

**GAUTENG DIVISION, PRETORIA****CASE NO: CC 82/2017**

In the matter between:

**UZANI ENVIRONMENTAL ADVOCACY CC**

Prosecutor

And

**BP SOUTHERN AFRICA (PTY) LTD**

Accused

**as represented in terms of s332(2)****of Act 51 of 1977 by Ms Julia Stewart)**

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**SUMMARY OF DECISION**

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**SPILG, J:****PRIVATE PROSECUTIONS: CRIMINAL PROCEDURE**

- Accused claiming an entitlement to have charges put. The basis on which that can be done limited. No ground set out for undue delay either under s342A of the Criminal Procedure Act or under s 35(3) of the Constitution (fair trial right)
- Accused not entitled to unilaterally determine that an application to compel documents will be brought after it has pleaded. Procedures are governed by the Criminal Procedure Act or in the case of the exercise of a constitutional right not covered under the CPA then the nature of the issue is to be determined as either falling procedurally into a pre-plea or post-plea process. The underlying logic of the CPA should be followed otherwise there is the risk of parallel procedures which may also result in continual objections.