

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

Case No: 72513/2017

In the matter between:-

MINISTER OF SOCIAL DEVELOPMENT Applicant

and

CENTRE FOR CHILD LAW First Respondent

In Re:

Case No: 72513/2017

CENTRE FOR CHILD LAW Applicant

and

MINISTER OF SOCIAL DEVELOPMENT First Respondent

THE SOUTH AFRICAN SOCIAL SECURITY AGENCY Second Respondent

**MEC FOR SOCIAL DEVELOPMENT AND WELFARE,
LIMPOPO** Third Respondent

MEC FOR SOCIAL DEVELOPMENT, MPUMALANGA Fourth Respondent

MEC FOR SOCIAL DEVELOPMENT, GAUTENG Fifth Respondent

MEC FOR SOCIAL DEVELOPMENT, NORTH WEST Sixth Respondent

MEC FOR SOCIAL DEVELOPMENT, FREE STATE Seventh Respondent

MEC FOR SOCIAL DEVELOPMENT, NORTHERN CAPE Eight Respondent

MEC FOR SOCIAL DEVELOPMENT, KWAZULU-NATAL Ninth Respondent

MEC FOR SOCIAL DEVELOPMENT, EASTERN CAPE Tenth Respondent

MEC FOR SOCIAL DEVELOPMENT, WESTERN CAPE Eleventh Respondent

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Twelfth Respondent

PREMIER OF LIMPOPO PROVINCE Thirteenth Respondent

PREMIER OF MPUMALANGA PROVINCE Fourteenth Respondent

PREMIER OF GAUTENG PROVINCE Fifteenth Respondent

PREMIER OF NORTH WEST PROVINCE	Sixteenth Respondent
PREMIER OF FREE STATE PROVINCE	Seventeenth Respondent
PREMIER OF NORTHERN CAPE PROVINCE	Eighteenth Respondent
PREMIER OF EASTERN CAPE PROVINCE	Nineteenth Respondent
PREMIER OF KWAZULU-NATAL PROVINCE	Twentieth Respondent
PREMIER OF WESTERN CAPE PROVINCE	Twenty-First Respondent

FILING SHEET

DOCUMENTS:

COURT ORDER: 26 NOVEMBER 2019

FILED BY:

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TO:

**THE REGISTRAR OF THE COURT
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AND TO:

**FIRST RESPONDENT'S ATTORNEYS
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AND TO: **PREMIER OF WESTERN CAPE PROVINCE**
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Service by way of email

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case No: 72513/2017

[Handwritten signature and date: 26/11/2019]

Before the Honourable Mokose J
26 November 2019

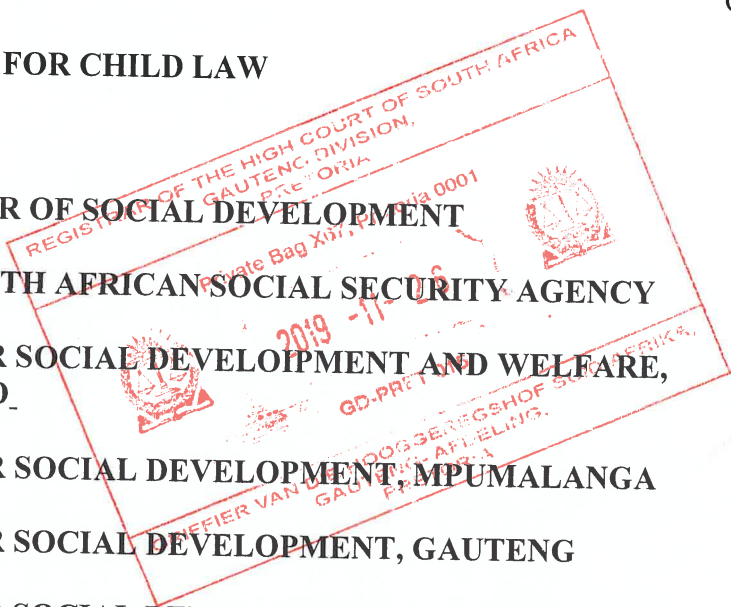
In the matter between:-

MINISTER OF SOCIAL DEVELOPMENT Applicant
and
CENTRE FOR CHILD LAW Respondent

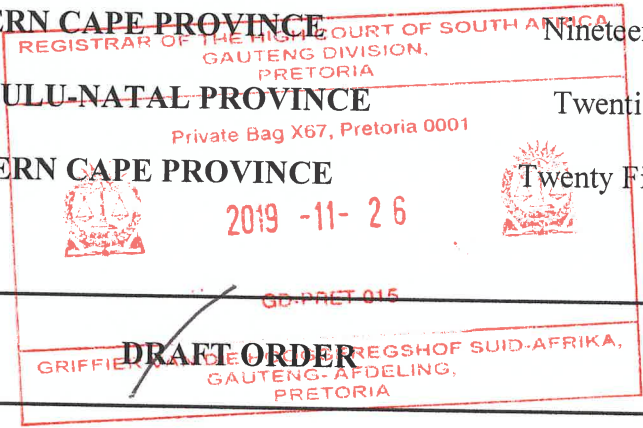
In Re:

Case No: 72513/2017

CENTRE FOR CHILD LAW Applicant
and
MINISTER OF SOCIAL DEVELOPMENT First Respondent
THE SOUTH AFRICAN SOCIAL SECURITY AGENCY Second Respondent
MEC FOR SOCIAL DEVELOPMENT AND WELFARE, LIMPOPO Third Respondent
MEC FOR SOCIAL DEVELOPMENT, MPUMALANGA Fourth Respondent
MEC FOR SOCIAL DEVELOPMENT, GAUTENG Fifth Respondent
MEC FOR SOCIAL DEVELOPMENT, NORTH WEST Sixth Respondent
MEC FOR SOCIAL DEVELOPMENT, FREE STATE Seventh Respondent
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MEC FOR SOCIAL DEVELOPMENT, KWAZULU-NATAL Ninth Respondent
MEC FOR SOCIAL DEVELOPMENT, EASTERN CAPE Tenth Respondent
MEC FOR SOCIAL DEVELOPMENT, WESTERN CAPE Eleventh Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA Twelfth Respondent



PREMIER OF LIMPOPO PROVINCE	Thirteenth Respondent
PREMIER OF MPUMALANGA PROVINCE	Fourteenth Respondent
PREMIER OF GAUTENG PROVINCE	Fifteenth Respondent
PREMIER OF NORTH WEST PROVINCE	Sixteenth Respondent
PREMIER OF FREE STATE PROVINCE	Seventeenth Respondent
PREMIER OF NORTHERN CAPE PROVINCE	Eighteenth Respondent
PREMIER OF EASTERN CAPE PROVINCE	Nineteenth Respondent
PREMIER OF KWAZULU-NATAL PROVINCE	Twentieth Respondent
PREMIER OF WESTERN CAPE PROVINCE	Twenty First Respondent



Having heard counsel and having read the documents filed on record, it is ordered that ~~that~~ by agreement between the parties:

1. The forms and service provided for in the rules of this Court are dispensed with and the matter is enrolled and disposed off as one of urgency in terms of rule 6(12) of the Uniform Rules of Court.

2. The terms of the court order handed down by the Honourable Mr. Justice JW Louw in the above Honourable Court under case number 72513/2017 on 28 November 2017 (“the 2017 Order”) are hereby varied in the following terms:
 - 2.1 extending the period of suspension in respect of the declaration of invalidity stated in clause 3 of the 2017 Order by a further period of 12 (twelve) months;
 - 2.2 that during the further period of suspension:

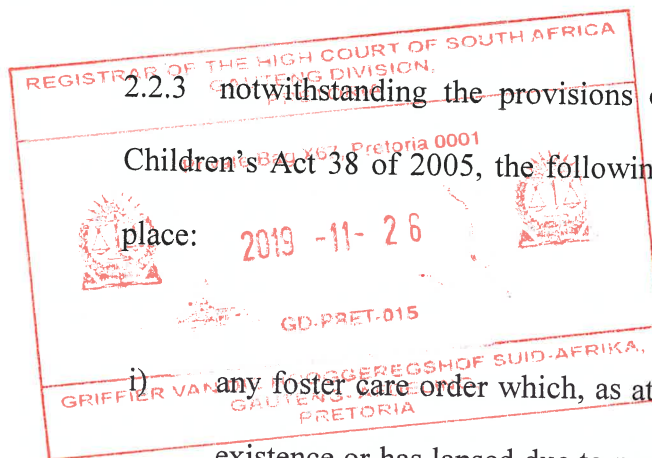
2.2.1 the Applicant is to request Parliament to expedite the process for the consideration and tabling of amendments to the Children's Act, 2005 as contemplated in clause 4 of the 2017 Order;

2.2.2 the Applicant is directed to report to the High Court and the respondent on any challenges experienced in implementing paragraph 2.2.1;

2.2.3 notwithstanding the provisions of section 159(1)(a) of the Children's Act 38 of 2005, the following interim regime will be in place:

i) any foster care order which, as at the date of this order, is in existence or has lapsed due to non-extension thereof, shall be deemed to have been extended and shall be valid for a period of twelve (12) months from the date of this order or until the end of the year on which the child subject to such foster care order turns 18 years old in terms of regulation 28(3)(d) of the regulations of the Social Assistance Act 13 of 2004, whichever occurs first;

ii) notwithstanding the terms of this order, nothing shall prevent a Children's Court during the existence of this order and/or after it has lapsed, from hearing a matter and making an



appropriate order in terms of the Children's Act regarding any foster care application falling within the ambit of this order, which may include the powers of such court in section 48(1)(b) of the Children's Act.

3. The second respondent is directed to effect or continue to effect payments of all foster care orders referred to in this order until the date such order lapses as referred to above.

4. The Applicant, the third to the eleventh and the thirteenth to twentieth first respondents are directed, at three-monthly intervals from the date of this order until it lapses:

4.1 to deliver progress reports to the Respondent and file such reports with this Court;

4.2 to include in such report referred to in 4.1 above, progress made in implementing the provisions of paragraph 4 of the 2017 Order, and any difficulties experienced in relation to the interim regime dealt with in paragraph 2.2.2 above.

5. The Applicant is directed to publish a copy of this Order in the Government Gazette.

6. Each party shall bear its own costs

By Order

Registrar

