

## **JSC INTERVIEW ROUND: MAY 2024**

**CANDIDATE: JUDGE DAVID NAT UNTERHALTER**

**COURT FOR WHICH CANDIDATE APPLIES: SUPREME COURT OF APPEAL**

### **1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments:**

1.1. The candidate holds the following formal qualifications:

1.1.1. BA, Cambridge (1980);

1.1.2. LLB, Wits University (1984);

1.1.3. BCL, Oxford (1985); and

1.1.4. MA, Cambridge (1987).

1.2. The candidate's professional admissions and honours:

1.2.1. Advocate (1990); and

1.2.2. Senior Counsel (2002).

### **2. The candidate's integrity and ethics:**

2.1. No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour or is not a fit and proper person for appointment.

**3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:**

3.1. There are currently 22 judges permanently appointed to the SCA. Based on the names listed on the SCA website, the SCA's racial and gender composition appears to be:

3.1.1. 11 black women (8 African, 1 Indian, 2 Coloured);

3.1.2. 2 white women;

3.1.3. 7 black men (5 African, 1 Indian, 1 Coloured); and

3.1.4. 2 white men.

3.2. The candidate is a white man.

**4. The maximum period the candidate could serve if appointed:**

4.1. Section 176(2) of the Constitution provides that all judges other than Constitutional Court judges "*hold office until they are discharged from active service in terms of an Act of Parliament.*" The Act in question is the Judges Remuneration and Conditions of Employment Act 47 of 2001.

4.2. Section 3(2)(a) of the Act provides that, subject to section 4(4), a judge will ordinarily be discharged from active service upon reaching the age of 70 if, by that date, they have completed a period of active service of not less than ten years. If not, they will be discharged from active service after having completed ten years of active service.

4.3. Section 4(4) allows for a judge who reaches the age of 70 to continue serving until the age of 75 if, at the time of turning 70, they have not yet served 15

years' active service.

- 4.4. The candidate is 65 years of age and has completed a period of 6 years of active service as a permanent judge.
- 4.5. If appointed, the candidate could serve for a period of approximately 9 years.

**5. The candidate's personal commitment to the values of the Constitution:**

- 5.1. The candidate is committed to the values of the Constitution.
- 5.2. He has been an executive member of organisations that are committed to human rights, including before the Constitution and Bill of Rights, such as the Society for the Abolition of the Death Penalty in South Africa (1990 – 1995) and Lawyers for Human Rights (1989 – 1995).
- 5.3. The candidate further served as the Johannesburg Chair of the National Institute for Crime Prevention (1989 – 1995).
- 5.4. He has delivered seminars and presented papers at conferences on several constitutional and human rights issues. He has also written several articles on constitutional law and human rights in peer-reviewed academic journals. He has served as the chairperson of the editorial board of the South African Journal of Human Rights.
- 5.5. The candidate regularly represented parties *pro bono* in public interest cases.
- 5.6. The candidate's conduct demonstrates a strong commitment to the achievement of dignity, equality and freedom for all, and human rights generally, through public service and in civil society, and community involvement.

## **6. The candidate's knowledge of the law, including constitutional law:**

- 6.1. The candidate's knowledge of the law is acknowledged, nationally and internationally, to be of the highest order and he is renowned as an exceptional jurist and constitutional lawyer.
- 6.2. The candidate's judgments reflect a thorough understanding and appreciation of constitutional law. This is evident in his published decisions on common law matters where he infuses these values into the application of the law.
- 6.3. An example of this is *Ndoro v South African Football Association* 2018 (5) SA 630 (GJ), which has shed light on the reviewability of a domestic tribunal's decision and the proper characterisation of decisions made by voluntary associations that perform a public function.
- 6.4. Another is *Van der Bijl v Featherbrook Estate Home Owners Association* 2019 (1) SA 642 (GJ), a delictual matter where the candidate developed the common law in relation to questions of unlawfulness and wrongfulness by infusing constitutional values through the mechanism of section 39(2) of the Constitution.
- 6.5. In *Solidarity v Minister of Health & Others* (033367/2022) [2024] ZAGPPHC 156 (27 February 2024), the candidate addressed issues of standing and the powers of the Executive (there, the Minister of Health, the Director General of the Department of Health, the Minister of Public Service and Administration, the Minister of Finance, and the National Treasury) under section 85(2) of the Constitution (read with section 3 of the Public Service Act, 1994) to create an organisational structure and fill posts for an organisational structure that may be required under a Parliamentary

Bill (National Health Insurance Bill) in advance of that Bill becoming law.

