

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

**Case Number: 22352/2020**

In the matter between:

**SAKELIGA NPC**

Applicant

and

**THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

First Respondent

**THE MINISTER OF COOPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS**

Second Respondent

**THE MINISTER OF TRADE AND INDUSTRY**

Third Respondent

**THE MINISTER OF SAFETY AND SECURITY**

Fourth Respondent

**THE NATIONAL COMMISSIONER OF POLICE**

Fifth Respondent

**THE COMMISSION FOR INTELLECTUAL PROPERTY  
AND COMPANIES**

Sixth Respondent

**THE MINISTER OF SMALL BUSINESS DEVELOPMENT**

Seventh Respondent

**THE NATIONAL COMMAND CENTRE**

Eighth Respondent

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**REPLYING AFFIDAVIT**

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I, the undersigned,

**PIETER JACOBUS LE ROUX**

Make oath and state:

1. I am the Chief Executive Officer of the applicant.
2. The facts deposed to herein are within my personal knowledge unless otherwise indicated and are to the best of my knowledge both true and correct.
3. Where I make submissions of a legal nature, I do so on the advice of the applicant's legal advisers, which advice I accept as correct.
4. I have read the answering affidavits of Lionel October and Lindokuhle Mkhumane and wish to respond thereto as is set out below.
5. I have also read the unsigned affidavits of Cassius Reginald Lubisi, Avril Williamson, and Kehla John Sithole and wish to point out that no regard should be had to them because they are not signed or commissioned.

#### **AD THE ANSWERING AFFIDAVIT OF LIONEL OCTOBER**

6. Mr October states that he is the Director General of Trade, Industry and Competition. He deals with the permit system set up through the CIPC.
7. I deny that Mr October is entitled to depose to an affidavit in respect of the functioning of the CIPC, but submit that the fact that he does so, illustrates the disregard shown by the Department for the legal principles that govern them. Section 185(2)(b) of the Companies Act, 2008, enjoins the CIPC to be

independent and subject only to the Constitution, the law, and any policy statement, directive or request of the Minister in terms of the Companies Act.

8. Mr October, as Director General of that Department arrogates to himself the authority to speak on behalf of the CIPC. He then proceeds to defend a permit system, which has been disclaimed by the Commissioner himself (See page 02-114). I submit that this conduct shows either a disregard for the legal prescripts regulating his department or a lack of understanding thereof.
9. The gravamen of the DTI's proposition is that the CIPC "Essential Services Certificate" system was created for statistical purposes only. It serves no purpose to assist a businessperson to carry on his or her legal business. It is not required for that purpose. He does not deny that the issue of such certificates are not sanctioned by the Companies Act or any other law. His sole excuse for that system is that it assisted the Minister to "unblock issues" with the SAPS, and to make enforcement officers understand "which kinds of businesses were operating as essential services".
10. I submit that that statement is ludicrous and illustrates the paternalistic thinking of the Minister: the Regulations, as I have demonstrated in my founding affidavit, created a self-regulating permit system, whereby a businessperson, as "Head of Institution" must determine whether his or her business complies with the definition of "Essential Service". The certificate system sought to replace that decision with one that required certification by the CIPC, initially by

public and open directive and thereafter in more concealed terms and in practice.

11. I have opened the Bizportal after receipt of the Answering Affidavit and found an opening statement thereon reading as follows:

*“Those businesses (i.e. providing essential services) need to apply for a certificate in order to trade...”*

12. A screenprint of the opening page of the website taken on 25 May 2020 is attached hereto as **annexure “R1”**.

13. The Bizportal is still available for the issue of such “certificates” and they are issued on a daily basis.

14. In the light of the deponent’s admission that the certificates are not sanctioned by the Companies Act or the Regulations, I have instructed the applicant’s legal representatives to also apply for an order directing the CIPC to cease issuing such certificates forthwith, since they are not sanctioned by any law, and serve no legitimate governmental purpose.

