



21/03/2022

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

BEFORE THE HONOURABLE JUDGE PHOOKO AJ

ON THE 11th OF MARCH 2022

VIA MICROSOFT TEAMS VIDEO CONFERENCING

Order granted electronically in accordance with the Directives regarding special arrangements during the National State of Disaster. This Order is made an order of Court by the Judge whose name reflects herein, duly stamped by the Registrar of the Court and is submitted electronically to the parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this order is deemed to be the 11th of March 2022.

CASE NO: 48866/2021

In the application between:

SERR SYNERGY (PTY) LTD

and

**SOUTH AFRICAN NATIONAL
ACCREDITATION SYSTEM**

**THE MINISTER OF TRADE, INDUSTRY
AND COMPETITION**



Applicant

First Respondent

Second Respondent

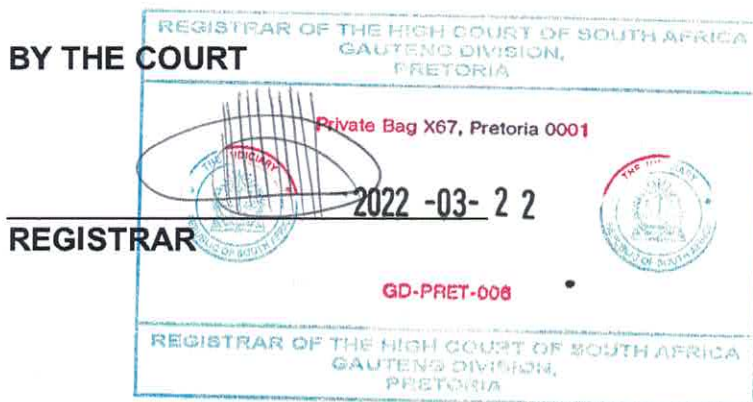
COURT ORDER

Having read the documents filed of record, heard counsel and having considered the matter:

IT IS ORDERED THAT:

M.F. Makwane

- 1 The directive issued by the South African National Accreditation System, First Respondent ("**SANAS**") on 6 April 2021 entitled "Clarity on Measuring Period", in the subject line ("**the Directive**") is declared unlawful and is reviewed and set aside.
- 2 It is declared that SANAS has no power in terms of the Broad-Based Black Economic Empowerment Act No. 53 of 2003 ("**the BEE Act**") or any other legislative instrument to prescribe the measurement period that must be taken into account when verifying an enterprise's compliance with the BEE Act or the Codes of Good Practice issued under the BEE Act.
- 3 The Applicant is to pay the costs of this application.



Applicants Counsel
Advocate A Ngidi
072 5783611