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20 FEBRUARY 2026

Enquires: Mr R.J Sebelemetsa
Email: rsebelemetsa@justice.gov.za

My Ref: 2202/2024/Z64
Your Ref:

To: Kgosana Attorneys (on behalf of the Minister of Health and Director-General for the National Department of Health)
Email: info@kgosana-attorneys.co.za

And to: State Attorney – P Mokoena (on behalf of Minister of Finance and National Treasury)
Email: phemokoena@justice.gov.za; namukwevho@justice.gov.za

And to: Werksmans (on behalf of BHF)
Email: nkirby@werksmans.com; hmicheal@werksmans.com; bmoti@werksmans.com; sphakathi@werksmans.com

And to: ENS Africa (on behalf of Health Funders' Association)
Email: dband@ensafrica.com

And to: Nortons (on behalf of Hospital Association of South Africa)
Email: anthony@nortonsinc.com; anton@nortonsinc.com; michelle@nortonsinc.com and melissa@nortonsinc.com

And to: Kriek Wassenaar and Venter Inc (on behalf of Sakeliga)
Email: peter@kriekprok.co.za; liam@kriekprok.co.za

And to: Serfontein, Viljoen and Swart (on behalf of Solidarity)
 Email: jd@svslaw.co.za; niekie@svslaw.co.za

And to: Assenmacher Brandt Attorneys (on behalf of South African Medical Association)
 Email: carl@assenmacher.co.za; kayleigh@assenmacher.co.za

And to: Webber Wentzel (on behalf of the South African Private Practitioners Forum)
 Email: martin.versveld@webberwentzel.com

Dear Mesdames/Sirs

RE: MINISTER OF HEALTH'S STAY AND CONSOLIDATION APPLICATION (CASE NO: 2025-125411)

1. We act for the President of the Republic of South Africa ("President").
2. We refer to the letter sent on behalf of the Minister of Health ("Minister") on 19 February 2026, recording the Minister's undertaking not to request the President to promulgate any sections of the National Health Insurance Act, 20 of 2023 ("NHI Act"), pending the Constitutional Court's determination of:
 - 2.1. the matter brought by the Board of Healthcare Funders NPC, with case no. CCT 251/25 (in which our client is cited as the fourth respondent); and
 - 2.2. the Premier of the Western Cape, with case no. CCT 269/25 (in which our client is not cited as a party).

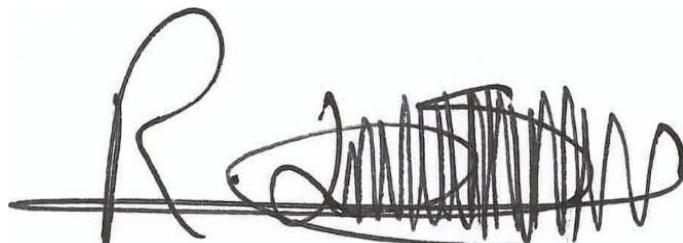
(collectively, "**the public participation challenges**")

3. We have also taken note of the directions of the Constitutional Court of 9 February 2026 wherein: -
 - 3.1. the Constitutional Court removed the Minister's and President's applications for leave to appeal and direct access ("the **Presidential assent challenges**") against the Order and Judgment of Twala J, postponing them *sine die*, until the determination of the public participation challenges, referred to above; and
 - 3.2. the Constitutional Court set down the public participation challenges for hearing from 5 to 7 May 2026, including issuing

directions regarding the filing of further pleadings therein and written submissions.

4. We are instructed to advise that, in order to ensure the orderly procedural conduct of the pending challenges and to avoid parallel proceedings overlapping, the President confirms the undertaking set out below.
5. The President undertakes not to promulgate any provisions of the NHI Act prior to the Constitutional Court handing down judgment in the public participation challenges.
6. We reiterate that this is in line with the undertaking previously given by the President that he would not promulgate or bring into operation any provision of the Act until requested to by Minister. As previously stated, the President does not act in isolation in considering and determining whether to bring legislation into effect or in determining whether to implement the legislation.
7. This decision is, of necessity, influenced, amongst other things, by the readiness of the relevant Department responsible for implementing the legislation. This applies with particular force in respect of legislation with the scope of the NHI Act.
8. Our client's rights remain reserved.

Kind regards,

A handwritten signature in black ink, appearing to read "R.J. Sebelemetsa". The signature is fluid and cursive, with a large, stylized 'R' on the left and 'J' on the right, followed by a more complex, scribbled section.

**MR R.J(JOSEPH) SEBELEMETS
FOR: STATE ATTORNEY (PRETORIA)
(on behalf of the President of the Republic of South Africa)**