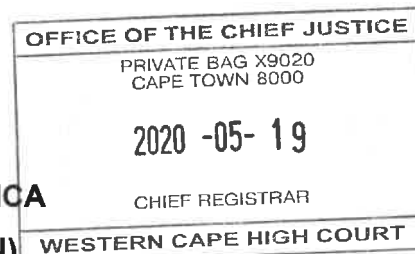


**IN THE EQUALITY COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**



Placed on Notice board 19/5/2020

Case number: EC04/2020

In the matter between:

**BELOFTEBOS WEDDING VENUE
COIA DE VILLIERS
ANDRIES DE VILLIERS**



First Applicant
Second Applicant
Third Applicant

and

**SOUTH AFRICAN HUMAN RIGHTS COMMISSION
COMMISSION FOR GENDER EQUALITY
PIERRE DE VOS
WESLEY WHITEBOY
FAIEZ JACOBS
CATHERINE WILLIAMS
ALEXANDRA THORNE
ALEX LU
MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

First Respondent
Second Respondent
Third Respondent
Fourth Respondent
Fifth Respondent
Sixth Respondent
Seventh Respondent
Eighth Respondent
Ninth Respondent

In re:

In the matter between:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Applicant

and

**BELOFTEBOS WEDDING VENUE
COIA DE VILLIERS
ANDRIES DE VILLIERS**

First Respondent
Second Respondent
Third Respondent

COMMISSION FOR GENDER EQUALITY
PIERRE DE VOS
WESLEY WHITEBOY
FAIEZ JACOBS
CATHERINE WILLIAMS
ALEXANDRA THORNE
ALEX LU

Fourth Respondent
Fifth Respondent
Sixth Respondent
Seventh Respondent
Eighth Respondent
Ninth Respondent
Tenth Respondent

NOTICE IN TERMS OF RULE 16A

KINDLY TAKE NOTICE that the First, Second and Third Applicants (who are also the First, Second and Third Respondents in the main application, and referred to accordingly in the Notice of Motion in the Counter-Application) intend bringing a counter-application at the same time and date that the First Respondent (as the Applicant in the main application, and referred to accordingly in the said Notice of Motion) brings its application under the same case number as above (“the main application”), and that the counter-application raises the following constitutional issues and asks for the following relief:

1. Section 14 of the Equality Act is inconsistent with the provisions of section 15 read with sections 7, 8, 9, 10 and 16 of the Constitution and is therefore unconstitutional and invalid.
2. Parliament is afforded a period of 18 (eighteen) months from the date of this order to remedy the defect.

3. During the aforesaid period, the following shall be read into section 14 of the Equality Act, as sections 14(3)(j) and 14(3)(k):

3.1. Section 14(3)(j) "*whether and to what extent any fundamental right of the respondent is germane to the discrimination*";

3.2. Section 14(3)(k) "*the nature of the right and the nature of any duty imposed by the right*".

4. Section 14, with the provisions read in as sections 14(3)(j) and section 14(3)(k), will fall away upon the coming into operation of a legislative amendment to section 14, or its repeal by a statute dealing with the regulation of the right to equality. Should Parliament fail to effect such changes by the end of the period referred to in paragraph 2 above, section 14 in the form set out in paragraph 3 above will become final.

5. This order is referred to the Constitutional Court in terms of section 172(2)(a) of the Constitution for confirmation of the order of constitutional validity.

TAKE NOTICE FURTHER that any interested party may, with the written consent of all parties to these proceedings, given not later than twenty (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 NOTICE FURTHER that the written consent referred to above shall be lodged with the registrar within five (5) days of it having been granted and the *amicus curiae* shall comply with the times agreed upon for the lodging of written argument.

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

TAKE NOTICE FURTHER that if the interested party is unable to obtain written consent from the other parties, he or she may, within five (5) days of the expiry of the twenty (20) day period referred to above, apply to this honourable court to be admitted as an *amicus curiae* in these proceedings. Such application shall:

- (a) briefly describe the interest of the *amicus curiae* in these proceedings;
- (b) clearly and succinctly set out the submissions which shall be advanced by the *amicus curiae* in the proceedings, the relevance 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
- (c) be served upon all parties to the proceedings.

