

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

*[Handwritten signature]*  
2015-10-22  
Case No.: 20357/2015

BEFORE HIS LORDSHIP MR JUSTICE DOLAMO  
CAPE TOWN, THURSDAY, 22 OCTOBER 2015

In the matter between:

MERCIA ANDREWS  
JONATHAN HENDRICKS  
JAYSON GELANDE  
JAMES STENT  
KIRSTEN WHITFIELD  
ROBYNNE WHITFIELD  
LARA-MAY EVANS  
CUITO NAUDE  
JESSICA BREAKEY  
CLAIRE JAPHET  
and

REGISTRAR, HIGH COURT  
2015-10-23  
CAPE TOWN/KAAPSTAD  
GRIFFIER: HOOGGEREGSHOF

First Applicant  
Second Applicant  
Third Applicant  
Fourth Applicant  
Fifth Applicant  
Sixth Applicant  
Seventh Applicant  
Eighth Applicant  
Ninth Applicant  
Tenth Applicant

THE SPEAKER OF PARLIAMENT  
THE MINISTER OF HIGHER EDUCATION  
THE MINISTER OF POLICE  
THE PROVINCIAL COMMISSIONER OF THE SOUTH  
AFRICAN POLICE SERVICE (WESTERN CAPE  
PROVINCE)

First Respondent  
Second Respondent  
Third Respondent  
Fourth Respondent

---

*[Handwritten signature]*  
DRAFT ORDER

---

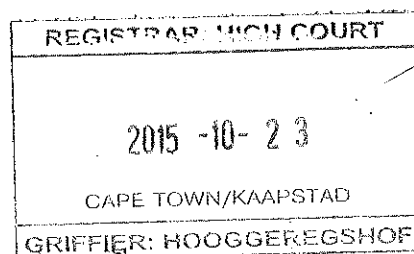
HAVING HEARD COUNSEL FOR THE APPLICANT AND THE THIRD AND FOURTH RESPONDENTS, AND IN FULL AND FINAL SETTLEMENT OF ALL ISSUES ARISING IN THE APPLICATION, THE FOLLOWING UNDERTAKINGS AND ORDER IN RESPECT OF COSTS ARE MADE BY AGREEMENT:

1. The applicants undertake to do the following:
  - 1.1. comply with section 17 of the Constitution;
  - 1.2. not to hold and/or to participate in any public gathering and/or demonstrations as defined in the Regulation of Gatherings Act, No. 205 of 1993 ("the RG Act"), without first obtaining authorisation to do so in terms of the RG Act;
  - 1.3. in the event that the applicants wish to hold demonstrations and/or gatherings in the vicinity of court and/or Parliament, they shall comply with the RG Act, in particular section 7 thereof;
  - 1.4. insofar as gatherings and/or demonstrations at or near Parliament, courts and other national key points are concerned, the applicants shall observe the 100 meter radius and the demarcations as per schedule 1 and 2 as referred to in the RG Act;
  - 1.5. the applicants shall observe the radius in respect of Parliament referred to above and as demarcated in the yellow bordered area on the attached google map, marked "A";

- 1.6. the applicants will respect the national key points, as defined in the National Key Points Act, No. 102 of 1980.
  
2. undertakings by the third and fourth respondents as regards policing within the area of jurisdiction of this court and which are made on a without prejudice basis, without in any way acknowledging that the application is/was urgent and/or that the applicants are entitled to any substantive relief whatsoever, and with a full and complete reservation of the said respondents' rights:
  - 2.1. insofar as the applicants comply with the RG Act, the third and fourth respondents shall act in accordance with section 9 thereof;
  
  - 2.2. the third and fourth respondents undertake not to use unreasonable force to disperse and/or police peaceful gatherings and/or demonstrations, relating to tuition fee increases at South African Higher Education Institutions otherwise than in accordance with the law, including but not limited to section 205 of the Constitution, section 13 of the South African Police Service Act, No. 68 of 1995, the RG Act, the SAPS National Instruction 4/2014 and/or any other applicable legislation.
  
3. Each party shall pay their own costs of suit.

84 Legal Resources Centre  
CAPE TOWN

/avz



BY ORDER OF COURT

COURT REGISTRAR

# Google Maps Google Maps