- 6.6. The candidate was part of the bench that delivered the decision in *Capitec Bank Holdings Limited and Another v Coral Lagoon Investments 194 (Pty) Ltd and Others* (470/2020) [2021] ZASCA 99 (09 July 2021). This decision, which faithfully applies and advances recent Constitutional Court jurisprudence, is a significant contribution on fundamental questions of the proper approach to the interpretation of contracts; good faith; consent as a requirement for the sale of shares; past conduct as a guide to interpretation; and the parol evidence rule.
- 6.7. The judgment authored by the candidate in *Makhala & Another v S* (438/20) [2022] ZASCA 19 (18 February 2022), displays a careful treatment of the Constitution's impact on fair trial procedures and the administration of justice in criminal matters. The judgment considers the fairness of such processes not only on accused persons but on all persons who might give evidence that the State later seeks to admit in a trial. The judgment reflects the candidate's characteristic concern with reconciling existing precedents and, when appropriate, deciding on a principled basis between precedents that may be in tension. The decision is partially the majority decision, and partially a minority decision (on the application of principles relating to hearsay evidence).
- 6.8. In *Tuta v The State* 2023 (2) BCLR 179 (CC), speaking on behalf of the majority of the Constitutional Court, the candidate clarified the doctrine of putative self-defence in criminal law. This decision upholds the important notion of liberty of the citizens of this country. It also provides a sophisticated treatment of how to deal with important points of law that arise on appeal.

- 6.9. In *South African Nursing Council v Khanyisa Nursing School (Pty) Ltd & another* [2023] ZASCA 86; 2024 (1) SA 103 (SCA) (2 June 2023), the candidate, writing for the SCA in a unanimous judgment, interpreted regulations promulgated under the Nursing Act, 2005 to accredit programmes offered by a Nursing School and, in particular, the meaning of an academic year as defined by reference to any calendar year. The judgment details the utility and limits of dictionary meanings in the process of interpreting written text (including legislation) and re-iterates the cautionary words of others before him such as in *Plaaslike Oorgangsraad van Bronkhorstspuit v Senekal* [2000] ZASCA 51; 2001 (3) SA 9 (SCA) about wantonly adopting dictionary meanings when embarking upon statutory interpretation exercises.
- 6.10. In *Lindsey and Others v Conteh* [2024] ZASCA 13 (6 February 2024), the candidate writing jointly with Hughes JA produced a judgment which articulates the principles and extent to which foreign judgments qualify as launch pads for provisional sentence proceedings. The judgment deals with the question whether a foreign judgment that does not, strictly speaking, constitute a money judgment qualifies as a liquid document that may be enforced locally in provisional sentence proceedings.
- 6.11. The unanimous judgment authored by the candidate in *South African Municipal Workers Union National Medical Scheme (SAMWUMED) v City of Ekurhuleni and Others* [2023] ZASCA 182; [2024] 1 All SA 647 (SCA); (2024) 45 ILJ 479 (SCA) (22 December 2023), makes further contributions to our law on the circumstances under which persons can be exposed to legal liability for intentionally and unlawfully interfering with third parties' contractual relationships. The judgment deals with the nature of a collective

agreement as well as the legal effect thereof; the implications of the Medical Schemes Act, 1998 on arrangements between medical schemes and brokers; as well as the legality of a territorial limitation agreed to between a broker and a medical scheme. The decision is informed by the anchored application of constitutional principles.