15. The deponent also attacks the application on the basis of:

- a. Urgency;
- b. Locus standi;

16. The attack on urgency is founded on the allegation that the “Essential Services Certificates” were introduced shortly after the introduction of the lockdown. To that, the argument, which is not advanced by the Respondents, but which I was advised to deal with, can be added that the country is but days away from Level 3, which does not appear to require any permit system such as under Levels 5 or 4. I submit that the imposition of the Certification system has been as illegal then as it is now and as it will be during the final stages of the State of Disaster. It is also common cause that government has repeatedly warned that Level 4 or Level 5 could at any point be reinstated for some or all of the country, should government consider it necessary. The downgrading to Level 3 does not affect the illegality of the certification system, nor its harm and threat of harm to the public. I need to point out that the CIPC certification system forms an integral part of the illegal intrusion into the conduct of legal business, of which the Directions issued by the Minister of Small Business Development constitutes the most egregious excess. It is that which made the matter urgent, and not the CIPC certificates only.
17. I challenge the Minister to immediately direct the CIPC, in terms of section 185(2)(b)(ii) to discontinue the illegal use of Bizportal for the issue of “Essential Services Certificates”, failing which it will be submitted that it is the stubborn defence by the Minister of an illegal system, which fuels the urgency of the matter.

18. The deponent also attacks the locus standi of the applicant. He says that the applicant, which I expressly identified in paragraph 4 of my founding affidavit as “**SAKELIGA NPC**, a non-profit company with limited liability duly incorporated in terms of the Company Laws of the Republic of South Africa and registered under registration number 2012/043725/08 and with registered address at 117 Gerhardts Street, Die Hoewes, Extension 158, Centurion, Gauteng Province” has produced no evidence of its existence, its founding documents, its documents or donor base or its subscribers. This is an astounding statement coming from the person whose department controls the very records which he says I should have produced. I point out that the deponent does not deny the statements made in paragraphs 16 – 20 of my founding affidavit, wherein the applicant’s locus standi was methodically explained.

19. I specifically draw attention to the Constitutional Court’s decision regarding locus standi in constitutional matters in *Kruger v President of the Republic of South Africa and Others* (CCT 57/07) [2008] ZACC 17; 2009 (1) SA 417 (CC); 2009 (3) BCLR 268 (CC) (2 October 2008), where the Court held:

*Nevertheless, in my view, we should adopt a generous approach to standing in this case. In so doing, I am mindful of the fact that constitutional litigation is of particular importance in our country where we have a large number of people who have had scant educational opportunities and who may not be aware of their rights. Such an approach to standing will facilitate the protection of the Constitution.*

20. I submit that this is a general truth, judging from the supporting affidavits filed herein, across all segments of the population.

21. Be that as it may, I have been advised, *ex abundanti cautela*, to attach hereto proof of registration of the applicant, extracts of its memorandum of incorporation and a resolution adopted by the applicant in terms of which I was mandated to depose to the founding affidavit and this one. (**Annexures “R2”, “R3” and “R4”**)
22. I shall now deal with the affidavit of the Director General of the Department of Small Business Development.
23. The deponent shows no appreciation of the powers of the Minister in respect of the Constitution, the DMA, the Regulations or the Businesses Act. The deponent does not answer to any of the complaints raised by the applicant in the founding affidavit. The deponent’s attack is solely based on the Minister’s conduct prior to the issue of the impugned directions, which, in my respectful submission, has nothing to do with the issues at hand.
24. The deponent admits that the requirement of a business licence or trading permit was laid down in the Directions, for the trades mentioned therein, but disingenuously states that it does not constitute an “additional requirement”.
25. That statement is simply not true.
26. The Minister, on 6 April 2020, issued Directions (purportedly under Regulation 10(8) of the Lockdown Regulations. (Page 12/85). Direction 1.1 states that they were issued “to assist SMME’s operating grocery stores including the corner

shops, spaza shops, fruit and vegetable stores, to comply with the Lockdown Regulations.” It then defines its application to “Informal Traders” which were defined as “Fruit and Vegetable Informal Traders and the Langanas trading in the Northern Cape”.

27. Those concerns are sub-species of the food supply chain which were allowed to trade in terms of the Lockdown Regulations.
28. In Direction 1.4.5 the Minister states that “Spaza shop owners and informal food traders currently trading without **permits** may apply for permits”. The Directions do not state whence those “permits’ could be obtained. It is assumed that those permits are those already provided for in the Regulations.
29. The Directions of 12 May 2020 are infinitely wider than those issued on 6 April 2020. The latter includes:
  - a. Small scale bakery and confectioneries;
  - b. Small scale hardware stores;
  - c. Informal and micro restaurants and shisanyamas;
  - d. All tradesmen and artisans’ businesses
  - e. Sole traders in the clothing and textile business.
30. For those “business licences” are required, in addition to those provided for in the Regulations.

