



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 48/13

In the matter between:

**ALLPAY CONSOLIDATED INVESTMENT
HOLDINGS (PTY) LIMITED**

First Applicant

ALLPAY FREE STATE (PTY) LIMITED

Second Applicant

ALLPAY WESTERN CAPE (PTY) LIMITED

Third Applicant

ALLPAY GAUTENG (PTY) LIMITED

Fourth Applicant

ALLPAY EASTERN CAPE (PTY) LIMITED

Fifth Applicant

ALLPAY KWAZULU NATAL (PTY) LIMITED

Sixth Applicant

ALLPAY MPUMALANGA (PTY) LIMITED

Seventh Applicant

ALLPAY LIMPOPO (PTY) LIMITED

Eighth Applicant

ALLPAY NORTH WEST (PTY) LIMITED

Ninth Applicant

ALLPAY NORTHERN CAPE (PTY) LIMITED

Tenth Applicant

MICAWBER 851 (PTY) LIMITED

Eleventh Applicant

MICAWBER 852 (PTY) LIMITED

Twelfth Applicant

MICAWBER 853 (PTY) LIMITED

Thirteenth Applicant

MICAWBER 854 (PTY) LIMITED

Fourteenth Applicant

and

**THE CHIEF EXECUTIVE OFFICER OF THE
SOUTH AFRICAN SOCIAL SECURITY AGENCY**

First Respondent

**THE SOUTH AFRICAN SOCIAL SECURITY
AGENCY**

Second Respondent

CASH PAYMASTER SERVICES (PTY) LIMITED	Third Respondent
EZIDLUBHEDU INVESTMENT HOLDINGS (PTY) LIMITED	Fourth Respondent
FLASH SAVINGS AND CREDIT COOPERATIVE	Fifth Respondent
ENLIGHTENED SECURITY FORCE (PTY) LIMITED	Sixth Respondent
MOBA COMM (PTY) LIMITED	Seventh Respondent
EMPILWENI PAYOUT SERVICES (PTY) LIMITED	Eighth Respondent
PENSION MANAGEMENT (PTY) LIMITED	Ninth Respondent
MASINGITA FINANCIAL SERVICES (PTY) LIMITED	Tenth Respondent
THE SOUTH AFRICAN POST OFFICE	Eleventh Respondent
ROMAN PROTECTION SOLUTIONS CC	Twelfth Respondent
UBANK LIMITED AFRICAN RENAISSANCE INVESTMENT	Thirteenth Respondent
MANAGEMENT (PTY) LIMITED	Fourteenth Respondent
STANDARD BANK GROUP LIMITED	Fifteenth Respondent
NEW SOLUTIONS (PTY) LIMITED	Sixteenth Respondent
ITHALA LIMITED	Seventeenth Respondent
KTS TECHNOLOGY SOLUTIONS CONSORTIUM	Eighteenth Respondent
THE SOUTH AFRICAN RESERVE BANK	Nineteenth Respondent
THE PAYMENT ASSOCIATION OF SOUTH AFRICA	Twentieth Respondent

DIRECTIONS DATED 8 MARCH 2017

In light of the First and Second Respondents' follow-up report filed on 3 March 2017 and the South African Social Security Agency's (SASSA) preparedness to provide any further information, supporting documentation or elaboration in relation to the report, the Chief Justice has issued the following directions:

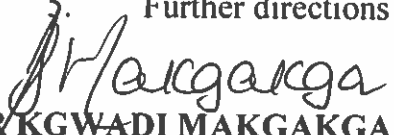
1. In view of the fact that this Court's order of 25 November 2015, discharging its supervisory jurisdiction, was based on SASSA's decision not to award a new contract and on SASSA's progress report of 5 November 2015 setting out the information relating to its own ability to assume paying the grants at the end of March 2017, the following information is required:
 - (a) Who was the person responsible for determining on behalf of SASSA whether SASSA itself would not be able to pay the grants by end of March 2017?
 - (b) The date when the responsible person on behalf of SASSA first became aware that it would not be able to pay the grants itself by end March 2017;
 - (c) The exact dates when the responsible person on behalf of SASSA became aware that the respective time frames set out in paragraph 13 of its progress report to the Court could not be fulfilled;
 - (d) The reason why this Court was not immediately informed of this fact and who made the decision that it was not necessary to do so;
 - (e) Whether the Minister was informed that SASSA would not be able to pay the grants itself by end of March 2017 and, if so, when this happened.
2. In relation to the legal opinion attached to the follow-up report and SASSA's assertion that it has taken steps to act on the advice contained in it, as well as SASSA's intended course of action, the following information is required:
 - (a) Has SASSA entered into any agreement with Cash Paymaster Services (Pty) Limited (CPS) in relation to the payment of grants from 1 April 2017?
 - (b) If so, full details of the agreement are required. If in writing, a copy is required;

- (c) Is it SASSA's contention that this agreement is lawful and in compliance with the procurement requirements of the Constitution and applicable legislation? Full details are required of the steps taken in compliance with applicable procurement legislation.
 - (d) Full details are required of the steps taken, or envisaged, to run a competitive bidding process again to have a new contractor or contractors appointed for the payment of grants, and the exact timeframe within which this will occur.
 - (e) Full details are required of the steps to be taken to ensure that SASSA itself will become capable of administering and paying the grants in future, and the exact timeframe within which this will occur.
3. In view of the Minister's and SASSA's acceptance of responsibility for delays in identifying and redressing deficiencies in the plan since the last report to the Court on 5 November 2015 to date, the following information is required:
- (a) Do SASSA and/or the Minister have any objection to independent monitoring of any agreement SASSA may have entered into with CPS for the payment of grants from 1 April 2017?
 - (b) If so, the content and nature of the objections must be set out;
 - (c) Do SASSA and/or the Minister have any objection to independent monitoring of the steps taken or envisaged to run, again, a competitive bidding process to have a new contractor or contractors appointed for the payment of grants?
 - (d) If so, the content and nature of the objections must be set out;
 - (e) Do SASSA and/or the Minister have any objection to independent monitoring of the steps to be taken to ensure that SASSA itself will become capable of administering and paying the grants in future?
 - (f) If so, the content and nature of the objections must be set out;
 - (g) If SASSA and/or the Minister do not have objections to independent monitoring in relation to any or all of these

processes, they are invited to propose practical measures as to how and by whom the independent monitoring may be done.

4. The information in 1-3 above must be submitted with accompanying affidavits by no later than 16h00 Monday 13 March 2017.

5. Further directions may be issued.


MR KGWADI MAKGAKGA
REGISTRAR
CONSTITUTIONAL COURT



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