

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

Case Number: 2820/2021

ON 2 FEBRUARY 2021

BEFORE THE HONOURABLE JUSTICE _____

In the matter between:

DR GEORGE COETZEE First Applicant**GIDEON SAMSON GUMEDE** Second Applicant**GEELBOOI MOTSIPA** Third Applicant**AFRIFORUM NON-PROFIT COMPANY** Fourth Applicant

and

**SOUTH AFRICAN HEALTH PRODUCTS
REGULATORY AUTHORITY ("SAHPRA")** First Respondent**MINISTER OF HEALTH: DR ZWELI
LAWRENCE MKHIZE** Second Respondent**ACTING DIRECTOR-GENERAL OF THE
DEPARTMENT OF HEALTH: DR SABELO
SIYABONGA BUTHELEZI** Third Respondent**MEMBER OF THE EXECUTIVE COUNSEL FOR
HEALTH: GAUTENG PROVINCE** Fourth Respondent

DRAFT ORDER

Having read the documents filed of record, and having considered the matter the following order is made by agreement between the parties:

1. In terms of the Notice entitled 'Ivermectin Controlled Compassionate Use Programme Guideline' ("the Programme") issued by SAHPRA on 28 January 2021, a copy of which is annexed hereto marked "A", it is declared that in terms of the Programme:
 - 1.1 Ivermectin will be made available in terms of section 21 of the Medicines and Related Substances Control Act 101 of 1965;
 - 1.2 Any person, including the second and third applicants, is eligible for access to Ivermectin in terms of the Programme;
 - 1.3 The first applicant, and any registered medical practitioner in his position, are entitled to apply for access to Ivermectin on the terms and conditions, including the reporting obligations, specified in the Programme; and
 - 1.4 Where urgent access to Ivermectin is required, in the clinical judgment of the first applicant or any attending medical practitioner, and access is available to bulk stock held by an authorised health facility, treatment may be initiated at the same time as an application for the individual, named patient is submitted to SAHPRA, subject to SAHPRA's rights in this regard and the requirements of the Programme.
- 2 Prayer 9 of the application is postponed for re-enrolment in due course, as an opposed motion and in this respect:

- 2.1 The applicants shall file a supplementary affidavit recording new relevant facts by Friday 5 February 2021;
- 2.2 The respondents shall file their answering affidavit by Friday 12 February 2021;
- 2.3 The applicants shall file their replying affidavit by Friday 19 February 2021;
- 2.4 The parties will thereafter follow the practice directives as far as the index, pagination and heads of argument are concerned, and accordingly the set down of this matter;
- 3 Costs as between the Applicants and the First Respondent are reserved.
- 4 The Second Respondent abides by the decision of the Court with regard to prayer 9 of the notice motion as referred to in paragraph 2 above.
- 5 The Applicants and the Second and Third Respondent seek no order for costs against one another.

BY ORDER

REGISTRAR