

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

Case number: 27277/2022

In the application of:

**SAKELIGA NPC**

Applicant

and

**MINISTER OF HEALTH**

First Respondent

**DIRECTOR GENERAL: DEPARTMENT OF HEALTH** Second Respondent

**MINISTER OF COOPERATIVE AFFAIRS AND**

**GOVERNMENT**

Third Respondent

**PRESIDENT OF THE REPUBLIC OF**

**SOUTH AFRICA**

Fourth Respondent

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**AMENDED NOTICE OF MOTION IN TERMS OF RULE 53(4)**

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**KINDLY TAKE NOTICE THAT** the Applicant intends to make application to the above Honourable Court on 25 July 2022 at 10:00 or so soon thereafter as the matter may be heard for an order in the following terms:

1. That the Rules of the above Honourable Court pertaining to notice and service be dispensed with and that this application be heard as a matter of urgency in accordance with Rule 6(12) of the Rules of Court and in a

manner and timeframe and in accordance with such procedure as the Honourable Court may deem fit;

2. That the public comment and participation process undertaken by the First Respondent, and/or the Second Respondent, in respect of *Regulations Relating to the Surveillance and Control of Notifiable Medical Conditions: Amendment 2022 published in Government Gazette No. 46319 of 4 May 2022* as set out in the Rule 53 records furnished by the First Respondent in this matter be declared to be unlawful, and inconsistent with the Constitution, including sections 1(a), 1(c), 7, 9(1), 15(1), 33, 36, 195 (1), 195 (2) and 195 (3) of the Constitution, and further that such public comment and participation process be reviewed and set aside;
3. That Section 90(1) of the National Health Act 61 of 2003 be declared to be vague, inconsistent with the Constitution and constitutionally invalid;
4. That the decision of the First Respondent to publish *Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions: Amendment 2022 published in Government Gazette No. 46319 of 4 May 2022* be reviewed and set aside and declared to be inconsistent with the Constitution and invalid;
5. That the *Regulations Relating to the Surveillance and Control of Notifiable Medical Conditions: Amendment 2022 published in*

*Government Gazette No. 46319 of 4 May 2022* be declared to be *ultra vires*, unlawful, unconstitutional, and be reviewed and set aside;

6. That in the alternative to paragraphs 2, 3, 4 and 5 above, that an order be granted in terms of Section 172 of the Constitution that is just and equitable, and which has a remedial effect alleviating the constitutional infringements, concerns and / or invalidities underlying this application and arising out of the aforesaid Regulations referred to above;
7. Directing the First Respondent to pay the costs of this application on an attorney and client scale, including the costs occasioned by the appointment of two counsel where so employed, and directing that the costs shall be paid jointly and severally by any remaining respondent who may oppose this matter;
8. Granting further and/or alternative relief.

**KINDLY TAKE NOTICE FURTHER THAT** the accompanying affidavits of **PIETER JACOBUS LE ROUX** with annexures thereto will be used in support of this application.

**KINDLY TAKE FURTHER NOTICE THAT** the Applicant has appointed Kriek Wassenaar & Venter Inc with address as set out hereunder as its attorneys of record herein, at which address it will accept notice and service of all process in these proceedings.

**KINDLY TAKE FURTHER NOTICE THAT** the First Respondent is called upon in terms of Rule 53(1)(a) to show cause why the aforementioned decision/s and / or provisions should not be reviewed and/ or set aside.

**KINDLY TAKE FURTHER NOTICE THAT** if the Respondents intend to oppose the relief sought, they are called upon to file a notice of opposition by 16:00 on Monday, 23 May 2022 and to appoint in the notice an address at which service of all proceedings are to be received.

**KINDLY TAKE FURTHER NOTICE THAT** the Respondents are called upon to dispatch to the Registrar by 16:00 on Friday, 27 May 2022 the record of all documents and of all electronic records (including any correspondence, contracts, memoranda, advices, recommendations, policies, valuations) that may relate to the making of the decision that is sought to be reviewed and set aside, together with such reasons as the Respondents are by law required or desire to give or make, and to notify the Applicant's attorneys that it has done so.

**KINDLY TAKE FURTHER NOTICE THAT** the Applicant may, in terms of Rule 53(4) amend, add to or vary the terms of the notice of motion and may supplement its founding affidavit in accordance with the Rules and that it intends to do so by Tuesday, 31 May 2022 (subject to timeous receipt of the record).

**KINDLY TAKE FURTHER NOTICE THAT** the Respondent will be called upon to file its answering affidavit by Tuesday, 7 June 2022 and that the Applicant intends to file its replying affidavit, if any, by Friday, 10 June 2022.

**KINDLY ENROL** the matter accordingly.

DATED at PRETORIA ON 8 JUNE 2022



**KRIEK WASSENAAR & VENTER INC**

Attorneys for Applicant

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[Ref: P Wassenaar/es/QB0952](#)

**TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT  
PRETORIA**

**AND TO: STATE ATTORNEY PRETORIA  
Attorney for Respondents  
SALU Building**

316 Thabo Sehume Street  
Pretoria, 0001

TEL: (012) 309 1578

FAX: (086) 507 7007

Email: [naqongqo@justice.gov.za](mailto:naqongqo@justice.gov.za)

[NMhlabula@justice.gov.za](mailto:NMhlabula@justice.gov.za)

**Ref: 1107/2022/Z22**

**Enq: Ms N Qongqo**

**SERVICE BY EMAIL AND CASELINES**

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

Case number: 27477/2022

In the application of:

**SAKELIGA NPC**

Applicant

and

**MINISTER OF HEALTH**

First Respondent

**DIRECTOR GENERAL: DEPARTMENT OF HEALTH**

Second Respondent

**MINISTER OF COOPERATIVE AFFAIRS AND**

**GOVERNMENT**

Third Respondent

**PRESIDENT OF THE REPUBLIC OF**

**SOUTH AFRICA**

Fourth Respondent

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**SUPPLEMENTARY AFFIDAVIT IN TERMS OF RULE 53(4)**

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I, the undersigned,

**PIETER JACOBUS LE ROUX**

do hereby state under oath as follows:

1. I am an adult male and Chief Executive Officer of Sakeliga NPC, the Applicant in this matter, which has its offices at Building A, 5<sup>th</sup> Floor, Loftus Park, 402 Kirkness Street, Arcadia, Pretoria, Gauteng Province.

