

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CONSTITUTIONAL COURT CASE NO: /06
SUPREME COURT OF APPEAL CASE NO.: 213/05
CAPE HIGH COURT CASE NO.: 13079/96

In the matter between:

THE MINISTER OF SAFETY & SECURITY

Applicant

and

ALLISTER ROY LUITERS

Respondent

APPLICATION FOR LEAVE TO APPEAL

BE PLEASED TO TAKE NOTICE THAT the Minister of Safety & Security (hereinafter referred to as "*the applicant*") hereby applies to the above honourable court for an order in the following terms:

1. Granting the applicant leave to appeal against the whole of the judgment of the Supreme Court of Appeal delivered on 17 March 2006.
2. Directing that the costs of this application be costs in the appeal.

3. Granting the applicant such further and/or alternative relief as this honourable court may deem fit.

TAKE NOTICE FURTHER THAT the accompanying affidavit of Johan Truter together with annexures thereto, will be used in support of this application.

TAKE NOTICE FURTHER THAT the applicant has appointed the offices of the State Attorney, 10th Floor, North State Buiding, cnr Market & Kruis Streets, Johannesburg (Ref: Mr K.G. Lekaba) as the address at which he will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER THAT the respondent may within ten (10) days from the date on which this application is lodged, respond thereto in writing, indicating in his response:

- whether he opposes the application for leave to appeal, and if so, the grounds upon which he does so; and
- appoint an address within 25km of the office of the registrar of this court at which the respondent will accept notice and service of all documents in these proceedings.

DATED AT CAPE TOWN ON THIS 6th DAY OF APRIL 2006.

THE STATE ATTORNEY

Per: _____

GF KÖHLER

Applicant's Attorneys

4th Floor
Liberty Centre
22 Long Street
CAPE TOWN
Tel: 021-4419200
Fax: 021-4219364
(Ref: Mr GF Köhler/6486/96/P7)

c/o

THE STATE ATTORNEY

10th Floor
North State Building
cnr Market & Kruis Streets
JOHANNESBURG
Tel: 011-3307600
Fax: 011-3377182
(Ref: Mr KG Lekaba)

TO: The Registrar
Constitutional Court
BRAAMFONTEIN
Johannesburg

AND TO: **SMITH & DE JONGH ATTORNEYS**
Respondent's Attorneys
67 Voortrekker Street
BELVILLE
(Ref: GCDJ/LL/JLL069)

c/o

MILTON DE LA HARP

2nd Floor

201 Groote Kerk Building

39 Adderley Street

CAPE TOWN