

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

THE MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM and THE DEPUTY DIRECTOR-GENERAL: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM / SCENEMATIC FOURTEEN (PTY) LTD

From : The Registrar, Supreme Court of Appeal
Date: 22 March 2004
Status: Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

Today the SCA upheld a decision of the Deputy Director General of Environmental Affairs to reject the application of a Western Cape fishing company for fishing rights in the hake fishing sector. One of the grounds upon which the validity of the decision had been attacked was that the Deputy Director had wrongly categorised the company as a 'new entrant' and in so doing had expected of it a greater degree of transformation than was justified. The SCA rejected the contention that the categorisation of the company as a new entrant was unreasonable. It held that the procedure adopted by the Deputy Director General to process and decide the large volume of applications for fishing rights with which he was confronted was aimed at achieving a balance between the two competing considerations of the need to accommodate new entrants from historically disadvantaged communities on the one hand and the need to recognise and take cognisance of the investments and past performances of the existing holders of fishing rights on the other. The court categorised the procedure adopted as 'objective, rational and practical in all the circumstances'. The order of the Cape High Court setting aside the DDG's decision was overturned with costs.

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I apologize for the length of this judgment. But I assure you

'It is of hake and fishing that I sing
of quotas and rights and no other thing'

DGS

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