

**IN THE HIGH COURT OF SOUTH AFRICA**  
**GAUTENG DIVISION, PRETORIA**

Case No: 24261/2020

In the application of:

**SOUTH AFRICAN POLICE SERVICE MEDICAL SCHEME**  
**(POLMED)**

Applicant

and

<b>REGISTRAR OF MEDICAL SCHEMES</b>		First Respondent
<b>COUNCIL FOR MEDICAL SCHEMES</b>		Second Respondent
<b>MINISTER OF HEALTH</b>		Third Respondent
<b>MINISTER OF FINANCE</b>		Fourth Respondent

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**NOTICE IN TERMS OF RULE 16A**

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**TAKE NOTICE THAT** this application raises the following constitutional issue(s):

1. Whether Sec 5(1) of the Financial Institutions (Protection of Funds) Act, insofar as it is a blanket authorisation for an *ex parte* approach to Court for the appointment of a curator:
  - 1.1. Constitutes an unjustified infringement of a medical scheme's right to oppose such curatorship in terms of Sec 34 of the Constitution;

- 1.2. Is inconsistent with the Medical Schemes Act;
- 1.3. Must be read down to apply to instances where an *ex parte* application is permissible in law – i.e., that an *ex parte* approach to the High Court needs to be justified on the facts in the founding affidavit, which facts must justify the dispensing with notice to the medical scheme, based on the facts at hand and/or on the basis of urgency.

**AND KINDLY TAKE NOTICE THAT** any interested party may with the written consent of all parties to these proceedings, given not later than 20 days after the filing of this notice, be admitted as *amicus curiae*, upon such terms and conditions as may be agreed upon in writing by the parties.

**TAKE FURTHER NOTICE THAT** the written consent referred to above shall be lodged with the registrar within 5 days of it having been granted and the *amicus curiae* shall comply with the times agreed upon for lodging of the written argument.

**TAKE FURTHER NOTICE THAT** the terms and conditions agreed upon may be amended by the court.

**TAKE FURTHER NOTICE THAT:** if the interested party is unable to obtain written consent from the other parties, he or she may, within 15 days of the expiry of the 20 day period referred to above, apply to this court to be admitted as an *amicus curiae* in these proceedings. Such application shall:

1. Briefly describe the interest of the amicus curiae in these proceedings;
2. Clearly and succinctly set out the submissions which shall be advanced by the amicus curiae in these proceedings, the relevance of thereof to these proceedings, and his or her reasons for believing that the submissions will assist the court and are different from the submissions of the other parties, and
3. Be served upon all parties to the proceedings.

**TAKE FURTHER NOTICE:** that any party to these proceedings who wishes to oppose an application to be admitted as an amicus curiae shall file in answering affidavit within 5 days of service of the application.

**KINDLY PLACE A COPY OF THIS NOTICE ON THE NOTICE BOARD**

DATED at PRETORIA on this 17<sup>th</sup> day of JULY 2020.

  
\_\_\_\_\_  
**MALULEKE INCORPORATED**

Attorneys for Applicant

1<sup>st</sup> Floor, 61 Katherine Street

Sandton, Johannesburg

TEL: 010 300 6128

FAX: 086 666 5249

REF: Mr. J Maluleke/MAT52

Email: [Busani@maluks.com](mailto:Busani@maluks.com)

[joseph@maluks.com](mailto:joseph@maluks.com)

**C/O HANH & HANH**

222 Richard Street

Hatfield, Pretoria

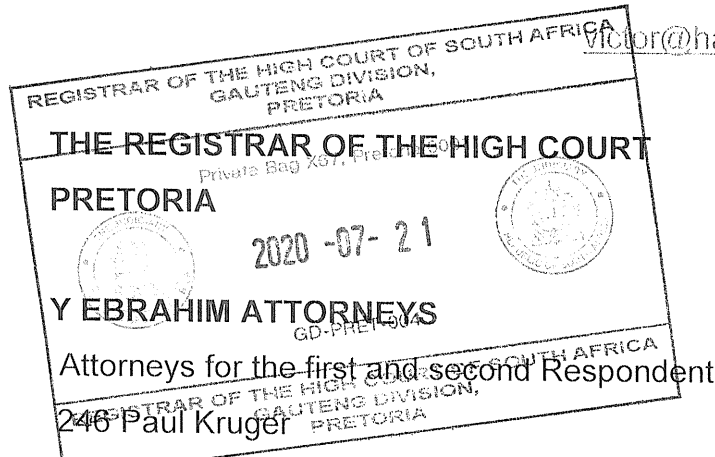
Tel: (012) 342 1774

Ref: Mr. Victor Williams/Aileen Blignaut

Email: [aileen@hahn.co.za](mailto:aileen@hahn.co.za)

