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

**CASE NO.:48656/22**

In the matter between:

| | |
|---|---|
| **THE EMBRACE PROJECT NPC** | First Applicant |
| **INGE HOLZTRÄGER** | Second Applicant |
| and | |
| **MINISTER OF JUSTICE AND CORRECTIONAL SERVICES** | First Respondent |
| **MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES** | Second Respondent |
| **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA** | Third Respondent |

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**FILING SHEET**

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**PLEASE TAKE NOTICE** that the Applicants hereby file their Replying Affidavit.

**SIGNED** at **JOHANNESBURG** on **9th OF MAY 2023.**

**POWER SINGH INC.**
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**Ref: COR/LOU/W48**

**TO:** **THE REGISTRAR**
High Court of South Africa
Gauteng Division
PRETORIA

**AND TO:** **MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**
First Respondent
C/o State Attorney Pretoria
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Cnr Thabo Sehume and Francis Baard Streets
SALU Building
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Ref: 5209/2022/Z92
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**AND TO:** **MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES**
Second Respondent
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**AND TO:** **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**
Third Respondent
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**AND TO:** **CENTRE FOR APPLIED LEGAL STUDIES**
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# REPLYING AFFIDAVIT

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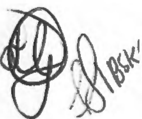
I, the undersigned,

**LEE-ANNE GERMANOS**

state under oath the following:

1. I am the director and co-founder of the First Applicant, The Embrace Project NPC ("**Embrace**"). I deposed to the founding affidavit in this application and I am duly authorised to depose to this replying affidavit on behalf of both Embrace and the Second Applicant ("**Ms Holtzträger**").



2. The facts contained in this affidavit fall within my personal knowledge, unless indicated otherwise, and are, to the best of my belief, both true and correct. Where I make legal submissions, I do so based on my own expertise as well as the advice of the Applicants' legal representatives, which I believe to be correct.

3. I have read the Answering Affidavit and Supplementary Answering Affidavit filed on behalf of the First Respondent ("**Minister of Justice**"), and reply to them in the following structure:

3.1. First, I respond generally to the grounds of opposition to this application.

3.2. Second, I traverse the answering affidavits *ad seriatim*.

**GENERAL RESPONSE**

**Debunking the Myths**

4. The Minister of Justice incorrectly characterises the Applicants' case and the effect of the relief we seek. In particular, the Answering Affidavit claims that the relief the Applicants seek will "revoke" the rights enshrined in section 35 of the Constitution, in three ways:

4.1. It would "place the burden of proof on the accused to prove the absence of essential elements of the crime rather than the State proving unlawfulness and culpability", which would "revoke the right to be presumed innocent until proven guilty (para 19.1 of the original Answering Affidavit).

4.2. It would "lower the standard of proof in criminal cases from ... beyond a reasonable doubt, to negligence" (para 19.2 of the original Answering Affidavit ).

4.3. It would "amend the common law definition of intention (dolus) to include negligence (culpa) as a form of dolus eventualis" (para 19.3 of the original Answering Affidavit).

5. Each of these three claims is incorrect and constitutes a fundamental mischaracterisation of the Applicants' case.

6. Our case is, very simply, about outlawing an unreasonable perception of consent as a defence excluding fault in certain sexual offences (i.e. those defined by the absence of consent). It is correct that this has the effect of lowering the degree of fault for those sexual offences from intention (dolus) to negligence (culpa). But it has no impact on either the burden (onus) or the standard (quantum) of proof. Moreover, this is not unique or unusual in our law.

7. Should the relief sought in this application be granted, the <u>burden</u> of proof will remain squarely on the State, albeit to prove negligence rather than intention (in respect of violating consent).

8. The <u>standard</u> of proof will remain "beyond a reasonable doubt". There is nothing in the application or the interim relief sought which entails lowering the standard of proof to 'on a preponderance of probabilities' or 'prima facie' as the Minister of Justice contends.

9. As the Minister of Justice must surely be aware, the relief sought by the Applicants does not introduce something unique in our law. In fact, other

negligence crimes – such as culpable homicide, as well as the sexual offences in sections 15 and 16 of the Act ("statutory rape" and "statutory sexual assault"), and section 20(1) of the Act ("using children for or benefiting from child pornography") – all still need to be proved (a) by the State, and (b) beyond a reasonable doubt.

