



**IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2(1)
OF
THE SPECIAL INVESTIGATING UNIT AND
SPECIAL TRIBUNALS ACT 74 OF 1996
(REPUBLIC OF SOUTH AFRICA)**

CASE NO.: GP07/2022

In the matter between:

THE SPECIAL INVESTIGATING UNIT

First Plaintiff

And

PHILLEMONT LETWABA

First Defendant

PHILLEMONT LETWABA NO

Second Defendant

DAISY BONTLE LETWABA

Third Defendant

DAISY BONTLE LETWABA NO

Fourth Defendant

REBOTILE MALOMANE

Fifth Defendant

REBOTILE MALOMANE NO

Sixth Defendant

JOHANNES LETWABA

Seventh Defendant

JOHANNES LETWABA NO

Eighth Defendant

THABO ELIAS LETWABA

Ninth Defendant

THABO ELIAS LETWABA NO (also cited in their capacity as trustees for the time being of the RASEMATE FAMILY TRUST)	Tenth Defendant
RASEMATE FAMILY TRUST	Eleventh Defendant
BOTSHELO CORNELIUS MOLOTO	Twelfth Defendant
BOTSHELO CORNELIUS MOLOTO NO	Thirteenth Defendant
JOHN THABO LEBESE	Fourteenth Defendant
JOHN THABO LEBESE NO (also cited in their capacity as trustees for the time being of the LETWABA FAMILY TRUST)	Fifteenth Defendant
LETWABA FAMILY TRUST	Sixteenth Defendant
UPBRAND PROPERTIES (PTY) LTD	Seventeenth Defendant
MOSOKODI WATER SOLUTIONS AND DRILLING (PTY) LTD	Eighteenth Defendant
MOSOKODI FARMING PROJECT (PTY) LTD	Nineteenth Defendant
MOSOKODI TRUST	Twentieth Defendant
IRON BRIDGE TRAVELLING AGENCY AND EVENTS (PTY) LTD	Twenty first Defendant
SIMBA COMMUNITY DEVELOPMENT FOUNDATION	Twenty Second Defendant
LIBERTY GROUP	Twenty Third Defendant
NATIONAL LOTTORIES COMMISSION	Twenty Fourth Defendant

JUDGMENT

Victor J

The essence of corruption is self-involvement, self-indulgence, luxuriousness, and the loosening and discarding of the restraints of social bonds. Foundational norms of awareness of others and community responsibility are gradually replaced and ultimately overwhelmed by greed in all areas of personal and political life.¹

We may well ask ourselves as South Africans, where oh where has the spirit of Ubuntu gone?

[1] This is a trial matter in which the parties agreed to a separation of issues regarding the continued preservation of the first defendant's pension fund with the Liberty Group. They agreed that the rest of the trial be postponed sine die. On 23 September 2022, Judge Modiba, then President of the Special Tribunal, interdicted the Liberty Group (23rd defendant) from paying out any proceeds of the first defendant, pension funds invested with it.

[2] The plaintiff is the Special Investigating Unit (SIU). The first defendant is Phillemon Letwaba, a businessman residing in Pretoria (Mr Letwaba). It is only Mr Letwaba's continued interdict of his pension fund that is in issue in this separated matter.

Background facts

[3] The SIU notes that, pursuant to Proclamation 32 of 2022, it was mandated to investigate maladministration at the National Lotteries Commission (NLC). The investigation indicated that the first defendant, who was the chief operating officer, abused his position to facilitate the diversion of millions of rand earmarked for community upliftment projects into companies owned or controlled by his wife, brother-in-law, and close associates.

¹ Professors Laura S. Underkuffler, J. DuPratt White Professor, of Cornell University, in commenting on the book by Timothy K. Kuhner the author of "In Tyranny of Greed" discussing the spirit of infinite greed—at its helm. ISBN: 9781503608504 Published: August 11, 2020, Publisher: [Stanford University Press](https://www.stanford.edu/publishing)

[4] It is the SIU's case that these irregularities were not only administrative but also dishonest and carefully planned, and that they resulted in the NLC donating funds to his proxies rather than to the vulnerable communities to whom the grants were earmarked. The amounts involved run into millions of Rand. The NLC is an organ of the State, and the purpose of the SIU is really to root out corruption, which is currently at a pandemic level in South Africa.

