**Notice of motion**

1. This document is usually the first in a series of documents that will reach the Court and the parties when involved in a case.
2. The purpose of this document is to inform the Court that you intend to approach for clarity on conflict between applicable provisions.
3. Ultimately, the notice of motion sets the foundation for a case to be heard efficiently and fairly by the Court.
4. Do not make any arguments in the notice of motion. Merely set out what you are approaching the Court for and set out your averments in the attached founding affidavit and supported by documentary evidence.
5. Where the matter is urgent: An applicant must explicitly set forth the circumstances which render the matter urgent, if at all, as well as the reasons why the applicant will be prejudiced if there is no deviation from the Rules. This is generally further elaborated on in the Founding Affidavit.
6. While the example below serves as a template, ensure that it reflects the correct details.

**IN THE STUDENT COURT OF STELLENBOSCH UNIVERSITY**

**REPUBLIC OF SOUTH AFRICA**

In the matter:

**[NAME(S) OF THE APPLICANT(S)]** First Applicant

**[NAME(S) OF THE APPLICANT(S)]** Second Applicant

**NOTICE OF MOTION**

**KINDLY TAKE NOTICE THAT** the above-mentioned Applicant(s) intend(s) to make application to this Honourable Court for:

1. Set out what remedies (legal intervention from the Court) you will be approaching the Student Court for. Some examples include:
   1. An interdict or any other interim relief that will require the Respondent to either do something or refrain from doing something
   2. A declaratory order, in which the Court will clarify the legal status of something or the legal rights and/or obligations of an entity.
   3. Setting aside the decision(s) or action(s) performed by the Respondent, on the grounds that they are inconsistent with the Student Constitution
2. It is important that your Opponent is aware of what action, decision, issue is at hand as well as the nature of the remedy sought to address what is at hand. However, there is no need to justify these remedies as your founding affidavit will set out your arguments.

**TAKE FURTHER NOTICE THAT** the attached affidavit of [APPLICANT’S FULL NAME] will be used in support thereof.

**TAKE FURTHER NOTICE THAT** if the respondent(s) intend to oppose this application, they are required to file a Notice of Intention to Oppose with the above Honourable Court within 3 days of receipt hereof, in terms of Rule 7(1). **I**n such an event, the respondent must file an Opposing Affidavit with the above Honourable Court within 8 days of receipt hereof, in terms of Rule 7(2).

**TAKE FURTHER NOTICE THAT** if the respondent(s) fail to submit a response to this application they will be deemed as having admitted to any allegation contained in the attached affidavit, and to have waived any available defences or relief, in terms of Rule 9.

**TAKE FURTHER NOTICE THAT** the Applicant will accept service of all documents to this matter at [insert the email address(es) of the Applicant(s) and/ or their legal representative].

**DATED AT STELLENBOSCH ON THIS [DAY] DAY OF [MONTH] 2022.**

[APPLICANT]