

ANNEXURE 2: APPEAL PROCEDURES

APPEAL PROCEDURE IN TERMS OF CHAPTER 7 OF GN. NO. R. 543 OF 18 JUNE 2010 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Application of this Chapter

58. (1) This Chapter applies to decisions that –
- (a) are subject to an appeal to the MEC in terms of Section 43 (1), (2) or (3) of the Act; and
 - (b) were taken by an organ of state acting under delegation in terms of Section 42 or 42A of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.

Notices of intention to appeal

60. (1) A person affected by a decision referred to in Regulation 60 (1) who wishes to appeal against the decision, must submit a notice of intention to appeal with the MEC, or delegated organ of state, as the case may be, within **twenty (20) days** after the date of the decision.
- (2) If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within ten **(10) days** of having submitted the notice contemplated in subregulation (1), with-
 - (a) a copy of the notice referred to in subregulation (1); and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the MEC and where and for what period the appeal submission will be available for inspection by such person or organ of state.
 - (3) If the appellant is a person other than an applicant, the appellant must provide the applicant within ten **(10) days** of having lodged the notice contemplated in subregulation (1) with-
 - (a) a copy of the notice referred to in subregulation (1); and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
 - (4) The MEC or delegated organ of state, may, as the case may be, in writing, on good cause extend the period within which a notice of intention to appeal must be submitted.

Submission of appeals

61. (1) An appeal lodged must be submitted to the appeal authority as indicated in Section 43 of the Act.
- (2) An appeal must be-
 - (a) submitted in writing; and
 - (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the MEC or designated organ of state;
 - (iii) a statement by the appellant that Regulation 60 (2) or (3) has been complied with together with copies of the notices referred to in that Regulation; and

- (iv) the prescribed appeal fee, if any.
- (3) The appellant must take into account any guidelines applicable to appeals as contemplated in Section 24J of the Act.

Time within which appeals must be lodged

62. (1) An appeal as contemplated in Regulation 61(1), must be submitted within **thirty (30) days** after the lapsing of the **twenty (20) days** contemplated in Regulation 60(1).

- (2) The MEC or designated organ of state, as the case may be, may, in writing, on good cause extend the period within which an appeal must be submitted.

