



health

Department:
Health
REPUBLIC OF SOUTH AFRICA



MEDIA STATEMENT

To: Editors & Health Journalists
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Health Department notes Court judgement on the Health Act

Pretoria: The Department of Health, has noted the Constitutional Court Judgement handed on Monday, 18 May, which declared that sections 36 to 40 of the National Health Act 61 of 2003 are inconsistent with the Constitution and invalid in that they are irrational and unjustifiably limit the right to choose a trade, occupation or profession freely, and are consequently severed from the Act.

While noting this judgement, it is also important to clarify that the judgement is not a judgement relating to the National Health Insurance (NHI) Act. The sections in question were passed by Parliament 23 years ago and have never been brought into effect. Thus, there is no direct impact of the judgement on the NHI as some within the political and private health sector have rushed to mislead the public on. No section of the NHI has been declared unconstitutional.

The Department will continue with all necessary health system strengthening preparations for the NHI as the mechanism for South Africa to realise universal healthcare coverage. This is in line with the provisions of section 27 of the Constitution which guarantees everyone the right to access healthcare services, including reproductive healthcare.

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