

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

Case number:

In the matter between:

**MARIO GASPARE ORIANI-AMBROSINI, MP**

Applicant

And

**MAXWELL VUYISILE SISULU, MP**

Respondent

**SPEAKER OF THE NATIONAL ASSEMBLY**

---

**NOTICE OF MOTION**

---

**TAKE NOTICE** that the above-named Applicant intends to make application to this Honourable Court for orders:

1. Reviewing and setting aside the refusal of the Respondent to introduce the National Credit Act Amendment Bill (“the Bill”) in the National Assembly;

2. Ordering the Respondent to introduce the Bill in the National Assembly on the basis of the same procedures and under the same conditions applicable to Bills introduced by a Cabinet member or a Deputy Minister;
  
3. Declaring that any Rule of the National Assembly which prevents any of its members from introducing a Bill in the National Assembly violates the Constitution of the Republic of South Africa, 1996 and is accordingly invalid and unlawful, and specifically that, *inter alia*, the following Rules or parts of Rules are unconstitutional, unlawful and invalid:
  - 3.1. the words “Private Member’s Legislative Proposals and” in Rule 121(1)(h);
  
  - 3.2. the words “with the permission of the Assembly” in Rule 230(1);
  
  - 3.3. the words “for the purpose of obtaining the Assembly’s permission in terms of Rule 230 (1)” in Rule 234(1);
  
  - 3.4. Rules 235 and 236;
  
  - 3.5. the words “If the Assembly gives permission that the proposal be proceeded with” and “draft” in Rule 237;

3.6. Rule 237(2);

3.7. the words “for the purpose of obtaining the Assembly’s permission in terms of Rule 230(1)” in Rule 238(1);

3.8. Rules 238(3) and (4); and

3.9. the words “If the Assembly gives permission that the proposal be proceeded with” and “draft” in Rule 239.

4. In the alternative to prayers 3.1 to 3.9 above, ordering that:

4.1. Rule 233 to the extent that the words “Cabinet Member or Deputy Minister” do not include the words “a member of the Assembly and a committee”;

4.2. the words “with the permission of the Assembly” in Rule 230(1); and

4.3. Rules 234 to 240

5. Ordering that the costs of this application are to be paid by any of the Respondent should he oppose the relief sought in the notice of motion, such costs to include the costs of two counsel.

6. Granting the Applicant further and/or alternative relief.

**TAKE NOTICE FURTHER** that the accompanying affidavit of **MARIO GASPARE ORIANI-AMBROSINI, MP**, together with the annexure thereto, will be used in support of this application.

**TAKE NOTICE FURTHER** that the Respondent is called upon, in terms of Uniform Rule of Court 53, to show cause why the decision referred to in paragraph 1 should not be reviewed and corrected or set aside.

**TAKE NOTICE FURTHER** that in terms of Rule 53(1)(b) of the Uniform Rules of Court, the Respondent is required within fifteen (15) days after receipt of this notice of motion to dispatch to the Registrar of this Honourable Court the record of the decision referred to in paragraph 1 (including all correspondence, reports, memoranda, documents, evidence, transcripts of recorded proceedings and other information serving before the Respondent when the decision was made) together with such reasons as he is by law required to give or desires to make, and to notify the Applicant that he has done so.

**TAKE NOTICE FURTHER** that within ten (10) days of receipt of the record from the Registrar, the Applicant may, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of his notice of motion and supplement his founding affidavit in terms of Rule 53(4) of the Rules of this Honorable Court.

**TAKE NOTICE FURTHER** that if the Respondent intends opposing this application, he is required:

- (a) within fifteen (15) days after receipt of the notice of motion or any amendment thereof, to deliver notice to the Applicant that he intends to oppose and shall in such notice appoint an address within eight (8) kilometres of the office of the Registrar at which he will accept notice and service of all process in such proceedings; and
- (b) within thirty (30) days after the expiry of the time referred to in Rule 53(4), to deliver any affidavits he may desire in answer to the allegations made by and on behalf of the Applicant.

**TAKE NOTICE FURTHER** that, if no such notice of intention to oppose be given, the application will be made at 10h00 on **AUGUST 31, 2010** or soon thereafter as Applicant may be heard.

**TAKE NOTICE FURTHER** that the Applicant has appointed the address described below, as the address at which he will accept notice and service of all process and documents in these proceedings.

**KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.**

Dated at **CAPE TOWN** this 25<sup>th</sup> day of **June** 2010.

---

Mario Gaspare Oriani-Ambrosini  
Room 102 or 114 or 135  
Marks Building  
Parliament  
Parliament Street  
Cape Town 8000  
Tel 021 403 2995 / 2990 / 3935 / 2529  
Fax 086 670 5270  
Email [oriani@iafrica.com](mailto:oriani@iafrica.com)

TO: **THE REGISTRAR**  
CAPE TOWN

AND TO: **SPEAKER OF THE NATIONAL ASSEMBLY**

**Respondent**

Room 118

National Assembly Building

Parliament

Parliament Street

Cape Town

8000