IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No: 2025-125411

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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FURTHER AMENDED NOTICE OF MOTION

TAKE NOTICE THAT the applicants will apply on a date to be determined in case management by the Honourable Deputy Judge President for an order in the following terms:

1. The following applications are stayed and the time periods for the filing of further process are suspended:

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

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

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

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

    1.5. *South African Private Practitioners Forum v the President of the Republic of South Africa and Others* (Case No 2024-11209) to the extent that the applicant therein succeeds in obtaining leave to amend and effecting the amendment in its notice of intention to amend dated 13 June 2025;

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

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

2. The orders in paragraph 1 above are effective pending a final decision by the Constitutional Court in all of, or which have the effect of disposing of all of –

2.1. the President of the Republic's and the Minister of Health's applications in terms of section 167(6)(b) of the Constitution for leave to appeal directly to the Constitutional Court against the judgment of Twala J dated 6 May in in *Board of Healthcare Funders of Southern Africa NPC v the President of the Republic of South Africa and Others* (Case No 2024-058172) ("**the BHF HC application**") and *South African Private Practitioners Forum v the President of the Republic of South Africa and Others* (Case No 2024-11209) ("**the SAPPF HC application**");

2.2. the President and the Minister's direct applications to the Constitutional Court in terms of section 167(6)(a) of the Constitution for relief pertaining to the reviewability of the President's decision to assent to and sign the NHI Act, the

applicability of Rule 53, and the question whether or not the President is obliged to make available the record of his decision;

2.3. any appeals for which leave is granted pursuant to paragraph 2.1;

2.4. the conditional application to the Constitutional Court of the Board of Healthcare Funders ("**BHF**") in terms of section 167(6)(a) of the Constitution for the review of the President's decision to assent to and sign the NHI Act in *Board of Healthcare Funders NPC v the President of the Republic of South Africa and the Minister of Health* (CCT254/24) ("**the BHF CC application**");

2.5. the conditional application to the Constitutional Court of the South African Private Practitioners Forum ("**SAPPF**") in terms of section 167(4)(e) of the Constitution for the review of the President's decision to assent to and sign the NHI Act and SAPPF's conditional application for leave to intervene in the BHF CC case in *Southern African Private Practitioners Forum v the President of the Republic of South Africa and Another* ("**the SAPPF CC application**");

2.6. the application by BHF in the Constitutional Court in the *Board of Healthcare Funders NPC v Speaker of the National Assembly and 23 Others* ("**the second BHF CC application**");

2.7. 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*;

2.8. in the event of the Constitutional Court declining to grant leave to appeal directly or to hear the direct access applications referred to in paragraphs 2.1 and 2.2 above, the applications for leave to appeal to Twala J in the BHF HC case and SAPPF HC case, and, should he refuse leave, any applications for leave to appeal in terms of section 17(2)(b) of the Superior Courts Act No. 10 of 2013 and any appeals heard pursuant thereto; and

2.9. any applications for leave to appeal to the Constitutional Court against a decision of the Supreme Court of Appeal and any appeals heard pursuant thereto.

3. The permanent withdrawal by an applicant of any of the applications or appeals referred to in paragraph 2 shall be considered a final disposal of the application.

4. Notwithstanding the final decision or disposal of the proceedings referred to in paragraphs 2.1 to 2.9, the stay of the proceedings in insofar as it pertains to the application in *South African Private Practitioners Forum v Minister of Health and Others* (case 2025-134493), referred to in

paragraph 1.6 above, is further extended until the withdrawal (accompanied by a tender of the applicants' costs), or the final adjudication in its entirety of *South African Private Practitioners Forum v the President of the Republic of South Africa and Others* (Case No 2024-11209), referred to in paragraph 1.5 above.

5. The Minister's undertaking that unless and until the events in paragraph 2 (as read with paragraph 3) above have been fulfilled, the Minister of Health shall not promulgate regulations in the Gazette in terms of section 33 of the National Health Insurance Act, 2023 (read with section 55(1)(z)) determining that the National Health Insurance has been fully implemented, is noted.

6. Subject to paragraph 4 above, upon the conditions in paragraphs 2 and 3 above being fulfilled:

6.1. the order in paragraph 1 shall cease to apply and the stay of proceedings shall be uplifted;

6.2. the applicants herein (the Minister of Health and Director General of the Department of Health) shall inform the Deputy Judge President in writing thereof, who shall, to the extent necessary, determine the timelines for further filing of process in case management.

7. The following applications are consolidated in terms of Rule 11 of the Uniform Rules of Court:

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

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

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

7.4. *Health Funders Association v the Minister of Health and Others* (Case No 2025-08334);

7.5. *South African Private Practitioners Forum v the President of the Republic of South Africa and Others* (Case No 2024-11209) to the extent that the applicant therein succeeds in obtaining leave to amend and effecting the amendment in its notice of intention to amend dated 13 June 2025;

7.6. *South African Private Practitioners Forum v Minister of Health and Others* (case 2025-134493) to the extent that, and only in the event that, relief is not granted in terms of paragraph 4 above; and

7.7. *Sakeliga NPC v the Minister of Health and Others* (Case No 2025-147065).

8. The consolidation in paragraph 7 above shall apply to the following extent:

8.1. A consolidated hearing shall be held in respect of the applications in paragraphs 7.1 to 7.7. above ("**the consolidated applications**").

8.2. The Registrar shall create a consolidated Caselines Page in respect of the consolidated applications.

8.3. The respondents in the consolidated applications shall be entitled to:

8.3.1. treat the record as a single record; and

8.3.2. subject to the relief sought in paragraphs 1 and 2 above, file a consolidated answering affidavit and supporting and / or expert affidavits in terms of timelines to be determined in case management.

8.4. Each applicant in the consolidated applications shall be required to file their own replying affidavit and shall only be permitted to reply to that part of the respondents' answering affidavit (as

referred to in paragraph 8.3.2) that responds directly to its answering affidavit, whether thematically or by paragraph, and to argue only for the relief sought in their own notice of motion.

8.5. The process for the determination of interlocutory disputes shall be determined through case management.

8.6. The Court may issue a consolidated judgment.

9. The costs of this application shall be costs in the cause of each of the applications in the consolidated application.

10. The applicants are granted further and/or alternative relief

TAKE NOTICE THAT the affidavit of **NICHOLAS GILMOUR CRISP** together with the annexures thereto and confirmatory affidavits filed therewith, will be used in support of this application.

TAKE NOTICE FURTHER THAT the applicants have appointed the offices of its attorneys of record, **KGOSANA ATTORNEYS**, at the address shown below as the address at which they will accept service of all process in the above matter.

TAKE NOTICE FURTHER THAT if any respondent intends to oppose the relief, you are required to file your opposing affidavit by no later than 12 August 2025.

KINDLY ENROL THE MATTER ACCORDINGLY FOR HEARING.

SIGNED AND DATED AT PRETORIA ON THE 17TH DAY OF NOVEMBER 2025.



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