

## COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA  
Gauteng Division, Pretoria

CASE NO: **2025-083348**

In the matter between:

**HEALTH FUNDERS ASSOCIATION**

Plaintiff / Applicant / Appellant

and

**MINISTER OF HEALTH, MINISTER OF  
FINANCE, NATIONAL  
TREASURY, PRESIDENT OF THE  
REPUBLIC OF SOUTH AFRICA**

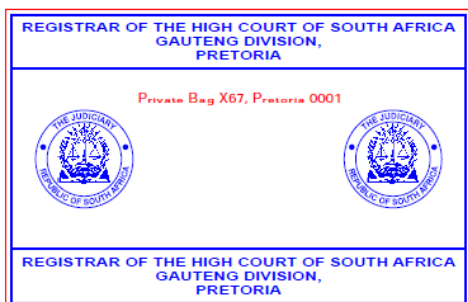
Defendant / Respondent

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### Notice of Motion (Long Form)

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**NOTE:** This document was filed electronically by the Registrar on 4/6/2025 at 9:55:14 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court of South  
Africa , Gauteng Division,Pretoria**

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

CASE: \_\_\_\_\_

In the matter between:

**HEALTH FUNDERS ASSOCIATION**

Applicant

and

**MINISTER OF HEALTH**

First Respondent

**MINISTER OF FINANCE**

Second Respondent

**NATIONAL TREASURY**

Third Respondent

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

Fourth Respondent



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**NOTICE OF MOTION**

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**PLEASE TAKE NOTICE** that the applicant intends making an application to the above Honourable Court on a date and time to be arranged with the Registrar for an order in the following terms:

1. The National Health Insurance Act 20 of 2023 (“NHI Act”) is declared to be unconstitutional and invalid and is set aside.
2. In the alternative to prayer 1, one or more of the following sections of the NHI Act are declared to be unconstitutional and invalid and are set aside:
  - 2.1. section 7(2)(f)(i);
  - 2.2. section 31(2);

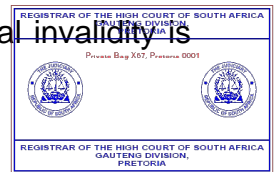
2.3. section 33;

2.4. section 39(2)(c)(i);

2.5. section 49(2)(a)(ii); and

2.6. section 55.

3. In terms of section 15(1)(a) of the Superior Courts Act 10 of 2013, read with section 172(2)(c) of the Constitution, the aforesaid declaration of constitutional invalidity is referred to the Constitutional Court for confirmation.



4. Any respondent that opposes this application is ordered to pay the costs of the application on scale C, including the costs of four counsel.
5. Granting the applicant further and/or alternative relief.

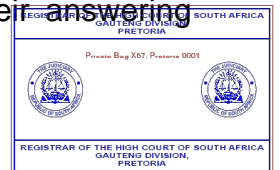
**TAKE NOTICE FURTHER** that the accompanying founding affidavit of **THONESHAN NAIDOO** and the confirmatory affidavits of **STEPHAN MALHERBE, THEMBALETHU BUTHELEZI** and **ROBERT LIPSCHITZ**, together with any annexures to them, will be used in support of this application.

**TAKE NOTICE FURTHER** that the applicant has appointed the address of its attorneys of record, as set out below, as the address at which it will accept service of all further notices, process and documents in these proceedings.

**TAKE NOTICE FURTHER** that the applicant hereby consents to electronic service at the following email addresses: dband@ensafrica.com | arichards@ensafrica.com | tntsaluba@ensafrica.com | asipamla@ensafrica.com.

**TAKE NOTICE FURTHER** that if any of the respondents intends to oppose this application, they are required:

1. Within 10 days after receipt of this notice of motion and accompanying affidavit, to deliver a notice of intention to oppose the application by email to the applicant to the following email addresses: dband@ensafrica.com | arichards@ensafrica.com | tntsaluba@ensafrica.com | asipamla@ensafrica.com.
2. Within 15 days of delivering the notice of opposition, to deliver their answering affidavit.



**TAKE NOTICE FURTHER THAT** the applicants will deliver a replying affidavit within 10 days of receiving the answering affidavit(s), if any.

Kindly enrol the matter accordingly.

DATED AT SANDTON ON THIS THE 4<sup>th</sup> DAY OF **JUNE 2025**.

**EDWARD NATHAN SONNENBERGS INC. (ENS)**

Attorneys for Applicant

The MARC | Tower 1

129 Rivonia Road

Sandton

Email: dband@ensafrica.com

arichards@ensafrica.com

tntsaluba@ensafrica.com

asipamla@ensafrica.com

Ref: D Band/A Richards/0528590

**C/O MACINTOSH CROSS AND FARQUHARSON**

Embassy Law Chambers

834 Pretorius Street

Arcadia, Pretoria

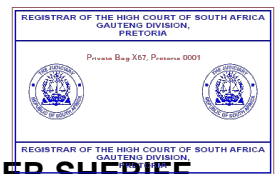
Email: cfe@macintoshcross.co.za

jk@macintoshcross.co.za

Ref: C Erasmus/J Keus/X64/2025

**TO: THE REGISTRAR OF THE HIGH COURT,  
PRETORIA**

**AND TO: MINISTER OF HEALTH**  
First respondent  
Dr AB Xuma Building  
1112 Voortrekker Road  
Pretoria Townlands 351-JR  
Pretoria  
Tel: 012 395 8086 | 021 466 7260  
Fax: 012 395 9165  
**C/O THE STATE ATTORNEY**  
316 Thabo Sehume Street  
Pretoria Central  
Pretoria



**SERVICE PER SHERIFF**

**AND TO: MINISTER OF FINANCE**  
Second respondent  
2<sup>nd</sup> Floor  
Old Reserve Bank Building  
40 Church Square  
Pretoria  
Tel: 012 315 5371 | 021 464 6100 | 021 464 6102  
Fax: 012 323 3262 | 021 461 2934  
**C/O THE STATE ATTORNEY**  
316 Thabo Sehume Street  
Pretoria Central  
Pretoria

**SERVICE PER SHERIFF**

**AND TO: NATIONAL TREASURY**  
Third respondent  
40 WF Nkomo Street  
Pretoria  
Tel: 012 315 5111  
Fax: 012 315 5126  
**C/O THE STATE ATTORNEY**  
316 Thabo Sehume Street  
Pretoria Central  
Pretoria

**SERVICE PER SHERIFF**

**AND TO: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

Fourth respondent  
Union Buildings  
Government Avenue  
Pretoria

Tel: 012 300 5200

Fax: 012 323 8246

**C/O THE STATE ATTORNEY**

316 Thabo Sehume Street  
Pretoria Central  
Pretoria

**SERVICE PER SHERIFF**