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

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

DATED AND SIGNED AT DURBANVILLE ON THIS THE 18TH DAY OF MAY 2020.



BLIDEN CAMPBELL ATTORNEYS

PER: MADELEIN BOTHA

Attorneys for the First, Second and Third Applicants
Unit 1A Oude Westhof Village Square
Van Riebeeckshof Road
Oude Westhof
BELLVILLE

Tel: 086 1111 752

Fax: 086 600 1291

e-mail: madelein@bcattorneys.co.za

c/o **GKC ATTORNEYS**

Per: E Goliath

10th Floor Valuta Trust Building
74 Shortmarket Street
CAPE TOWN

REF: BELOFTEBOS

TO: THE REGISTRAR OF THE EQUALITY COURT
The Cape High Court
Per e-mail: SPace@judiciary.org.za; RDavid@judiciary.org.za

AND TO: SOUTH AFRICAN HUMAN RIGHTS COMMISSION
First Respondent in the counter-application
7th Floor, Absa Building
132 Adderley Street
CAPE TOWN
Per e-mail: BSterris@sahrc.org.za; SSalie@sahrc.org.za

AND TO: SOUTH AFRICAN HUMAN RIGHTS COMMISSION
First Respondent in the counter-application
Chairperson: Professor Bongani Christopher Majola
Braampark Forum 3
33 Hoofd Street
BRAAMFONTEIN
Per e-mail: hmkhize@sahrc.org.za

AND TO: MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
Ninth Respondent in the counter-application
Per e-mail: Ministry@justice.gov.za; ZaneNdlovu@justice.gov.za

AND TO: THE STATE ATTORNEY
4th Floor
22 Long Street
CAPE TOWN
Per e-mail: MBiko@justice.gov.za; ECapes@justice.gov.za;
CNewman@justice.gov.za

AND TO: COMMISSION FOR GENDER EQUALITY
Second Respondent in the counter-application /
Fourth Respondent in the main application
2 Kotze Street
Women's Jail
East Wing
Constitutional Hill
BRAAMFONTEIN
Per e-mail: marissa@cge.org.za

AND TO: PIERRE DE VOS
Third Respondent in the counter-application /
Fifth Respondent in the main application
9 Lions Head Mansions
Victoria Road
Bantry Bay
CAPE TOWN
Per e-mail: pierre.devos@uct.ac.za

AND TO: WESLEY WHITEBOY
Fourth Respondent in the counter-application /
Sixth Respondent in the main application
Per e-mail: wezzo4life@gmail.com

AND TO: FAIEZ JACOBS
Fifth Respondent in the counter-application /
Seventh Respondent in the main application
Per e-mail: jacobsfaiez@gmail.com

AND TO: CATHERINE WILLIAMS
Sixth Respondent in the counter-application /
Eighth Respondent in the main application
Per e-mail: cathwrynn@gmail.com

AND TO: ALEXANDRA THORNE

Seventh Respondent in the counter-application /
Ninth Respondent in the main application
Per e-mail: alexandra.k.thorne@gmail.com

AND TO: **ALEX LU**
Eighth Respondent in the counter-application /
Tenth Respondent in the main application
Per e-mail: cocare2001@gmail.com

**IN THE EQUALITY COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case number: EC04/2020

In the matter between:

BELOFTEBOS WEDDING VENUE	First Applicant
COIA DE VILLIERS	Second Applicant
ANDRIES DE VILLIERS	Third Applicant

and

SOUTH AFRICAN HUMAN RIGHTS COMMISSION	First Respondent
COMMISSION FOR GENDER EQUALITY	Second Respondent
PIERRE DE VOS	Third Respondent
WESLEY WHITEBOY	Fourth Respondent
FAIEZ JACOBS	Fifth Respondent
CATHERINE WILLIAMS	Sixth Respondent
ALEXANDRA THORNE	Seventh Respondent
ALEX LU	Eighth Respondent
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	Ninth Respondent

