

MEDIA STATEMENT

MINERALS COUNCIL NOTES HIGH COURT JUDGMENT IN CHARTER REVIEW MATTER

Johannesburg, 6 July 2020: The Minerals Council South Africa notes the judgment handed down by a full bench of the High Court in Pretoria regarding the 2018 Mining Charter review application brought by the Minerals Council following the hearing that took place on 5 May 2020.

The application asked the court to review certain aspects of the September 2018 charter dealing with the non-recognition of the continuing consequences of previous transactions in respect of mining right renewals and transfers and other ancillary aspects of the charter.

This judgment does not deal with the substance of the matter. Rather, the court has ordered that a number of other parties be joined to the action. These include various community organisations, trade unions named by the court, and the SA Mining Development Association.

In its pleadings, the Minerals Council had taken the view that these groups did not have a legal right to be joined. This is not to say that the industry does not recognise their role as stakeholders. In fact, the Minerals Council engages regularly with many of those named in various forums.

Further, in recognition of this, on 27 January 2020, the Minerals Council issued a Rule 16A notice inviting interested parties to join the hearing as *amicus curiae*, or “friends of the court”. No parties came forward. However, the court has ruled that this is inadequate.

The Minerals Council will give effect to the court order. Regrettably, this development does mean that the finalisation of the status of the contested elements of the 2018 Mining Charter will be delayed.



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