31. I also point out that no affidavit was filed in opposition to the application, by the CIPC, who should have done so, should it independently have wished to challenge the relief sought.
32. I consequently submit that the 3<sup>rd</sup> respondent's opposition to the application is entirely spurious and disingenuous and should evoke the displeasure of the Court in no uncertain terms.
33. Restaurants, including informal and micro restaurants and shisanyamas were not entitled to trade during lockdown, at all, and were only recently allowed to sell food on a delivery only basis. In terms of the Businesses Act they do require licences to trade. Those licencing systems are operated on a local authority level, over which the Minister has no legal control. They are enforced by local authorities and not by the SAPS.
34. All bakeries and confectioneries, in so far as they sell foodstuffs in the form of meals for consumption on or off the premises, need business licences. The Directions impermissibly limits and expands the ambit of the Businesses Act: they exclude all such enterprises which are not considered "small scale" and includes those who sell food, but not meals.
35. The Directions, however, impermissibly include hardware stores, and tradesmen and artisans, who are not required to or even entitled to apply for such permits, but are now required by the Directions to do so.

36. Those Directions are not merely a re-enactment of the 6 April Directions, but an impermissible extension thereof.
37. They are also not limited to the Lockdown or Level 4. They derive their authority from the general part of Regulation 480, which applies to the entire State of Emergency, and not only level 4. The downgrading to Level 3, therefore does not affect them.
38. I submit that the persistence by the 7<sup>th</sup> Respondent in her opposition to the application, in the face of the clear illegality of the measures, is vexatious and to be deprecated by the Court.
39. In the premises, I reiterate the relief sought in the Notice of Motion.

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DEPONENT

Thus signed and sworn to before me on this the \_\_\_\_ day of **MAY 2020**, the Deponent having acknowledged that he knows and understands the content of the above affidavit, the regulations contained in the Government Notice No. R1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.

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COMMISSIONER OF OATHS

Full names:

Capacity:

Designation:

Address:

## ANNEXURE R1

WELCOME GUEST

LOGIN

REGISTER



## ESSENTIAL SERVICE BUSINESSES

## Essential Service Businesses

The President of South Africa has declared a National Lockdown from 26 March 2020 until 16 April 2020. During that period only businesses that provide essential services are allowed to open and trade. Those businesses need to apply to for a certificate in order to trade. Supplying incorrect information is a criminal offence and will lead to prosecution.

**All enterprises operating within the borders of the Republic of South Africa are expected to be closed during the lockdown period. Only enterprises which produce and/or provide, and/or distribute goods and services listed below are exempted from the restrictions contemplated in the regulation issued in terms of the Disaster Management Act. Note, absolute minimum staff necessary to operate safely.**

Businesses can only apply if they belong to this list of essential services categories:

- Agriculture, hunting, forestry, fishing
- Electricity, Gas, Water supply
- Manufacturing
- Construction and related services
- Wholesale, Retail trade, Spaza shops
- Information and Communication services
- Media and Entertainment
- Financial and Business services
- Accommodation for quarantine, essential services
- Food services (Deliveries)
- Transport, Storage, Communication services
- Mining and Quarrying
- Repair and Related Emergency services
- Supply Chain
- Health, Social and Personal services

List above not inclusive of subcategories. See full list below.

Please refer to the regulations [here \(files/regulations.pdf\)](#) and the latest amendments to the regulations [LEVEL 4] [here \(files/regulations\\_amendments.pdf\)](#) before you apply. The documents have for a comprehensive list of critical services required during the imposition of restricted movement.



New Application

(essential\_service\_apply.aspx)



Edit Application

(essential\_service\_edit.aspx)



Download Certificate

(essential\_service\_cert.aspx)

## ABOUT BIZPORTAL

BizPortal is a platform developed by the Companies and Intellectual Property Commission (CIPC) to offer company registration and related services in a simple seamless digital way which is completely paperless. It was developed in response to the quest of improving the ease of doing business in South Africa, specifically, starting a business.

