



# *Serfontein Viljoen & Swart*

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Our ref : Mr. Claassen / Mr. Venter / MJ / CS0562

Your ref :

Date : 15 May 2024

**TO: THE HONOURABLE PRESIDENT CYRIL RAMAPHOSA**

**ATT.: HIS EXCELLENCY, THE PRESIDENT OF THE REPUBLIC OF  
SOUTH AFRICA**

**AND TO: MR ROBERT HLONGWANE  
PRIVATE OFFICE OF THE PRESIDENT**

**AND TO: THE MINISTER OF HEALTH**

**ATT.: THE HONOURABLE MINISTER MR JOSEPH PHAALA**

**AND TO: THE NATIONAL TREASURY**

**ATT. THE MINISTER OF FINANCE**

Partners: Stephanus Gabriël Serfontein Proc (SA) • Marthinus Jakobus Viljoen B Proc •  
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VIA EMAIL

Dear Honourable President, Honourable Ministers, and Mr Hlongwane

**RE: LETTER OF DEMAND IN RE: THE NATIONAL HEALTH ACT**

1. We refer to the above matter and reiterate our appearance on behalf of Solidarity. We furthermore refer to the letter sent yesterday, receipt of which was acknowledged.
2. Regrettably, it appears that similar to numerous other appeals to stop the passage of the NHI Bill, our client's repeated attempt yesterday yielded no results. It was widely reported that the Honourable President intends to sign the NHI Bill today at 14:00, and unfortunately, it has indeed now happened.
3. Considering our client's repeated unsuccessful efforts, we don't find it necessary to restate its valid concerns in this letter. However, it seems appropriate to note that the governing party has disregarded substantive and procedural issues raised by industry stakeholders, citizens, and organizations like Solidarity, in favour of pushing through impractical and unconstitutional legislation.
4. Additionally, the Honourable President was quoted as saying, "*The opposition is coming from well-to-do, rich people. This is what often happens. The haves don't want the have-nots to benefit from what they have been having. We are saying, through NHI, all of our people must have equality, there must be*

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*equality*," which is a regrettable statement. This statement demonstrates that the Government has not adequately examined the concerns raised by the many.

5. To dismiss the concerns raised by various parties regarding governance structures, operational efficiency issues related to the NHI Bill, the risk concentration in a single-payer system within an unstable economy plagued by endemic corruption, and other concerns highlighted by the State's legal advisors, is shortsighted, unwise, and ultimately unconstitutional.
6. As previously mentioned, the NHI regime will face constitutional challenges for potentially infringing on the right to access healthcare services, compelling many who currently use private medical care via medical schemes to rely on an inadequate public healthcare system. This also impacts property rights of medical schemes and their administrators, as well as the right to freedom of trade, occupation, and profession.
7. Given that the NHI Bill has now received assent and is set to take effect as stated, we are instructed to take the necessary legal actions to challenge the constitutionality of the NHI Act, if written confirmation of its repeal is not received by the end of business on Thursday, May 23, 2024.
8. If you do not comply with our client's demand above and proceed with implementing the NHI Act, we are instructed to demand that you provide us with assurance, by the close of business on Friday, May 24, 2024, that no

funds will be utilized for the NHI Act's implementation until the outcome of our client's application is determined.

9. Our client's rights remain reserved.


Yours faithfully

**SERFONTEIN, VILJOEN & SWART**

**MR. CN VENTER**

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*[ELECTRONICALLY TRANSMITTED, THEREFORE UNSIGNED]*



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