- 6.12. The candidate penned the majority judgment in *Forestry South Africa v Minister of Human Settlements, Water and Sanitation and Others* (777/2022) and *Minister of Human Settlements, Water and Sanitation and Others v Forestry South Africa* [2023] ZASCA 153; [2024] 1 All SA 22 (SCA) (15 November 2023). The case involved the sensitive topic of the use and protection of the nation’s water resources in a sustainable and equitable manner in the public interest and water use authorisations under the National Water Act, 1998, given the global climate change challenge and the South African Government’s efforts of controlling access to water resources and the demands of sections 24(b) and 27(1)(b) of the Constitution.
- 6.13. The judgment recognised that Forestry South Africa – a voluntary association registered as a non-profit organisation and representing the interests of South African timber growers – had standing under section 38(e) of the Constitution to seek declaratory relief before a Court to secure a definitive interpretation of provisions of the National Water Act, 1998 that potentially affected its members’ property rights as protected by section 25 of the Constitution. Speaking for the majority, the candidate held that although there was, strictly speaking, no constitutional challenge to the Water Act in the matter, he could “*see no reason why, in a case of this kind, which seeks an authoritative interpretation of legislation that affects important rights, an association such as Forestry SA should not enjoy*

*standing on behalf of its members.*” The judgment held that allowing Forestry SA standing represented “*a warranted extension of the standing recognised in s 38(e) of the Constitution.*” Crucially, though there was a dissenting judgment, the minority (Mothle JA dissenting, with Mocumie JA concurring) effectively agreed with the candidate on the part of the ruling pertaining to the demands of section 38(e) of the Constitution.

6.14. The candidate’s extensive involvement in many of the seminal decisions of the Constitutional Court includes acting as counsel in the following significant cases:

- 6.14.1. *In re: Certification of the Constitution of the Republic of South Africa* 1996 (4) SA 744 (CC);
- 6.14.2. *In re: Certification of the Amended Text of the Constitution of the Republic of South Africa* 1997 (2) SA 97 (CC);
- 6.14.3. *Ferreira v Levin N.O.* 1996 (2) SA 621 (CC);
- 6.14.4. *Beinash v Ernst & Young* 1999 (2) SA 116 (CC);
- 6.14.5. *Jooste v Score Supermarket Trading (Pty) Ltd* 1999 (2) SA 1 (CC);
- 6.14.6. *Simelane N.O. v Seven-Eleven Corporation SA (Pty) Ltd & Another* 2003 (3) SA 64 (SCA);
- 6.14.7. *Phillips v Director of Public Prosecutions WLD* 2003 (3) SA 34 (CC);
- 6.14.8. *Radio Pretoria v Chairman of the Independent Communications Authority of SA* 2004 (3) SA 346 (SCA);



- 6.14.9. *Mkontwana v Nelson Mandela Metropolitan Municipality & Another* 2005 (1) SA 530 (CC);
- 6.14.10. *National Treasury v OUTA* 2012 (6) SA 223 (CC);
- 6.14.11. *DA v President of the Republic of South Africa* 2013 (1) SA 248 (CC);
- 6.14.12. *All Pay Consolidated Investment Holdings (Pty) Ltd v Chief Executive Officer of the South African Social Security Agency* 2014 (1) SA 604 (CC);
- 6.14.13. *Trencon Construction (Pty) Ltd v Industrial Development Corporation of South Africa Limited* 2015 (5) SA 245 (CC);
- 6.14.14. *Tasima (Pty) Ltd v Department of Transport* 2017 (2) SA 622 (CC);  
and
- 6.14.15. *UDM v Speaker of the National Assembly* 2017 (5) SA 300 (CC).
- 6.15. The candidate's expertise covers a vast array of areas of law, including constitutional and administrative law, competition law, healthcare and medicines substances law, international trade, and international law.
- 6.16. He will, if appointed, bring a wealth of knowledge, expertise, and experience to the SCA.

**7. Judgments of the candidate that have been overturned, upheld or commented on, on appeal:**

- 7.1. As far as can be ascertained, the only judgment of the candidate that has been overturned on appeal is that of *Basson v Hugo & Others* 2018 (3) SA 46 (SCA).

7.2. The following matters were upheld on appeal and/or commented favourably upon:

7.2.1. *Phaala v Minister of Justice and Correctional Services* 2018 (1) SACR 218 (GP); and

7.2.2. *Betterbridge (Pty) Ltd v Masilo* 2015 (2) SA 396 (GP).

## **8. The extent and breadth of the candidate's professional experience:**

8.1. The candidate's professional experience is extensive.

8.2. The candidate lists 55 judgments in his application. The candidate's percentage of reported judgments (approximately 80%) since his permanent appointment as a judge is distinctively high. The judgments which are annexed to his application are decisions that have been significant in the development of our law. We have reviewed the candidate's decisions which have not been attached to his application, and which have similarly developed our law.

