

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
JOHANNESBURG**

**CASE NO:
SCA CASE NO: 20265/14**

In the matter between:

MERAFONG CITY LOCAL MUNICIPALITY Applicant

and

ANGLOGOLD ASHANTI LIMITED Respondent

**NOTICE OF APPLICATION FOR LEAVE TO APPEAL IN TERMS OF
RULE 19 OF THE RULES OF THE CONSTITUTIONAL COURT ('THE
RULES') AGAINST A DECISION OF THE SUPREME COURT OF
APPEAL DELIVERED ON 28 MAY 2015**

TAKE NOTICE that the applicant seeks leave to appeal against the judgment of the Supreme Court of Appeal ('SCA') in the matter of *Merafong City Local Municipality v Anglogold Ashanti Limited* under SCA case number 20265/14 delivered on 28 May 2015 (attached as Annexure 'ADS1' to the supporting statement) and to set aside the order in paragraph [18] of the judgment.

TAKE NOTICE FURTHER that the applicant seeks leave on the constitutional issue involved in this matter as contemplated in s 167(3)(b) of the Constitution of the Republic of South Africa, 1996.

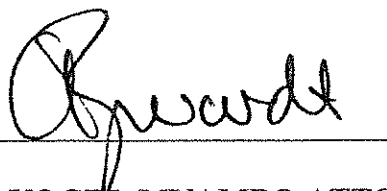
TAKE NOTICE FURTHER that leave to appeal is sought on the basis that the SCA erroneously treated the majority judgment of this court in *Kirland* as applying equally to decisions by public officials that manifestly travel beyond the compass of their jurisdictional competence. The issue is considered more fully in the statement annexed hereto.

TAKE FURTHER NOTICE that the applicant shall rely on the statement of Anton Deon de Swardt, its authorised legal practitioner and duly mandated attorney, in support of this application.

KINDLY NOTE FURTHER that the respondent may respond to this application in writing within 10 days from the date upon which this application is lodged, indicating whether or not the application for leave is being opposed, and if so, to furnish the grounds for such opposition.

KINDLY SET THE MATTER DOWN FOR CONSIDERATION ACCORDINGLY.

SIGNED at **PRETORIA** on this 13th day of **JUNE** 2015.



DE SWARDT VOGEL MYAMBO ATTORNEYS

Applicant's Attorneys
 941 Jan Shoba Street
 Cnr Jan Shoba/Mackenzie Streets
 Brooklyn, PRETORIA
 Tel : 012 346 0050
 Fax : 012 346 0240
 E-mail : anton@deswardt.co.za/
 nadia@deswardt.co.za

TO :
 THE REGISTRAR
 SUPREME COURT OF APPEAL
 BLOEMFONTEIN

AND TO:
 THE REGISTRAR
 CONSTITUTIONAL COURT
 JOHANNESBURG

AND TO:
KNOWLES HUSAIN LINDSAY INC
 Attorney for Respondent
 c/o Friedland Hart Solomon & Nicolson
 Pretoria
 Suite 301 – Block 4
 Monument Office Park
 79 Steenbok Avenue
 Monument Park
 Pretoria
 Tel : 012 424 0200
 Ref : T Van Straaten/Cb/298206

FRIDLAND HART SOLOMON & NICOLSON
 Received without prejudice

at 10:47 on 18/6 2015

Copy hereof received on this

_____ day of JUNE 2015.

