



CONSTITUTIONAL COURT OF SOUTH AFRICA

The Black Sash Trust v Minister for Social Development and Others

CCT 48/17

Date of hearing: 15 March 2017

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

On 15 March 2017 at 10h00 the Constitutional Court will hear an urgent application for direct access brought by The Black Sash Trust (Black Sash). Black Sash, a non-profit organisation, is involved in the protection of poor, vulnerable and marginalized people who are recipients of social grants.

In 2012 the South African Social Assistance Agency (SASSA) contracted with Cash Paymaster Services (Pty) Limited (CPS) to pay social grants on its behalf. This contract was declared invalid by this Court. The order of invalidity was suspended and the Court retained supervisory jurisdiction over the matter.

On 5 November 2015 SASSA filed a report in this Court, stating that it would not award a new contract, but intended to take over the payment function of social grants from 1 April 2017 when the suspension of invalidity would lapse. On this basis, the Court discharged its supervisory jurisdiction. It became apparent that SASSA was not in fact in a position to take over the payment function from CPS on 1 April 2017, and would instead have to enter into a further contract with CPS to ensure that over 17 million beneficiaries would be able to continue receiving social grants.

Black Sash brings its application in the public interest and in the interests of all grant beneficiaries to seek reinstatement of the oversight role of this Court for the payment of social grants. It brings its application to ensure that SASSA complies with its

constitutional obligations to provide social assistance in a lawful manner that is in line with constitutional rights and values.

Freedom Under Law (FUL) lodged an application for leave to intervene as second applicant. This application will be heard simultaneously with that of Black Sash. FUL contends that it ought to be granted leave to intervene because it is a public-interest organisation actively involved in the promotion of democracy and advancement of respect for the rule of law. It seeks to make submissions and obtain relief aimed at further disciplining the process of the proposed interim contractual arrangement between CPS, the Minister and SASSA.

CPS does not oppose the relief sought by Black Sash and FUL. It supports the reinstatement of the oversight role of this Court and foresees no problems with the reporting mechanisms that Black Sash is pursuing. Furthermore, CPS accepts that it is under a duty to act reasonably and with due regard to its constitutional obligations in negotiating and contracting with SASSA. The Minister and SASSA also do not oppose the relief sought by Black Sash, but they oppose certain aspects of the relief sought by FUL.

Corruption Watch and the South African Post Office have filed applications to be admitted as *amici* (friends of the Court).