8.3. The additional judgments considered are illustrative of the candidate's expansive experience and cover the areas of constitutional and administrative law, competition law, commercial law (including company law and intellectual property law) and criminal law.

8.4. As counsel, the candidate lists 126 reported judgments in the field of constitutional and administrative law, 171 reported judgments in the field of competition law, 24 reported judgments in the area of commercial law including company law and intellectual property, and approximately 12 reported judgments in international trade law.

- 8.5. The candidate has held leadership positions throughout his career in various facets of the profession, for example:
- 8.6. As a practitioner he joined the Johannesburg Bar approximately 34 years ago in 1990 and was conferred the status of Silk in 2002;
- 8.7. He holds full professorships at both WITS University and UCT, as well as visiting professorships at University College (London), Columbia Law School (New York) and National University (Singapore);
- 8.8. The candidate has been the director of legal research centres such as the Centre for Applied Legal Studies and the Mandela Institute;
- 8.9. He has held executive positions in various legal organisations including the National Institute for Crime Prevention, The Society for the Abolition of the Death Penalty, the Johannesburg Bar Council, the General Council of the Bar, Lawyers for Human Rights and AFSA;
- 8.10. As a judge, domestically, he has held a permanent judicial appointment in the High Court for a period of 6 years and has served various acting appointments in the Competition Appeal Court, the Constitutional Court and the SCA; and
- 8.11. Internationally he has been a member (and later the chairperson) of the Appellate Body of the World Trade Organisation in Geneva, a standing body of seven persons that hears appeals from reports issued by panels in disputes brought by WTO Members.
- 8.12. The candidate has extensive experience as a judge as is evident from his vast array of judgments. Prior to his appointment, he served for more than 30 years in the profession in various capacities during which time he appeared

in seminal cases. He demonstrates a comprehensive and extraordinary knowledge of the law, with an exemplary ability to manage court proceedings effectively and to communicate complex legal principles clearly and concisely.

8.13. The candidate has sufficient experience to serve on the SCA bench.

**9. The candidate's linguistic and communication skills:**

9.1. The candidate writes clearly, and this makes his judgments accessible to academics, practitioners, fellow judges, and the general public. This is reflected in the significant number of his decisions that have been reported, and the fact that only one of his judgments has been overturned on appeal. The candidate is well-spoken.

**10. The candidate's ability to produce judgments promptly:**

10.1. The candidate produces judgments promptly. Experience in practice dictates that provision must be made for exceptional circumstances which result in a longer period than three months being required. The candidate's judgment in *Golden Core Trade and Invest (Pty) Ltd v Merafong City Local Municipality and Another* (338/2022) [2023] ZASCA 126 (29 September 2023) was delivered 4 months after the hearing.

10.2. The candidate had one outstanding judgment at the time of completing this application. *Legal Practitioners Indemnity Insurance Fund and Others v Road Accident Fund and others* (046038/2022) [2024] ZAGPPHC 294 was heard on 26 and 27 February 2024, and judgment of the Full Bench was delivered on 20 March 2024.

**11. The candidate's ability to conduct court proceedings fairly, efficiently and effectively:**

- 11.1. The candidate is reputed to be fair and impartial with colleagues and practitioners during court proceedings.
- 11.2. From an assessment of his judgments and observations of colleagues who have appeared before him, the candidate conducts court proceedings fairly and efficiently.
- 11.3. The candidate has always displayed punctuality; is well-prepared when hearing matters and treats practitioners with the utmost courtesy.
- 11.4. According to reports received from senior members of the Bar, the candidate is friendly, polite, and engaging. He often engages in constructive debates with members of the Bar during argument. Junior members of the Bar report that the candidate is kind, caring and readily offers helpful guidance to them.
- 11.5. Significantly, the candidate has continued his involvement in advocacy training, where his participation has been of immeasurable value to pupils as well as to more advanced senior junior advocates. He is a much sought-after and considerate advocacy trainer, who trains with a distinct gentle acumen.
- 11.6. In recent interviews before the JSC there was robust debate with, and criticism of, the candidate. We do not believe that there is anything that transpired during those interviews which should continue to constitute an obstacle to the appointment of the candidate. The candidate has been unwavering in his commitment to contribute his extensive knowledge and experience to South African jurisprudence. Practitioners and fellow judicial officers alike have appreciated the candidate's valuable intellectual

contributions to the matters over which he has presided.

