IN THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE DIVISION, MAKHANDA

Case No: 2091/2021.

In the matter between:

MEMBER OF THE EXECUTIVE COUNCIL FOR FINANCE, ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM (EASTERN CAPE)

First Applicant

HEAD OF DEPARTMENT EASTERN CAPE

PROVINCIAL TREASURY Second Applicant

MEMBER OF THE EXECUTIVE COUNCIL FOR

HEALTH, EASTERN CAPE PROVINCE Third Applicant

HEAD OF DEPARTMENT FOR HEALTH (EASTERN CAPE) Fourth Applicant

THE PREMIER, EASTERN CAPE PROVINCE Fifth Applicant

and

THE LEGAL PRACTICE COUNCIL First Respondent

THE BOARD OF SHERIFFS Second Respondent

ABSA BANK LIMITED Third Respondent
NATIONAL DEPARTMENT OF HEALTH Fourth Respondent

NATIONAL TREASURY OF SOUTH AFRICA Fifth Respondent

HENNIE JORDAAN N.O. (SHERIFF FOR KING Sixth Respondent

WILLIAMS TOWN COURT, KING WILLIAMS TOWN)

MARKS THAPELO MANGABA N.O. (SHERIFF,
JOHANNESBURG CENTRAL)

Seventh Respondent

IG BEZUIDENHOUT N.O (DEPUTY SHERIFF, HIGH & LOW)

WILLIAMS TOWN Eighth Respondent

THE STATE ATTORNEY

Per: D Ngwenya Tel: (043) 706 5100 FANIE HERMAN N.O. (DEPUTY SHERIFF FOR

CENTURION EAST) Ninth Respondent

ASIPHE MANISE Tenth Respondent

BABALWA VANTYI-GWAZU Eleventh Respondent

ANDILE GWAXU Twelfth Respondent

BAPHATHE NDIYA Thirteenth Respondent

POZILE DLUNGANE Fourteenth Respondent

APHELELE NDAMASE Fifteenth Respondent

LULEKA NOPHUZA Sixteenth Respondent

LULEKA NTLAKA Seventeenth Respondent

NOBUHLE NDZALA Eighteenth Respondent

PETER BOUCHER Nineteenth Respondent

GRACE JESSICA BOUCHER Twentieth Respondent

MAPHELO ANELISIWE Twenty-First Respondent

LULEKA MBINDA Twenty-Second Respondent

CHATHA MAHILIHILI Twenty-Third Respondent

NOMBUSO VIRONIC MAKALUZA Twenty-Fourth Respondent

NOSIPHO AUDREY KATIYA Twenty-Fifth Respondent

ANEZIWE TSIPA Twenty-Sixth Respondent

ZODWA TETYANE Twenty-Seventh Respondent

VUYANI MAYIBENYE Twenty-Eighth Respondent

SIYOLISE SITHANGA Twenty-Ninth Respondent

BABALWA MBOKODI Thirtieth Respondent

NOLOYISO ANELISA MIRANDA MXONYWA Thirty-First Respondent

ZIKHONA NDWEBI Thirty-Second Respondent

NOMFUNDO MNTUYEDWA Thirty-Third Respondent

NO-ONEST MVELO Thirty-Fourth Respondent

NOWAM YOBO

NOZIBELE SIKADE

LUSANDA MPHIKISWA

THANDISWA NOYILA

NIWE MADYIBI

ZIKHONA QWABE (nee MPOFU)

THEMBISA SIPHETHUKANA

NELISWA MBOLA

NONESI MBUTUMA

VOYI VUYISWA

NOWETHU C. THAFENI

NELISWA MTUTUZELI

NOKULUNGA SOMTHI

NOSANGE GLADILE

YONELA SAHLULO

ASIPHE GOGOSE

SANDISILE MATOWANE

DUDULA INC.

W LANGSON & ASSOCIATES

MJULELWA INC.

WIM KRYNAUW ATTORNEYS

ZYN NDZABELA INC.

AKHONA PELE ATTORNEYS

MGWESHE NGQELENI INC

M DAYIMANI INC.

DAYIMANI SAKHELA INC.

