



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 06/23

In the matter between:

**NATIONAL EMPLOYERS' ASSOCIATION
SOUTH AFRICA**

First Applicant

**SOUTH AFRICAN ENGINEERS' AND FOUNDERS'
ASSOCIATION**

Second Applicant

and

**METAL AND ENGINEERING INDUSTRIES
BARGAINING COUNCIL**

First Respondent

**GENERAL SECRETARY OF THE METAL AND
ENGINEERING INDUSTRIES BARGAINING
COUNCIL**

Second Respondent

MINISTER OF EMPLOYMENT AND LABOUR

Third Respondent

**PARTIES TO THE METAL AND ENGINEERING
INDUSTRIES BARGAINING
COUNCIL**

Fourth to Twenty-eighth Respondent


ORDER

CORAM: Maya DCJ, Kollapen J, Mathopo J, Mhlantla J, Rogers J, Schippers AJ, Theron J, Tshiqi J and Van Zyl AJ.

The Constitutional Court has considered the application for leave to appeal. It has concluded that the application should be dismissed on mootness. Consequently, leave to appeal is refused. The Court has decided to award costs.

Order: Leave to appeal is refused with costs.

SIBUSISO MAPOSSA
REGISTRAR
CONSTITUTIONAL COURT

| | |
|---|--------------|
| REGISTRAR OF THE CONSTITUTIONAL COURT OF SOUTH AFRICA | |
| P/Bag X1, Constitution Hill, Braamfontein 2017 | |
|  | 2023 -08- 25 |
| CC-001 | |
| REGISTRAR OF THE CONSTITUTIONAL COURT OF SOUTH AFRICA | |

TO: KRIEK WASSENAAR AND VENTER INCORPORATED

Attorneys for the Applicants
3rd Floor, HB Forum Building
13 Stamvrug Street
Val de Grace

PRETORIA

Tel: 012 803 4719

Email: peter@kriekprok.co.za / nj@kriekprok.co.za / elbie@kriekprok.co.za

Ref: PJ Wassenaar/es/QB0993

C/o NEL DU TOIT INCORPORATED

14 Toktokkie Avenue
Weltevredenpark
Roodepoort

JOHANNESBURG

Tel: 065 828 1891

AND TO: OFFICE OF THE STATE ATTORNEY, PRETORIA

Attorneys for the Third Respondent
Salu Building
316 Thabo Sehume Street and Francis Baard Street

PRETORIA

Tel: 012 309 1549

Fax: 012 309 1649 / 012 309 1650

Email: CoPedroAfonso@justice.gov.za

Ref: C PEDRO AFONSO / 3150/2022/Z30

AND TO: BARNARD INCORPORATED ATTORNEYS

Attorneys for the Fourth Respondent
266 Bronkhorst Street
Nieuw Muckleneuk
Brooklyn

PRETORIA

Tel: 012 001 2739

Email: johan@barnardinc.co.za / noluthando@barnardinc.co.za /
refilwe@barnardinc.co.za
Ref: MAT12284/AS/jdt

AND TO: ANTON BAKER INCORPORATED ATTORNEYS

Attorneys for the Fifth to Twenty-fourth and Twenty-sixth to Twenty-eighth
Respondents
Justice House

842 Justice Mahomed Street

Brooklyn

PRETORIA

Tel: 012 460 9789

Fax: 086 512 8329

Email: anton@bakkerlaw.co.za / madgeline@bakkerlaw.co.za

C/o YUSUF NAGDEE ATTORNEY

20 De Korte Street

Braamfontein

JOHANNESBURG

Tel: 011 399 2241