respondents' heads of argument, practice note and ancillary documents.

3 The order of the high court is set aside and substituted with the following order: 'The application is struck from the roll with costs.'

JUDGMENT

Govindjee AJA (Molemela P, Mocumie and Meyer JJA and Steyn AJA concurring):

Background

[1] The appellants conduct separate operations at the Buffelsfontein Farm 465JQ in Mooinooi, North West Province (the farm). The second appellant, Samancor Chrome Limited (Samancor), is the holder of a mining right for platinum group metals and chrome. It conducts mining operations at the Lesedi Mine, situated on the farm. The first appellant, TC Smelters (Pty) Ltd (TC Smelters), owns and conducts smelting operations that produce charge chrome at the farm.

[2] The appellants approached the Gauteng Division of the High Court, Pretoria (the high court) for an order declaring that the smelting operations on the farm '. . . do not constitute a "mine" as defined in section 102 of the Mine Health and Safety Act, No 29 of 1996 ("the MHSA")' and that 'the provisions of the MHSA are not applicable

to the [smelting] [o]perations'. The application was dismissed with costs by the high court, which granted leave to appeal to this Court.

[3] It is necessary to consider at the outset whether the high court had jurisdiction to entertain the application. Neither party raised that question before the high court or in the heads of argument filed on appeal and both sides proceeded on the assumption that jurisdiction was not an issue, apparently informed by existing jurisprudence. Where a point of law is apparent on the papers, but the common approach of the parties proceeds from an incorrect understanding of the law, a court is obliged to raise the issue.[1] This Court accordingly did so *mero motu* and directed the parties to address the jurisdictional issue.[2] Supplementary heads of argument were filed, and the issue was fully canvassed during the hearing.

Jurisdiction

[4] The legislature is constitutionally entrusted with the power to enact legislation, and courts are bound to give effect to such legislation unless it is inconsistent with the Constitution.[3] The modern constitutional labour framework emerged in the mid-1990s, following the adoption of the interim and final Constitutions. Between 1995 and 1998, Parliament enacted a suite of labour statutes – including the Labour Relations Act 66 of 1995 (LRA), Basic Conditions of Employment Act 75 of 1997 (BCEA), Employment Equity Act 55 of 1998 (EEA) and MHSA – which established a specialised and largely self-contained system of labour adjudication.[4]

[5] It was the first of these statutes, the LRA, which created the Labour Court and Labour Appeal Court as superior courts with exclusive jurisdiction to decide matters arising under the LRA.[5] Section 157(1) vests the Labour Court with exclusive

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[1] *Cusa v Tao Ying Metal Industries and Others* [2008] ZACC 15; 2009 (2) SA 204 (CC); 2009 (1) BCLR 1 (CC); [2009] 1 BLLR 1 (CC); (2008) 29 ILJ 2461 (CC) (*Cusa*) para 68.
[2] The term 'jurisdiction' has been defined as 'the power or competence of a Court to hear and determine an issue between parties': *Graaff-Reinet Municipality v Van Ryneveld's Pass Irrigation Board* 1950 (2) SA 420 (A) at 424, quoted with approval in *Gcaba v Minister for Safety and Security and Others* [2009] ZACC 26; 2010 (1) SA 238 (CC); 2010 (1) BCLR 35 (CC); (2010) 31 ILJ 296 (CC); [2009] 12 BLLR 1145 (CC) (*Gcaba*) para 74.
[3] *Chirwa v Transnet Limited and Others* [2007] ZACC 23; 2008 (4) SA 367 (CC); 2008 (3) BCLR 251 (CC); [2008] 2 BLLR 97 (CC); (2008) 29 ILJ 73 (CC) (*Chirwa*) para 118.
[4] Subsequent enactments, such as the Employment Services Act 4 of 2014, operate within this established framework of specialised labour adjudication.
[5] *Chirwa* fn 3 para 105.

jurisdiction to determine all matters that, in terms of the LRA or any other law, are to be determined by that court.[6] In doing so, Parliament established a dedicated adjudicative structure for the administration of labour legislation. The rationale for that legislative choice was articulated by the Constitutional Court in *National Education Health & Allied Workers v University of Cape Town & Others*:[7]

'The [Labour Appeal Court (LAC)] is a specialised court which functions in a specialised area of law. The LAC and the Labour Court were specifically established by Parliament in order to administer the LRA. They are charged with the responsibility for overseeing the ongoing interpretation and application of the LRA and development of labour relations policy and precedent.'