## LINKS

[Home \(default.aspx\)](#)  
[About Us \(about.aspx\)](#)  
[Services \(services.aspx\)](#)  
[FAQ \(faq.aspx\)](#)  
[Contact Us \(contact.aspx\)](#)

## PRIVACY POLICY

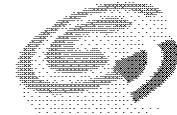
[Terms & Conditions \(terms.aspx\)](#)  
[Disclaimer \(disclaimer.aspx\)](#)

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(https://www.bizportal.gov.za/)

**Certificate issued by the Companies and Intellectual Property  
Commission on Thursday, July 26, 2019 08:03  
Certificate of Confirmation**



Companies and Intellectual  
Property Commission

a member of the dti group

Registration number	<b>2012 / 043725 / 08</b>
Enterprise Name	<b>SAKELIGA NPC</b>
Enterprise Shortened Name	<b>None provided.</b>
Enterprise Translated Name	<b>None provided.</b>
Registration Date	<b>02/03/2012</b>
Business Start Date	<b>02/03/2012</b>
Enterprise Type	<b>Non Profit Company</b>
Enterprise Status	<b>In Business</b>
Financial year end	<b>December</b>
Main Business/Main Object	
Postal address	<b>GERHARDTSTRAAT 117 DIE HOEWES UITBREIDING 158 CENTURION GAUTENG 0157</b>
Address of registered office	<b>GERHARDTSTRAAT 117 DIE HOEWES UITBREIDING 158 CENTURION GAUTENG 0157</b>
Location of Company Records	<b>ALL COMPANY RECORDS 426 KINGS HIGHWAY</b>



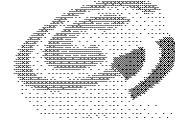
The Companies and Intellectual Property Commission  
of South Africa

P.O. BOX 429, PRETORIA, 0001, Republic of South Africa. Docex 256, PRETORIA.

Call Centre Tel 086 100 2472, Website [www.cipc.co.za](http://www.cipc.co.za)



LYNNWOOD  
GAUTENG  
0081



Companies and Intellectual  
Property Commission

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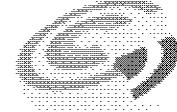
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**Certificate issued by the Companies and Intellectual Property  
Commission on Thursday, July 25, 2019 08:03  
Certificate of Confirmation**



Companies and Intellectual  
Property Commission

a member of the cipc group

Registration number **2012/043725/08**

Enterprise Name **SAKELIGA NPC**

Name

Postal Address

**Active Directors / Officers**

Surname and first names	ID number or date of birth	Director type	Appoint-ment date	Addresses
LE ROUX, PIETER JACOBUS	8402105255087	Director	21/11/2017	Postal: GIRALDA FLATS 404, 230 STEGER STREET, GROENKLOOF, GAUTENG, 0027 Residential: GIRALDA FLATS 404, 230 STEGER STREET, GROENKLOOF, GAUTENG, 0027
LERM, CHRISTIAAN PHILIPPUS	5612105021080	Director	01/06/2017	Postal: POSTNET SUITE 300, PRIVATE BAG X4, WIERDA PARK, GAUTENG, 0149 Residential: 1143 NELSON WOODS ZWARTKOPS GHOLF E, EXT 3 228 ASHWOOD AVENUE, CLUBVIEW CENTURION, GAUTENG, 0157
NAUDE, PIETER ALBERT	5312045160086	Director	08/03/2016	Postal: POSTNET SUITE 322, PRIVATE BAG X31, KNYSNA, WESTERN CAPE, 6570 Residential: 533 YELLOWWOOD CRESCENT, BRENTON ON SEA, KNYSNA, WESTERN CAPE, 6571
VLOK, NICHOLAAS HOUGH	5605125013087	Director	08/03/2016	Postal: P O BOX 414, KOSTER, KOSTER, NORTH WEST, 0348 Residential: 30 WILLOW DRIVE, IRENE VILLAGE FARM, IRENE VILLAGE FARM, GAUTENG, 0157
ESTERHUIZEN, ARINA STOKER	8706230025086	Company Secretary	16/02/2017	Postal: P O BOX 11275, HATFIELD, 0028 Residential: 426 KING'S HIGHWAY, LYNNWOOD, PRETORIA, 0040
BRINK, ANDRIES	7411205046081	Director	17/09/2013	Postal: 188 FREDERICK DRIVE, NORTHCLIFF, NORTHCLIFF, GAUTENG, 2195 Residential: 188 FREDERICK DRIVE, NORTHCLIFF, NORTHCLIFF, GAUTENG, 2195



