IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO:

In the matter between:

MINISTER OF HOME AFFAIRS	First Applicant
DIRECTOR-GENERAL OF HOME AFFAIRS	Second Applicant

and

MARIÉ ADRIAANA FOURIE	First Respondent
CECELIA JOHANNA BONTHUYS	Second Respondent

and

LESBIAN AND GAY EQUALITY PROJECT	Amicus Curiae

APPLICATION FOR LEAVE TO APPEAL

KINDLY TAKE NOTICE that **The Minister of Home Affairs and Director-General** (the applicants) hereby apply to the above Court for an order in the following terms:

1. That leave be granted to the applicants to appeal against the whole judgment and order of His Lordship Cameron JA (supported by three other judges of the Supreme Court of Appeal) delivered on 30 November 2004 in the Supreme Court of Appeal under case number 232/2003;

2. Directing that costs in this application be costs in the appeal.

3. Further or alternative relief.

And the accompanying affidavit of Barry Phillip Gilder is annexed hereto in support of the application.

TAKE NOTICE FURTHER that the applicant has appointed the State Attorney: 10th Floor, North State Building, 95 Market Street JOHANNESBURG as the address at which he will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that you are required within 10 days to respond in writing, indicating whether or not the application for leave to appeal will be opposed,, and if you intend opposing this application you are required to furnish grounds for such opposition and (a) to notify applicant's attorney in writing (b) to file your answering affidavit, if any; and further that your are required to appoint in such notification an address at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose is given, the applicant will request the registrar to place the matter before the Chief Justice to be dealt with in terms of rule 11(3) (c) (i).

Dated at PRETORIA on this the day of December 2004

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STATE ATTORNEY
Applicants' Attorneys
Old Mutual Centre,
8th Floor, 167 Andreis street
Tel: 012 – 328 5512
Fax: 012 328 2662/3

c/o The State Attorney
Johannesburg
10th Floor, North State Building
95 Market Street
JOHANNESBURG

TO: **THE REGISTRAR OF THE CONSTITUTIONAL COURT**
BRAAMFONTEIN

AND TO: **M VAN DEN BERG ATTORNEYS**
Attorneys for the Respondents
502 Olivetti House
241 Schubart Street
PRETORIA
Tel: 012 – 321 9485/6

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For Respondents' attorney

Copy hereof received on
the day of December
2004