

26 November 2025

NHI Legal Challenge – Current Status

As it currently stands there are 8 legal challenges against the NHI. SAPPF remains fully engaged in protecting the rights of private practitioners and challenging the National Health Insurance Act (NHI Act) on both procedural and substantive grounds.

Below is a summary of our current position:

Procedural Challenge (Reviewability of the President's Assent)

- a. In March 2025, the High Court ruled in SAPPF's favour, confirming that the President's decision to sign the NHI Act into law is reviewable, that the High Court does indeed hold jurisdiction on this matter and that he must provide the record of his decision-making process.
- b. The President and Minister of Health have applied for leave to appeal this high court judgement, directly to the Constitutional Court (ConCourt).
- c. The ConCourt has now set timeframes for this appeal. All heads of argument and affidavits must be submitted by the middle of November 2025. The matter is set down to be heard on 26th February 2026.
- d. The ConCourt may uphold the High Court's ruling, the matter will return to the High Court on appeal and then proceed to the Supreme Court of Appeal and possibly back to the Constitutional court. The ConCourt may agree to hear the appeal and may then also allow for the entire review of the President's decision to also proceed in the ConCourt.
- e. SAPPF and the Board of Healthcare Funders (BHF) are the only parties pursuing this procedural route which in itself is a key differentiator from most other challenges, which focus purely on constitutionality.

Substantive Challenge (Constitutionality of the NHI Act)

- a. SAPPF has filed its papers in the High Court, challenging the constitutionality of the NHI Act itself.
- b. The Minister and President have requested: Consolidation of all 8 substantive cases, and a stay (pause) of proceedings until the procedural challenge is finalised.
- c. SAPPF has agreed to consolidation (to ensure our counsel remains fully heard) but has opposed any stay, pushing for the case to proceed without delay.

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- d. The Deputy Judge President has directed that all papers must be filed by the end of November 2025 and has scheduled the hearing of the stay and consolidation request for the 24-27 February 2026.

Next Steps & Cost Impact

- a. All our legal papers are up to date and filed by SAPPF.
- b. Our legal team advises that activity will be quiet over the next 2 to 3 months, with hearings set for February 2026.

Third call for contributions

SAPPF extends its sincere thanks to all our members for their unwavering commitment to the NHI legal challenge. To date, this vital litigation has cost R7.5 million. This is a substantial but necessary investment to ensure the NHI Act is properly tested both procedurally and constitutionally.

We remain committed to curtailing legal costs and continue to work closely with our legal team to contain expenses. In addition, SAPPF is actively engaging with external companies in an effort to secure additional funding.

Following wide consultation and agreement among our membership groups, SAPPF will proceed with invoicing for a third contribution of R2 000 per member. If you would like to make a contribution as an individual, then please contact us and we can facilitate that for you.

Your commitment directly enables SAPPF to continue this critical litigation without delay, ensuring that the rights and sustainability of private practice is strongly defended. Thank you for standing with us, your support is both noticed and deeply appreciated. Together, we are making sure that private practitioners' voices are heard where it matters most.

Kind Regards,

Simon Strachan

SAPPF CEO