



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 1 JUNE 2011
Status: Immediate

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

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The appellants are participants in the unpolished diamond industry, some with dealers' licences and one with a diamond exchange certificate, who approached the Pretoria High Court for an interim interdict. Their application was born out of the changes to the Diamonds Act, which came into effect on 1 July 2008. The South African Diamond Producers Organisation, of whom they are all members, launched an application to have the alleged offending provisions declared unconstitutional, and whilst that application is pending, they sought interim relief to preserve their business operations which developed in terms of the un-amended legislation. Their interim application failed in the Pretoria High Court and on appeal to the Supreme Court of Appeal, their appeal was dismissed.

The Supreme Court of Appeal decided that the appellants failed to show that the tender and export businesses that they were conducting with unlicensed foreigners were legitimate in terms of the un-amended Act. In addition it found that the

amending provisions that came into operation on 1 July 2008 merely sought to root out illegal trade in unpolished diamonds in express terms.