

**IN THE HIGH COURT OF SOUTH AFRICA**

**(GAUTENG DIVISION, PRETORIA)**



**Case number: 1094/2018**

DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: NO
- (2) OF INTEREST TO OTHERS JUDGES: NO
- (3) REVISED

.....  
DATE SIGNATURE

In the matter between:

**MUNICIPAL WORKERS' RETIREMENT FUND**

**Applicant**

(Respondent in the application for leave to appeal)

and

**THE FINANCIAL SECTOR CONDUCT AUTHORITY**

**First Respondent**

(Applicant in the application for leave to appeal)

**THE FINANCIAL SERVICES BOARD**

**Second Respondent**

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**JUDGMENT: APPLICATION FOR LEAVE TO APPEAL**

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**BASSON J**

[1] This is an application for leave to appeal brought by the first respondent (the Financial Sector Authority – “the Authority”) against the judgment and order of this court. The application for leave to appeal is opposed by the applicant (the Municipal Workers’ Retirement Fund - “the Fund”).

[2] The test for leave to appeal is set out in section 17(1)(a)(i) of the Superior Court Act which requires that leave to appeal be granted where the Judge concerned is of the opinion that there is a reasonable prospect that another court would take a different view regarding the order of the Court.

[3] In this matter the Court was required to interpret the provisions of section 7A(1) of the Pension Funds Act<sup>1</sup> (“PFA”) with particular reference to the question whether the Fund’s board of trustees as constituted at the time complies with section 7A(1) of the PFA;.

[4] I have considered the extensive and very helpful written submissions filed on behalf of both parties. I am of the view that this is a matter that merits the consideration of another court. I am, however, not persuaded that this matter warrants the attention of the Supreme Court of Appeals in terms of section 17(6)(a) of the Superior Courts Act.

**Order**

[5] Leave to appeal is granted to the Full Court of this Division. Costs of this application to be costs in the appeal.

**AC BASSON**  
**JUDGE OF THE HIGH COURT**  
**GAUTENG DIVISION OF THE HIGH COURT, PRETORIA**  
*Electronically submitted therefore unsigned*

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<sup>1</sup> Act 24 of 1956.

Delivered: This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 6 January 2021.

Appearances:

For the Applicant:

Adv A Cockrell SC, Adv LS Mbatha

Instructed by: Mothle Jooma Sabdia Inc.

For the Respondent:

Adv CE Watt-Pringle SC, Adv KS McLean

Instructed by: Shepstone Wylie Attorneys