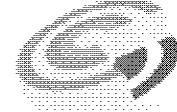
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**Certificate issued by the Companies and Intellectual Property  
Commission on Thursday, July 25, 2019 08:03**  
**Certificate of Confirmation**



Companies and Intellectual  
Property Commission

a member of the CIPC group

**Active Directors / Officers**

Surname and first names	ID number or date of birth	Director type	Appoint-ment date	Addresses
PRETORIUS, DANIEL JOHANNES	6703255149083	Director	04/12/2012	Postal: P O BOX 390, MARAISBURG, MARAISBURG, GAUTENG, 1700 Residential: 235 FEATHERBROOKE ESTATE, KRUGERSDORP, KRUGERSDORP, GAUTENG, 1739
DU PLESSIS, BERNARD	6607215003084	Director	02/03/2012	Postal: 42 VALLEY CRESCENT, STAND 1827, HIGHVELD X 7, GAUTENG, 1827 Residential: 42 VALLEY CRESCENT, STAND 1827, HIGHVELD X 7, GAUTENG, 1827
PRETORIUS, MARIO BRONN	5703135011082	Director	02/03/2012	Postal: 23 ROYAL CHALICE CRESCENT, MOOIKLOOF ESTATE, KLOOFSIG, GAUTENG, 0081 Residential: 23 ROYAL CHALICE CRESCENT, MOOIKLOOF ESTATE, PRETORIA, GAUTENG, 0081
DE VILLIERS, DAVID JACOBUS	5406075085088	Director	02/03/2012	Postal: P O BOX 4945, PRETORIA, PRETORIA, GAUTENG, 0001 Residential: 214 MCKENZIE STREET, BROOKLYN, BROOKLYN, GAUTENG, 0181

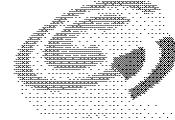


The Companies and Intellectual Property Commission  
of South Africa

P.O. BOX 429, PRETORIA, 0001, Republic of South Africa. Docex 256, PRETORIA.

Call Centre Tel 086 100 2472, Website [www.cipc.co.za](http://www.cipc.co.za)





Companies and Intellectual  
Property Commission

↳ member of the SAG group

Date: 25/07/2019

Our Reference: 111856985

Box: **212129**

Sequence: **13**

PETER JOHANNES WASSENAAR  
To be collected: KVV123

**RE: Amendment to Company Information**

**Company Number: 2012/043725/08**

**Company Name: SAKELIGA NPC**

We have received a COR15.2 (Amendment of Memorandum of Incorporation) from you dated 17/07/2019.  
The Amendment of Memorandum of Incorporation (1) was accepted and placed on file.

Yours truly

**Commissioner: CIPC**

KXA KXA

**Please Note:**

The attached certificate can be validated on the CIPC web site at [www.cipc.co.za](http://www.cipc.co.za).  
The contents of the attached certificate was electronically transmitted to the South African Revenue Services.



The Companies and Intellectual Property Commission  
of South Africa

P.O. BOX 429, PRETORIA, 0001, Republic of South Africa. Docex 256, PRETORIA.

Call Centre Tel 086 100 2472, Website [www.cipc.co.za](http://www.cipc.co.za)





SAKELIGA  
SOUTH AFRICAN NATIONAL PENSION FUND

**REPUBLIEK VAN SUID-AFRIKA**  
**MAATSKAPPYEWET, 71 VAN 2008**

**AKTE VAN OPRIGTING VAN 'N MAATSKAPPY SONDER**  
**WINSOOGMERK MET LEDE**

**SAKELIGA NPC**  
**REG: 2012/043725/08**  
(hierna die "Maatskappy" genoem)

Hierdie Akte van Oprigting ("Akte") is behoorlik aanvaar by wyse van 'n  
Spesiale Resolusie van Direkteure kragtens  
die Maatskappyewet 71 van 2008 ("die Wet") tydens  
'n vergadering van die Direksie gehou te PRETORIA  
op 28 Mei 2019 2019 en is vir identifikasiedoeleindes  
deur die Voorsitter van die Direksie onderteken.

Kragtens artikel 16(9)(b)(i) van die Wet  
sal hierdie Akte van krag kom met die liassering daarvan.

  
**VOORSITTER**



teenstrydigheid effektiewelik aan te spreek, en

- 3.3.3. Die aksies neem wat binne hul uitsluitlike diskresie nodig is om die oortreding, botsing en/of teenstrydigheid aan te spreek, wat insluit maar nie beperk is tot die voorstel van wysigings tot die Akte en die belê van 'n spesiale Ledevergadering ten einde daardie wysigings goed te keur.

