

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT: 144/25

In the matter of:

SOLIDARITY

INTERVENING PARTY

IN RE:

CITY OF CAPE TOWN

APPLICANT

and

THE SPEAKER OF THE NATIONAL ASSEMBLY

1ST RESPONDENT

**THE CHAIRPERSON OF THE NATIONAL
COUNCIL OF PROVINCES**

2ND RESPONDENT

THE MINISTER OF FINANCE

3RD RESPONDENT

**THE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA**

4TH RESPONDENT

**THE SPEAKER OF THE EASTERN CAPE
PROVINCIAL LEGISLATURE**

5TH RESPONDENT

**THE SPEAKER OF THE FREE STATE
PROVINCIAL LEGISLATURE**

6TH RESPONDENT

**THE SPEAKER OF THE GAUTENG
PROVINCIAL LEGISLATURE**

7TH RESPONDENT

**THE SPEAKER OF THE KWAZULU NATAL
PROVINCIAL LEGISLATURE**

8TH RESPONDENT

**THE SPEAKER OF THE LIMPOPO
PROVINCIAL LEGISLATURE**

9TH RESPONDENT

**THE SPEAKER OF THE MPUMALANGA
PROVINCIAL LEGISLATURE**

10TH RESPONDENT

**THE SPEAKER OF THE NORTHERN CAPE
PROVINCIAL LEGISLATURE**

11TH RESPONDENT

**THE SPEAKER OF THE NORTH-WEST
PROVINCIAL LEGISLATURE**

12TH RESPONDENT

**THE SPEAKER OF THE WESTERN CAPE
PROVINCIAL LEGISLATURE**

13TH RESPONDENT

**NOTICE OF MOTION ITO RULE 8(2) - PARTIAL ABANDONMENT OF RELIEF
SOUGHT BY INTERVENING PARTY**

BE PLEASED TO TAKE NOTICE that the intervening party, Solidarity, hereby notifies the Honourable Court and all parties to the proceedings of its election to abandon the portion relating to substantive relief sought as contained in the notice of motion dated 18 June 2025, subject to the discretion and direction of this Honourable Court, and to proceed solely with the issues falling within the exclusive jurisdiction of the Constitutional Court (if granted leave to intervene) namely:

1. The constitutional obligation of the first and second respondents to facilitate public participation in the legislative process in terms of sections 59(1)(a) and 72(1)(a) of the Constitution and that it subsequently be declared that the first and second respondents have failed in their constitutional duty to facilitate public participation and that the Public Procurement Act 28 of 2024 was adopted in an unconstitutional manner and therefore falls to be invalidated.
2. That the intervening Applicant party abandons the relief sought in prayers 4 and 5 of the original notice of motion dated 18 June 2025.
3. Further and/or alternative relief or directions in terms of Rule 8(2) as this Honourable Court deems just to dispose of the matter.

TAKE FURTHER NOTICE that Solidarity accordingly no longer persists in seeking any orders of general invalidity or declaratory relief in respect of issues beyond those contemplated above and respectfully requests that the matter proceed on this narrowed and constitutionally confined basis.

TAKE FURTHER NOTICE that an explanatory affidavit deposited by **ANNIKA DORETHEA LABUSCHANGE** will accompany this notice.

TAKE NOTICE FINALLY that Solidarity tenders to abide by any further directions or orders that this Honourable Court may issue in respect of this partial abandonment and the procedural management of the matter going forward.

DATED AT PRETORIA ON THIS THE 20TH DAY OF JULY 2025



A handwritten signature in black ink, appearing to read 'Niekie Serfontein', is enclosed within a hand-drawn oval shape. The signature is written in a cursive style.

SERFONTEIN, VILJOEN & SWART

ATTORNEYS FOR APPLICANT

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BROOKLYN

PRETORIA

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REF: Mr. Venter / MJ / NS0078

TO : THE SPEAKER OF THE NATIONAL ASSEMBLY

Parliament of the Republic of South Africa

Plein Street, Cape Town, 8000

Tel: (021) 403 2911

Email: speaker@parliament.gov.za

TO : THE CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES

Parliament of the Republic of South Africa

90 Plein Street, Cape Town, 8000

Tel: (021) 403 2922

Email: ncopchairperson@parliament.gov.za

TO : THE MINISTER OF FINANCE

National Treasury

40 Church Square, Pretoria, 0002

Tel: (012) 315 5111

Email: minreg@treasury.gov.za

TO : THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

The Presidency

Union Buildings, Government Avenue, Pretoria, 0002

Tel: (012) 300 5200

Email: president@presidency.gov.za

**TO : THE SPEAKER OF THE EASTERN CAPE PROVINCIAL
LEGISLATURE**

Independence Avenue, Bhisho, 5605

Tel: (040) 609 6111

**TO : THE SPEAKER OF THE FREE STATE PROVINCIAL
LEGISLATURE**

317 Stateway, Bloemfontein, 9301

Tel: (051) 403 3911

**TO : THE SPEAKER OF THE GAUTENG PROVINCIAL
LEGISLATURE**

Corner City Hall & President Streets, Johannesburg, 2000

Tel: (011) 498 5800

**TO : THE SPEAKER OF THE KWAZULU-NATAL PROVINCIAL
LEGISLATURE**

244 Langalibalele Street, Pietermaritzburg, 3201

Tel: (033) 355 7500

**TO : THE SPEAKER OF THE LIMPOPO PROVINCIAL
LEGISLATURE**

Hans van Rensburg Street, Lebowakgomo, 0737

Tel: (015) 633 8000

**TO : THE SPEAKER OF THE MPUMALANGA PROVINCIAL
LEGISLATURE**

Government Complex, Riverside Park, Mbombela, 1200

Tel: (013) 766 1218

**TO : THE SPEAKER OF THE NORTHERN CAPE PROVINCIAL
LEGISLATURE**

6th Floor, Metlife Towers, Kimberley, 8301

Tel: (053) 839 8000

**TO : THE SPEAKER OF THE NORTH WEST PROVINCIAL
LEGISLATURE**

Dr James Moroka Drive, Mahikeng, 2745

Tel: (018) 392 7000

**TO : THE SPEAKER OF THE WESTERN CAPE PROVINCIAL
LEGISLATURE**

7 Wale Street, Cape Town, 8001

Tel: (021) 487 1600

TO : THE OFFICE OF THE STATE ATTORNEY – PRETORIA

SALU Building, 316 Thabo Sehume Street, Pretoria, 0001

Tel: (012) 309 1500

Email: stateattorneyypta@justice.gov.za / ichowe@justice.gov.za

REF: NEW MATTER // SEE CASE NUMBER ABOVE

TO : THE OFFICE OF THE STATE ATTORNEY – JOHANNESBURG

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TO : OFFICE OF THE STATE ATTORNEY – CAPE TOWN
ATTORNEY FOR THE PREMIER OF THE WESTERN CAPE

22 Long Street, Cape Town, 8000

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Email: CoBailey@justice.gov.za / EAbsolom@justice.gov.za

TO : CLUVER MARKOTTER ATTORNEYS
ATTORNEYS FOR THE CITY OF CAPE TOWN

1ST FLOOR, CLUVER MARKOTTER BUILDING

MILL STREET

STELLENBOSH

Email: brendonh@cluvermarketotter.law