[5] The SIU was established in terms of section 2(1)(a) (i) of the Special Investigating Units and Special Tribunals Act No. 74 of 1996. (the SIU Act). On 6 November 2020, the SIU was mandated by the President of South Africa, under Proclamation 32 of 2020, published in Government Gazette 43885, to conduct investigations into maladministration relating to the affairs of the National Lotteries Commission (NLC) and the respondents.

[6] The SIU has wide powers in terms of section 2(2) of the SIU Act to institute the proceedings and seek relief after being authorised by the Proclamation to investigate irregularities and corruption, and serious maladministration relating to the administration and affairs of any state institution, which includes the NLC, and any conduct with the potential to seriously harm the interests of the NLC, including the public at large.

[7] The SIU, as authorised, is also empowered to investigate improper or unlawful conduct by employees of any State institution, the unlawful appropriation or expenditure of public money or property and any offences referred to in part 1 to 4 or sections 17, 20, or 21 (insofar as it relates to the aforementioned offences) of chapter 2 of the Prevention and Combatting Corrupt Activities Act, 2004, (POCA). These powers are authorised in connection with the affairs of any State institution and any unlawful or improper conduct by any person that has caused or may cause serious harm to the interests of the public or any category thereof.

[8] In terms of section 5(5) of the SIU Act, the SIU may institute civil proceedings in the Special Tribunal if, arising from its investigations, it has obtained evidence substantiating any unlawful conduct contemplated in section 2(2) of the SIU Act.

[9] The foundational issue, therefore, is whether the Special Tribunal is permitted to issue forfeiture orders at all. This vexed question on the Special Tribunal's jurisdiction to order forfeiture of a defendant's assets is a much-debated issue.

[10] For the purposes of this separated issue, it is unnecessary to require a determination of that issue. It is, however, an issue that may carry some weight in balancing the interests of justice at this stage as to whether the preservation order in relation to the pension fund should continue.

[11] In the matter of *Caledon River Properties (Pty) Ltd t/a Magwa Construction and Another v Special Investigating Unit and Another*² Matojane JA had no difficulty with the Special Tribunal having jurisdiction to order just and equitable remedies, including that it exercise its discretion in terms of s 172(1)(b) of the Constitution.

[12] This means that if the SIU is ultimately successful before the Special Tribunal to review the grants, set them aside and order the repayment of monies or some form of forfeiture, then in that event when executing its judgment, the issue of the first defendant's pension funds based on the operation of section 37D(1)(b)(ii) (bb) of the Pension Funds Act No 24 of 1956 will become relevant.

[13] The issues for determination at this stage is whether the Special Tribunal will ever be competent to order a deduction of Mr Letwaba's pension fund as the wording may prevent the Special Tribunal from doing so based on s 37 D(1)(b)(ii) (bb) of the Pension

² *Caledon River Properties (Pty) Ltd t/a Magwa Construction and Another v Special Investigating Unit and Another* (375 & 419/2024) [2026] ZASCA 05 (16 January 2026)

Funds Act. The said section defines that it is only a “Court” that can order a deduction of his pension fund.

[14] It follows, therefore, if the Special Tribunal cannot order the deduction because of the definition of the word “court” in the relevant section of the Pension Funds Act, then the preservation of the pension fund cannot continue.

[15] It is the plaintiff’s case that the first defendant’s pension fund is subject to deduction because if the review of the grants made by the National Lottery Fund (NLF) to certain NPO’s are found to be unlawful and if Mr Letwaba played a role in that, then he would have to repay the moneys that were unlawfully granted and at the execution of the judgement stage. If he cannot pay the amount ordered, then any amount owing could be deducted from his pension fund.

The statutory framework for the deduction of pension funds.

[16] There are two sections of the Pension Funds Act that are relevant to the determination of the issue in this application:

37D. Fund may make certain deductions from pension benefits

(1) A registered fund may—

(a) deduct any amount due on the benefit in question by the member in accordance with the Income Tax Act, 1962 (Act 58 of 1962), and any amount due to the fund in respect of—

(i) ...

(ii) ...

(aa) the amount of the benefit to which the member or a beneficiary becomes entitled in terms of the rules of the fund; or

(bb) ...

(aa) ...

