

IN THE NORTH GAUTENG HIGH COURT, PRETORIA  
(REPUBLIC OF SOUTH AFRICA)

Case No: 17141/12

In the matter between:

<b>OPPOSITION TO URBAN TOLLING ALLIANCE</b>	First Applicant
<b>SOUTH AFRICAN VEHICLE RENTING AND LEASING ASSOCIATION</b>	Second Applicant
<b>QUAD PARA ASSOCIATION OF SOUTH AFRICA</b>	Third Applicant
<b>SOUTH AFRICAN NATIONAL CONSUMER UNION</b>	Fourth Applicant

and

<b>THE SOUTH AFRICAN NATIONAL ROADS AGENCY LTD</b>	First Respondent
<b>THE MINISTER, DEPARTMENT OF TRANSPORT REPUBLIC OF SOUTH AFRICA</b>	Second Respondent
<b>THE MEC, DEPARTMENT OF ROADS AND TRANSPORT, GAUTENG</b>	Third Respondent
<b>THE MINISTER, DEPARTMENT OF WATER AND ENVIRONMENTAL AFFAIRS</b>	Fourth Respondent
<b>THE DIRECTOR GENERAL: DEPARTMENT OF WATER AND ENVIRONMENTAL AFFAIRS</b>	Fifth Respondent
<b>NATIONAL CONSUMER COMMISSION</b>	Sixth Respondent

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**NOTICE OF INTENTION TO AMEND IN TERMS OF RULE 28(1) READ WITH  
RULE 28(10)**

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**TAKE NOTICE** that at the hearing of this matter at 10h00 on 24 April 2011 (or so soon thereafter as the matter may be heard), the Applicants intend to apply for leave to amend their Notice of Motion in the following respects:

1. By inserting a new paragraph 3A into Part A after the existing paragraph 3, reading as follows:

**3A that the First Respondent be interdicted and restrained from levying and collecting toll on the roads listed in paragraphs 2.1 to 2.7 above, until such time as the operators of public-transport services have been exempted from the duty to pay tolls on the aforementioned roads by means of a notice published in the *Gazette* in terms of section 27(2) read with section 27(1)(c) of the South African National Roads Agency Limited and National Roads Act 7 of 1998;**

2. By inserting a new paragraph 3A into Part B after the existing paragraph 3, reading as follows:

**3A that the decision of the Second Respondent to make the determination of tariffs recorded in Notice No. 310 as published in *Government Gazette* No. 35263 of 13 April 2012 (which determination was made in terms of section 27(3) of**

the South African National Roads Agency Limited and National Roads Act 7 of 1998 on the recommendation of the First Respondent), be reviewed and corrected or set aside, and/or that the aforementioned Notice No. 310 of 13 April 2012 be declared invalid;

3. By amending paragraph 4 of Part B so as to read as follows:

that in consequence of paragraphs 1 to 3A above, the First Respondent be interdicted and restrained from levying and collecting toll pursuant to Notice No. 310 of 13 April 2012 and the declarations referred to in paragraphs 1.1. to 1.7 above;

SIGNED at SANDTON on this the 21<sup>st</sup> day of APRIL 2012



**CLIFFE DEKKER HOFMEYR**  
Attorneys for the First, Second, Third  
and Fourth Applicants

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Ref: PJ Conradie/R Thomson/01933299

**C/O JASPER VAN DER WESTHUIZEN & BODENSTEIN INC**

887 Church Street

Arcadia 0083

Tel: (012) 342-4890

Fax: (012) 342-4896

Ref: Y Coetzee

TO:  
THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT

**PRETORIA**

**AND TO:**

**WERKSMANS ATTORNEYS**

**Attorneys for the First Respondent**

155 – 5<sup>th</sup> Street

Sandown, Sandton

Ref: D Hertz / N Kirby

**C/O EDELSTEIN-BOSMAN INC**

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Fax: (012) 452-8901/2

Ref: Mr W Scrooby/RF/IW002081

Received a copy hereof on this  
the \_\_\_ day of APRIL 2012

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For: First Respondent's Attorneys

**AND TO:**

**THE STATE ATTORNEY**

**Attorney for the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> Respondents**

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For: 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> Respondents' Attorneys

**AND TO:**

**THE STATE ATTORNEY**

**Attorney for National Treasury**

**(Applicant in National Treasury's  
Application to Intervene)**

M Biko

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22 Long Street, Cape Town  
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**C/O THE STATE ATTORNEY**  
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For: Attorneys for National Treasury

**AND TO:**  
**GLYN MARAIS INC**  
**Attorneys for the Amicus Curiae**  
**(The Road Freight Association)**  
The Place, 2<sup>nd</sup> Floor  
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For: Attorneys for the Road Freight  
Association

**AND TO:**  
**HURTER SPIES INC**  
**Attorneys for the Amicus Curiae**  
**(Afriforum)**  
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Attorneys for Afriforum