

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No.: CCT157/22

HC Case No.: 2020/26471

In the matter between: -

CENTRE FOR CHILD LAW

Applicant

and

SCHUTTE, TAMERIN

First Respondent

BEUKES, NAUDE

Second Respondent

**MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

Third Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the Applicant intends to apply to this Court for an order in the following terms:

1. That the late filing of the written argument be condoned.
2. Further and/or alternative relief.

TAKE FURTHER NOTICE THAT the affidavit of Ronaldah Lerato Karabo Ozah will be used in support of this application.

KINDLY PLACE THE MATTER BEFORE THE CHIEF JUSTICE.



CENTRE FOR CHILD LAW

Room 4-31 Law Building

University of Pretoria

Pretoria

Tel: (012) 420 4501

Email: Karabo.Ozah@up.ac.za

c/o

LEGAL RESOURCES CENTRE

2nd Floor West Wing

Women's Jail, Constitutional Hill

1 Kotze Street

Braamfontein

(011) 038 9709

Email: david@lrc.org.za

Ref: Mr David Mtshali

To: THE REGISTRAR
Constitutional Court

And To: RIVA LANGE ATTORNEYS
Attorney for the First Respondent
RLange@rlattorneys.co.za

And To: BP BEZUIDENHOUT ATTORNEYS
Attorney for the Second Respondent
dawie@bezlaw.co.za

And To: OFFICE OF THE STATE ATTORNEY
Attorney for the Third Respondent
JohVanSchalkwyk@justice.gov.za

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FOUNDING AFFIDAVIT

I, the undersigned –

RONALDAH LERATO KARABO OZAH

do hereby declare under oath and state:

1. I am adult and the director of the Centre for Child Law (“CCL”), a law clinic based at the Law Building, University of Pretoria, Hatfield Campus, Lynnwood Road, Pretoria.



2. The facts contained in this affidavit are both true and correct and are, unless otherwise stated or apparent by the necessary context, within my personal knowledge.

Parties:

3. The Applicant is the Centre for Child Law (or “CCL”). The CCL has, for just over 20 years, continued to advance its goal of ‘imagining children constitutionally’. Its work aims to establish systemic change and sustainable impact by developing the law to the benefit of children. It does so through advocacy, research and, where necessary, litigation.
4. The First Respondent is Tamerin Schutte, an adult administrator currently residing at 303 Riverglades Estate, 46 Juweel Street, Jukskei Park, Randburg, Johannesburg, Gauteng. The First Respondent is cited care of her attorney, Riva Lange, of Riva Lange Attorneys.
5. The Second Respondent is Naude Beukes, an adult, whose employment title (if any) is unknown, and who resides at 4 Geelhout Street, Bergsig, George, Western Cape. The Second Respondent is cited care of his attorney, Dawie Bezuidenhout, of DP Bezuidenhout Attorneys.
6. The Third Respondent is the Minister of Justice and Constitutional Development (“**Minister**”). The Minister is cited care of the Office of the State Attorney.

Condonation Application:

7. On 25 July 2022, we received the Chief Justice's directions in respect of this matter. The directions required *inter alia* that we lodge our written argument on or before 19 September 2022.
8. We have, unfortunately, been unable to do so and have lodged them one day late, being 20 September 2022. The reason for this is that our counsel, unfortunately, was unable to meet to finalise the papers in the week of 12 – 16 September 2022 owing to an unexpected matter that required his urgent attention. Stage 6 load-shedding was also implemented over the weekend making it near impossible to finalise the written argument.
9. There can, with respect, be no prejudice to the other side. We accordingly ask that the lateness be condoned.

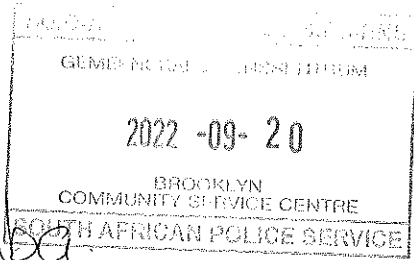
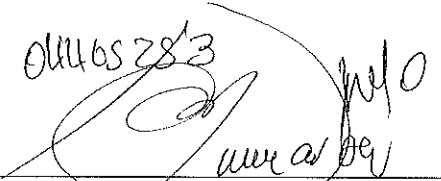
WHEREFORE the Applicant prays for an order in terms of the Notice of Motion to which this affidavit is attached.


DEPONENT

I HEREBY CERTIFY that the deponent has acknowledged that she knows and understands the contents of this affidavit, that she has no objection in taking the prescribed oath and that she considers the oath to be binding on her conscience. This affidavit was signed and deposed to before me at PRETORIA on this 20th day of September 2022 the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and

Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

011465283



COMMISSIONER OF OATHS

FULL NAME:

DESIGNATION:

FULL ADDRESS:

Matilu Ledwaba
Warrant Officer
119 Duxbury Road
Hillcrest
Pta.

