

**IN THE HIGH COURT OF SOUTH AFRICA  
[GAUTENG DIVISION, PRETORIA]**

CASE NO: **65760/20**

In the matter between:

**MASHILO NATHANIEL KGATHI**

**APPLICANT**

And

**HEALTH PROFESSIONS COUNCIL OF**

**SOUTH AFRICA**

**1<sup>ST</sup> RESPONDENT**

**MINISTER OF HEALTH**

**2<sup>ND</sup> RESPONDENT**

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**NOTICE IN TERMS OF RULE 16A**

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**KINDLY TAKE NOTICE** that the above mentioned Applicant intends to bring an application to the above Honourable Court on a date to be determined by the Registrar.

**KINDLY TAKE FURTHER NOTICE** that the above mentioned Applicant intends raising the following Constitutional issues in the application to be brought.

- (a) That the Health Professions Act 56 of 1974 as read with the Regulations promulgated thereunder be declared unconstitutional and invalid in so far as they do not provide for rescission application for the default decision of the Health Professions Council of South Africa as they Infringe upon section 33(1) of the constitution to wit, the right to administrative action that is lawful, reasonable and procedurally fair.

**KINDLY TAKE FURTHER NOTICE** that any interested party may, with the written consent of all parties to these proceedings, given not later than twenty (20) days after the filing of this Notice, be admitted as *amicus curiae*, upon such terms and conditions as may be agreed upon in writing by the parties.

**KINDLY TAKE FURTHER NOTICE** that written consent referred to above shall be lodged with the Registrar within five (5) days of it having been granted and the *amicus curiae* shall comply with the time frames agreed upon for the lodging of written argument.

**KINDLY TAKE FURTHER NOTICE** that the terms and conditions agreed upon may be amended by the court.

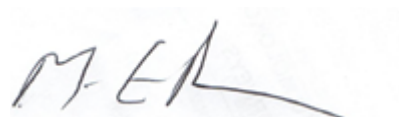
**KINDLY TAKE FURTHER NOTICE** that if the interested party is unable to obtain written consent from the other parties, he or she may, within five (5) days of the expiry of the twenty (20) days period referred to above, apply to this Honourable Court to be admitted as an *amicus curiae* in these proceedings. Such application shall:

- (a) Briefly describe the interest of the *amicus curiae* in these proceedings;
- (b) Clearly and succinctly set out the submissions which shall be advanced by the *amicus curiae* in the proceedings, the relevance thereof to these proceedings ; and his or her reasons for believing that the submissions will assist the court and are different from the submissions of the other parties; and
- (c) Be served upon all parties to the proceedings.

**KINDLY TAKE FURTHER NOTICE** that any party to the proceedings who wishes to oppose an application to be admitted as *amicus curiae* shall file an answering affidavit within five (5) days service of the application.

**KINDLY PLACE A COPY OF THIS NOTICE ON THE NOTICE BOARD**

**DATED AND SIGNED ON THIS THE 21 DECEMBER 2020.**



**SGD.** \_\_\_\_\_

**MOLOKO PHOOKO ATTORNYES**

**APPLICANT'S ATTORNEYS**

45 VAN HEERDEN STREET

P O BOX 1974 MOKOPANE 0600

REF: CIC /1115

**C/O PHUKUBYE ATTORNEYS**

339 BEHREND STREET

CAPITAL PARK

PRETORIA

TEL: 015 491 3421

FAX: 086 506 4514

CEL: 082 877 2845

EMAIL: [phokome@gmail.com](mailto:phokome@gmail.com)

TO THE REGISTRAR OF THE  
ABOVE HONOURABLE COURT

AND TO **TLHATHLA ATTORNEYS**  
**1<sup>ST</sup> RESPONDENT'S ATTORNEYS**  
HILDA LAW CHAMBERS  
HILD STREET

Per email: [stlhatlha78@gmail.com](mailto:stlhatlha78@gmail.com)