[6] The establishment of specialised courts bears directly upon the jurisdiction of the high court. Section 169(1) of the Constitution provides that the high court may, in addition to certain constitutional matters, decide 'any other matter not assigned to another court by an Act of Parliament'.[8] The Constitution therefore makes plain that Parliament may assign categories of disputes to other courts, and that where it has done so, the high court lacks jurisdiction to determine those matters.[9]

[7] Labour legislation is replete with examples of explicit jurisdictional allocation to the Labour Court. In some instances, jurisdiction is confined to certain categories of disputes.[10] In others, it is framed in general terms, subject to express exceptions.[11] Frequently, Parliament employs the language of exclusivity, conferring upon the Labour Court exclusive jurisdiction in respect of either defined disputes or all matters

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[6] There are exceptions to the Labour Court's exclusive jurisdiction in terms of the LRA. Section 157(1) provides: 'Subject to the Constitution and section 173, and except where *this Act* provides otherwise, the Labour Court has exclusive jurisdiction in respect of all matters that elsewhere in terms of *this Act* or in terms of any other law are to be determined by the Labour Court.' See *Fredericks & Others v MEC for Education & Training, Eastern Cape & Others* [2001] ZACC 6; 2002 (2) BCLR 113 (CC); 2002 (2) SA 693 (CC); [2002] 2 BLLR 119 (CC); (2002) 23 ILJ 81 (CC) (*Fredericks*) para 36.

[7] *National Education Health & Allied Workers v University of Cape Town & Others* [2002] ZACC 27; 2003 (2) BCLR 154; 2003 (3) SA 1 (CC); (2003) 24 ILJ 95 (CC) para 30.

[8] Section 169(1)(*b*) of the Constitution.

[9] *Fredericks* fn 6 para 37.

[10] See, for example, s 35(3) of the Occupational Health and Safety Act 85 of 1993.

[11] The Unemployment Insurance Act 63 of 2001 (UIA), for example, confers jurisdiction on the Labour Court in respect of all unemployment insurance-related matters, unless the UIA provides otherwise: s 66 of the UIA. Also see s 31 of the Skills Development Act 97 of 1998, which is largely mirrored by s 48 of the Employment Services Act 4 of 2014.

arising under a particular statute.[12] In enacting the MHSA, the legislature adopted the latter approach. Section 82(1) provides:

'The Labour Court has exclusive jurisdiction to determine any dispute about the interpretation or application of any provision of this Act except where this Act provides otherwise.'[13]

[8] The enquiry is therefore whether the dispute raised before the high court was one concerning the interpretation or application of the MHSA within the meaning of s 82(1).[14] That question must be determined with reference to the appellants' formulation of their case before the high court. In *Gcaba v Minister for Safety and Security and Others*,[15] the Constitutional Court held that jurisdiction is determined with reference to the applicant's pleadings and not the substantive merits of the case. In motion proceedings, this requires consideration of the notice of motion and the founding affidavit(s) to ascertain the legal basis on which the applicant has chosen to invoke the court's competence. This entails a holistic assessment of the applicant's case, as set out in the notice of motion and founding affidavit, to identify the substantive nature of the dispute presented. Jurisdiction therefore turns on the real dispute disclosed by the applicant's pleaded case, and not merely on isolated terminology used by the applicant or the formal presentation of the relief sought.[16] In essence, if the pleadings, properly interpreted, establish a claim that falls to be determined exclusively by the Labour Court in terms of legislation, the high court lacks jurisdiction.[17]

The appellants' pleaded case

[9] The appellants' notice of motion and founding affidavit centred on the question of the applicability of the MHSA to the smelting operations and included reference to

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[12] The LRA and BCEA provide for exclusive Labour Court jurisdiction for some cases and for concurrent jurisdiction with the high court in other matters: s 157 of the LRA and s 77 of the BCEA. Section 49 of the Employment Equity Act 55 of 1998 (EEA) provides that the Labour Court has exclusive jurisdiction to determine any dispute about the interpretation or application of the EEA, except where the Act provides otherwise.