[victor@hanh.co.za](mailto:victor@hanh.co.za)

TO:



AND TO:

Enr Pretorius & Bank Lane

Protea Towers

M floor

Tel: (087) 980 5305

Ref: Y EBRAHIM/tm/LC0015

Email: [thato@yeattorneys.co.za](mailto:thato@yeattorneys.co.za)

**Electronic Service via e-mail**

**in terms of Rule 4A(1)(c)**

AND TO: **MINISTER OF HEALTH**

Third Respondent

C/O State Attorney, Pretoria

316 Thabo Sehume Street

Pretoria

0001

Email: [IChowe@justice.gov.za](mailto:IChowe@justice.gov.za)

[StateAttorneyPretoria@justice.gov.za](mailto:StateAttorneyPretoria@justice.gov.za)

**Electronic Service via e-mail**

in terms of Rule 4A(1)(c)

AND TO: **MINISTER OF FINANCE**

Fourth Respondent

C/O State Attorney, Pretoria

316 Thabo Sehume Street

Pretoria

0001

Email: [IChowe@justice.gov.za](mailto:IChowe@justice.gov.za)

[StateAttorneyPretoria@justice.gov.za](mailto:StateAttorneyPretoria@justice.gov.za)

[Yolanda.Saaiman@treasury.gov.za](mailto:Yolanda.Saaiman@treasury.gov.za)

[Thandeka.Ncala@treasury.gov.za](mailto:Thandeka.Ncala@treasury.gov.za)

[ZZenani@justice.gov.za](mailto:ZZenani@justice.gov.za)

[Zingisa.Zenani@treasury.gov.za](mailto:Zingisa.Zenani@treasury.gov.za)

**Electronic Service via e-mail**

**in terms of Rule 4A(1)(c)**

**Aileen Blignaut - SOUTH AFRICAN POLICE SERVICE MEDICAL SCHEME (POLMED) vs REGISTRAR OF THE COUNCIL FOR MEDICAL SCHEMES and 3 OTHERS - Electronic Service: Notice ito Rule 28(1) and (2), Annexure "ANOM" (Amended Notice of Motion) and Notice ito Rule 16A**

**From:** Aileen Blignaut  
**To:** thato@yeattorneys.co.za; IChowe@justice.gov.za; StateAttorneyPretoria@...  
**Date:** 7/17/2020 2:17 PM  
**Subject:** SOUTH AFRICAN POLICE SERVICE MEDICAL SCHEME (POLMED) vs REGISTRAR OF THE COUNCIL FOR MEDICAL SCHEMES and 3 OTHERS - Electronic Service: Notice ito Rule 28(1) and (2), Annexure "ANOM" (Amended Notice of Motion) and Notice ito Rule 16A  
**Cc:** Victor Williams ; 'Joseph Maluleke'; Busani Khwelemthini; lufuno@malu...  
**Attachments:** Notice in terms of Rule 28(1) and 28(2).pdf; Annexure 'ANOM' - Amended Notice of Motion.pdf; Notice in terms of Rule 16A.pdf

Date: 17 July 2020

Dear Sirs,

**SOUTH AFRICAN POLICE SERVICE MEDICAL SCHEME (POLMED) vs REGISTRAR OF THE COUNCIL FOR MEDICAL SCHEMES and 3 OTHERS**  
**Case No. 24261/2020**

Further to the abovementioned matter, please find enclosed the following:

1. **Applicant's Notice in terms of Rule 28(1) and 28(2);**
2. **Annexure "ANOM": Amended Notice of Motion;** and
3. **Notice in terms of Rule 16A.**

The attachments are hereby electronically served on you in terms of Rule 4A(1)(c).

