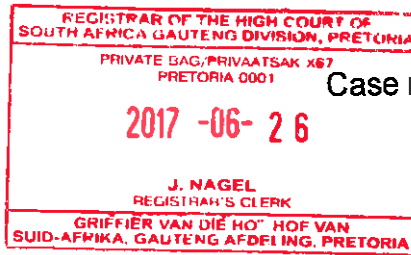


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**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**



In the matter between:

THE CHAMBER OF MINES OF SOUTH AFRICA

Applicant

and

MINISTER OF MINERAL RESOURCES

Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the applicant intends to apply to the above honourable court on **18 July 2017** or as soon thereafter as counsel may be heard for an order in the following terms:

1. The time periods, forms and manner of service provided for in the rules are dispensed with and the matter is heard as one of urgency in terms of Rule 6(12).
2. The respondent, including his delegates and other officials and functionaries of the Department of Mineral Resources, are prohibited from implementing or applying the provisions of the 2017 Charter¹ in any way, directly or indirectly, pending the final determination of an

¹ "Reviewed Broad Based Black-Economic Empowerment Charter for the South African Mining and Minerals Industry, 2016 (Reviewed Mining Charter, 2017)" published in Government Notice 581, Government Gazette No. 40923 dated 15 June 2017.

application for judicial review and setting aside of the respondent's decision to publish the 2017 Charter.

3. The application referred to in paragraph 2 above shall be instituted within a period of 60 days from the date of service of this court order upon the respondent, failing which this order shall lapse.
4. Without detracting from the generality of paragraph 2, it is ordered for the avoidance of doubt that the purported repeal (by paragraph 2.14 of the 2017 Charter) of the Original Charter² and of the 2010 Charter³ is hereby suspended.
5. The respondent is directed to pay the costs of this application, such costs to include the costs attendant upon the employment of three counsel.
6. Further and/or alternative relief.

TAKE NOTICE FURTHER that the affidavit of Tebello Laphatsoana Chabana, attached hereto and the supporting affidavits of **Ambrose Vuzumuzi Richard Mabena** and **Roger Alan Baxter** together with the attached documents will be used in support of the application.

² "Scorecard for the Broad Based Socio-Economic Empowerment Charter for the South African Mining Industry (including the Charter)" published in Government Notice 1639, Government Gazette 26661 dated 13 August 2004.

³ "Amendment of the Broad-based Socio-Economic Empowerment Charter for the South African Mining and Minerals Industry" published in Government Notice 838, Government Gazette 33573 dated 20 September 2010.

TAKE NOTICE, FURTHER, THAT the applicant has appointed Norton Rose Fulbright South Africa Inc, care of Mothle Jooma Sabdia Inc, at the address set out hereunder 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:

- (a) to deliver a notice to the applicant that you intend to oppose the application on or before 30 June 2017 and in such notice to appoint an address as referred to in Rule 6(5)(b) within 15 (fifteen) kilometres of the office of the Registrar at which you will accept notice and service of all process in these proceedings; and
- (b) to file your answering affidavits, if any, on or before 4 July 2017.

TAKE NOTICE FURTHER THAT the applicant intends delivering its replying affidavit to the respondent's answering affidavit, if any, by 11 July 2017.

TAKE NOTICE FURTHER THAT the application will be made on 18 July 2017 or so soon thereafter as counsel may be heard.

Please enrol the matter accordingly.

Dated at Johannesburg on this the 26th day of June 2017

Norton Rose Fulbright South Africa Inc

Attorneys for Applicant

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To:
The Registrar of the High Court

And to:
Minister of Mineral Resources
c/o Office of the State Attorney, Pretoria
Attorney for Respondent
SALU Building
255 Francis Beard Street
Pretoria
Tel: 012 309 1575
Email: simathebula@justice.gov.za
Ref: Mr Siphon Mathebula
3317/15/Z51

Received on ____ June 2017

STATE ATTORNEY
PRIVATE BAG/PRIVAATSAK X91
2017 -06- 26
PRETORIA 0001
STAATSPROKUREUR

For: Respondent

13/6/17