

IN THE WESTERN CAPE HIGH COURT
(HELD AT CAPE TOWN)

In the matter between:

ACTION 4 FREEDOM (NPC)

and

THE MINISTER OF HEALTH



CASE NO: 8515/22

Applicant

Respondent

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT the abovenamed Applicant intends to make application, to this Honourable Court, on 14 APRIL 2022 at 10h00 or soon thereafter as the matter can be heard for orders:

1. Declaring the application to be a matter of urgency and dispensing insofar as is necessary in terms of Rule 6(12) with the usual forms and service provided for in the Uniform Rules of Court;
2. Declaring the conduct of the Respondent, to the extent that he has failed to align his consultation process in as far as the Government Notice (Gazette Number 46048) for Public Consultation in terms of Section 90(4)(a) of the National Health Act, 2003 (Act 61 of 2003) to be *ultra vires* and invalid.
3. Declaring that the consultation process followed by the Respondent, in terms of section 90(4)(c) of the National Health Act is *ultra vires* and invalid.
4. Compelling the Respondent, forthwith, to withdraw the Government Notice (Gazette Number 46048) for Public Consultation which he instituted in terms of Section 90(4)(c) of the National Health Act, 2003 (Act 61 of 2003).

Alternatively

5. Compelling the Respondent forthwith to withdraw the Government Notice (Gazette Number 46048) for Public Consultation which he instituted in terms of Section 90(4)(c) of the National Health Act, 2003 (Act 61 of 2003) and to revise the provision for consultation in alignment with Section 90(4)(a) of the National Health Act, 2003 (Act 61 of 2003).