(ii) compensation (including any legal costs recoverable from the member in a matter contemplated in subparagraph (bb))

in respect of any damage caused to the employer by reason of any theft, dishonesty, fraud or misconduct by the member, and in respect of which—

(aa) the member has in writing admitted liability to the employer; or

(bb) judgment has been obtained against the member in any court, including a magistrate's court,

from any benefit payable in respect of the member or a beneficiary in terms of the rules of the fund and pay such amount to the employer concerned.

Underlined for emphasis

[17] The definition of the word court

“court”

means a court of the provincial or local division of the High Court of South Africa;”

[18] The interpretation of the word “court” is defined as a court of law, including a Magistrate’s Court. In the case of *Ledla*³ the Constitutional Court has ruled that the Special Tribunal is not a court of law. Accordingly, the proper interpretation of this provision in the Pensions Fund Act and the SIU becomes necessary.

The submissions on behalf of Mr Letwaba

[19] Mr Letwaba submits that, on an ordinary reading of sub-paragraph (bb), the language is unambiguous, and it can only be inferred once a Court of law, being a Magistrates Court or High Court, has handed down judgment holding an employee liable to compensate their employer. It is only in those circumstances that the pension may be deducted

[20] In this case, the first defendant is an employee of the NLC, and Mr Letwaba contends it is only a “court” of law that can order such a deduction, which arises out of

³ *Ledla Structural Development (Pty) Ltd and Others v Special Investigating Unit* 2023 (2) SACR 1 (CC) (2023 (6) BCLR 709; [2023] ZACC 8)

damages suffered by it due to the employee's theft, dishonesty, fraud, or misconduct, in which instance a deduction from the pension fund may be sought and granted.

[21] Mr Letwaba has submitted that the SIU did not plead any facts indicating that the possible contradiction described exists, or whether the Special Tribunal could render the first defendant liable to compensate the NLC for damages.

[22] Mr Letwaba postulates that if the Special Tribunal finds that he is liable to compensate the NLC for damages suffered, then the prayers in the summons are insufficient to overcome the hurdle of Section 37D(1)(b)(ii) (bb) of the Pension Funds Act. He submits that the Special Tribunal is not a court of law and, therefore, cannot make any deduction; accordingly, the continued interim interdict against his pension fund cannot stand to be ordered by the Special Tribunal, since it is not a court of law.

[23] The failure to seek such a prayer, Mr Letwaba submits, is fatal. Every pleading must end with the appropriate prayer for the relief sought. Accordingly, the failure to seek the appropriate prayer is therefore a further reason to set aside the interdict in relation to the pension fund.

The SIU's submission

[24] The SIU contends for a harmonious interpretation of the term “court,” as defined in the Pensions Act, and of the powers of the Special Tribunal, as defined in the SIU Act. It submits that, notwithstanding the reference to the word “court”, the Special Tribunal, as vested with its powers in terms of Section 8(2) of the SIU, may make such an order, despite it not being a court per se.

[25] The case of *Independent Institute of Education (Pty) Limited v Kwazulu-Natal Law Society and Others*⁴ crystallised the principle that two statutes may be read harmoniously to give a contextual and purposive construction. This would be consistent with the powers specifically granted to the Special Tribunal under the SIU Act. As the court cautioned in the *Independent Institute of Education*, “To do otherwise would be absurd.”⁵

[26] The Special Investigating Units and Special Tribunals Act No. 74 of 1996 sets out the powers and functions of the Special Tribunal.

“The Powers and Functions of the Special Tribunal

8. (1) A Special Tribunal shall be independent and impartial and perform its functions without fear, favour or prejudice and subject only to the Constitution and the law.

(2) A Special Tribunal shall have jurisdiction to adjudicate upon any civil dispute brought before it by a Special Investigating Unit or any interested party as defined by the regulations, emanating from the investigation by such Special Investigating Unit, including the power to-

- (a) issue suspension orders, interlocutory orders or interdicts on application by such Unit or party; and
- (b) make any order which it deems appropriate so as to give effect to any ruling or decision given or made by it.”