[13] The MHSA, for example, reserves disputes about the interpretation or application of any provision of chapter 3 of the MHSA, other than disputes contemplated in ss 26(8) or 39, to the Commission for Conciliation, Mediation and Arbitration. The Labour Court also has no jurisdiction in respect of criminal offences in terms of the MHSA: s 82(2).

[14] *Baloyi v Public Protector & Others* [2020] ZACC 27; 2021 (2) BCLR 101 (CC); [2021] 4 BLLR 325 (CC); (2021) 42 ILJ 961 (CC); 2022 (3) SA 321 (CC) (*Baloyi*) para 32.

[15] *Gcaba* fn 2 para 75.

[16] *Cusa* fn 1 para 71.

[17] *Gcaba* fn 2 para 75.

the definition of a ‘mine’ in that Act. The deponent to the founding affidavit (Mr Wihan Swanepoel) explained that International Ferrometals (SA) (Pty) Ltd (IFMSA) was the original holder of both the mining right and the smelter processing assets on the farm. IFMSA’s business rescue practitioners concluded a sale agreement with Samancor in terms of which IFMSA sold and ceded the mining right to Samancor by way of ministerial consent. Consequently, Samancor holds the mining right and owns the mining assets.

[10] TC Smelters does not hold a mining right. It concluded an agreement with IFMSA’s business rescue practitioners to purchase the smelting operations on the farm, comprising processing assets, including beneficiation and related assets. TC Smelters also concluded a separation agreement with IFMSA’s business rescue practitioners. The purpose of this agreement was to give effect to the separation of TC Smelters from the IFMSA mining operations.

[11] TC Smelters conducted various meetings and inspections with representatives from both the Department of Mineral Resources and Energy (the Department) and the Department of Employment and Labour without success. A formal application to amend the mining right to exclude the smelting operations, in terms of s 102 of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA), remained unfinalised and an application for the separation of the environmental authorisation had not been approved.

[12] The gravamen of the appellants’ case was that, notwithstanding the sale and separation agreements and the engagements with departmental officials, the Department continued to treat the smelting operations as forming part of Samancor’s mining operations under the MHSA, thereby exposing TC Smelters to regulatory risk. Mr Swanepoel stated as follows:

‘It is crucial to TC Smelters’ statutory compliance and health and safety integrity that it has certainty on this point. Under both the MHSA and the Occupational Health and Safety Act, No. 85 of 1993 (“OHSA”), a covered party attracts onerous and binding obligations. The mistaken compliance with one of the statutes, when compliance with the other is appropriate, may attract substantial administrative and criminal penalties. Dual compliance with both statutory regimes is expensive, at times impossible, and it is an undue hardship and expectation on TC

Smelters. It is TC Smelters' view that it is not subject to the provisions of the MHSA, but rather to the provisions of the OHSA.'

[13] The argument, in essence, was that the smelting operations did not constitute a 'mine' as defined in the MHSA, having regard to the statutory definitions of 'mine', 'mining area' and 'works', with the consequence that the Occupational Health and Safety Act 85 of 1993 (OHSA) – and not the MHSA – governed the smelting operations.[18] Given that the Department continued to treat the smelting operations as part of Samancor's mining operations, TC Smelters concluded that it had no option other than to approach the high court. In defending its decision to do so, the appellants relied on various decisions which, in their view, supported the high court's jurisdiction.

