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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 1509

17 October 2003

THE CONSTITUTIONAL COURT

NOTICE IN TERMS OF RULE 4(8) OF THE RULES OF THE CONSTITUTIONAL COURT MADE BY THE CHIEF JUSTICE UNDER SECTION 171 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT NO.108 OF 1996), AND SECTION 16 OF THE CONSTITUTIONAL COURT COMPLEMENTARY ACT, 1995 (ACT NO.13 OF 1995) AS AMENDED:

Case CCT 19/03

IN THE MATTER OF -

ALEXKOR LIMITED

First Appellant

THE GOVERNMENT OF THE REPUBLIC
OF SOUTH AFRICA

Second Appellant

versus

THE RICHTERSVELD COMMUNITY AND OTHERS

Respondent

ORDER OF COURT

On 14 October 2003 the Constitutional Court made the following order in the above-mentioned case:

1. the order of the Supreme Court of Appeal is amended to read as follows:
In result the appeal succeeds with costs including the costs of two counsel. The orders of the LCC are set aside and replaced with an order in the following terms:
 - (a) It is declared that, subject to the issues that stand over for later determination, the first plaintiff [the Richtersveld Community] is

entitled in terms of section 2 (1) of the Restitution of Land Rights Act 22 of 1994 to restitution of the right to ownership of the subject land (including its minerals and precious stones) and to the exclusive beneficial use and occupational thereof.

- (a) The defendants are ordered jointly and severally to pay the plaintiffs' costs including the costs of three counsel.
2. The second appellant (the Government of the Republic of South Africa) is ordered to pay the costs of the condonation application in this Court, including the costs of two counsel, on the scale as between attorney and client.
3. Save as aforesaid, the appeal is dismissed with costs, including the costs of two counsel.

Thus done at JOHANNESBURG on 14 October 2003.


SB MADONSELA
REGISTRAR: CONSTITUTIONAL COURT

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AND (012) 334-4713, RESPECTIVELY.**

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