

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

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

I, the undersigned:

ANNIKA DOROTHEA LABUSCHAGNE

Do hereby make an oath and swear as follows:

1. I am a major female with full legal capacity and employed in the legal department of the applicant, Solidarity, with address at cnr Eendracht and DF Malan Avenue, Centurion, Gauteng. The contents hereof fall within my personal knowledge by virtue of such employment and are to the best of my knowledge both true and correct.
2. I am properly authorized to depose hereto, and I depose to this affidavit with the authority flowing from the resolution attached to the founding affidavit in the application for leave to intervene.
3. Where I make averments of a legal nature, I do so upon the advice of Solidarity's legal representatives, which advice I accept as correct.



NOTICE OF ABANDONEMENT

4. In further support of the notice of abandonment filed herewith, Solidarity places the following on record for the assistance of this Honourable Court and the parties to these proceedings:

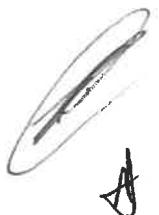
4.1 Following constructive engagements between the legal representatives of Solidarity and counsel acting on behalf of the applicants in the main application, Solidarity made the decision that, in the interests of narrowing the issues and facilitating the expeditious determination of the constitutional questions at the heart of this matter, it would no longer persist in pursuing the broader declaratory and substantive relief originally sought in prayers 4 and 5 of its notice of motion dated 18 June 2025.

4.2 This decision was taken in good faith and with due regard to the overriding imperative of judicial economy and procedural fairness.

4.3 It is emphasised that this partial abandonment of relief in this Court does not occasion any prejudice to the rights or interests of any party to these proceedings. On the contrary, it serves to streamline the issues before this Court and to focus the matter on the discrete constitutional complaint concerning the failure of the first and second respondents to facilitate meaningful public participation in the legislative process, as required by sections 59(1)(a) and 72(1)(a) of the Constitution. That issue remains a matter of exclusive constitutional jurisdiction and is accordingly still pursued with full vigour.

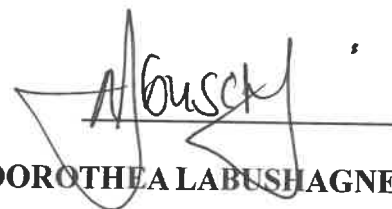


- 4.4 It bears emphasis that the abandonment in question is made subject to the discretion and direction of this Honourable Court, and without any concession on the merits of the relief initially sought. The procedural step is intended to facilitate orderly adjudication and should not be construed as a withdrawal of Solidarity's broader concerns regarding the legality and legitimacy of the process that culminated in the enactment of the impugned Public Procurement Amendment Act, 2024.
- 4.5 Solidarity further reiterates its undertaking to abide by any further directions or case management measures the Court may deem appropriate to ensure the just, equitable and efficient disposal of the matter.
5. Thus, it is submitted that the abandonment follows an engagement and an in-principle agreement reached in good faith with the applicants' legal representatives in the main application, demonstrating a cooperative approach to the management of the matter and a shared commitment to the focused adjudication of the key constitutional issues. This understanding underscores the absence of any prejudice to other parties; indeed, it advances the efficiency of the proceedings by avoiding duplication and potential jurisdictional entanglements.
6. Moreover, Solidarity's remaining relief is not dependent on, nor undermined by, the abandonment. On the contrary, the narrowed scope of relief aligns more precisely with the Constitutional Court's exclusive jurisdiction and ensures that the matter proceeds on grounds clearly within the Court's competence to determine.



7. It is reiterated that this abandonment is made expressly subject to the discretion of the Court and without waiver of Solidarity's broader rights or claims in related proceedings. Solidarity remains seized with its application in the High Court under case number 23331/24, where the broader legality and irrationality challenges are more appropriately ventilated.

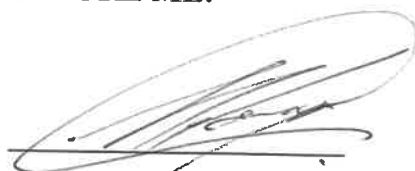
8. Lastly, it is submitted that this approach gives effect to the principle of judicial economy, prevents duplication of argument, and facilitates the expeditious and focused resolution of the matter. In doing so, Solidarity acts not only in its own interest and in the interest of its members, but also in the broader public interest.



ANNIKA DOROTHEA LABUSHAGNE

I CERTIFY the Deponent has acknowledged that she knows and understands the contents of the foregoing Affidavit and that she has no objection to taking the prescribed oath and that she considers the oath to be binding on her conscience, and that accordingly the requirements have been complied with as set out in Reg. No. 1258 of Government Gazette No. 3619, 21 July 1972, as amended, which affidavit was signed and sworn to before me at PRETORIA on this the 30th day of July, 2025.

BEFORE ME:



COMMISSIONER OF OATHS

STEPHAN KRUGER
Kommissaris van Ede /
Commissioner of Oaths
Praktiserende Prokureur /
Practising Attorney
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