Case law

[14] At the time of the determination of the application, the high court had decided the matters of *Bert's Bricks (Pty) Ltd v Inspector of Mines, North West Region*[19] (*Bert's Bricks*), *Terra Bricks and Another v Regional Manager, Limpopo Region Department of Minerals and Energy and Others*,[20] and *Misty Falls 45 (Pty) Ltd and Another v Access World (Pty) Ltd and Others*,[21] without jurisdiction having been contested. The judgments in *National Union of Mineworkers v Anglo American Platinum Ltd & Others*[22] (*NUM*) and *UASA – the Union v Anglo American Platinum Ltd & Others*[23] (*UASA*), in which jurisdiction was an issue, had not yet been delivered.

[15] The appellants drew a distinction between cases where applicants based their claim squarely on the MHSA and those where they did the opposite. Viewed from that

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[18] Section 103 of the MHSA provides that: 'The Occupational Health and Safety Act, 1993 (Act 85 of 1993), is not applicable to any matter in respect of which any provision of *this Act* is applicable.' Section 1(3) of the OHSA states that: 'This Act shall not apply in respect of – *(a)* a mine, a mining area or any works as defined in the Minerals Act, 1991 (Act 50 of 1991), except in so far as that Act provides otherwise.' The Minerals Act was repealed by s 110 of the Mineral and Petroleum Resources Development Act 28 of 2002.

[19] *Bert's Bricks (Pty) Ltd v Inspector of Mines, North West Region* [2012] ZAGPPHC 11; 2012 JDR 0283 (GNP) (*Bert's Bricks*).

[20] *Terra Bricks and Another v Regional Manager, Limpopo Region Department of Minerals and Energy and Others* [2013] JOL 30635 (GNP).

[21] *Misty Falls 45 (Pty) Ltd and Another v Access World (Pty) Ltd and Others* [2019] ZANCHC 45.

[22] *National Union of Mineworkers v Anglo American Platinum Ltd & Others* 2024 (45) ILJ 1879 (GJ) (*NUM*).

[23] *UASA – the Union v Anglo American Platinum Ltd & Others* [2024] ZALCJHB 199; (2024) 45 ILJ 1851 (LC).

perspective, in *Bert's Bricks* the applicants sought an order declaring that the provisions of the MHSA did *not* apply to brickmaking activities, so that the high court's jurisdiction was engaged. By contrast, the applicant's case in *UASA* was based on the applicability of the MHSA, so that the Labour Court correctly assumed jurisdiction. In *NUM*, the applicant sought an order declaring that the MHSA applied to the respondent's operations, together with related relief, in the high court. On the appellants' approach, the high court correctly held that it lacked jurisdiction and struck the matter from the roll.

[16] The appellants sought to reconcile these decisions on the basis that jurisdiction turned, in essence, on the applicant's desired outcome. On that approach, where an applicant invoked the MHSA to secure a declaration that it applied, as in *NUM* and *UASA*, the dispute fell within the Labour Court's jurisdiction. By contrast, where the applicant sought a declaration that the MHSA did not apply, as in *Bert's Bricks* and in the present matter, the MHSA was said not to constitute the legal basis of the claim, with the result that the high court retained jurisdiction. It was further submitted that it would be anomalous to require the appellants to approach the Labour Court, in terms of s 82(1) of the MHSA, where the very premise of their application was that the MHSA did not apply. When the question was whether the MHSA or OHSA was applicable, s 82(1) must be excluded on the appellants' approach.

[17] In addition, the appellants argued that the dispute required cumulative consideration of the MHSA, OHSA and MPRDA, as illustrated by the approach in *UASA*.[24] In that matter, the Labour Court held that it had jurisdiction to grant declaratory relief in respect of the application of the MHSA, based on s 82(1) of that Act. The court, however, refused to grant declaratory relief in relation to the non-application of OHSA given the absence of a similar empowering provision.[25]

Analysis

[18] Deciding which matters fall within the exclusive jurisdiction of the Labour Court entails an examination of the MHSA to identify those disputes which must be

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[24] This has been termed the 'multi-legislation argument': see *NUM* fn 22 para 13.
[25] An appeal against this decision was dismissed in *UASA and Another v Anglo American Platinum Limited and Others* [2026] ZALAC 9 (*UASA* (LAC)).

