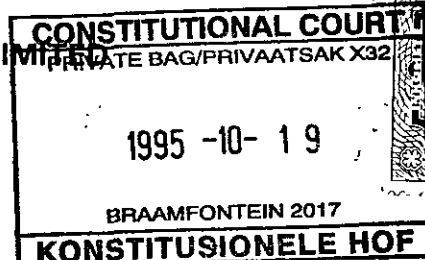


IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

ccT 47/95
CASE NO.

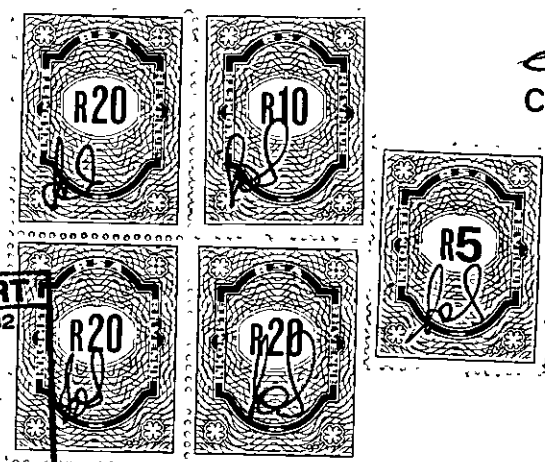
In the matter between :

YNUICO LIMITED



and

MINISTER OF TRADE AND INDUSTRY
DIRECTOR-GENERAL TRADE AND INDUSTRY
GOVERNMENT OF THE REPUBLIC OF SOUTH
AFRICA
THE TEA COUNCIL OF SOUTHERN AFRICA
(PTY) LTD.



Applicant

First Respondent
Second Respondent
Third Respondent
Fourth Respondent

NOTICE OF REFERRAL OF ISSUES IN TERMS OF RULE 22

1. **KINDLY TAKE NOTICE** that the Transvaal Provincial Division of the Supreme Court of South Africa has referred the following issue in terms of Section 102(1) of the Constitution to the Constitutional Court;

"Whether Section 2(1)(b) of the Import and Export Control Act 45 of 1963 is constitutional and valid."

2. The order of the court directing the referral of the issue is attached.

DATED at PRETORIA this 19th day of OCTOBER, 1995.



BERKOW FEINBERG & SULIMAN
Applicant's attorneys
Permanent Buildings
Pretorius Street
PRETORIA
Mr Suliman/E95
TEL : 012-3285251
FAX : 012-3244382

Case 123 48 / 95
Fax:
(012) 326-1995

TO: THE REGISTRAR OF THE CONSTITUTIONAL COURT
JOHANNESBURG

AND

TO: STATE ATTORNEY
First, Second & Third Respondents' Attorneys
4th Floor, Fedlife Forum
South Tower
Van der Walt Street
PRETORIA
Mr Crous/4807/95/H4

TEL: 310-2788(012)
FAX: (012) 322-0177

STATES PROKUREUR
1995-10-19
PRETORIA
STATE ATTORNEY

ONTVANG SONDER BENADELING VAN REGTE
ACCEPTED WITHOUT PREJUDICE

RECEIVED A COPY HEREOF THIS
DAY OF Pretorius 11:45

AND

TO: JOWELL GLYN & MARAIS
Fourth Respondent's attorneys
c/o FRIEDLAND HART & PARTNERS
Van Der Stel Building
Pretorius Street
PRETORIA
G. PAINTER Ref: Marais

TEL: 784-4200
FAX: 784-4215

834 8681

RECEIVED A COPY HEREOF THIS
DAY OF 19 October

~~WITHOUT~~ PREJUDICE

AND

TO: SOUTH AFRICAN TEA, COFFEE & CHICORY ASSOCIATION

Merton Place

The Avenues

cnr Autumn & Homestead Avenues

Rivonia

JOHANNESBURG

(PER REGISTERED POST)

AND

TO: THE CHAIRMAN OF THE COMMITTEE FOR THE PRODUCTION AND
MARKETING OF TEA IN SOUTHERN AFRICA

c/o DEPARTMENT OF TRADE & INDUSTRY

Fedlife Building

cnr Church & Prinsloo Streets

PRETORIA

(PER REGISTERED POST)

→ Minister

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

CASE NO: 12348/95

PRETORIA, the 20+21 day of SEPTEMBER 1995
BEFORE THE HONOURABLE MR JUSTICE VAN DIJKHORST

In the matter between:

YNUICO LIMITED

APPLICANT

and

THE MINISTER OF TRADE AND INDUSTRY
DIRECTOR-GENERAL TRADE AND INDUSTRY
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
THE TFA COUNCIL OF SOUTHERN AFRICA (PTY) LIMITED

FIRST RESPONDENT
SECOND RESPONDENT
THIRD RESPONDENT
FOURTH RESPONDENT

HAVING HEARD counsel for the applicant and having read the documents filed of record

IT IS ORDERED

THAT the interim interdict be and is hereby refused. The following order is made:

1. THAT the following question is in terms of section 102(1) of the constitution referred for decision to the constitutional court.
"Whether section 2(1)(b) of the Import and Export Control Act 45 of 1963 is constitutional and valid."
2. THAT the relief claimed in para. 2(b) ~~is~~ (amended), para. 3 and para 4(i) and (ii) (in so far as it is not based on the question referred) of the notice of motion is refused.
3. THAT the costs of these proceedings are reserved for decision by the constitutional court, failing which by this court.

146 BERKOW

BY THE COURT

/elr


REGISTRAR