

**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

Case No: 12420/13

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d
X
Baartman
14.11.16

**Before the Honourable Ms Justice Baartman
and the Honourable Ms Justice Steyn**

At Cape Town on 14 November 2016

In the matter between:

**THE RECOGNITION OF LIFE LONG LEARNING
IN PSYCHOLOGY ACTION GROUP**

JUSTICE ALLIANCE OF SOUTH AFRICA

and



First Applicant

Second Applicant

PROFESSOR THOLENE SODI N.O.

First Respondent

PROFESSIONAL BOARD FOR PSYCHOLOGY

Second Respondent

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

Third Respondent

MINISTER OF HEALTH

Fourth Respondent

BOARD OF HEALTHCARE FUNDERS OF SOUTHERN AFRICA

Fifth Respondent

and

RURAL HEALTH ADVOCACY PROJECT

First *amicus curiae*

CLINICAL PSYCHOLOGY FORUM

Second *amicus curiae*

**EDUCATIONAL PSYCHOLOGY ASSOCIATION
OF SOUTH AFRICA**

Third *amicus curiae*



By agreement between the applicants and the first to fourth respondents, it is ordered that:

1. Part A of the application, including the question of costs in relation to Part A, is postponed *sine die*.
2. The application for condonation is granted in Part B.
3. The Regulations Defining the Scope of the Profession of Psychology (published GNR 704 in GG 34581 of 2 September 2011) ("the Regulations") are declared invalid.
4. The fourth respondent's decision to promulgate the Regulations is remitted for reconsideration.
5. The order of invalidity, referred to in paragraph 3 above, is suspended for a period of 24 months.
6. During the period of suspension, the first to third respondents shall consider, in each case of pending disciplinary proceedings against a practitioner for acting outside the scope of his or her registered scope of practice, postponing disciplinary proceedings pending the promulgation of new regulations by the fourth respondent.
7. The parties record that their agreement in relation to paragraph 6 above is without prejudice to their respective contentions in relation to Part A.

8. Each party shall pay its own costs occasioned by the postponement ordered on 22 August 2016.
9. The third and fourth respondents shall pay the applicants' costs in relation to Part B of the application, including the costs of the striking out application, jointly and severally, the one paying the other to be absolved.
10. The third respondent shall pay the applicants' costs in relation to the applicants' application in terms of uniform rule 6(5)(e) and to strike out, dated 25 October 2016, up to 1 November 2016, being the date of delivery of the confirmatory affidavit of Prof B Pillay, dated 26 September 2016.
11. All costs orders shall include the costs of two counsel.
12. A copy of this order shall be served by the applicants' attorneys on the fifth respondent and on the Council for Medical Schemes.

17 A Batchelor & Assoc.
CAPE TOWN

/avz



BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to be 'J. Booye', written over a horizontal line.

COURT REGISTRAR