

**MACINTOSH,
CROSS &
FARQUHARSON
PH 50
TEL: 012 342 4855**

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

Case No 5640/2022

In the matter between:

TRUSTCO GROUP HOLDINGS LIMITED

Applicant

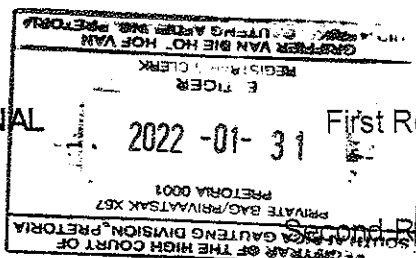
and

THE FINANCIAL SERVICES TRIBUNAL

First Respondent

JSE LIMITED

Second Respondent



NOTICE OF MOTION

TAKE NOTICE THAT the applicant intends to make application to this court for an order in the following terms:

- 1 Reviewing and setting aside the decision taken by the first respondent under case number: JSE1/2021 and dated 22 November 2021 (**the Impugned Decision**)
- 2 Replacing the Impugned Decision with a decision that the applicant's reconsideration application before the Tribunal under case number JSE1/202 is upheld with costs including the costs of two counsel.
- 3 *In the alternative to prayer 2:*
 - (a) The Impugned Decision be remitted back to the first respondent for reconsidered and by a panel to be appointed by the Chairman of the first respondent with directions that the Chairman of the first respondent is to appoint a panel in accordance with section 224(4) of the Financial Sector

Regulation Act, 2017 with such panel to include at least one person suitably qualified in, and having suitable working knowledge of, accounting, accounting practices and the international financial reporting standards;

- 4 Costs of the application against the second respondent. No costs are sought against the first respondent save in the event of opposition;
- 5 Further and/or alternative relief.

TAKE NOTICE FURTHER THAT the first respondent is in terms of Rule 53 of the Uniform Rules of Court to dispatch, within fifteen (15) days after receipt of this notice of motion, to the Registrar the record of the proceedings sought to be reviewed and set aside.

TAKE FURTHER NOTICE that the applicant may within ten (10) days after the Registrar has made the record available to it in terms of Rule 53 of the Uniform Rules of Court, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of the notice of motion and supplement the founding affidavit.

TAKE NOTICE FURTHER that the applicant has appointed an address referred to in rule 6(5)(b) at which it will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application such respondent shall:

- (a) be required to notify the applicant's attorney thereof in writing within 15 (fifteen) after receipt by it of the notice of motion or any amendments.

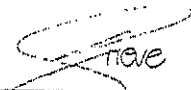
thereof and shall in such notice appoint an address referred to in Rule 6(5)(b) at which it will accept notice and service of all documents in these proceedings.

- (b) Within thirty (30) days after the applicant has served the notice and accompanying affidavit to amend, add to or vary the terms of its notice of motion and founding affidavit as envisaged in Rule 53(4) alternatively 30 days after expiry of the time referred to in Rule 53(4), deliver its answering affidavit, if any.

BE PLEASED TO TAKE NOTICE that if no such intention to oppose is given, that Application will be made in the above Honourable Court on behalf of the Applicant on a date and time to be arranged with the Registrar.

TAKE NOTICE FURTHER that the accompanying affidavit of RIAAN BRUYNS will be used in support of this application.

Signed at **SANDTON** on **31st** day of **January 2022**.



**Norton Rose Fulbright South Africa
Inc**

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