Underlining for emphasis

[27] Clearly, whilst on the one hand, the case of *Ledla* dealing with legality reviews opined that although the Special Tribunal was not a court of law, it could nevertheless rule on the question of a legality review. In order to give practical implementation to legality review powers, it follows as a matter of logic and purpose that it would have the power to order a deduction of a pension fund. Should the Special Tribunal ultimately rule that the conduct of Mr Letwaba is dishonest, fraudulent, or amounts to misconduct, then

⁴ *Independent Institute of Education (Pty) Limited v Kwazulu-Natal Law Society and Others* [2019] ZACC 47

⁵ *Ibid* 4

the provisions of s37D(1)(b)(ii) (bb) of the Pension Fund Act read together with section 8(2) of the SIU will require a harmonious reading of the two statutes.

The legal framework for statutory interpretation.

[28] Courts are cautious when interpreting two statutes that must be construed together. This is to ensure a sensible approach. In this case, the interplay between the Pension Funds Act and the SIU Act⁶ requires interpretation. In *Ruta*, two statutes were at play: the Immigration Act 13 of 2002 and the Refugees Act 130 of 1998. Cameron J found that the Refugee Act's ambit is deliberately wide. The Refugees Act was enacted some four years before the Immigration Act. It is a well-established interpretive doctrine that construes the statutes together, so as to make sense of their provisions.⁷

[29] But it is equally clear that in this process, the Immigration Act's provisions cannot be read to supersede or subordinate those of the Refugees Act. A longstanding principle of statutory interpretation points to the conclusion that a later statute's general provisions do not derogate from a statute's specific provisions (*lex generalis specialibus non derogat*).⁸ However, under the Refugees Act, it was clear that South Africa had to consider its broader obligations, including its international non-refoulement obligations.

[30] The reality is that South Africa is buckling under the yoke of corruption. The SIU Statute was enacted in 1996, which is prior to the amendment to the Pension Fund Act. Section 37D of the Pension Funds Act 24 of 1956 came into force on 1 January 1958. On

⁶ *Ruta v Minister of Home Affairs* [2018] ZACC 52

⁷ *Id.*

⁸ As van Heerden JA explained in the former Appellate Division, now the Supreme Court of Appeal, in *Khumalo v Director-General of Co-operation and Development* [1990] ZASCA 118; 1991 (1) SA 158 (A) at 165E:

“[I]n the absence of an express repeal, there is a presumption that a later general enactment was not intended to effect a repeal of a conflicting earlier and special enactment. This presumption falls away, however, if there are clear indications that the Legislature none the less intended to repeal the earlier enactment. This is the case when it is evident that the later enactment was meant to cover, without exception, the whole field or subject to which it relates.”

1 September 2024, the Act was amended to clarify that deductions for compensation under section 37D(1)(b)(ii) include court-ordered compensation for theft, dishonesty, or fraud. The SIU Act came into effect on 20 November 1996 and was amended in 2012.

[31] Despite the timing of the two statutes, the 2024 amendment to the Pension Funds Act does not predate the SIU Act's promulgation. Clearly, the Legislature would not have knowingly introduced this inconsistency. This introduces a contextual and purposive element. The import and very wide terms of s 8(2) of the SIU are deliberate. It is a catch-all provision framed in broad terms. As a result, the deliberately wide provisions of s 8(2) of the SIU Act do bring it within the principles and ambit of the interpretation set out in *Ruta*.

[32] In this case, the meaning of the word “court” in the Pension Funds Act must be interpreted not to exclude the powers of the Special Tribunal. It is the SIU’s case that the precepts and wide powers of the Special Tribunal, as defined in s 8(2) of the SIU Act, cannot be ignored, and must be contextualised when reference is made to the word “court” in the Pension Funds Act.

[33] Mogoeng CJ in *Independent Institute of Education* stated the following principles when interpreting statutes:

- 1 First, a special meaning ascribed to a word or phrase in a statute ordinarily applies to that statute alone.
- 2 Second, even in instances where that statute applies, the context might dictate that the special meaning be departed from.
- 3 Third, where the application of the definition, even where the same statute in which it is located applies, would give rise to an injustice or incongruity or absurdity that is at odds with the purpose of the statute, then the defined meaning would be inappropriate for use and should therefore be ignored.
- 4 Fourth, a definition of a word in the one statute does not automatically or compulsorily apply to the same word in another statute.

