

Minister welcomes North Gauteng High Court decision

The Minister of Water and Environmental Affairs, Edna Molewa, has welcomed the decision of the North Gauteng High Court in Pretoria to dismiss, with costs, the application brought by the Retail Motor Industry Organisation (RMI) and Circuit Fitment CC (CF CC).



The matter went before the Court on 16 January, 2013, and judgement was delivered on 29 January, 2013.

The Minister and the Recycling and Economic Development Initiative of South Africa NPC (REDISA) were served with a notice of motion on 10 December, 2012, by the Retail Motor Industry Organisation (RMI) and Circuit Fitment CC (CF CC).

Declaratory order sought

The applicants had served an urgent application on the Minister in which they sought a declaratory order that:

1. The Minister's withdrawal of approval of Redisa's Integrated Industry Waste Tyre Management Plan (IIWTMP), as contained in Gazette No 35926 of 30 November 2012, was null and void and without any legal consequence.
2. The Minister's decision contained in Gazette No 35927 of 30 November, 2012, to approve Redisa's Integrated Industry Waste Tyre Management Plan (IIWTMP) be reviewed and set aside.
3. The Minister be interdicted and prohibited from proceeding with the implementation of Redisa's Integrated Industry Waste Tyre Management Plan, as contained in Gazette No 35927 of 30 November, 2012.

Furthermore the applicants had filed a supplementary affidavit arguing that Redisa was not entitled to submit a plan because it is not a tyre producer.

Minister acted within her powers

In his ruling, Acting High Court Judge, AJ Bam indicated that, in his view, it seemed clear that the Minister's withdrawal of Redisa's IIWTMP, also referred to in the judgment as the "July Redisa Plan", (as contained in Gazette No 35926 of 30 November, 2012) was well motivated. He added that there can be no doubt that the Minister was duty bound, in terms of the relevant legislation, to ensure that the Waste Tyre Management should proceed and be implemented. Thus, the court found that the Minister had acted within her powers when she withdrew the approval of the July 2012 plan and thereafter approved another version of the plan in November 2012. Consequently, the implementation of the Redisa plan will proceed.

Regarding the point taken by RMI and Circuit Fitment CC that Redisa was not entitled to apply for the approval of the July Redisa Plan, based on the argument that Redisa was not a "tyre producer", as contemplated and required in the regulations, the Acting Judge ruled that, in his opinion, there is no merit in this point as it appeared from Redisa's answering affidavit that Redisa, in fact, represents members in that category and does, therefore, indeed have the required status.

The Minister is particularly pleased that the implementation of the approved Redisa plan is proceeding, so that both government and industry can focus on the task at hand, which is to manage waste tyres in this country.

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