



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG
SITTING AS AN EQUALITY COURT**

Case NO: EQ3-2023

(1) REPORTABLE: No
(2) OF INTEREST TO OTHER JUDGES: No
(3) REVISED

6 June 2024 _____

WRIGHT J

In the matter between:

WILLEM ACKERMAN

Applicant

and

EMMANUEL AMANING

First Respondent

GARTH WELLMAN

Second Respondent

JUDGMENT – APPLICATION for LEAVE to APPEAL

WRIGHT J

[1] On 10 May 2024 I handed down judgment on the main complaints. I found against Mr Ackerman. Mr Akerman now seeks leave to appeal to the Supreme Court of Appeal.

[2] Section 23(1) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 reads “ *Any person aggrieved by any order made by an equality court in terms of or under this Act MAY, within such period and in such manner as may be prescribed, appeal against such order to the High Court having jurisdiction or the Supreme Court of Appeal, as the case may be.*” (My emphasis).

[3] It would appear however, that despite the use of the word “ *may* ” by the Legislature, Mr Ackerman requires leave. See *Minister of Environmental Affairs and Tourism v George and Others* [2006] ZASCA 57; 2007 (3) SA 62 (SCA) at paragraphs 15 and 16. See too *Afriforum NPC v Nelson Mandela Foundation Trust and Others* [2023] ZASCA 58; 2023 (4) SA 1 (SCA); [2023] 3 All SA 1 (SCA) at paragraph 4.

[4] With the provisions of section 17(1)(a)(i) of the Superior Courts Act 10 of 2013 in mind, Mr Ackerman has a reasonable prospect on appeal. In addition, under section 17(1)(a)(ii), this case raises important questions on its merits and on the question of remedy which give compelling reason why the appeal should be heard.

ORDER

[1] Mr Ackerman is granted leave to appeal the orders of Wright J of 10 May 2024.

[2] Leave is to the Supreme Court of Appeal.

[3] Costs in the appeal.

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg sitting as an Equality Court.

HEARD : 6 June 2024

DELIVERED : 6 June 2024

APPEARANCES :

Applicant Adv N Riley

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