IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

(HELD AT BLOEMFONTEIN)

SCA CASE NUMBER:_____/2019

GAUTENG DIVISION, PRETORIA CASE NUMBER: **34523/2017**

In the matter between:

AFRIBUSINESS NPC Applicant

and

THE MINISTER OF FINANCE Respondent

NOTICE OF MOTION

TAKE NOTICE THAT Afribusiness NPC (hereinafter called "*the Applicant*") intends to make application to the Supreme Court of Appeal for an order:

1. That leave to appeal to the Supreme Court of Appeal, alternatively to a Full Bench of the High Court of South Africa, Gauteng Division, Pretoria be granted to Applicant, against the judgment and order made by the Honourable Judge Francis on 28 November 2018 in the Gauteng Division, Pretoria, of the High Court of South Africa under case number 34523/2017, a copy of which is annexed as Annexure "A1" to the Founding Affidavit, in terms of which Applicant's application for the review and setting aside of the Preferential

Procurement Regulations 2017, adopted and promulgated by Respondent, and published in the Gazette on 20 January 2017, and Applicant's application for the adoption of the said Regulations to be declared invalid, were dismissed with costs.

2. That the costs of the present application be costs in the appeal to the Supreme Court of Appeal;

3. That such further and/or alternative relief as the Honourable Court may deem just, be granted to Applicant;

AND that the accompanying Affidavit of **ARMAND GIDEON GREYLING** will be used in support thereof.

TAKE NOTICE FURTHER THAT Applicant has appointed Hurter Spies Attorneys, AfriForum Building, cnr DF Malan and Union Avenue, Kloofsig, Centurion c/o **MCINTYRE VAN DER POST,** Bloemfontein, at which it will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required to file your Opposing Affidavit, after service to the Applicant, at the Registrar of the above Honourable Court within 1 (One) month after service of the Notice of Motion.

SIGNED at PRETORIA on this _____ day of JULY 2019.

_____
HURTER SPIES ATTORNEYS
AFRIFORUM BUILDING
CNR DF MALAN AND UNION AVENUE
KLOOFSIG
CENTURION
E-MAIL: tertius@hurterspies.co.za

REF: T KRUGER/AS0024

C/O:**MCINTYRE VAN DER POST**
12 BARNES STREET,
WESTDENE,
BLOEMFONTEIN

TO : THE REGISTRAR OF THE SUPREME COURT OF APPEAL
BLOEMFONTEIN

AND
TO : **THE MINISTER OF FINANCE**
RESPONDENT
2ND FLOOR, OLD RESERVE BANK BUILDING
40 CHURCH STREET
PRETORIA
c/o THE STATE ATTORNEY
SALU BUILDING
255 FRANCIS BAARD STREET
Cnr THABO SEHUME (ENTRANCE THABO SEHUME)
TEL: (012) 309 1575
FAX: (012) 309 1641/2
ENQ: MS THEMBELIHLE NHLANZI
(REF: 897/3793/17/Z32)

(BY HAND)