

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA  
CONSTITUTION HILL, JOHANNESBURG**

CC Case number: \_\_\_\_\_  
WCHC Case no. 11635/10

In the matter between:

**MARIO GASPARE ORIANI-AMBROSINI, MP**

Applicant

And

**MAXWELL VUYISILE SISULU, MP**  
SPEAKER OF THE NATIONAL ASSEMBLY

Respondent

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**TAKE NOTICE** that **Mario Gaspare Oriani-Ambrosini, MP** intends to make application to this Court for orders

1. for leave to appeal against the judgment rendered in the Western Cape High Court by Allie J in case no. 11365/10 on December 8, 2011;
2. reviewing and setting aside the refusal of the Respondent to introduce the National Credit Act Amendment Bill (“the Bill”) in the National Assembly;
3. 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;
4. 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

a. specifically that, *inter alia*, the following Rules or parts of Rules are unconstitutional, unlawful and invalid:

- i. the words “Private Member’s Legislative Proposals and” in Rule 121(1)(h);
- ii. the words “with the permission of the Assembly” in Rule 230(1);
- iii. the words “for the purpose of obtaining the Assembly’s permission in terms of Rule 230 (1)” in Rule 234(1);
- iv. Rules 235 and 236;
- v. the words “If the Assembly gives permission that the proposal be proceeded with” and “draft” in Rule 237;
- vi. Rule 237(2);
- vii. the words “for the purpose of obtaining the Assembly’s permission in terms of Rule 230(1)” in Rule 238(1);
- viii. Rules 238(3) and (4); and
- ix. the words “If the Assembly gives permission that the proposal be proceeded with” and “draft” in Rule 239;

b. in the alternative to prayers (a) (i) to (ix) above,:

- i. 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”;
  - ii. the words “with the permission of the Assembly” in Rule 230(1); and
  - iii. Rules 234 to 240
5. should he oppose the relief sought in this Notice of Motion, ordering Respondent to pay the costs of this application and those relating to all the applications made in the Court below, such costs to include the costs of two counsel, where applicable;
6. should he not oppose the relief sought in this Notice of Motion, ordering Respondent to pay the costs of the applications made in the Court below, such costs to include the costs of two counsel where applicable; and
7. granting the Applicant further and/or alternative relief.

**TAKE NOTICE FURTHER** that the accompanying affidavit of **Mario Gaspare Oriani-Ambrosini, MP** will be used in support thereof.

**TAKE NOTICE FURTHER** that the Applicant has appointed THOMSON WILKS INC. 23 Impala Road, Chislehurst, Sandton, Tel: (011) 784 8984, Ref: S Harding as the address at which he accept notice and service of all process in these proceedings.

**TAKE NOTICE FURTHER** if you intend opposing this application you are required

- (a) to notify Applicant in writing on or before April 21, 2012, and
- (b) within 15 days after you have so given notice of your intention to oppose the application, to file your answering affidavit, if any;
- (c) to appoint in such notification an address at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose is given, the applicant will request the Registrar to place the matter before the Chief Justice to be dealt with in terms of Rule 11(4).

Dated at Cape Town, on this 2<sup>nd</sup> day of April 2012

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Mario Gaspare Oriani-Ambrosini, MP  
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c/o  
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TO: **MAXWELL VUYISILE SISULU, MP**  
SPEAKER OF THE NATIONAL ASSEMBLY  
Respondent  
c/o State Attorney  
att.: Malanie Faurie  
Respondent's Attorney  
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22 Long Street  
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Tel. 021 4419200  
(Ref. 1813/10/P17)

AND TO: **THE REGISTRAR**  
CONSTITUTIONAL COURT