



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: 28 March 2013

Status: Immediate

**MINISTER OF MINERAL RESOURCES OF THE RSA AND OTHERS v SISHEN
IRON ORE COMPANY (PTY) LTD AND ANOTHER**

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.

The Supreme Court of Appeal today dismissed an appeal by the Minister and other State officials as well as Imperial Crown Trading 289 (Pty) Ltd (ICT) against the judgment of Zondo J sitting in the North Gauteng High Court. The dispute related to Sishen Iron Ore Company (Pty) Ltd's (SIOC's) 'old order mining right' (in terms of the Transitional Arrangements in Schedule II to the Mining and Petroleum Resources Development Act 28 of 2002 (MPRDA)) in respect of iron ore on the properties where SIOC operates its Sishen Mine in the Northern Cape Province and SIOC's conversion of that 'old order right' to a mining right (in terms of the MPRDA) in

accordance with Item 7 of Schedule II and the prospecting right which the Deputy Director-General: Mineral Regulation Department of Mineral Resources purported to grant to ICT to search for iron ore on some of the properties on which the mining activities at the Sishen Mine are conducted. The SCA upheld the finding of Zondo J that, after SIOC converted its 'old order mining right', SIOC became the sole holder of the mining right in terms of the MPRDA in respect of iron ore on all the properties and consequently that the Deputy Director-General could not competently grant a prospecting right (or any other right) in respect of iron ore on the properties. The SCA found that irrespective of whether SIOC had become the sole holder of the mining right on 5 May 2008 or 18 June 2008, as found by Zondo J, after ArcelorMittal South Africa Limited (AMSA) failed to convert its undivided share in the 'old order right' in respect of iron ore on the relevant properties on or before 30 April 2009 as required by Item 7(2) of the Transitional Arrangements, AMSA's old order right ceased to exist in terms of Item 7(8) of the Transitional Arrangements, and SIOC by operation of law became the sole holder of the mining right in respect of iron ore on the properties. Accordingly, there is no share of the 'old order mining right' or the mining right (in terms of the MPRDA) which the Minister can allocate to any other party.