

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT No. **107/18**

High Court case number: 52883/17

In the matter between:

SOUTH AFRICAN RESERVE BANK

Applicant

and

PUBLIC PROTECTOR

Respondent

NOTICE OF CONDITIONAL APPLICATION FOR LEAVE TO CROSS APPEAL

TAKE NOTICE THAT the South African Reserve Bank hereby applies for conditional leave to cross appeal to this Court in accordance with Rule 19(5) of the Constitutional Court Rules and seeks the following relief:

- 1 Leave to cross-appeal is granted.
- 2 It is declared that the Public Protector abused her office during the investigation that led to Report 8 of 2017/2018 into the “Alleged Failure to Recover Misappropriated Funds”.
- 3 Costs in the conditional application for leave to cross appeal are to be costs in the cross appeal.
- 4 Costs of the cross appeal.

5 Further or alternative relief.

TAKE NOTICE FURTHER THAT The Reserve Bank seeks leave to appeal against the dismissal of its application for a declaration that the Public Protector abused her office during her investigation *only in the event* that the Public Protector is granted direct access or leave to appeal. If this Court refuses the Public Protector's application for leave to appeal and the application for direct access, then the Reserve Bank will not persist in this application for leave to cross-appeal.

TAKE NOTICE FURTHER THAT the affidavit of **JOHANNES JURGENS DE JAGER** together with its annexures will be used in support of this application.

TAKE NOTICE FURTHER THAT the Reserve Bank has appointed Werksmans Attorneys of 96 Rivonia Road, Sandton, Johannesburg, as the address at which notice and service of all process in these proceedings shall be accepted.

TAKE NOTICE FURTHER that if the respondent intends to oppose the conditional application for leave to cross appeal, she must respond thereto in writing within 10 days from the date on which this application is lodged, indicating whether the application is opposed and if so, on what grounds

DATED at JOHANNESBURG on this the 15th day of May 2018.

WERKSMANS ATTORNEYS

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THE CONSTITUTIONAL COURT OF SOUTH AFRICA
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AND TO: **FASKEN**
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