

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

Case No:

In the matter between:

DEMOCRATIC ALLIANCE

First Applicant

PALLADIUM HAIR CO CC

Second Applicant

and

**MINISTER OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

First Respondent

CABINET OF SOUTH AFRICA

Second Respondent

PRESIDENT OF SOUTH AFRICA

Third Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the applicants intend making application on **Friday 12 June 2020** at 10h00 or so soon thereafter as counsel may be heard, for an order:

- 1 Dispensing with the forms and services provided for in the Uniform Rules of Court and directing that the application be heard as a matter of urgency in terms of Rule 6(12).
- 2 Declaring that Regulation 46(1) read with Item 7 of Table 2 of the Regulations promulgated in terms of section 27(2) of the Disaster Management Act 27 of

2002 by the Minister of Cooperative Governance and Traditional Affairs in GNR 480 in GG 43258 on 29 April 2020 as amended by the Regulations issued by the Minister in GG 43364 on 28 May 2020 (Amended DMA Regulations) is unconstitutional, unlawful and invalid to the extent that it prohibits the operation of businesses in the "*Personal care services*" industry as defined by Item 7 of Table 2.

- 3 Reviewing and setting aside Item 7 of the Table 2 of the Amended DMA Regulations.
- 4 *To the extent necessary*, declaring that s 27(2) of the Disaster Management Act 27 of 2002 is unconstitutional and invalid to the extent that it affords the Minister of Cooperative Governance and Traditional Affairs the power to prohibit the provision of personal care services.
- 5 Directing that the respondents pay the applicants' costs, including the costs of two counsel.
- 6 Granting the applicants further and/or alternative relief.

TAKE NOTICE FURTHER that if you wish to oppose this part of application, you are required:

- (a) On or before **12:00 on Tuesday 9 June 2020**, to notify the applicants' attorneys in writing that you intend to oppose the application and appoint an address at which you will accept notice and service of all documents in these proceedings;

- (b) To file your answering affidavit in respect of that relief, if any, on or before **10 June 2020**, in which event the applicants will file their replying affidavit on **11 June 2020**.

TAKE NOTICE FURTHER that the applicants will rely on the affidavits of **DEAN MACPHERSON** and **GENEVIEVE ABOUCHABKI** together with all annexures, and confirmatory affidavits, in support of this application.

TAKE NOTICE FURTHER THAT the applicant has appointed the address of its attorneys of record set out below at which it will accept notice and service of all process in these proceedings. The applicant requests service via email at elzanne@mindes.co.za and karin@mindes.co.za

KINDLY SET THE MATTER DOWN FOR HEARING ACCORDINGLY.

MINDE SCHAPIRO & SMITH INC

E JONKER

Applicants attorneys

Tygervalley Office partk Building 2

Cnr Old Oak & Willie van Schoor Rds

Bellville

Email: elzanne@mindes.co.za / karin@mindes.co.za

Care of: GERALD SCHNAPS

6TH FLOOR

46 Strand Street

Cape Town

TO: **REGISTRAR OF THE HIGH COURT**
CAPE TOWN

AND TO: **MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS**

First Respondent
info@cogta.gov.za; maleselaL@cogta.gov.za

Care of **STATE ATTORNEY**
22 Long Street
CAPE TOWN
Via email: MBiko@justice.gov.za

AND TO: **CABINET OF SOUTH AFRICA**

Second Respondent
Care of **STATE ATTORNEY**
22 Long Street
CAPE TOWN
Via email: MBiko@justice.gov.za

AND TO: **THE PRESIDENT OF SOUTH AFRICA**

Third Respondent
Robert@presidency.gov.za
Care of **STATE ATTORNEY**
22 Long Street
CAPE TOWN Via email: MBiko@justice.gov.za

