CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO CCT 24/10

In the matter between:

BRIAN PATRICK DE LACY First Applicant

BARRY JACK BEADON Second Applicant

and

SOUTH AFRICAN POST OFFICE Respondent

DIRECTIONS DATED 30 AUGUST 2010

The Chief Justice has issued the following directions:

1. The application for direct access is set down for hearing in this Court on Tuesday 8 February 2011 at 10h00.

2. The record, properly paginated and indexed, shall be prepared by the applicants, and lodged on or before Tuesday 19 October 2010.

3. For this purpose the applicants may use those portions of the record as prepared and paginated in the Supreme Court of Appeal, together with any affidavits or other papers filed in this Court, as are strictly necessary for the determination of the issues relevant to the hearing.

4. In addition, the applicants are required, not later than ten days before the hearing to –

(i) lodge one copy of a supplementary volume to the record, consisting of all documents filed in this Court which do not form part of the record already lodged;
(ii) number these documents consecutively beginning with the page immediately after the last page of the record already lodged; and
(iii) provide an updated index which includes the supplementary volume.

5. Written argument must be lodged by –

(a) the applicants on or before Tuesday 16 November 2010; and
(b) the respondent on or before Tuesday 30 November 2010.

6. The written argument is restricted to the following:

a. whether it is in the interests of justice to grant the application for direct access in view of the fact that, in the application for leave to appeal to this Court lodged on 3 June 2009 the applicants did not raise the grounds on which they now rely;
b. the extent to which admissions were made in paragraphs 20.3 and 20.7 of the plea and the significance of those admissions to the issues of fact and law the trial court and the Supreme Court of Appeal had to determine;
c. whether the attention of (i) the trial court and (ii) the Supreme Court of Appeal was drawn to these admissions at any stage during the proceedings in either court;
d. if so, full details of when, where and in what manner this was done;
e. if not, what bearing has the failure of the parties to draw the attention of either court to these admissions has on the relief the applicants are entitled to seek in this Court;
f. the exact paragraphs in the judgment of the Supreme Court of Appeal upon which the applicants rely for their contention that the judgment warrants an inference of bias or perceived bias, as well as references to the precise portions of the record upon which the applicants rely in this regard;
g. the relief this Court should order, in the event direct access is granted and the Supreme Court of Appeal judgment is set aside, in particular whether the matter may be referred back to the Supreme Court of Appeal.

7. Further directions may be issued in due course.

MS STANDER
SENIOR REGISTRAR

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