



SADA

THE SOUTH AFRICAN
DENTAL ASSOCIATION

MEDIA STATEMENT

FOR IMMEDIATE RELEASE

SOUTH AFRICAN DENTAL ASSOCIATION (SADA) WELCOMES CONSTITUTIONAL COURT JUDGMENT STRIKING DOWN “CERTIFICATE OF NEED”

Johannesburg, South Africa, 21 May 2026

The South African Dental Association (SADA) welcomes the landmark judgment of the Constitutional Court of South Africa declaring sections 36 to 40 of the National Health Act unconstitutional and invalid, thereby setting aside the controversial “Certificate of Need” provisions.

This judgment represents a significant victory for constitutional governance, professional independence and the protection of patient choice within South Africa’s healthcare system.

From the very beginning, SADA has consistently opposed the Certificate of Need framework and has repeatedly raised concerns regarding its constitutionality, practicality and potential impact on healthcare delivery, including oral healthcare services.

SADA formally communicated its opposition to the National Department of Health and further articulated these concerns during its presentation on the National Health Insurance (NHI) to the Portfolio Committee on Health.

The Association also formally supported opposition to the Certificate of Need through collaborative healthcare structures, including the South African Healthcare Practitioners Collaboration and related healthcare sector engagements opposing the legislation.

The Constitutional Court found that the impugned provisions granted excessive powers to the Director-General of Health and unjustifiably infringed upon several constitutional rights. Importantly, the Court declined to refer the provisions back for correction and instead removed them entirely from the legislative framework.

SADA believes the judgment provides important constitutional clarity that government cannot introduce quasi-legislative mechanisms through the back door to control where healthcare practitioners may establish, operate or continue their professional practices.

“SADA has always supported the objective of improving equitable access to healthcare services across South Africa. However, this must be achieved through collaborative policy development, infrastructure investment and sustainable healthcare planning — not through unconstitutional restrictions on healthcare professionals and practices,” said KC Makhubele, Chief Executive Officer of SADA.

While the National Department of Health has stated that the ruling does not directly affect the NHI Act, SADA notes that the judgment reinforces broader constitutional principles currently under consideration in ongoing legal challenges relating to the NHI framework.

These include concerns regarding:

- excessive concentration of regulatory power;
- limitations on professional and business freedoms;
- restrictions on patient choice; and
- the potential impact on access to quality healthcare services.

SADA remains committed to constructive engagement with government, Parliament and healthcare stakeholders to support healthcare reforms that are constitutional, practical, sustainable and centred on patient care.

The Association further reiterates that South Africa's healthcare future must be built on partnership, evidence-based policymaking and respect for constitutional rights while ensuring improved access to quality oral healthcare services for all South Africans.

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Editor information:

About SADA:

The South African Dental Association (SADA) is the peak national body for the dental profession in South Africa representing the large majority of active registered dentists, both in the public and private sectors in South Africa. It is a non-profit professional association with a voluntary membership organisation represented by a total of 11 branches, one in every province of the Republic of South Africa, with Gauteng and Eastern Cape provinces having two branches each. The Association represents the interests of both the oral health profession and its members in South Africa.

The Association is committed and engaged in processes relating to setting industry standards and formulating policies. Learn more about SADA at <https://www.sada.co.za>

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