determined by that court in terms of the statute.[26] Unlike the LRA, which provides for a structured division of responsibilities between bargaining councils, the Commission for Conciliation, Mediation and Arbitration and the Labour Court, the MHSA confers a general and exclusive jurisdiction on the Labour Court to deal with 'any dispute' involving the Act's interpretation or application. A dispute arises where one party asserts a particular legal position and the other contests it.[27] A dispute concerning the interpretation of a provision of the MHSA, including a definition, arises where there is disagreement as to its proper meaning. A dispute concerning its application arises where there is disagreement as to whether the provision applies to particular facts or circumstances and may be invoked.[28]

[19] The record reveals that, prior to the launching of the application, there was an existing dispute between the appellants and the Department.[29] That dispute underpinned the ensuing litigation and contextualised the relief sought in the high court. On a proper interpretation of the notice of motion and founding affidavit, the appellants' cause of action concerned the interpretation of the definition of 'mine' in the MHSA and the application of that Act to the smelting operations.[30] The suggestion that the dispute presented a free-standing or anterior question of legislative applicability falling within the high court's jurisdiction is not borne out by the scheme of either the MHSA or OHSA. It may be added that the position would have been no different had the appellants sought declaratory relief in terms of s 1(3) of the OHSA, since the underlying dispute remained one concerning the interpretation and application of the MHSA.[31]

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[26] *Fredericks* fn 6 para 38. This refers to matters that in terms of the MHSA are to be decided or settled by the Labour Court: *Fredericks* fn 6 para 40.
[27] *Williams v Benoni Town Council* 1949 (1) SA 501 (W) at 507, quoted with approval in *National Union of Metalworkers of SA v Intervalve (Pty) Ltd & Others* [2014] ZACC 35; 2015 (2) BCLR 182 (CC); [2015] 3 BLLR 205 (CC); (2015) 36 ILJ 363 (CC) para 86.
[28] See, in the context of a collective agreement, *Hospersa obo Tshambi v Department of Health, KwaZulu-Natal* [2016] ZALAC 10; [2016] 7 BLLR 649 (LAC); (2016) 37 (ILJ) 1839 (LAC), cited with approval in *MEC for Economic Development, Environment & Tourism, Limpopo v Leboho* [2022] ZASCA 131; (2022) 43 ILJ 2695 (SCA); [2023] 1 BLLR 56 (SCA) para 15.
[29] *Bert's Bricks* fn 19 para 7.
[30] *Baloyi* fn 14 para 43. Also see *UASA* (LAC) fn 25 para 39.
[31] In terms of s 158(1)((*j*) of the LRA, the Labour Court may deal with all matters necessary or incidental to performing its functions in terms of this Act or any other law. See *Groom v Daimler Fleet Management (Pty) Ltd* (2021) 42 ILJ 2179 (LAC) para 53 and following pertaining to ancillary or incidental applications, the question of jurisdiction to determine the main claim of an appellant and the principle of *causa continentia* (a connected cause of action).

[20] Such matters fall squarely within the ambit of s 82(1) of the MHSA and are to be determined exclusively by the Labour Court, a specialist superior court established by Parliament with status and powers equivalent to those of the high court in matters within its jurisdiction.[32] This accords with the Constitutional Court's consistent endorsement of statutory schemes that allocate disputes to specialist courts or tribunals.[33] Significantly, where exclusive jurisdiction over a matter is conferred upon the Labour Court by the LRA or other legislation, the jurisdiction of the high court is ousted.[34]

[21] To conclude otherwise would encourage forum shopping.[35] Applicants would be permitted, at their election, to bypass the Labour Court and approach the high court to determine matters regulated by the MHSA.[36] The result would be the development of parallel jurisprudence on the interpretation and application of the MHSA, contrary to the legislative allocation of jurisdiction.[37] The Constitutional Court has explained the reason for this approach:[38]

'Through their skills and experience, judges of the Labour Court and the Labour Appeal Court accumulate expertise which enables them to resolve labour and employment disputes speedily. Indeed, judges of the Labour Court and the Labour Appeal Court are appointed to these courts based upon, amongst other qualifications, their "knowledge, experience, and expertise in labour law". The appointment of women and men with expertise in labour law to specialised labour courts is to ensure the development of a coherent labour and employment relations jurisprudence.'