In re:

In the matter between:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION	Applicant
--	-----------

and

BELOFTEBOS WEDDING VENUE	First Respondent
COIA DE VILLIERS	Second Respondent
ANDRIES DE VILLIERS	Third Respondent

COMMISSION FOR GENDER EQUALITY

Fourth Respondent

PIERRE DE VOS

Fifth Respondent

WESLEY WHITEBOY

Sixth Respondent

FAIEZ JACOBS

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ALEX LU

Tenth Respondent

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- (b) clearly and succinctly set out the submissions which shall be advanced by the *amicus curiae* in the proceedings, the relevance 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
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TAKE NOTICE FURTHER that any party to the proceedings who wishes to oppose an application to be admitted as an *amicus curiae* shall file an answering affidavit within five (5) days of service of the application.

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

DATED AND SIGNED AT DURBANVILLE ON THIS THE 18TH DAY OF MAY 2020.



BLIDEN CAMPBELL ATTORNEYS

PER: MADELEIN BOTHA

Attorneys for the First, Second and Third Applicants
Unit 1A Oude Westhof Village Square
Van Riebeeckshof Road
Oude Westhof
BELLVILLE

Tel: 086 1111 752

Fax: 086 600 1291

e-mail: madelein@bcattorneys.co.za

c/o **GKC ATTORNEYS**

Per: E Goliath

10th Floor Valuta Trust Building

74 Shortmarket Street

CAPE TOWN

REF: BELOFTEBOS

TO: THE REGISTRAR OF THE EQUALITY COURT

The Cape High Court

Per e-mail: SPace@judiciary.org.za; RDavid@judiciary.org.za

AND TO: SOUTH AFRICAN HUMAN RIGHTS COMMISSION

First Respondent in the counter-application

7th Floor, Absa Building

132 Adderley Street

CAPE TOWN

Per e-mail: BSterris@sahrc.org.za; SSalie@sahrc.org.za

AND TO: SOUTH AFRICAN HUMAN RIGHTS COMMISSION

First Respondent in the counter-application

Chairperson: Professor Bongani Christopher Majola

Braampark Forum 3

33 Hoofd Street

BRAAMFONTEIN

Per e-mail: hmkhize@sahrc.org.za

AND TO: MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
Ninth Respondent in the counter-application
Per e-mail: Ministry@justice.gov.za; ZaneNdlovu@justice.gov.za

AND TO: THE STATE ATTORNEY
4th Floor
22 Long Street
CAPE TOWN
Per e-mail: MBiko@justice.gov.za; ECapes@justice.gov.za;
CNewman@justice.gov.za

AND TO: COMMISSION FOR GENDER EQUALITY
Second Respondent in the counter-application /
Fourth Respondent in the main application
2 Kotze Street
Women's Jail
East Wing
Constitutional Hill
BRAAMFONTEIN
Per e-mail: marissa@cge.org.za

AND TO: PIERRE DE VOS
Third Respondent in the counter-application /
Fifth Respondent in the main application
9 Lions Head Mansions
Victoria Road
Bantry Bay
CAPE TOWN
Per e-mail: pierre.devos@uct.ac.za

AND TO: WESLEY WHITEBOY
Fourth Respondent in the counter-application /
Sixth Respondent in the main application
Per e-mail: wezzo4life@gmail.com

AND TO: FAIEZ JACOBS
Fifth Respondent in the counter-application /
Seventh Respondent in the main application
Per e-mail: jacobsfaiez@gmail.com

AND TO: CATHERINE WILLIAMS
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Per e-mail: cathwrynn@gmail.com

AND TO: ALEXANDRA THORNE

Seventh Respondent in the counter-application /
Ninth Respondent in the main application
Per e-mail: alexandra.k.thorne@gmail.com

AND TO: **ALEX LU**
Eighth Respondent in the counter-application /
Tenth Respondent in the main application
Per e-mail: cocare2001@gmail.com