



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 27524/2017

(1) REPORTABLE: YES/NO
(2) OF INTEREST TO OTHER JUDGES: YES/NO
(3) REVISED: YES/NO

23/08/2023
Date

[REDACTED]
Signature

In the matter between:

AFRICAN CENTRE FOR BIODIVERSITY NPC
(NPO Registration no: 2004/025137/08)

Applicant

And

**MINISTER OF AGRICULTURE, FORESTY
AND FISHERIES**

First Respondent

**DIRECTOR-GENERAL: DEPARTMENT OF
AGRICULTURE, FORESTRY AND FISHERIES**

Second Respondent

**APPEAL BOARD: GENETICALLY MODIFIED
ORGANISMS**

Third Respondent

**EXECUTIVE COUNCIL FOR GENETICALLY
MODIFIED ORGANISMS**

Fourth Respondent

JUDGMENT IN APPLICATION FOR LEAVE TO APPEAL

Tolmay J

1. After perusing my judgment and considering argument by counsel, I am of the view that the appeal would have a reasonable prospect of success as contemplated in section 17 (1)(i) of the Superior Courts Act ,10 of 2013 (Superior Courts Act).
2. There also exist other compelling circumstances warranting granting leave to appeal as contemplated in section 17(1)(ii) of the Superior Courts Act, specifically due to the public interest in the general release of a Genetically Modified Organism.
3. In the light of the fact that the issues raised in this matter is of such a nature that it requires the consideration of the Supreme Court of Appeal, leave to appeal is granted to the Supreme Court of appeal against my judgment and order.
4. The parties are in agreement that no order as to costs should be made.

The following order is made:

1. Leave to appeal is granted against the whole of the judgment and order to the Supreme Court of appeal.


R G TOLMAY

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA.

APPEARENCES:

Counsel For Applicant: K Pillay SC & N Stein

Attorney For Applicant: Legal-Aid South Africa

Counsel For 1st – 4th Respondents: M Jozana

Attorney For 1st – 4th Respondents: The State Attorney

Counsel For 5th & 6th Respondents: P Lazarus SC & I Learmonth

Attorney For 5th & 6th Respondents: Webber Wentzel

Date Heard: 15 August 2023

Date of Judgment: 23 August 2023