10. Lowering the degree of fault thus has nothing to do with either the burden or the standard of proof. The Minister of Justice's claims to the contrary are wrong in law and without any factual or legal merit.

**Striking the appropriate balance**

11. The Minister's Answering Affidavit is also quick to assert the rights of accused persons – often at the expense of the victim's rights. The Answering Affidavit filed on behalf of the Minister before the withdrawal of certain aspects of that affidavit, was in fact striking in its callous and offensive statements – and it is appropriate that the Minister has distanced himself from such comments.

12. In contrast, what this Court is tasked by the Constitution to do, is to balance the rights of both accused and victim and that is precisely the effect of the relief sought by the Applicants.

13. The degree of fault required for rape (and other sexual offences defined by lack of consent) calibrates the scales between, on the one hand, protecting the rights (of all potential targets of sexual violations, primarily women) to equality, dignity, privacy and freedom and security of the person, and on the other hand, protecting the rights (of all potential perpetrators of sexual violations) to personal liberty.

14. The Applicants contend that by setting the degree of fault at intention (including knowledge of the absence of consent), the Act as it currently reads, fixes the scales too far in favour of the liberty of potential perpetrators, at the expense of the rights of potential targets. The Act thus does not strike an appropriate balance and excessively limits the latter's rights to equality, dignity, privacy and freedom and security of the person. It is thus unconstitutional.

15. The Minister of Justice appears to contend that the Act already strikes an appropriate balance, and the relief we seek would tip the scales too far in favour of victims and survivors of sexual violence, at the expense of the rights of potential violators.

16. The Minister of Justice further seems to assume that the Applicants bear the burden to justify limiting the rights of potential perpetrators. This is incorrect and constitutes a misunderstanding of the role the Minister has in the context of a challenge to legislation he is responsible for.

17. The Act as it presently stands, clearly limits the rights of victims, survivors and potential targets of sexual violence. Thus, it is the Minister of Justice who bears the burden to demonstrate that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom", in accordance with section 36(1) of the Constitution.

18. The task of this Court, therefore, is to determine whether the Minister of Justice has discharged that burden.

19. We submit that he has not.

20. One reason we say so is that South Africa already criminalises negligence when the harm is serious enough, such as the loss of life (culpable homicide) and the violation of children (statutory rape, statutory sexual assault, and the creation of child pornography). The Minister of Justice must thus accept that there is nothing intrinsically unconstitutional about criminalising negligence. It is only a question of whether the harm sought to be prevented and punished is sufficiently serious that a higher standard of conduct and care may be demanded of people.

21. The Minister's case must, therefore, be that the negligent violation of the dignity, equality, privacy, bodily and psychological integrity, as well as sexual autonomy of people in South Africa, especially women, is not sufficiently serious to warrant criminalisation. This case needs only to be stated to be rejected.

22. Another reason we say that the Minister has not discharged his burden to justify the Act's limitation of rights is that international law not only permits but requires the criminalisation of negligent sexual violations, and many open and democratic societies have indeed done so. South Africa – with its transformative egalitarian Constitution juxtaposed against its horrifying scourge of gender-based violence – should be taking the lead in this long-overdue evolution in the law. Instead, we are lagging behind.

23. The effect of the Minister's case is that people in South Africa, especially women, require or indeed deserve less legal protection than people in Canada, the United States, the United Kingdom, the Great Lakes, Australia and New Zealand. The only justification he advances for this case is that "[t]he foreign jurisdictions which have adopted the objective test are not similar to South Africa as the societies are homogenous in nature" (para 12 of the Supplementary Answering Affidavit).

24. This is an astonishing submission and it is patently wrong as a matter of fact and law:

24.1. First, none of those jurisdictions is "homogenous in nature". This Court may take judicial notice of the fact that they are all diverse in race, religion and culture.

24.2. Second, and more importantly, the cryptic claim that there are segments of South Africa's 'heterogenous' population – presumably, religious or cultural segments of South African society – who hold outdated and gendered beliefs about consent and that such beliefs should not be legally outlawed, is deeply problematic and in conflict with the Constitution.

