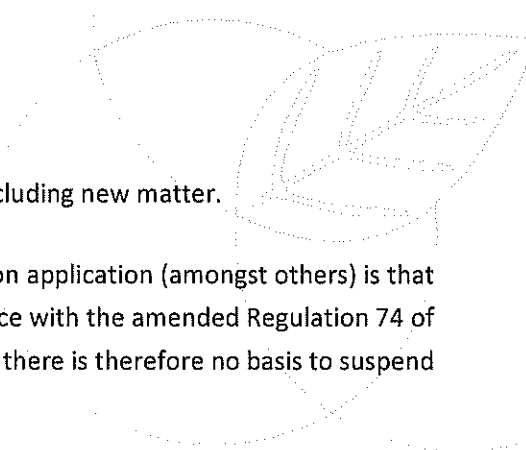


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3. The reply raises both procedural and substantive grounds of opposition, including new matter.
 4. One of the reasons given for the rights holders' opposition to the suspension application (amongst others) is that they allege that the internal appeal is defective, arising from non-compliance with the amended Regulation 74 of the MPRDA regulations which came into effect on 27 March 2020, and that there is therefore no basis to suspend the section 102 decision as there is no valid appeal.
 5. The CER submits that there was sufficient substantial compliance with the amended Regulation 74 such that there is a valid appeal before you. It will nevertheless, for the sake of caution, take steps to remedy the alleged procedural defects and, to the extent necessary, seek condonation. We further submit that that there is no prejudice to the rights holders in that regard. They received a copy of the internal appeal which clearly states the decision appealed against, sets out the grounds on which the appeal is based, lists the affected persons that the CER is aware of (i.e. the rights holders) and is accompanied by supporting documentation referred to in the affidavit. The rights holders have also delivered the reply to the suspension application.
 6. In the circumstances of all of the above, the CER submits that it should be entitled to deliver a response to the reply in the suspension application and undertakes to do so by 28 October 2020.
 7. We therefore kindly request that the Minister or delegee does not decide the suspension application until the CER has delivered a response to the rights holders' reply in the suspension application.

Yours sincerely
CENTRE FOR ENVIRONMENTAL RIGHTS



per:
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