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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No: 2025-125411

ON 24 FEBRUARY 2026
BEFORE HER LADYSHIP MADAM JUSTICE NEUKIRCHER

In the matter between:

THE MINISTER OF HEALTH	First Applicant
THE DIRECTOR GENERAL, NATIONAL DEPARTMENT OF HEALTH	Second Applicant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	First Respondent
THE MINISTER OF FINANCE	Second Respondent
NATIONAL TREASURY	Third Respondent
SOLIDARITY TRADE UNION	Fourth Respondent
BOARD OF HEALTHCARE FUNDERS OF SOUTHERN AFRICA NPC	Fifth Respondent
SOUTH AFRICAN PRIVATE PRACTITIONERS FORUM	Sixth Respondent
HOSPITAL ASSOCIATION OF SOUTH AFRICA	Seventh Respondent
THE SOUTH AFRICAN MEDICAL ASSOCIATION NPC	Eighth Respondent
HEALTH FUNDERS ASSOCIATION	Ninth Respondent
SAKELIGA NPC	Tenth Respondent

In re:

Case No: 2024-057449

SOLIDARITY TRADE UNION Applicant

and

THE MINISTER OF HEALTH First Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Second Respondent

THE DIRECTOR GENERAL, NATIONAL DEPARTMENT OF HEALTH Third Respondent

THE MINISTER OF FINANCE Fourth Respondent

NATIONAL TREASURY Fifth Respondent

And in re:

Case No: 2024-058172

BOARD OF HEALTHCARE FUNDERS OF SOUTHERN AFRICA NPC Applicant

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA First Respondent

THE MINISTER OF HEALTH Second Respondent

And in re:

Case No: 2024-11209

SOUTH AFRICAN PRIVATE PRACTITIONERS FORUM Applicant

and

THE PRESIDENT OF THE REPUBLIC

OF SOUTH AFRICA First Respondent

THE MINISTER OF HEALTH Second Respondent

THE MINISTER OF FINANCE Third Respondent

NATIONAL TREASURY Fourth Respondent

And in re:

Case No: 2025-020969

HOSPITAL ASSOCIATION OF SOUTH AFRICA Applicant

and

THE MINISTER OF HEALTH First Respondent

THE MINISTER OF FINANCE Second Respondent

THE PRESIDENT OF THE REPUBLIC

OF SOUTH AFRICA Third Respondent

And in re:

Case No: 2025-045340

THE SOUTH AFRICAN MEDICAL ASSOCIATION NPC	Applicant

and

THE MINISTER OF HEALTH	First Respondent
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Second Respondent
SPEAKER OF THE NATIONAL ASSEMBLY	Third Respondent
CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES	Fourth Respondent

And in re:

Case No: 2025-083348

HEALTH FUNDERS ASSOCIATION	Applicant

and

THE MINISTER OF HEALTH	First Respondent
THE MINISTER OF FINANCE	Second Respondent
NATIONAL TREASURY	Third Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Fourth Respondent

And in re:

Case No: 2025-134493

SOUTH AFRICAN PRIVATE PRACTITIONERS FORUM	Applicant

and

MINISTER OF HEALTH	First Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Second Respondent
MINISTER OF FINANCE	Third Respondent
NATIONAL TREASURY	Fourth Respondent

And in re:

Case No: 2025-147065

SAKELIGA NPC	Applicant

and

MINISTER OF HEALTH	First Respondent
MINISTER OF FINANCE	Second Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Third Respondent
SPEAKER OF THE NATIONAL ASSEMBLY	Fourth Respondent
CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES	Fifth Respondent

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DRAFT ORDER

By agreement between the parties, it is hereby ordered that:

The stay application

1. The first applicant ("the Minister") undertakes not to request the first respondent ("the President") to proclaim any sections of the NHI Act prior to the Constitutional Court handing down judgment in both of the following cases, which are set for hearing on 5 to 7 May 2026 ("the public participation challenges"):

   1.1. The application by Board of Healthcare Funders of Southern Africa NPC ("BHF") in the Constitutional Court in BHF v Speaker of the National Assembly and 23 Others (case number CCT 251/25); and

   1.2. The application by the Premier of the Western Cape in the Constitutional Court in Premier of the Western Cape v the Chairperson of the National Council of Provinces and 11 Others (case number CCT 269/20).

2. The President undertakes not to proclaim any provisions of the NHI Act until the Constitutional Court has handed down its judgments in both of the public participation challenges.

3. The Minister undertakes not to implement the NHI Act or exercise any powers under that Act until the Constitutional Court has handed down its judgments in both of the public participation challenges.

4. The following applications (referred to collectively as "the applications") in this Court are stayed and the time periods for the filing of further process are

suspended pending final judgments by the Constitutional Court in both of the public participation challenges:

4.1. Solidarity Trade Union v the Minister of Health and Others (Case No 2024-057449);

4.2. Hospital Association of South Africa v the Minister of Health and Others (Case No 2025-020969);

4.3. The South African Medical Association NPC v the Minister of Health and Others (Case No 2025-045340);

4.4. Health Funders Association v the Minister of Health and Others (Case No 2025-083348);

4.5. South African Private Practitioners Forum v the President of the Republic of South Africa and Others (Case No 2024-11209);

4.6. South African Private Practitioners Forum v Minister of Health and Others (case 2025-134493); and

4.7. Sakeliga NPC v Minister of Health and Others (case 2025-147065).

5. The applicants undertake, with immediate effect, not to bring any further application to stay the applications referred to in paragraphs 4.1 to 4.7 above, without leave of the Court on exceptional circumstances shown.

6. Subject to paragraph 9 below, the orders in paragraphs 1, 2, 3 and 4 above are effective pending a final decision by the Constitutional Court in the public participation challenges.

7. Upon the Constitutional Court handing down any judgment upholding one or both of the public participation challenges, the stay shall be discharged and the presiding judge case-managing the applications referred to in paragraphs 4.1 to 4.7 above will, upon request from any party or *mero motu*, issue directions requiring the parties to make submissions, if necessary, on mootness and on the further conduct of the applications.

8. Upon the Constitutional Court handing down any final judgment dismissing both of the public participation challenges, the stay shall be discharged and the presiding judge case-managing the applications referred to in paragraphs 4.1 to 4.7 above will, upon request from any of the parties or *mero motu*, issue directions requiring the parties to make submissions on the further conduct of the applications.

9. Should the hearing in the public participation challenges not proceed before the Constitutional Court on 5 to 7 May 2026 (or should argument not be finalised on those dates) the presiding judge case-managing the applications referred to in paragraphs 4.1 to 4.7 above may, upon request from any of the parties or *mero*

motu, issue directions requiring the parties to make submissions on the further conduct of the applications.

10. Any party may on 48 hours' written notice approach the case-managing judge for directions arising from or relating to paragraphs 1 to 3, including any alleged non-compliance.

11. The costs of the stay application shall be costs in the cause of the applications referred to in paragraphs 4.1 to 4.7 above.

Consolidation

12. The consolidation application is postponed *sine die*.

13. Costs in respect of the consolidation application are reserved.

Counter-application by Sakeliga

14. The counter-application is postponed *sine die*. Costs are reserved.