#### **4. DOELSTELLINGS EN MAGTE VAN DIE MAATSKAPPY**

- 4.1. Ter nakoming van artikel 1 van bylaag 1 tot die Wet, verklaar die Maatskappy hiermee die volgende hoofdoelstellings:
- 4.1.1. Die bevordering van konstitusionele orde, vryemarkbeginsels en 'n kapitaalkragtige, regverdigde, en volhoubare sake-omgewing in die Republiek;
- 4.1.2. Die skepping van 'n selfstandige sakegemeenskap in die Republiek;
- 4.1.3. Die behoud van eiendomsreg, holisties gesien, ooreenkomstig die Grondwet van die Republiek;
- 4.1.4. Om, sonder inperking, bydraes en skenkings te doen tot die Helpende Hand Beursfonds en/of die Solidariteit Helpende Hand NPC;
- 4.1.5. Om kollektief namens Lede, ondersteuners en die publiek met Owerhede te onderhandel en verhoudinge met Owerhede asook plaaslike, nasionale en internasionale instansies en persone te beding te einde die doelstellings van die Maatskappy te bevorder;
- 4.2. Die Maatskappy verklaar hiermee die volgende aanvullende doelstellings, maar sonder inperking van die algemene aard van die Maatskappy hoofdoelstellings:
- 4.2.1. Om as 'n openbare sakewaghond wat fokus op die regte en belange van sy Lede, ondersteuners en lede van die publiek in die algemeen, op te tree;
- 4.2.2. Om ondersoek in te stel oor gevalle waar die regte van Lede, ondersteuners asook die publiek oor die algemeen, geskend en/of ingeperk word, en om waar nodig ook op te tree ten einde daardie regte te beskerm of te bevorder.
- 4.3. Die volgende magte word ook, sonder inperking van die algemene magte van die Maatskappy soos uitgeoefen Direksie kragtens die Wet, aan die Maatskappy verleen:
- 4.3.1. Om deur selfregulering en privaat institusionele infrastruktuur 'n alternatiewe



sake-omgewing te skep waarbinne ekonomiese aktiwiteit voortgesit kan word;

- 4.3.2. Om die Maatskappy se Lede, ondersteuners en lede van die publiek in die uitoefen van hul belange en regte, hetsy op plaaslike, nasionale of internasionale vlak, by te staan, te adviseer, te ondersteun en/of te verteenwoordig.
- 4.3.3. Om die publiek oor die algemeen by te staan met die bevordering van hul regte op 'n plaaslike, nasionale en internasionale vlak;
- 4.3.4. Om 'n vrye, onafhanklike en goedgunstige sake-omgewing in die Republiek te beskerm, stimuleer en waar nodig te skep;
- 4.3.5. Om regsgedinge in te stel, daartoe toe te tree, om sake te opponeer en/of te verdedig, om as *amicus curiae* in sake op te tree, deel te neem aan appèlle, hersienings, en om voor enige Owerheid te verskyn, submissies te maak, te argumenteer, op te tree, teen te staan en/of te ondersteun.
- 4.3.6. Om met die Owerhede, politieke partye, lede van die sakewêreld, die media asook enige ander lid van die publiek te kommunikeer, te onderhandel, in te debat te tree en om ook waar nodige daardie persone en/of instansies te voorsien met voorstelle, verhoë, submissies, verslae, argument en/of inligting.
- 4.3.7. Om navorsing ter bevordering van hierdie doelstellings te doen asook om inligting in te samel, statistiek op te bou, te verwerk en te publiseer;
- 4.3.8. Om onafhanklike regsadvies oor enige saak wat enige doelstelling van hierdie Akte raak, te bekom en waar nodig om ook regsverteenvoording aan te stel om die Maatskappy te verteenwoordig in die bevordering van hierdie doelstellings.
- 4.3.9. Om met ander organisasies of persone met soortgelyke doelstellings te onderhandel, ooreenkomste te sluit, projekte te hardloop, sake te bevorder, befondsing te voorsien, befondsing te ontvang, ondersteuning te bied en/of te affilieer.
- 4.3.10. Om deel te neem in die bestuur, beheer of aktiwiteite van enige ander organisasie wat soortgelyke doelstellings as die van die Maatskappy het en om in hulle te belê, belange te bekom en/of om vennootskappe of samewerkingsooreenkomste met hulle aan te gaan.
- 4.3.11. Om enige persoon of organisasie te vergoed vir hul dienste gelewer aan of



namens die Maatskappy.