25. The Minister of Justice has nowhere explained why people, and especially men, in South Africa should not be held to a standard of conduct and care that requires them to act with reasonable care when they wish to engage in a sexual act with another adult. How is this asking too much of the men of South Africa? And where does the Constitution permit such conduct? The Minister of Justice offers no answer.

26. In short, the Minister of Justice has provided no cogent justification for maintaining a legal position that clearly limits the rights of women in particular, and all other potential targets of negligent sexual violence. In its simplest form, the Minister's obligation in these proceedings is to defend the constitutionality of the Act by making a justifications case that meets the requirements of section 36 of the Constitution. He has failed to do so.

27. The application must accordingly succeed.

## TRAVERSAL OF THE ORIGINAL ANSWERING AFFIDAVIT

**Ad para 1**

28. These averments are admitted.

**Ad para 2**

29. These averments fall outside our knowledge, but it is curious that the deponent was duly authorised to depose to the original Answering Affidavit on behalf of the Minister of Justice, only to be compelled to retract certain scandalous averments in the Supplementary Answering Affidavit.

**Ad para 3**

30. To the extent inconsistent with the Founding Affidavit and this affidavit, it is denied that the contents of the Answering Affidavit are true and correct.

**Ad para 4**

31. To the extent inconsistent with the Founding Affidavit and this affidavit, it is denied that the Minister of Justice's legal submissions are correct.

**Ad paras 5 to 6**

32. These averments are noted.

**Ad para 7**

33. These averments are noted. The Applicants disagree that the impugned sections are not inconsistent with the Constitution.

**Ad para 8**

34. Save to state that this application concerns several other offences in addition to rape, these averments are admitted.

**Ad para 9**

35. These averments are admitted.

**Ad para 10**

36. These vague averments are denied.

**Ad paras 11 to 12**

37. These averments are admitted.

**Ad para 13**

38. These averments are denied and will be addressed in legal argument.

**Ad paras 14 to 18**

39. These averments are admitted.

**Ad para 19**

40. These averments are denied, for the reasons set out above in this affidavit.

**Ad paras 20 to 22**

41. These averments are admitted.

**Ad paras 23 to 28**

42. It is denied that the existing legislation is adequate to combat all forms of sexual violence. We maintain that it is unconstitutional for South Africa to legalise sexual violations where the perpetrator holds an unreasonable belief that consent was present.

43. The remaining averments are admitted.

**Ad para 29**

44. It is denied that South Africa has made "every endeavour to promote the equality of women", especially in circumstances where the Minister of Justice is adamant that he need not and will not support the progressive sexual offence law reforms adopted in other jurisdictions.

**Ad para 30**

45. It is denied that "South Africa has established the legal protection of the rights of women on an equal basis with men". The Minister's stance in these proceedings and the need for this application in the first instance makes clear that South Africa has not done enough in this regard.

**Ad para 30.1**

46. These averments are admitted.

**Ad para 30.2**

47. These averments are admitted. It is disappointing that the Minister for Women, the Second Respondent, has not made any contribution to these proceedings.

**Ad para 30.3**

48. These averments are admitted and only support the Applicants' case.

**Ad para 30.4**

49. These averments are admitted.

**Ad paras 31 to 31.2**

50. This is noted. In any event, their existence is irrelevant as long as negligent sexual violence is not criminalised.

**Ad paras 32**

51. These averments are admitted.

**Ad para 33**

52. It is denied that South Africa has a "comprehensive legal framework to address GBV". In particular, it legalises sexual violence where the accused unreasonably believed that consent was present. This is a glaring gap. The experience of the Second Applicant is evidence of exactly this.

**Ad para 34**

53. These averments are admitted.

**Ad para 35**

54. These averments are denied. Our case relies on much more than only those two cases, which in any event are sufficient to <u>illustrate</u> the unconstitutionality of the Act currently legalising sexual violence when the accused unreasonably believed that consent was present. The Applicants are not required to provide any further examples to illustrate the problem in practice.

**Ad paras 36 to 37**

55. These averments will form the subject of legal argument.

**Ad paras 38 to 42**

56. These averments are admitted.

**Ad para 43**

57. These averments are denied. The unconstitutionality of the Act cannot be saved by an interpretive exercise.

**Ad paras 44 to 46**

58. These averments are admitted.

**Ad paras 47 to 49**

59. It is denied that the relief we seek would have the effect of punishing "innocent people". The conduct sought to be proscribed cannot be described as "innocent". It is further denied that the current Act strikes the appropriate balance.