## **12. The candidate's independent-mindedness:**

- 12.1. The candidate has a reputation for being independent-minded.
- 12.2. Even before South Africa enjoyed Constitutional freedoms, the candidate did not refrain from voicing his concerns regarding human rights violations and the death penalty.
- 12.3. Since the constitutional dispensation came into effect, the candidate has contributed immeasurably to the development of constitutional law, administrative law, and competition law. His contribution is self-evident from the judgments in the cases in which he appeared as counsel and in his judgments.
- 12.4. This is apparent in several judgments, but most significantly in *Trio Engineered Products Inc v Pilot Crushtec International (Pty) Ltd* 2019 (3) SA 580 (GJ) which concerned a careful analysis of where contractual and delictual obligations may co-habit. The judgment canvasses new territory.
- 12.5. Similarly, in *Ndoro v South African Football Association* 2018 (5) SA 630 (GC), he sought to reconcile a number of divergent decisions concerning the difficult topic of when private entities can be reviewed under PAJA despite them lacking a statutory source of power.
- 12.6. In *Zamani Marketing & Management Consultants (Pty) Ltd v HCI Invest 15 (Pty) Ltd* 2021 (5) SA 315 (GJ), the candidate examined a number of cases in our law that dealt with an arbitrator's duty to produce notes made by him in the preparation of an award. In that case, he distinguished between

different types of decisions and attached to each of them an appropriate duty of disclosure.

12.7. These three cases are by no means a closed list and are illustrative of the candidate's independent-mindedness and his willingness to depart from established principles and make new law where appropriate.

**13. The candidate's administrative ability (other than in relation to court proceedings):**

13.1. The candidate has a reputation for diligence and administrative capability, as evidenced by his leadership roles in different capacities throughout his career.

**14. The message that the candidate's appointment would send to the public at large:**

14.1. The appointment of the candidate would demonstrate the JSC's commitment to appointing excellent jurists, especially one who has served with stellar dedication and who is widely respected by the public and his peers. The candidate's commitment to the values of the Constitution and his institutionalised in-depth expertise in vast areas of law, would strengthen the bench and the public's confidence in the SCA.

14.2. The candidate is a distinguished and revered legal practitioner, both nationally and internationally. His appointment would add to the credence and respect held amongst the public and the profession for the SCA.

## **ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

### **1. Reported decisions:**

- 1.1. *Bertie Van Zyl (Pty) Ltd t/a ZZ2 and Others v Minister of Agriculture, Forestry and Fisheries and Others* 2021 JDR 1544 (SCA)
- 1.2. *Blind SA v Minister of Trade, Industry & Competition and Others* 2023 (2) BCLR 117 (CC)
- 1.3. *Buthelezi v Minister of Police* 2020 (2) SACR 21 (GJ)
- 1.4. *Capitec Bank Holdings Ltd v Coral Lagoon Investments (Pty) Ltd* 2022 (1) SA 100 (SCA)
- 1.5. *De Bruyn v Steinhoff International Holdings NV & Others* 2022 (1) SA 442 (GJ)
- 1.6. *Eskom Holdings SOC Ltd v Vaal River Development Association (Pty) Ltd and Others* 2023 (5) BCLR 527 (CC)
- 1.7. *FirstRand Bank Limited v The Spar Group Limited* 2021 (5) SA 511 (SCA)
- 1.8. *Forestry South Africa v Minister of Human Settlements, Water and Sanitation & Others; and Minister of Human Settlements, Water and Sanitation & Others v Forestry South Africa* (824/2022) [2023] ZASCA 153; [2024] 1 All SA 22 (SCA)
- 1.9. *Minister of Cooperative Governance and Traditional Affairs v De Beer and Another* [2021] 4 All SA 1 (SCA)
- 1.10. *Reddell and Another v Mineral Sands Resources (Pty) Ltd and Others* 2023 (2) SA 404 (CC) (dissent)
- 1.11. *Soni v S* 2021 (2) SACR 241 (SCA)
- 1.12. *South African Navy and Another v Tebeila Institute of Leadership, Education, Governance and Training* (2021) 42 ILJ 1431 (SCA)
- 1.13. *South African Municipal Workers Union National Medical Scheme*



