

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

CASE	NO:	648	6/2	017

In the matter between:

ADV JG NAUDE SC obo WO BEESLAAR

**PLAINTIFF** 

and

THE ROAD ACCIDENT FUND

**DEFENDANT** 

## **NOTICE IN TERMS OF RULE 16A**

**BE PLEASED TO TAKE** notice that the Plaintiff in the above action raises the following constitutional issue:

#### Whether:

1. The provisions of section 23(2) of Act 56 of 1996 is unconstitutional in so far as it is inconsistent and at variance with the provisions of section 13(1)(a) of Act 68 of 1969, in that section 23(2) of Act 56 of 1996 does not provide for prescription not to run against an "insane" person as referred to and provided for in section 13(1)(a) of Act 68 of 1969.

2. Plaintiff further avers that *in casu* the result of the pleaded inconsistency and variance is that the patient and for that matter any "insane" person is/are deprived of his/her or their right to equality in terms of section 9 of Act 108 of 1996 as well as his/her or their right to access to justice in terms of section 34 of Act 108 of 1996.

**TAKE NOTICE FURTHER** that any party interested in the aforementioned constitutional issue may, with the written consent of all parties to the proceedings, given by no later than 20 (twenty) days after the posting of this notice, be admitted as *amicus curiae*, upon such terms and conditions as may be agreed upon in writing by the parties.

DATED AT PRETORIA ON THIS THE 7<sup>TH</sup> JULY 2020.

**GOUSE VAN AARDE INC.** 

Attorneys for plaintiff

c/o FUCHS ROUX INCORPORATED

OFFICE 401, 4<sup>TH</sup> FLOOR

NORTH TOWER, HATFIELD PLAZA

HATFIELD, PRETORIA

TEL: 082 576 4295

FAX: 086 558 8420

REF: M VAN AARDE / ALG1/4824

AND:

THE REGISTRAR OF THE HIGH COURT

**PRETORIA** 

AND TO:

**FOURIE FISMER INC** 

Attorneys for defendant

**FSF LAW CHAMBERS** 

**CNR BROOKLYN ROAD & BROOKS STREETS** 

**MENLO PARK** 

**PRETORIA** 

TEL: (012) 362 1681

FAX: (012) 362 0563

REF: LJ FOURIE/HC/R31016

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ATTORNEYS FOR DEFENDANT

AND TO: THE ROAD ACCIDENT FUND

The Defendant, of

38 IDA STREET

MENLOPARK, PRETORIA

		•
of		
X.	THE ROAD ACC	CIDENT FUND

Copy received on this \_\_\_\_\_ day

THE MINISTER OF TRANSPORT

AND TO:

FORUM BUILDING

**159 STRUBEN STREET** 

**PRETORIA** 

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of August 2020

THE MINISTER OF TRANSPORT

THE MINISTER OF JUSTICE AND CONSTITUTIONAL

AND TO: DEVELOPMENT

SALU BUILDING, 28TH FLOOR,

316 THABO SEHUME STREET

**PRETORIA** 

TEL:012 406 4669

FAX: 012 406 4680

	Copy received on this day
of .	
	THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

From:

Pieter Strydom

Sent:

13 August 2020 08:35 AM

To:

'mfar@raf.co.za'

Subject:

ADV JG NAUDE obo WO BEESLAAR // RAF

Attachments:

Rule 16A - Serve.pdf

Good day,

Your ref: IDENTITY NUMBER - 851020 5002 08 2

Our ref: M VANAARDE/ps/ALG1/4824

Kindly find attached our Notice in terms of Rule 16A for your attention.

Kind regards,

#### PIETER STRYDOM

KANDIDAAT PROKUREUR/CANDIDATE ATTORNEY

Tel: 012 942 8707 Faks: 012 942 3249



From:

Microsoft Outlook

To:

mfar@raf.co.za

Sent:

13 August 2020 08:36 AM

Subject:

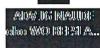
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mfar@raf.co.za (mfar@raf.co.za)

Subject: ADV JG NAUDE obo WO BEESLAAR // RAF





From:

Pieter Strydom

Sent:

13 August 2020 08:43 AM

To:

'blwilliams@justice.gov.za'; 'deputyminister@justice.gov.za';

Cc:

'VSeroka@justice.gov.za'; 'ZaneNdlovu@justice.gov.za'; 'Ministry@justice.gov.za' 'Constitutionalrights@justice.gov.za'; 'ckok@justice.gov.za';

'BMusekwa@justice.gov.za'

Subject:

Notice in terms of Rule 16A - CASE NO: 6486/2017

**Attachments:** 

Rule 16A - Serve.pdf

Importance:

High

Good day,

Your ref: CASE NO: 6486/2017

Our ref: M VANAARDE/ps/ALG1/4824

Kindly find attached hereto our notice in terms of rule 16A.

We attempted to serve this document on your office at 316 Thabo Sehume Street, Pretoria where we were informed that all notices should be emailed to this office.

Please confirm receipt hereof.

Kind regards,

### PIETER STRYDOM

KANDIDAAT PROKUREUR/CANDIDATE ATTORNEY



From:

Pieter Strydom

Sent:

13 August 2020 08:49 AM

To:

'ptafiling@judiciary.org.za'

Subject:

CASE NO: 6486/2017

**Attachments:** 

Rule 16A - Served on all.pdf

Good day,

Kindly find attached hereto our served notice to be filed.

Kind regards,

## PIETER STRYDOM

KANDIDAAT PROKUREUR/CANDIDATE ATTORNEY

Tel: 012 942 8707 Faks: 012 942 3249



From:

Microsoft Outlook

To:

ptafiling@judiciary.org.za

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13 August 2020 08:50 AM

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Relayed: CASE NO: 6486/2017

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Subject: CASE NO: 6486/2017



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