**Ad para 50**

60. It is denied that the relief we seek is irrational. On the contrary, it is irrational to criminalise intentional sexual violation, but not negligent sexual violation, when the harm suffered by the victim or survivor is indistinguishable.

**Ad paras 51 to 52**

61. These averments are admitted.

**Ad paras 53 to 54**

62. This application has nothing to do with "excluding the concept of consent". I refer to what I have stated in this regard in both the Founding Affidavit and above in this affidavit. These averments are thus impossible to comprehend and are denied.

**Ad para 55**

63. These averments are admitted but are irrelevant and miss the point completely.

**Ad para 56**

64. This is noted.

**Ad paras 57 to 58**

65. These averments are denied. As explained above, the Minister of Justice has misconstrued and/or mischaracterised our case.

66. The Minister's contention that an unreasonable belief that consent was present would necessarily amount to *dolus eventualis*, is difficult to understand, as he elsewhere repeatedly complains that the relief we seek would lower the degree of fault to negligence (which indeed it would). This is an irreconcilable contradiction.

67. Finally, the Applicants have not "deliberately misrepresented" anything. This unwarranted and unsubstantiated attack (which has not been withdrawn) is rejected with contempt.

**Ad para 59**

68. This is noted.

**Ad para 60**

69. These averments are difficult to comprehend and accordingly are denied for the reasons set out in the Founding Affidavit and this affidavit.

**Ad para 61**

70. These averments are denied, for the reasons set out in the Founding Affidavit and this affidavit. It is simply not true that only intentional conduct can and should be criminalised. Negligence is criminalised when the harm is serious enough.

71. We point out that the Minister of Justice again contradicts himself, now saying that the accused must have acted "well-knowing that there is no consent" rather than merely being reckless as to the presence of consent.

**Ad para 62**

72. It is denied that "consent is a golden thread that runs through all cultural practices". It is not clear what is meant by this statement or whether the Minister means to deny that rape exists in different cultural contexts. The high rates of rape and GBV in South Africa – in all communities and cultures – is evidence of the fallacy of this argument by the Minister. Again the Minister's position in this regard is startling and ignores the reality of the effect of patriarchy across cultures, ethnicity, and religion.

**Ad paras 63 to 64**

73. These averments are denied.

**Ad paras 65 and 66**

74. It is denied that the government's interventions are adequate as explained elsewhere in this affidavit.

**Ad para 67**

75. These averments are admitted.

**Ad para 68 to 69**

76. These averments are denied.

**Ad para 70**

77. These averments are denied. We have quoted at length the specific international instruments contravened.

**Ad paras 71 to 72**

78. These averments are admitted.

**Ad paras 73 to 74**

79. These averments are denied.

**Ad paras 75 to 79**

80. This is noted.

**Ad paras 80 to 81**

81. It is denied that the government is "working tirelessly". In any event, it is irrelevant how hard the government is working. This is particularly so in circumstances where it opposes a constitutional challenge which seeks to level the gendered playing fields and where it defends legislation that is premised on a subjective view of consent by a perpetrator rather than a more balanced evaluation that takes into account the rights of both the accused and the victim.

**Ad paras 82 to 96**

82. We note the steps the government claims to be taking to combat gender-based violence. While that is welcomed – none of these steps includes criminalising

sexual violence when the accused unreasonably believed that consent was present. They are therefore irrelevant to this application.

**Ad paras 97 to 98**

83. These admissions are noted.

**Ad para 99**

84. It is denied that the Special Rapporteur was saying that South Africa's legislative framework was totally comprehensive.

**Ad para 100**

85. These averments are denied. As long as the law tells men that they need not take any reasonable steps to ascertain consent, then it is contributing to the problem and must be remedied.

**Ad paras 101 to 103**

86. These averments are noted.

**Ad paras 104 to 106**

87. These sarcastic comments (which have not been withdrawn) are unbecoming of the Minister of Justice, and are rejected with contempt. It is unseemly for the Minister of Justice to blame the Applicants for the deficiency in the law.

