CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO.: CCT 9/97

JEANETTE HARKSEN (BORN TZSCHUCKE) — Applicant

and

MICHAEL JOHN LANE N.O. — First Respondent
EILEEN MARGARET FEY N.O. — Second Respondent
THE MASTER OF THE SUPREME COURT — Third Respondent
THE MINISTER OF JUSTICE — Fourth Respondent

DIRECTIONS

I have been requested by the President of the Constitutional Court to inform you that the following directions have been given in regard to the issue referred to the Constitutional Court by Farlam J on 25 March 1997:

1. The matter has been provisionally set down for hearing before the Constitutional Court at 10.00 on 26 August 1997.

2. The parties are required to address argument on the following matters:

   2.1 the constitutionality of sections 21, 64(2), 65(1) and 65(2) of the Insolvency Act, 24 of 1936;

   2.2 whether the provisions of the Constitution of the Republic of South Africa,

1996, have any application to the issues in this matter, particularly with regard to jurisdiction and the question whether the referral of this matter should be to this Court or to the Supreme Court of Appeals;

2.3 the Order to be given, including any question that might arise in relation to the provisions of section 98(5) and (6) of the Republic of South Africa Constitution Act 200 of 1993;

2.4 an order for costs.

3. The issues referred to are to be dealt with as questions of law.

4. The record will consist of:

4.1 the Notice of Motion dated 18 December 1996 together with annexures;

4.2 the judgment of Farlam J;

4.3 the order of referral.

5. The written argument of the applicant shall be lodged with the Registrar of this Court by not later than 5 June 1997.

6. The written argument of the respondents shall be lodged with the Registrar of the

Court by not later than 25 June 1997.

7. The applicant may lodge with the Registrar written argument in reply to the respondents' written argument on or before 3 July 1997.

8. If any of the parties consider that these directions should be amended or supplemented in any respect, written notice to that effect should be lodged with the Registrar and served on all other parties not later than 20 May 1997. These directions will be reconsidered accordingly, in the light of any such contentions.

Dated at Johannesburg this 30 day of April, 1997.

W. MADELA
REGISTRAR OF THE CONSTITUTIONAL COURT

To:

JAN S DE VILLIERS & SON
(C H K FRIEDLAENDER)
Applicant's Attorneys
16th Floor, BP Centre
1 Thibault Square
CAPE TOWN

AND TO:

MICHAEL JOHN LANE N.O.
First Respondent
James Lane Trustees (Pty) Ltd t/a Republic Trustees

Press

(1)

CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO.: CCT 9/97

JEANETTE HARKSEN (BORN TZSCHUCKE) Applicant

GRIFFIER VAN DIE KONSTITUSIONELE HOF
PRIVAATSAK/PRIVATE BAG X32
1997 -04- 30
BRAAMFONTEIN 2017
REGISTRAR OF THE CONSTITUTIONAL COURT

and

MICHAEL JOHN LANE N.O. First Respondent
EILEEN MARGARET FEY N.O. Second Respondent
THE MASTER OF THE SUPREME COURT Third Respondent
THE MINISTER OF JUSTICE Fourth Respondent

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Dated at Johannesburg this 30th day of April, 1997.

W. MADELA
REGISTRAR OF THE CONSTITUTIONAL COURT

To:

JAN S DE VILLIERS & SON
(C H K FRIEDLAENDER)
Applicant's Attorneys
16th Floor, BP Centre
1 Thibault Square
CAPE TOWN

AND TO:

MICHAEL JOHN LANE N.O.
First Respondent
James Lane Trustees (Pty) Ltd t/a Republic Trustees

10th Floor
Plein Park Building
Plein Street
CAPE TOWN

AND TO:

EILEEN MARGARET FEY N.O.
Second Respondent
Coopers and Lybrand Trustees
The terraces
34 Bree Street
CAPE TOWN

AND TO:

THE MASTER OF THE SUPREME COURT
Third Respondent
Supreme Court
Queen Victoria Street
CAPE TOWN

AND TO:

THE MINISTER OF JUSTICE
Fourth Respondent
c/o The State Attorney
Qfueen Victoria Street
CAPE TOWN.