

**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

**CASE NO:** 16402/17

In the matter between:

**THE VOICE OF THE UNBORN BABY NPC**



Applicant

and

**MINISTER OF HOME AFFAIRS**

First respondent

**MINISTER OF HEALTH**

Second respondent

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**NOTICE ITO RULE 16A**

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**KINDLY TAKE NOTICE** that the applicant in the abovementioned Court is raising the following constitutional issues:

- 1 Whether the applicant is entitled to a declaration of rights in terms of section 38 of the Constitution to the effect that, in the event of loss of pregnancy other than stillbirth, the bereaved parent or parents have the right to bury the dead fetus, if such bereaved parent or parents so elect.
  
- 2 The constitutionality and hence the validity of the following legislation:
  - 2.1 Section 20(1) of the Births and Deaths Registration Act, Act 51 of 1992 ('BADRA'), read with section 1 (the definition of 'stillbirth') and subsections 18(1)–18(3) of BADRA.
  
  - 2.2 The definitions of 'corpse' and 'human remains' in regulation 1 of the Regulations Relating to the Management of Human Remains, published by the second respondent in the *Gazette* of 22 May 2013, in terms of the National Health Act, Act 61 of 2003 ('NHA').
  
- 3 The applicant relies on the following constitutional provisions:
  - 3.1 Equality, as guaranteed by sections 9(1) and 9(3) of the Constitution.

3.2 Human dignity, as guaranteed by section 10 of the Constitution.

3.3 The right to privacy, as guaranteed by section 14 of the Constitution.

**KINDLY TAKE NOTICE** that any party having an interest in the above stated constitutional issues raised in these proceedings may, with the written consent of all the parties to the proceedings, given not later than 20 days after filing of this notice, be admitted therein as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

**KINDLY TAKE NOTICE** that the written consent referred to, shall within five days of its having been obtained, be lodged with the registrar and the *amicus curiae* shall, in addition to any other provision, comply with the times agreed upon for the lodging of written argument.

**KINDLY TAKE NOTICE** that the terms and conditions referred to above may be amended by the Court.

**KINDLY TAKE NOTICE** that if the *amicus curiae* is unable to obtain the written consent as contemplated above, he or she may, within 5 days of the expiry of the 20 day period, apply to the Court to be admitted as an *amicus curiae*.

**KINDLY TAKE NOTICE** that an application as contemplated above shall:

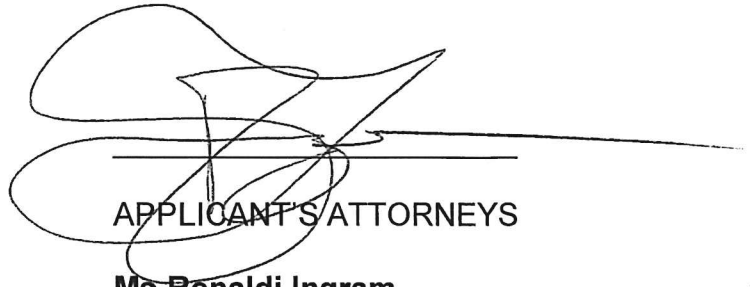
- 1 Briefly describe the interest of the *amicus curiae* in the proceedings;
- 2 Clearly and succinctly set out the submissions which will be advanced by the *amicus curiae*, the relevance thereof to the proceedings and his or her reasons for believing that the submissions will assist the Court and are different from those of the other parties; and
- 3 Be served upon all parties to the proceedings.

**KINDLY TAKE 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 5 days of the service of such application upon such party.

**KINDLY TAKE NOTICE** that the answering affidavit shall clearly and succinctly set out the grounds of such opposition.

**KINDLY TAKE NOTICE** that the Court may dispense with any of the requirements of this rule if it is in the interests of justice to do so.

SIGNED AND DATED AT PRETORIA ON THE 7<sup>th</sup> DAY OF MARCH 2017.



APPLICANT'S ATTORNEYS  
**Ms Renaldi Ingram**

Ingram Attorneys

Boardwalk Lakside Office Park

Corner of Solomon Mahlangu and

Haymeadow Crescent

Block C, First Floor

Faerie Glen, Pretoria

**C/O PAUL DU PLESSIS ATTORNEYS**

**568 NORVAL STREET**

**MORELETA PARK, PRETORIA**

Email: [ingramlaw@securitas.co.za](mailto:ingramlaw@securitas.co.za)

Tel: 012 990 5144

**REF: R INGRAM/RV0007**

TO: THE REGISTRAR  
High Court of South Africa  
Gauteng Division, Pretoria

AND TO: THE MINISTER OF HOME AFFAIRS

Care of the State Attorney

8<sup>th</sup> Floor Bothongo Heights

167 Andries Street

Pretoria

AND TO: THE MINISTER OF HEALTH

Care of the State Attorney

8<sup>th</sup> Floor Bothongo Heights

167 Andries Street

Pretoria