McWILLIAMS & ELLIOTT ATTORNEYS

Thirty-Fifth Respondent

Thirty- Sixth Respondent

Thirty-Seventh Respondent

Thirty-Eighth Respondent

Thirty-Ninth Respondent

Fortieth Respondent

Forty-First Respondent

Forty-Second Respondent

Forty-Third Respondent

Forty-Fourth Respondent

Forty-Fifth Respondent

Forty-Sixth Respondent

Forty-Seventh Respondent

Forty-Eighth Respondent

Forty-Ninth Respondent

Fiftieth Respondent

Fifty-First Respondent

Fifty-Second Respondent

Fifty-Third Respondent

Fifty-Fourth Respondent

Fifty-Fifth Respondent

Fifty-Sixth Respondent

Fifty-Seventh Respondent

Fifty-Eighth Respondent

Fifty-Ninth Respondent

Sixtieth Respondent

Sixth-First Respondent

MT KLAAS ATTORNEYS **MPENDULO STOYILE ATTORNEYS MPAMBANISO ATTORNEYS** CINGA NOHAJI INC. O JOUBERT ATTORNEYS T A NKELE AND SONS INC WT MNQANDI & ASSOCIATES

CAPS PANGWA & ASSOCIATES

NONXUBA INC.

S BOOI & SONS

NTYATYEKA ATTORNEYS

NIEHAUS McMAHON

FUNEKA SICITHI

MSITSHANA & ASSOCIATES

BONGIWE MAPETU

NCEBAZAKHE MPOFOLWANA

WELEKAZI GOWANA

NOXOLO MATROKO

AMANDA THEMBI PETER

ANDISWA NGOXOZA

KHUNJULWA PAYI

NOSIPHO SANDI

N. GAMEDE ATTORNEYS

LULEKA QHUPA

Sixty-Second Respondent Sixty-Third Respondent Sixty-Fourth Respondent Sixty-Fifth Respondent Sixty-Sixth Respondent Sixty-Seventh Respondent Sixty-Eighth Respondent Sixty-Ninth Respondent Seventieth Respondent Seventy-First Respondent Seventy-Second Respondent Seventy-Third Respondent Seventy-Fourth Respondent Seventy-Fifth Respondent Seventy-Sixth Respondent Seventy-Seventh Respondent

Seventy-Eighth Respondent

Seventy-Ninth Respondent

Eightieth Respondent

Eighty-First Respondent

Eighty-Second Respondent

Eighty-Third Respondent

Eighty-Fourth Respondent

Eighty-Fifth Respondent

NOSIPHIWO MTHI

Eighty-Sixth Respondent

PERSONAL INJURY PLAINTIFF LAWYERS

ASSOCIATION ('PIPLA')

Eighty-Seventh Respondent

APPLICANT'S FURTHER RULE 16 A NOTICE

PLEASE TAKE NOTICE that the following constitutional issues are raised in relation to the relief sought in this application:

- 1. Whether the State Liability Act 20 of 1957 ('SLA') permits writs to be issued against the Third and Fourth Applicant's right, interest and title in its Pay Master General Bank Account ('PMG account') ie. whether the SLA permits the attachment of State monies in the execution of a money judgment; and
- Whether all current and future writs issued against the PMG account are unlawful and invalid.

TAKE NOTICE FURTHER that a Full Court is scheduled to hear the matter on 11 and 12 November 2021, and the matter is urgent. Accordingly, in the event that the hearing proceeds on 11 and 12 November 2021, the Full Court will be requested to dispense with the notice and other requirements of Rule 16A.

TAKE NOTICE FURTHER that in the event that the matter is postponed for hearing on 11 November 2021, given that the matter is urgent, a supplemented Rule 16A notice will be filed dealing with the further time periods, premised on the date to which the matter is postponed.

TO the REGISTRAR:

KINDLY place this notice on a board designated for the purpose recorded in Rule 16A(1)(C) and place your date stamp upon the notice to indicate the date upon which it is placed on the notice board in accordance with Rule 16(1)(d).

Dated at GRAHAMSTOWN on this 9th day of NOVEMBER 2021.



THE STATE ATTORNEY

per:

MR DUGMORE NGWENYA

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c/o

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5 Bertram Street

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6139

Per: Mr Marius Wolmarans

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TO:

THE REGISTRAR

High Court

MKHANDA

AND TO:

THE LEGAL PRACTICE COUNCIL

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MIDRAND.

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AND TO:

THE BOARD OF SHERIFFS

Second Respondent

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CAPE TOWN

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AND TO:

ABSA BANK LIMITED

Third Respondent

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15 Troye Street

JOHANNESBURG

Provincial Branch:

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Vincent

EAST LONDON

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AND TO: NATIONAL DEPARTMENT OF HEALTH

Fourth Respondent

The Director General: Dr Sandile Buthelezi

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AND TO: NATIONAL TREASURY

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PRETORIA

c/o THE STATE ATTORNEY

PRETORIA

AND TO: HENNIE JORDAAN N.O. (SHERIFF FOR THE HIGH AND LOWER

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PRETORIA

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AND TO: POZILE DLUNGANE

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AND TO: N.Gamede Attorneys
Eighty Fourth Respondent

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