- 5 Fifth, a word or phrase is to be given its ordinary meaning unless it is defined in the statute where it is located.
- 6 Sixth, where one of the meanings that could be given to a word or expression in a statute, without straining the language, “promotes the spirit, purport and objects of the Bill of Rights”, then that is the meaning to be adopted even if it is at odds with any other meaning in other statutes.⁹

[34] Froneman J and Theron J commented:

“[37] The question thus arises regarding the extent to which a court should consider other legislation when interpreting a specific legislative provision. In particular, what is the relationship between our statutory canons and a contextual approach to interpretation, which requires consideration of other legislation, and the constitutional injunction to interpret legislation so as to promote the spirit, purport and objects of the Bill of Rights?”

It is a well-established canon of statutory construction that “every part of a statute should be construed so as to be consistent, so far as possible, with every other part of that statute, and with every other unrepealed statute enacted by the Legislature”.¹⁰ Statutes dealing with the same subject matter, or which are *in pari materia*, should be construed together and harmoniously.¹¹ This imperative has the effect of harmonising conflicts and differences between statutes. The canon derives its force from the presumption that the Legislature is consistent with itself.¹² In other words, the Legislature knows and has in mind the existing law when it passes new legislation, and frames new legislation with reference to the existing law. Statutes relating to the same subject matter should be read together because they should be seen as part of a single harmonious legal system.

⁹ Ibid note 4 para 18

¹⁰ *Chotabhai v Union Government (Minister of Justice)* 1911 AD 13 at 24.

¹¹ In *Commander v Collector of Customs* 1920 AD 510 at 513, the reasoning of the court of first instance, per Dove-Wilson JP is quoted as follows:

“Customs Management Acts and their relative Tariff Acts may, I think, very fairly be taken to be statutes *in pari materia*, and the rule was thus laid down by Lord Mansfield, CJ, as far back as 1788 in the *King v Loxdale*: ‘Where there are different statutes *in pari materia*, though made at different times, or even expired, and not referring to each other, they shall be taken and construed together as one system, and as explanatory of each other.’ Or as Lord Esher, MR, in *Hodgson v Bell* puts it: ‘It is a clear rule of construction that, where you find a construction has been put upon words in a former Act, which is *in pari materia* with the one under consideration, and when you find that the same words are used in the later Act as in the former, you must apply the same construction to the later Act.’”

This reasoning was endorsed by the Appellate Division as being “conclusive” at 522.

¹² *Principal Immigration Officer v Bhula* 1931 AD 323 at 335.

[35] Importantly, Mogoeng CJ noted that the Constitutional Court described the harmonious reading of statutes as follows:

“More recently, this Court in *Ruta*¹³ interpreted provisions of the Immigration Act¹⁴ together and in harmony with those of the Refugees Act.¹⁵ In a unanimous judgment, this Court noted that “[w]ell-established interpretive doctrine enjoins us to read the statutes alongside each other, so as to make sense of their provisions together.”¹⁶

This canon is consistent with a contextual approach to statutory interpretation. It is now trite that courts must properly contextualise statutory provisions when ascribing meaning to the words used therein.¹⁷ While maintaining that words should generally be given their ordinary grammatical meaning, this Court has long recognised that a contextual and purposive approach must be applied to statutory interpretation.¹⁸ Courts must have due regard to the context in which the words appear, even where “the words to be construed are clear and unambiguous”.¹⁹

This Court has taken a broad approach to contextualising legislative provisions having regard to both the internal and external context in statutory interpretation.²⁰ A contextual approach requires that legislative provisions are interpreted in light of the text of the legislation as a whole (internal context).²¹ This Court has also recognised that context includes, amongst

¹³ *Ruta v Minister of Home Affairs* [2018] ZACC 52; 2019 (2) SA 329 (CC); 2019 (3) BCLR 383 (CC).

¹⁴ 13 of 2002.

¹⁵ 130 of 1998.

¹⁶ *Ruta* above n 19 at paras 41-6.

¹⁷ See *Saidi v Minister of Home Affairs* [2018] ZACC 9; 2018 (4) SA 333 (CC); 2018 (7) BCLR 856 (CC) at para 36 in which this Court said:

“This Court has noted on numerous occasions that text is not everything. Unless there is no other tenable meaning, words in a statute are not given their ordinary grammatical meaning if, to do so, would lead to absurdity.”

¹⁸ *Road Traffic Management Corporation v Waymark (Pty) Limited* [2019] ZACC 12; 2019 (5) SA 29 (CC); 2019 (6) BCLR 749 (CC) at para 29 citing *Natal Joint Municipal Pension Fund v Endumeni Municipality* [2012] ZASCA 13; 2012 (4) SA 593 (SCA) at para 18. See also *Cool Ideas* above n 9 at para 28.

