

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT _____/2010

SCA 585/2009

NGHG 37771/2008

In the matter between:

PAUL FRANCIOS VAN VUREN Applicant

And

MINISTER OF CORRECTIONAL SERVICES 1st Respondent

MINISTER OF CONSTITUTIONAL DEVELOPMENT 2nd Respondent

MINISTER OF JUSTICE 3rd Respondent

COMMISSIONER OF CORRECTIONAL SERVICES 4th Respondent

CHAIRPERSON, NATIONAL COUNCIL FOR CORRECTIONAL SERVICES 5th Respondent

CHAIRPERSON, CSPB PRETORIA CENTRAL CC 6th Respondent

CHAIRPERSON, CMC PRETORIA CENTRAL CC 7th Respondent

NOTION OF MOTION

KINDLY TAKE NOTICE that, in terms of Rule 19 of the Constitutional Court Rules, the aforementioned Applicant hereby notes an application for Leave to Appeal to this Honourable Court against the decisions of the Supreme Court of Appeal (refusing leave to appeal) and the decision of the North Gauteng High Court issued on 3 July 2009.

Applicant seeks an order as follows:

1. THAT condonation be granted for non-compliance of the Constitutional Court Rules, i.e. late filing of this application and the 25 kilometre requirement;
2. THAT the Applicant be granted leave to appeal to the Constitutional Court, leave to appeal having been denied by the Supreme Court of Appeal on the decision of the North Gauteng High Court in an application for an order declaring section 136(3)(a) of the Correctional Services Act 111 of 1998 unconstitutional;
3. Further or alternative relief.

KINDLY TAKE NOTICE FURTHER that the Applicant has appointed the address listed hereunder as the address at which he will receive process in these proceedings.

KINDLY TAKE NOTICE FURTHER that the affidavit of the Applicant annexed hereto will be used in support of these proceedings.

DATED at PRETORIA on this 25th day of January 2010.

PF van Vuren
Applicant
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0002
Private Bag X45
PRETORIA
0001
Facsimile: (012) 323 4442

To: The Registrar
Constitutional Court
Constitutional Hill
JOHANNESBURG
2000

And to: The Registrar
Supreme Court of Appeal
PO Box 258
BLOEMFONTEIN
9300
Ref: 585/09

And to: The Registrar
High Court of South Africa
North Gauteng High Court
PRETORIA
0002
Ref: 37771/08

And to: The Attorney for the Respondents
Office of the State Attorney
8th Floor
Bothongo Heights
167 Andries Street
PRETORIA
0002
Ref: Jan Nel