



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY - JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM : The Registrar, Supreme Court of Appeal

DATE 14 March 2017

STATUS Immediate

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

***Mpumalanga Tourism and Parks Agency & another v Barberton Mines (Pty) Ltd & others
(216/2016) [2017] ZASCA 9 (14 March 2017)***

MEDIA STATEMENT

Today the Supreme Court of Appeal (SCA) upheld an appeal by the Mpumalanga Tourism and Parks Agency and The Mountainlands Owners Association against a judgment of the Gauteng Division of the High Court, Johannesburg. The SCA was concerned with whether the area in which the first respondent, Barberton Mines (Pty) Ltd, sought to commence mining operations, formed part of the Barberton Nature Reserve and whether the Barberton Nature Reserve was a protected area in terms of the National Environmental Management: Protected Areas Act 57 of 2003.

The SCA held that on a proper interpretation of the National Environmental Management: Protected Areas Act read together with s24 of the Constitution, the Barberton Nature Reserve is in fact a protected area upon which mining operations are prohibited by law. Consequently, the appeal succeeded and the order of the High Court authorising Barberton Mines to commence prospecting operations in that area was set aside.

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