¹⁹ *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Tourism* [2004] ZACC 15; 2004 (4) SA 490 (CC); 2004 (7) BCLR 687 (CC) at para 90. See also *Department of Land Affairs v Goedgelegen Tropical Fruits (Pty) Ltd* [2007] ZACC 12; 2007 (6) SA 199 (CC); 2007 (10) BCLR 1027 (CC) (*Goedgelegen*) at para 53.

²⁰ For a discussion on the internal and external context see Kroeze “Power Play: A Playful Theory of Interpretation” (2007) *SALJ* 19 at 25.

²¹ *Goedgelegen* above n 25 at para 53. In *Goedgelegen*, this Court, per Moseneke DCJ, recognised that “[w]e must understand the provision within the context of the grid, if any, of related provisions and of the statute as a whole including its underlying values”.

others, the mischief which the legislation aims to address,²² the social and historical background of the legislation,²³ and, most pertinently for the purposes of this case, other legislation²⁴ (external context). That a contextual approach mandates consideration of other legislation is clearly demonstrated in *Shaik*. In *Shaik*, this Court considered context to be “all-important” in the interpretative exercise.²⁵ The context to which the Court had regard included the “well-established rules of criminal procedure and evidence” and, in particular, the provisions of the Criminal Procedure Act.²⁶

[35] Clearly, the mischief that the statute wishes to address is an important consideration in the proper interpretation when putting two statutes alongside each other. Second, even in instances where that statute applies, the context might dictate that the special meaning be departed from.

[36] The context, as set out in the Proclamation, and the wide powers of the Special Tribunal and even the mischief which the Pension Funds Act seeks to address, is a powerful pointer in the direction of reading into the word “court” as defined, the power of the Special Tribunal to order a deduction from a pension as well. An absurdity would arise when the word “court” is construed in a way that excludes what is in reality the role of the Special Tribunal. One asks rhetorically whether anything in the contextual or purposive interpretation of the word "court" supports the meaning that a Special Tribunal cannot order a deduction? Despite its ordinary grammatical meaning, it does not follow that its contextual and purposive construction ought to be ignored. To do otherwise would be absurd. Of importance is the jurisprudential principle:

“That a contextual approach mandates consideration of other legislation is clearly demonstrated in *Shaik*.”²⁷

²² Id.

²³ Id.

²⁴ *Shaik* above n 16 at para 18.

²⁵ Id at para 17.

²⁶ 51 of 1977 and id at paras 17-8.

²⁷ Id note 4

[37] It follows, therefore, that in order to give proper meaning and purpose to the mischief which the Proclamation and the SIU investigation seek to address, the word “court” must be read harmoniously with the SIU Act and the powers of the Special Tribunal. It is important to apply the jurisprudence as set out in the *Independent Institute of Education*, namely that the relevant part of the SIU Act should be so construed as to be consistent with the Pension Funds Act. Harmony of interpretation between statutes is required even in unrepealed statutes. Statutes dealing with the same matter and which are in pari materia lead to the conclusion that the word "court" must include the principle that the Special Tribunal has the power to order a deduction from a pension fund in circumstances of theft, dishonesty, maladministration, and the like.

Conclusion

[38] In the result, the first defendant’s quest to seek the release of his pension fund must fail. The issue is complex and fundamental to protecting the rights of the vulnerable when proceeds intended for their care are misdirected, as alleged in this case.

[39] The matter is complex, and the costs should apply at scale C if it were a High Court matter.

Order

1. The first defendant’s application is dismissed with costs.
2. The first defendant is ordered to pay the plaintiff’s costs, including the cost of counsel.

JUDGE M VICTOR

PRESIDENT OF THE SPECIAL TRIBUNAL

Appearances:

For the plaintiff: Adv M D Sekwakweng

Instructed by: State Attorney, Pretoria

For the first defendant: Adv CA Kriel

Instructed by: Machobane Kriel Inc.

Date of hearing: 03 September 2025

Date of judgment: 16 February 2026

Mode of delivery

This judgment is delivered by email to the parties' legal representatives, uploaded to Caselines, and released to SAFLII and AFRICANLII. The time of delivery is deemed to be 14h00.