88. Though it is hardly relevant, the First Applicant did not exist when the Commission published its paper, over 20 years ago. The Second Applicant was a young child.

**Ad para 107**

89. It is denied that the Commission or the Legislature did their jobs properly as far as the subjective test is concerned.

**Ad para 108**

90. These averments are denied.

**Ad paras 109 to 112**

91. These averments are noted.

**Ad paras 113 to 114**

92. These averments are denied, for the reasons set out above.

**Ad para 115**

93. This is noted.

**Ad para 116**

94. It is denied that it is premature to have regard to the *Coko* case. It remains an illustrative example of the practical problems posed by the current Act.

**Ad para 117**

95. This glib and dismissive response to Ms Holtztrager's horrific experience is very telling. It reveals an uncaring unwillingness even to hear and engage with the plight of rape survivors in this country. It is difficult to reconcile the Minister's stated opposition to GBV with this response.

**Ad paras 118 to 123**

96. These averments are denied. They will be debated in legal arguments.

**Ad paras 124 to 125**

97. These averments are denied. The Minister of Justice's contention that an unreasonable belief that consent was present would necessarily amount to dolus eventualis, is difficult to understand, as he elsewhere repeatedly complains that the relief we seek would lower the degree of fault to negligence (which indeed it would). This is an irreconcilable contradiction.

**Ad para 126**

98. These averments are denied.

**Ad para 127**

99. These averments are admitted.

**Ad para 128**

100. These averments are denied.

**Ad para 129**

101. These averments are noted.

**Ad paras 130 to 131**

102. These averments are denied.

103. We are shocked by the statement that "the victim must comply with the provisions of the Act if she wants the Act to come to her aid, no one is above the law". This attitude is emblematic of rape culture and victim-blaming and only demonstrates our point that the Act currently places the burden on the survivor to demonstrate her non-consent (by kicking and screaming) rather than on the perpetrator to ascertain consent (by making the simplest of enquiries).

**Ad paras 132 to 141**

104. These averments are denied. The Minister of Justice is wrong on the law.

**Ad para 142**

105. We reject with contempt the claim that we are "deliberately obfuscating issues", especially in respect of Ms Holtztrager. She is much better placed than the male deponent to the Minister of Justice's affidavit, to speak on what is required of a rape survivor in a criminal trial. A survivor is the main if not the sole witness as to the absence of consent, so the burden of proof does indeed in substance rest on her, even though it technically rests on the State.

**Ad paras 143 to 144**

106. These averments are denied. The Applicants' arguments are not "derogatory".

**Ad paras 145 to 146**

107. The Minister of Justice has failed to engage with our averments in para 69 of the Founding Affidavit and thus they should be taken as admitted.

**Ad paras 147 to 148**

108. These averments are denied.

**Ad para 149**

109. These averments are denied. It simply beggars belief that the Minister of Justice can contend that a reasonable person test cannot be applied in a "heterogenous nation". It is applied all the time not only in civil law, but in criminal courts dealing with culpable homicide, and indeed statutory rape and statutory sexual assault under the Act.

**Ad paras 150 to 152**

110. These averments are noted.

**Ad paras 153 to 154**

111. These averments are denied. It is not an "injustice" to prevent, deter and punish the negligent causing of sexual violations.

**Ad para 155**

112. These averments are denied. The Minister of Justice's contemptuous attitude to this application contradicts this claim.

**Ad paras 156 to 160**

113. These averments are denied.

**Ad paras 161 to 162**

114. These admissions are noted.

**Ad para 163**

115. The Minister of Justice has missed the point, which is simply that South Africa has already criminalised negligence when it causes certain harm. This is incontrovertible.

**Ad para 164**

116. It is denied that "drives to increase awareness on women equality" are adequate to prevent, let alone punish, negligent sexual violations.

**Ad para 165 to 166**

117. These averments are denied.

**Ad paras 167 to 168**

118. These averments are noted.

**Ad paras 169 to 173**

119. These averments will be debated in legal argument. The Minister of Justice has again missed the point, which is that there is nothing intrinsically unconstitutional about criminalising negligent conduct when the harm is serious enough. Section 56(2) of the Act limits the defence of subjective belief in *the capacity to* consent, by requiring that belief to be reasonable. We seek the same in respect of other sexual offences, in respect of *the presence of* consent.

