

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT: 19/22

In the intervention application between:

ROAD TRAFFIC MANAGEMENT CORPORATION	Applicant
and	
ORGANISATION UNDOING TAX ABUSE	First Respondent
MINISTER OF TRANSPORT	Second Respondent
MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Third Respondent
ROAD TRAFFIC INFRINGEMENT AUTHORITY	Fourth Respondent
APPEALS TRIBUNAL	Fifth Respondent

In re the matter between:

ORGANISATION UNDOING TAX ABUSE	Applicant
and	
MINISTER OF TRANSPORT	First Respondent
MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Second Respondent
ROAD TRAFFIC INFRINGEMENT AUTHORITY	Third Respondent
APPEALS TRIBUNAL	Fourth Respondent

**APPLICATION FOR LEAVE TO INTERVENE AND JOINDER IN TERMS OF RULE
8 OF THE CONSTITUTIONAL COURT RULES**

TAKE NOTICE THAT the applicant intends to make application to the above Honourable Court at a time and on such day to be allocated by the Registrar, for an order in the following terms:

1. Granting the applicant leave to intervene and be joined as the fifth respondent in the main application, brought under the above case number ("**the main application**"), pursuant to which confirmation of an order of invalidity with respect to an Act of Parliament is sought, pursuant *inter alia* to Rule 16 of the Rules of this Court;
2. Granting the applicant leave to file any affidavits that this Court may direct in the main application, by such date as this Honourable Court deems fit;
3. Alternatively to paragraph 2 above, in the event that this Court does not direct the filing of any further affidavits, admitting the affidavit of the applicant in support of this application for leave to intervene into evidence in the main application, to stand both as (a) support for the grant of the intervention application: and (b) support for the relief sought by the applicant for intervention, which is the following:
 - 3.1 A dismissal of the main application, alternatively a declaration that the Administrative Adjudication of Road Traffic Offences Act, 46 of 1998 ("**AARTO Act**") and the Administrative Adjudication of Road Traffic Offences Amendment Act, 4 of 2019 ("**Amendment Act**") are constitutional and valid;
 - 3.2 In the event that the main application succeeds and the AARTO Act and the Amendment Act are declared unconstitutional and invalid, the declaration of

invalidity is suspended for a period of 18 months to allow the defects determined by the Court to be remedied.

4. Granting the applicant leave to otherwise participate fully as a party to the litigation, including leave to file written submissions and to advance oral argument before the Court at the hearing of the matter (if any);
5. Ordering that the costs of this intervention application, (including the costs of two counsel), be borne by all the parties who oppose it, jointly and severally, and in the absence of opposition, ordering that the costs of this intervention application be costs in the cause of the main application;
6. Granting such further and/or alternative relief as this Honourable Court may deem fit.

TAKE NOTICE FURTHER that the accompanying affidavit of **MORNÉ GERBER** will be used in support of this application for leave to intervene.

TAKE NOTICE FURTHER that the applicant for intervention has appointed **NOKO RAMABOYA ATTORNEYS**, as the address within 25 kilometres of the office of the Registrar at which it will accept notice and service of all process in these proceedings, pursuant to Rule 11(1)(b) of the Rules of this Court. The address appears below.

TAKE NOTICE FURTHER THAT if any respondent intends to oppose this application for leave to intervene, subject to any directions that the Court may impose, such respondent must:

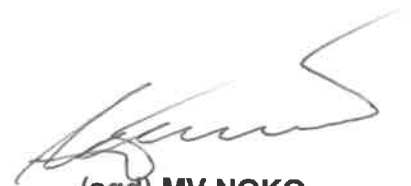
- a) Notify the applicant's attorneys in writing of its intention to do so within

five (5) days of the service and filing of this notice of motion, and that such notice appoint an address referred to in Rule 11(3)(a)(i) at which the respondents will accept notice and service of all documents in these proceedings;

- b) Within **fifteen (15) days** after having so given notice of the respondents' intention to oppose the application, to file the respondents' answering affidavits, if any, in terms of Rule 11(3)(a)(ii); and
- c) Within **ten (10) days** of service of the respondents' answering affidavits, if any, the applicant will deliver a replying affidavit, if any, to the extent that it is deemed necessary to do so.

TAKE FURTHER THAT if no notice of intention to oppose is given, the application will be made on an unopposed basis, on any date and at any time that the Registrar shall so direct.

DATED AT PRETORIA ON THIS THE 8th DAY OF MARCH 2022



(sgd) **MV NOKO**

NOKO RAMABOYA ATTORNEYS
Attorneys for the Applicant for Intervention

927 Stanza Bopape Street
Arcadia

PRETORIA

Tel: (012) 323 7777

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matshepom@nokoinc.co.za

Ref: NOKO/MOGOBOYA/M19431

C/O KEKANA HLATSHWAYO RADEBE ATTORNEYS

1ST Floor
Princess of Wales Terrace
31 princess of Wales Street
Parktown
JOHANNESBURG

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT**
Constitutional Court
Braamfontein
JOHANNESBURG

AND TO: **THE REGISTRAR**
High Court of South Africa
Gauteng Division
PRETORIA

AND TO: **JENNINGS INCORPORATED**
Attorney for the First Respondent
222 Smit Street
21st Floor
Braamfontein
JOHANNESBURG
Ref: A JENNINGS/OUT002/CC
Tel: (010) 005 4572
Email: andri@jinc.co.za

AND TO: **THE STATE ATTORNEY- PRETORIA**
Attorney for the Second & Third Respondent
SALU Building
316 Thabo Sehume and Francis Baard Streets
PRETORIA
Ref: 2562/2020/Z22
Tel: (012) 309 1578
Email: nagongqo@justice.gov.za

AND TO: **MNCEDISI NDLOVU & SEDUMEDI ATTORNEYS**
Attorney for the Fourth Respondent
2nd Floor
16 Fricker Road
IILOVO
Tel: (011) 268 5225
Email: feziwe@ndlovu-sedumedi.co.za
thami@ndlovu-sedumedi.co.za

AND TO: **APPEALS TRIBUNAL**
Fifth Respondent
Waterfall Edge B
Howick Close
Waterfall Office Park
Bekker Street
MIDRAND