

BEING BACK
TO PRETORIA

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 6486/2017

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 7TH JULY 2020.

A handwritten signature in black ink, appearing to read 'Mard', is written over a horizontal line.

GOUSE VAN AARDE INC.

Attorneys for plaintiff

c/o FUCHS ROUX INCORPORATED

OFFICE 401, 4TH 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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of _____

ATTORNEYS FOR DEFENDANT

AND TO: THE ROAD ACCIDENT FUND

The Defendant, of

38 IDA STREET

MENLOPARK, PRETORIA

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of _____

THE ROAD ACCIDENT FUND

AND TO: THE MINISTER OF TRANSPORT
FORUM BUILDING
159 STRUBEN STREET
PRETORIA

Copy received on this 04 day

of August 2020



THE MINISTER OF TRANSPORT

AND TO: THE MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT
SALU BUILDING, 28TH FLOOR,
316 THABO SEHUME STREET
PRETORIA
TEL: 012 406 4669
FAX: 012 406 4680

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of _____

THE MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT

Pieter Strydom

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



Pieter Strydom

From: Microsoft Outlook
To: mfar@raf.co.za
Sent: 13 August 2020 08:36 AM
Subject: Relayed: ADV JG NAUDE obo WO BEESLAAR // RAF

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

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

Subject: ADV JG NAUDE obo WO BEESLAAR // RAF



ADV JG NAUDE
obo WO BEESLAAR...

Pieter Strydom

From: Pieter Strydom
Sent: 13 August 2020 08:43 AM
To: 'blwilliams@justice.gov.za'; 'deputyminister@justice.gov.za';
'VSeroka@justice.gov.za'; 'ZaneNdlovu@justice.gov.za'; 'Ministry@justice.gov.za'
Cc: '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
Tel: 012 942 8707
Faks: 012 942 3249



Pieter Strydom

From: Pieter Strydom
Sent: 13 August 2020 08:49 AM
To: 'ptafileing@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



Pieter Strydom

From: Microsoft Outlook
To: ptafiling@judiciary.org.za
Sent: 13 August 2020 08:50 AM
Subject: Relayed: CASE NO: 6486/2017

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Subject: CASE NO: 6486/2017



CASE NO:
6486/2017