Kindly acknowledge safe receipt of this e-mail and the attachments.

Kind regards,  
Aileen Blignaut  
082 346 0597

Hahn & Hahn  
PO Box 13575  
Hatfield, Pretoria  
0028  
SOUTH AFRICA

Tel. +27 12 342 1774  
Fax. +27 12 342 3027

Message ID: 14119630116-15146727  
 Subject: SOUTH AFRICAN REPUBLIC OF (2020) (amended) NOTICE OF MOTION (2020) (M11) v. THE ATTORNEY GENERAL OF THE REPUBLIC OF SOUTH AFRICA (2020) (M11) and 3 OTHERS - Interdict, Injunctive Notice in terms of Rule 28(1) and (2), Amended "ANOM" (Amended Notice of Motion) filed in accordance with Rule 16A  
 Created By: Aileen Edignaut  
 Scheduled Date:  
 Creation Date: 7/17/2020 2:17 PM  
 From: Aileen Edignaut

**Recipients:**

Recipient	Action	Date & Time	Comment
justice.gov.za	Transferred	7/17/2020 2:17 PM	
To: IChowe@justice.gov.za(IChowe@justice.gov.za)	Transferred	7/17/2020 2:18 PM	2.0.0 message relayed
To: StateAttorneyPretoria@justice.gov.za(StateAttorneyPretoria@justice.gov.za)	Transferred	7/17/2020 2:18 PM	2.0.0 message relayed
To: Zenani Zengisa(ZZenani@justice.gov.za)	Transferred	7/17/2020 2:18 PM	2.0.0 message relayed
maluks.com	Transferred	7/17/2020 2:17 PM	
CC: Busani Khwelemthini(Busani@maluks.com)	Delivered	7/17/2020 2:18 PM	
CC: 'Joseph Maluleke'(joseph@maluks.com)	Delivered	7/17/2020 2:18 PM	
CC: lufuno@maluks.com(lufuno@maluks.com)	Delivered	7/17/2020 2:18 PM	
Richardst.Patag	Delivered	7/17/2020 2:17 PM	
CC: Victor Williams (Victor@hahn.co.za)			
treasury.gov.za	Transferred	7/17/2020 2:17 PM	
To: Thandeka Ncala(Thandeka.Ncala@treasury.gov.za)	Transferred	7/17/2020 2:18 PM	2.0.0 message relayed
To: Yolanda Saaiman(Yolanda.Saaiman@treasury.gov.za)	Transferred	7/17/2020 2:18 PM	2.0.0 message relayed
To: Zingisa Zenani(Zingisa.Zenani@treasury.gov.za)	Transferred	7/17/2020 2:18 PM	2.0.0 message relayed
yeattorneys.co.za	Transferred	7/17/2020 2:17 PM	
To: thato@yeattorneys.co.za(thato@yeattorneys.co.za)	Delivered	7/17/2020 2:18 PM	

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maluks.com		maluks.com
Richardst.Patag	7/17/2020 2:17 PM	hahn.co.za
treasury.gov.za		treasury.gov.za
yeattorneys.co.za		yeattorneys.co.za

**Files**

File	Size	Date & Time
Annexure 'ANOM' - Amended Notice of Motion.pdf	118 KB (121090 Bytes)	7/17/2020 2:03 PM
MESSAGE	2 KB (2231 Bytes)	7/17/2020 2:17 PM
Notice in terms of Rule 16A.pdf	119 KB (122635 Bytes)	7/17/2020 2:01 PM
Notice in terms of Rule 28(1) and 28(2).pdf	72 KB (74425 Bytes)	7/17/2020 2:00 PM
TEXT.htm	1 KB (2037 Bytes)	7/17/2020 2:17 PM

**Options**

Auto Delete: No  
 Concealed Subject: No

**Expiration Date:** None  
**Notify Recipients:** Yes  
**Priority:** High  
**Reply Requested By:** None  
**Security:** Standard  
**To Be Delivered:** Immediate

**Record Id**

Record Id: 5F11B2F9.Patag.Richardst.100.136316E.1.27660.1  
Common Record Id: 5F1196D9.Patag.Richardst.200.200000F.1.AD3AC.1