



FSA wins all matters in the Supreme Court of Appeal!

Michael Peter, Forestry South Africa Executive Director

15 November 2023

Forestry South Africa is delighted to inform its members that a full bench of the Supreme Court of Appeal has awarded in FSA's favour unanimously and with costs, on the important matter of the definition of existing lawful water use! This confirms our long-held position that all plantations that were in existence around the time of the introduction of the National Water Act in 1998, are deemed to be an existing lawful water use, irrespective of whether they were previously authorised under pre-1998 legislation. It also means that those rights cannot arbitrarily be withdrawn or expropriated by the State.

In further good news the Court upheld the High Court's original rulings in our favour on Genus Exchange, the "use it or lose it", the many points *in limine* and the costs which were also awarded in our favour by the High Court!

FSA would like to thank members for their ongoing patience and support in achieving these crucial judgments. As mentioned previously, we hope that the leadership of the DWS will put the matter to rest and prevent the wayward officials from seeking yet more appeals in the Constitutional Court, as the Supreme Court of Appeal were unequivocal in their ruling and the officials themselves are now at risk of personal costs orders!