4.3.12. Om skenkings te maak en te ontvang;

4.3.13. Om eiendom te bekom, te huur, te besit en/of te vervreem.

4.3.14. Om intellektuele goedere en/of enige ander bate ten behoeve van die Maatskappy te bekom, te ontwikkel of te huur;

4.3.15. Om fondse te ontvang, op te bou, te belê, te bestuur en te gebruik;

4.3.16. Om oor die algemeen binne die uitsluitlike diskresie van die Direksie, wat ook 'n wye diskresie is om die Maatskappy te bestuur, te administreer en tot voordeel van Lede uit te bou hiermee ontvang, te handel.

## 5. WYSIGING VAN AKTE EN DOELSTELLINGS

5.1. Die Direksie sal nie die bevoegdheid hê om hierdie Akte te wysig nie.

5.2. Hierdie Akte mag slegs met 'n spesiale meerderheid op 'n Ledevergadering gewysig word.

## LIDMAATSKAP

### 6. LEDE

6.1. Slegs Stemgeregtigde Lede word geag Lede binne die definisie van artikel 1 van die Wet te wees. Geen ander persoon, desondanks die feit dat daar moontlik 'n vorm van Nie-stemgeregtigde lidmaatskap aan die persoon toegeken word, sal geag word 'n Lid van die Maatskappy kragtens hierdie Akte te wees nie.

6.2. Slegs natuurlike persone sal kwalifiseer vir Stemgeregtigde Lidmaatskap.

6.3. Geen Stemgeregtigde Lid sal daarop geregtig wees om sy/haar Lidmaatskap aan enige ander persoon te sedgeer of te bemaak nie.

6.4. Die lidmaatskap van enige Stemgeregtigde Lid sal by regswerking outomaties beëindig word met daardie Lid se afsterwe

6.5. Alle Lede moet hulself vereenselwig met die doelstellings van die Maatskappy.

6.6. Slegs Stemgeregtigde Lede mag:

# Annexure R4

SAKELIGA NPC  
REG: 2012/043725/08

EXTRACTS OF MINUTES OF MEETING OF DIRECTORS HELD AT CENTURION ON 26 NOVEMBER 2019

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PRESENT:	NAME: -	CAPACITY
	ANDRIES BRINK	DIRECTOR
	DAVID JAKOBUS DE VILLIERS	DIRECTOR
	BERNARD DU PLESSIS	DIRECTOR
	CHRISTIAAN PHILIPPUS LERM	DIRECTOR
	MARIO BRONN PRETORIUS	DIRECTOR
	NICOLAAS HOUGH VLOK	DIRECTOR / CHAIRMAN
	PIETER JACOBUS LE ROUX	DIRECTOR / CEO

**RESOLVED:**

- 1) That the Board hereby delegates to the Company's chief executive officer (CEO), **PIETER JACOBUS LE ROUX**, the authority to authorise the Company to institute, defend and / or to participate in any legal proceedings (whether as a party or *amicus curiae*), which includes but is not limited to appeals and/or reviews of any matter, and/or the right to have the Company appear, argue, act, support and/or oppose any matter before any State authority or judicial body, as is set out in the Company's objectives.
- 2) The Board hereby authorises the CEO to represent the Company in all matters referred to in paragraph 1) above, and to sign any document on behalf of and in the name of the Company as its lawful representative.
- 3) The CEO is furthermore duly authorised to incur costs on behalf of the Company and to appoint, instruct and direct attorneys, experts and/or consultants to assist the Company with any matters relating to paragraph 1) above.
- 4) The CEO is hereby granted all necessary powers to take any such further steps and to do all further necessary things on behalf of the Company in order to give effect to paragraphs 1) to 3) above.
- 5) The CEO may, within the sole discretion of the CEO, delegate all or some of his functions in terms of paragraphs 1) to 4) above to any such employees or agents of the Company as the CEO deems meet.

CERTIFIED AT CENTURION ON 26 November 2019.



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**NICOLAAS HOUGH VLOK**  
**CHAIRMAN OF THE BOARD**