

**IN THE STUDENT COURT OF STELLENBOSCH
STELLENBOSCH UNIVERSITY**

In the matter:

BERNARD PIETERS	First Applicant
ASHWIN MALOY	Second Applicant
THEA BESTER	Third Applicant
FRANCOIS HENNING	Fourth Applicant
JACOBUS MAASS	Fifth Applicant
NETANJE VAN NIEKERK	Sixth Applicant
RODERICK LEONARD	Seventh Applicant
SELMIE CROUS	Eighth Applicant
CALMUNT LINK	Ninth Applicant

And

NEIL DU TOIT	First Respondent
ROCHELLE ELLA JACOBS	Second Respondent

NOTICE OF APPEAL

KINDLY TAKE NOTICE THAT the above mentioned Appellants hereby notes an URGENT appeal in terms of section 70 to the **STUDENT COURT, STELLENBOSCH UNIVERSITY, STELLENBOSCH** against the entire Court Order granted at midnight on 1 August 2016, attached hereto marked as Annexure "A".

TAKE NOTICE FURTHER that the grounds for the Appeal is set forth in the Founding Affidavit of Bernardus Lambertus Pieters attached to this Notice of Appeal.

TAKE NOTICE FURTHER that Appellants' require that this Appeal be dealt with as a matter of urgency.

Dated at **STELLENBOSCH** on this the 2nd day of **AUGUST 2016**.

BERNARDUS LAMBERTUS PIETERS
For and on behalf of 1st to 8th Appellants

TO: THE DEAN OF THE LAW FACULTY
STELLENBOSCH UNIVERSITY
BY EMAIL: shum@sun.ac.za
AND BY HAND

AND TO: THE STUDENT COURT
STELLENBOSCH UNIVERSITY CAMPUS
BY EMAIL: studentehof@sun.ac.za

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FOUNDING AFFIDAVIT

I the undersigned Bernardus Lambertus Pieters do hereby make oath and say that:

1. I am a full time Masters student with the Faculty of Natural Sciences.

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2. The content of this Affidavit falls within my personal knowledge and are true and correct.
 3. I am duly authorised to depose to this Affidavit on behalf of all the Appellants in the instant application.
 4. First to eighth Appellants are all eligible and approved candidates for the 2016 / 2017 SRC elections of the University of Stellenbosch.
 5. At the outset and as will be highlighted hereunder it is pointed out that the Student Court *a quo* in what can only be described as a Kangaroo Court style, accepted the Respondents' Application, heard and handed down Judgment in the absence of the Appellants, in total disregard of the rules of the Student Court as contemplated by *inter alia* **section 55** of the Student Constitution, *2014 Revision of Stellenbosch University Student Constitution (The Constitution)*.
 6. The Appellants submit that this reason alone is sufficient for the entire process and the judgment to be held as *ultra vires*.
 7. Furthermore and with reference to the Respondents' Notice of Motion it is apparent that this matter was originally set down for hearing on 2 August 2016 at 16:00. However the Appellants only received the Notice of Motion and Founding Affidavit in the early afternoon of 1 August 2016 and were subsequently only informed by email at approximately 13:54 on 1 August 2016 that the hearing will be held at 16:00 on even date.
 8. The Appellants immediately informed the Court that they are incapable of attending the proceedings at the newly scheduled time and venue.

Despite the above the Court *a quo* nevertheless proceeded with the hearing and subsequent Judgment.

9. Having regard to Schedule 1, section 26 of the Constitution and with reference to the Respondents' application papers they have failed to exhaust all alternative remedies prior to approaching the Student Court.
10. We conclude by further pointing out that not only is the Court's Judgment inconsistent with the relief sought by the Respondents but also inconsistent with the powers conferred upon it in terms of the Constitution.
11. Taking into account the unprecedented and possibly unjustifiable urgency in which the matter was disposed of by the Court *a quo* we concurrently request the Honourable Court to afford this appeal the same urgency.
12. In the premises the Appellants humbly request that the Appeal be upheld.

DEPONENT

I certify that the Deponent:

- has acknowledged that the Deponent knows and understands the contents of this declaration;
- has declared that the Deponent has no objection to taking the oath and considers it binding to the Deponent's conscience;

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- has sworn the contents of this declaration to be true.

Signed before me at STELLENBOSCH on the 2ND day of AUGUST **2016**.

COMMISSIONER OF OATHS

Full name

Address

Capacity