

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

CASE NO: 2026 - 047152

Before the Honourable Judge Van Der Westhuizen J
On ____ May 2026

In the matter between:

SAKELIGA NPC	First Applicant
SUIDER-AFRIKA AGRI INISIATIEF NPC	Second Applicant
FREE STATE AGRICULTURE	Third Applicant
and	
MINISTER OF AGRICULTURE	First Respondent
DIRECTOR-GENERAL DEPARTMENT OF AGRICULTURE	Second Respondent
DIRECTOR OF THE DIRECTORATE OF ANIMAL HEALTH OF THE DEPARTMENT OF AGRICULTURE	Third Respondent
MINISTER OF HEALTH	Fourth Respondent
SOUTH AFRICAN HEALTH PRODUCTS REGULATORY AUTHORITY	Fifth Respondent
DESIGN BIOLOGIX CC	Sixth Respondent
DUNEVAX BIOTECH (PTY) LTD	Seventh Respondent
AGRICULTURAL RESEARCH COUNCIL	Eighth Respondent
ONDERSTEPSOORT BIOLOGICAL PRODUCTS SOC LTD	Ninth Respondent
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Tenth Respondent
HEAD OF NATIONAL DISASTER MANAGEMENT CENTRE	Eleventh Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH	Twelfth Respondent

AFRICA

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be ____ May 2026.

DRAFT ORDER

HAVING heard counsel for the parties, having read the papers filed and having considered the matter, it is ordered:

1. Pending the finalisation of proceedings for declaratory relief to the effect that there is no impediment against owners/managers of livestock administering the Foot and Mouth Disease ("FMD") vaccine to their animals, and/or that there is no such impediment outside control areas and/or in respect of certain species of livestock and/or declaring that the First Respondent had unlawfully interfered in the relationship between Design Biologics CC and Biogenesis Bago and/or proceedings reviewing and setting aside any legal impediment that may exist (or may be created) to livestock owners/managers administering vaccine to their livestock and/or to review and set aside the decision of the First to Third Respondents to interfere in the commercial relationship between Design Biologics CC and Biogenesis Bago:
 - 1.1 Owners and managers of cloven-hooved livestock shall (until any regulations or control measures are issued in the future that directly amend the terms hereof) be allowed to procure and administer lawfully imported or lawfully manufactured FMD vaccines to their livestock, under the following conditions: -

- 1.1.1 At least 5 days before administering the vaccine, notify the Provincial Director: Veterinary Services or the State Veterinarian responsible for the area concerned in writing, with the following particulars contained in such notification:
 - 1.1.2 The intended location and period of the vaccination;
 - 1.1.3 The number of animals involved, including species, breed, gender and age;
 - 1.1.4 The full particulars of the person/s intending to perform the vaccination, including their full names, ID number/s, addresses and phone numbers;
 - 1.1.5 If the vaccination in question is a first administration, or a booster shot;
 - 1.1.6 The methods proposed to adhere to keeping the cold chain.
- 1.2 Such notification shall be no guarantee in relation to the supply of FMD vaccine and does not necessarily entitle any owner or manager to vaccine supply from the state, although the state may at its election avail same to such an owner or manager.
- 1.3 Nothing in this order detracts from the State's ability to act with the vaccine that it has procured or will procure in the future. The State shall continue to allocate all FMD vaccine that it acquires in accordance with its strategies and priorities in its discretion.

1.4 The owners/managers of cloven hooved livestock shall after prior notification that they intend to administer FMD vaccines and within 14 days after they have administered same, present a sworn statement to the State Veterinarian for the area or the Provincial Director: Veterinary Services detailing compliance with Regulations 17(1)(c) and 18 of the Animal Diseases Regulations (and any possible amendments thereto), and without derogating from those, including written proof after administering FMD vaccine to livestock. Such affidavit shall deal with the following:

1.4.1 Full names, identity number, email address and cell phone number of the responsible owner/manager that administered the vaccine;

1.4.2 Full particulars in relation to how the cold chain was strictly preserved by the owner/manager from dispatch until vaccination in compliance with the directives of the particular vaccine brand and the temperature at which same was kept;

1.4.3 Details of the method of vaccination, which must correlate with instructions for particular FMD vaccine.

1.4.4 The date and dosage of vaccination;

1.4.5 The brand of vaccine used;

1.4.6 Type and breed of livestock;

1.4.7 Gender of the animal;

- 1.4.8 Age of animal; and
- 1.4.9 Full particulars pertaining to the individual animal pertaining to identification marks, brands and ear tags or any other means of identification.
- 1.5 It is recorded that nothing in this order detracts from or amends the current measures in place pertaining to the movement of livestock and reporting of suspected incidents of FMD;
- 1.6 Without making any finding in respect of alleged wrongdoing at this stage, the First to Third Respondents shall not interfere in relation to commercial relations of those who lawfully import FMD vaccines into the Republic of South Africa and international suppliers.
- 1.7 This order herein only relates to FMD vaccines lawfully manufactured or lawfully imported into the Republic of South Africa. Owners/managers of cloven-hooved livestock may procure from lawful importers, manufacturers or their lawful agents, subject to the terms hereof and continued compliance with the terms hereof and any other regulation or control measure that may be enacted and may find application. The State may avail FMD vaccine to the private sector for private administration in accordance with the terms herein, but is not obliged to do so.
- 1.8 It is recorded that nothing in this agreement constitutes permission to manufacture or import FMD vaccines, nor does it create or confer any right *per se* on any person or entity to obtain approval for such manufacture or importation.

- 1.9 Nothing in this order deprives any owner/manager of livestock from seeking assistance from the state or a private veterinarian, at their election, through the applicable channels and protocols, as may be in place from time to time.
2. The envisaged proceedings for final relief will be instituted within 20 days from date of this order.
3. The First, Second and Third Respondents are ordered to pay the costs of the application on a party and party scale, including costs of two counsel on scale C, where so employed. The costs shall include the costs of mediation, as agreed upon between the parties.
4. No order as to costs regarding the Eighth- and Ninth respondents.

BY ORDER

REGISTRAR