*(SAMWUMED) v City of Ekurhuleni and Others* [2023] ZASCA 182;  
[2024] 1 All SA 647 (SCA); (2024) 45 ILJ 479 (SCA)

- 1.14. *South African Nursing Council v Khanyisa Nursing School (Pty) Ltd & Another* [2023] ZASCA 86; 2024 (1) SA 103 (SCA)
- 1.15. *Swatch AG (Swatch SA) v Apple Inc* [2021] 3 All SA 723 (SCA)
- 1.16. *Tuta v The State* 2023 (2) BCLR 179 (CC)
- 1.17. *Villa Crop Protection (Pty) Ltd v Bayer Intellectual Property GmbH* 2023 (4) BCLR 461 (CC)
- 1.18. *Zamani Marketing & Management Consultants (Pty) Ltd v HCI Invest 15 (Pty) Ltd* 2021 (5) SA 315 (GJ)

## **2. Unreported decisions:**

- 2.1. *Alminic Construction (Pty) Ltd v Hahlakela Trading CC* [2019] JOL 41034 (GJ)
- 2.2. *Billion Property Developments (Pty) Ltd v Rhino Log Furniture and Lapas CC and Another* (51992/2016) [2019] ZAGPPHC 53
- 2.3. *Blue Financial Services Limited v Absa Bank Limited and Another* (39633/2014) [2019] ZAGPJHC 340
- 2.4. *Business Connexion (Pty) Ltd v Vexall (Pty) Ltd and Another* (182/CAC/Mar20) [2020] ZACAC 4
- 2.5. *Canton Trading 17 (Pty) Ltd t/a Cube Architects v Fanti Bekker Hattingh N O* (479/2020) [2021] ZASCA 163
- 2.6. *Consol Glass (Pty) Ltd v Commissioner for the South African Revenue Service* (1010/2019) [2020] ZASCA 175
- 2.7. *Cox NO and Others v Scania Finance Southern Africa (Pty) Ltd; Scania Finance Southern Africa (Pty) Ltd v Cox NO and Another* (17481/2013; 34264/2014) [2018] ZAGPJHC 484

- 2.8. *Golden Core Trade and Invest (Pty) Ltd v Merafong City Local Municipality and Another* (338/2022) [2023] ZASCA 126
- 2.9. *HCI Invest 15 Holdco Proprietary Limited and Another v Ithuba Holdings Proprietary Limited (RF) and Others* (19/31803) [2019] ZAGPJHC 534
- 2.10. *Justice Project South Africa v Registrar of Road Traffic and Others* (30665/2016) [2019] ZAGPPHC 1048
- 2.11. *Kathu Solar Park (RF) (Pty) Ltd v Mahon and Another* (2020/4931) [2020] ZAGPJHC 277
- 2.12. *Kausi v S* (A103/2019) [2019] ZAGPJHC 511
- 2.13. *Khourie v Levine and Others* (95/06622) [2018] ZAGPJHC 418
- 2.14. *Lindsey and Others v Conteh* [2024] ZASCA 13
- 2.15. *Makhala & Another v S* (438/20) [2022] ZASCA 19
- 2.16. *Masibuyisane Services (Pty) Ltd v Eqstra Corporation (Pty) Ltd* (1245/2019) [2020] ZASCA 159
- 2.17. *Member of the Executive Council for Health, Eastern Cape v Z M* (576/2019) [2020] ZASCA 169
- 2.18. *Nandi Jacobs v The Minister of Justice and Correctional Services* (431/2020) [2021] ZASCA 151
- 2.19. *Sekepe Investments (Pty) Ltd and Others v Government Employees Pension Fund and Another* (110/2019) [2020] ZASCA 183
- 2.20. *Solidarity v Minister of Health & Others* (033367/2022) [2024] ZAGPPHC 156 (27 February 2024)
- 2.21. *Turley Manor Body Corporate v Pillay and Others* (10662/18) [2020] ZAGPJHC 190
- 2.22. *TWK Agriculture Holdings (Pty) Ltd v Hoogveld Boerderybeleggings (Pty) Ltd and Others* [2023] ZASCA 63
- 2.23. *Women in Capital Growth (Pty) Ltd and Another v Scott and Others*

(1193/2019) [2020] ZASCA 95

**3. Judgments upheld on appeal:**

None

**4. Judgments overturned on appeal:**

None