[22] Counsel for the appellants correctly conceded that if the Labour Court was found to have jurisdiction over the dispute at all, this would be exclusive rather than concurrent jurisdiction. The appellants' approach to jurisdiction proceeded from a misreading of s 82(1) of the MHSA and improperly rendered jurisdiction contingent

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[32] *Chirwa* fn 3 paras 41 and 105. See the Explanatory Memorandum to the LRA, noting that consistency in the interpretation and application of the law will be enhanced by the creation of a Labour Court.
[33] See, for example, *Chirwa* fn 3 para 118.
[34] Ibid paras 59 and 60: the effect of s 157(1) of the LRA is to divest the high court of jurisdiction in matters that the Labour Court is required to decide, except where the LRA provides otherwise.
[35] *Gcaba* fn 2 para 57.
[36] Ibid. *Chirwa* fn 3 para 96.
[37] *Chirwa* fn 3 para 65.
[38] Ibid para 105.

upon the relief sought by an applicant, rather than upon the nature of the dispute itself. Section 82(1) must be construed purposively so as to give full effect to Parliament's decision to vest exclusive jurisdiction in the Labour Court, and not in a manner that makes that allocation depend upon the outcome sought.[39] It is immaterial that the question of jurisdiction was not raised by the respondents, and that the high court accepted its own jurisdiction in line with previous decisions. The appellants did not advance facts to sustain a cause of action cognisable by the high court. Their case was grounded upon both the interpretation and application of the MHSA. In constitutional terms, such disputes are exclusively assigned by legislation to the Labour Court, and it was therefore impermissible for the appellants to approach the high court.[40]

[23] Absent jurisdiction, it is inappropriate for this Court to express itself on the merits of the appeal.[41] Moreover, the Labour Appeal Court has recently pronounced upon substantially the same issues raised in the present appeal. It would therefore be undesirable for this Court to enter upon those questions, as doing so would risk the development of parallel or dual jurisprudence concerning the interpretation or application of the MHSA.[42]

[24] The appeal must therefore be dismissed with costs, excluding the costs associated with the late filing of the respondents' heads of argument, practice note and ancillary documents. It is appropriate to set aside the order of the high court and replace it with an order striking the application from the roll.

[25] In the result, the following order is issued:

1 The appeal is dismissed.

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[39] *Chirwa* fn 3 para 112.
[40] Section 169(1) of the Constitution; *Chirwa* fn 3 paras 156 and 163. See *Baloyi* fn 14 para 44.
[41] See *MEC for Health Gauteng Province v Solomons* [2024] ZASCA 184; 2025 JDR 0051 (SCA) paras 32 and 34, distinguishing cases in which jurisdiction is absent from the approach adopted in *Spilhaus Property Holdings (Pty) Ltd & Others v MTN (Pty) Ltd & Another* [2019] ZACC 16; 2019 (6) BCLR 772 (CC); 2019 (4) SA 406 (CC) paras 44–45.
[42] *UASA* (LAC) fn 25 para 39.

2 The appellants are ordered to pay the costs of the appeal, excluding the costs associated with the late filing of the respondents' heads of argument, practice note and ancillary documents.

3 The order of the high court is set aside and substituted with the following order: 'The application is struck from the roll with costs.'

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A GOVINDJEE

ACTING JUDGE OF APPEAL

Appearances:

For the Appellants:	A E Franklin SC with H W S Martin
Instructed by:	Beech Veltman Inc., Johannesburg
	Phatshoane Henney Attorneys, Bloemfontein
For the Respondents:	M P Van der Merwe SC
Instructed by:	The State Attorney, Pretoria
	The State Attorney, Bloemfontein.