120. We note that the Minister of Justice has failed to engage at all with section 56(6) of the Act.

**Ad paras 173 to 174**

121. These averments are noted.

**Ad para 175**

122. It is unclear whether the Minister of Justice is denying the existence of CEDAW, the fact that South Africa has ratified it, or the quoted contents. We assume that this was a typographical error.

**Ad paras 176 to 187**

123. We note the steps the government claims to be taking to combat gender-based violence. None of them includes criminalising sexual violence when the accused unreasonably believed that consent was present. They are therefore irrelevant to this application.

**Ad para 188**

124. These averments are noted.

**Ad paras 189 to 193**

125. These averments are denied.

**Ad paras 194 to 195**

126. These averments are noted.

**Ad para 196 to 204**

127. These averments are denied.

**Ad paras 205 to 206**

128. This will be debated in legal argument.

**Ad para 207**

129. The "latter recommendation" we referred to was the following recommendation in *Vertido v Philippines*:

> Removal of any requirement in the legislation that sexual assault be committed by force or violence, and any requirement of proof of penetration, and minimization of secondary victimization of the complainant/survivor in proceedings by enacting a definition of sexual assault that either:
>
> a. Requires the existence of "unequivocal and voluntary agreement" and requiring proof by the accused of steps taken to ascertain whether the complainant/survivor was consenting; or
>
> b. Requires that the act take place in "coercive circumstances" and includes a broad range of coercive circumstances ...

**Ad para 208**

130. These averments are noted.

**Ad para 209 to 211**

131. These averments are denied.

**Ad paras 212 to 213**

132. These averments are noted.

**Ad paras 214**

133. These averments are denied.

**Ad paras 215 to 217**

134. These averments are noted.

**Ad paras 218 to 220**

135. These averments are denied.

**Ad paras 221 to 225**

136. The Minister of Justice again misses the point. We do not deny that the causes of sexual violence are social. We contend that certain forms of socially-caused sexual violence are not currently criminalised and should be criminalised.

**Ad paras 226 to 227**

137. These averments are noted.

**Ad paras 228 to 230**

138. These averments are denied.

**Ad paras 231 to 238**

139. These insulting averments have been withdrawn by the Minister of Justice, rightly so. Nothing more need be said about them.

**Ad para 239**

140. These averments are denied. In particular, it is unconscionable for the State to seek a costs order against the Applicants in a constitutional challenge which is brought in good faith to ventilate the rights of the Second Applicant and all others in her position. The Minister of Justice has provided no reasons for such an order. Legal argument in this regard will be addressed at the hearing of this matter.

**TRAVERSAL OF THE SUPPLEMENTARY ANSWERING AFFIDAVIT**

**Ad paras 1 and 2**

141. These averments are noted.

**Ad para 3**

142. To the extent inconsistent with the Founding Affidavit and this affidavit, it is denied that the contents of the Supplementary Answering Affidavit are true and correct.

**Ad paras 4 to 8**

143. These averments are noted. The Applicants consent to the filing of the affidavit.

**Ad paras 9 to 11**

144. It is denied that the present unconstitutionality in the Act should be remedied by negotiation or an investigation by the Law Reform Commission. Either the Act is unconstitutional or it is not. This Court is well-placed to adjudicate the issue.

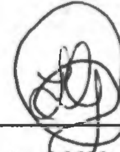
145. The alternatives cryptically suggested by the Minister of Justice would only delay the resolution of the problem, which was first identified by the Commission in 1999, but they, the Minister of Justice and the Legislature did nothing about it. If the Act is declared unconstitutional, the Minister and the Legislature will have an opportunity to consider how best to remedy the defect.

**Ad para 12**

146. This is an astonishing submission which is denied. I refer this Court to what I have said in paragraph 24 above in this regard.

**Ad paras 13 to 15**

147. These averments are denied.



**LEE-ANNE GERMANOS**

The deponent has acknowledged that the deponent knows and understands the contents of this affidavit, which was signed and solemnly affirmed before me at SANDTON on this the 09 day of MAY 2023, the regulations contained in 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.

**COMMISSIONER OF OATHS**