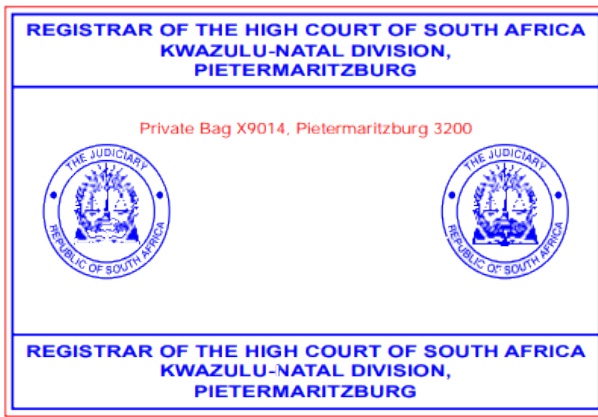


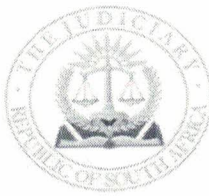
IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

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BY:

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**



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IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO: 2025-067855

ON THE 23rd DAY OF JUNE 2026
BEFORE THE HONOURABLE ACTING JUDGE MARION
In the matter between:

FRIENDS OF SOUTH AFRICA EARLY
CHILDHOOD DEVELOPMENT FORUM

FIRST APPLICANT

KWAZULU-NATAL EARLY CHILDHOOD
DEVELOPMENT ALLIANCE

SECOND APPLICANT

SAKHOKWETHU CRÈCHE

THIRD APPLICANT

PHUMELELA CRÈCHE

FOURTH APPLICANT

ZENZELENI CRÈCHE

FIFTH APPLICANT

AND

MEC FOR EDUCATION: KWAZULU-NATAL

FIRST RESPONDENT

HEAD OF DEPARTMENT, KWAZULU-NATAL
DEPARTMENT OF EDUCATION

SECOND RESPONDENT

DIRECTOR OF EARLY CHILDHOOD
DEVELOPMENT, KWAZULU-NATAL DEPARTMENT
OF EDUCATION

THIRD RESPONDENT

MINISTER OF BASIC EDUCATION

FOURTH RESPONDENT

MINISTER OF FINANCE

FIFTH RESPONDENT

MEC FOR FINANCE: KWAZULU-NATAL

SIXTH RESPONDENT

MINISTER OF SOCIAL DEVELOPMENT

SEVENTH RESPONDENT

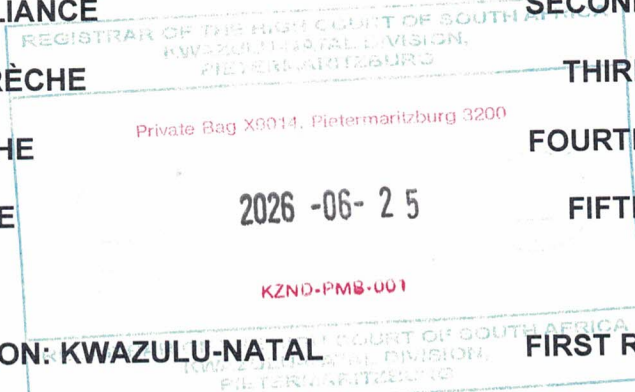
MINISTER OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS

EIGHTH RESPONDENT

AND

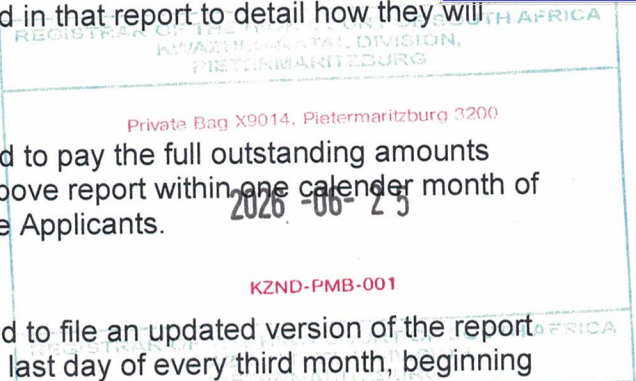
EQUALITY COLLECTIVE NPC

AMICUS CURIAE



IT IS ORDERED, THAT:

- 1 It is declared and recognised that all children have a right to early childhood development.
- 2 It is declared that the first to third respondents' irregular and inconsistent payment of ECD subsidies to qualifying ECD centres in KwaZulu-Natal and as identified in this application is unlawful, unconstitutional and invalid insofar as such conduct infringes the right to early childhood development of children.
- 3 The first to third respondents are directed to file a searchable report, within one month of the date of serving this court order, under oath, of the names and addresses of all ECD centres in KZN that are recipients of the conditional grant or equitable share subsidies, setting out the total subsidy amounts that are outstanding in respect of each centre and in that report to detail how they will remediate such non-payment.
- 4 The first to third respondents are directed to pay the full outstanding amounts owed to each ECD centre listed in the above report within one calendar month of delivering the report to this Court and the Applicants.
- 5 The first to third respondents are directed to file an updated version of the report referred to in prayer 3 above, before the last day of every third month, beginning 31 October 2026 until all payments are up to date and the order is fully complied with.
- 6 The applicants are granted leave to deliver an affidavit in answer to the reports, within 30 days of receiving the report, and before the last day of every subsequent month, and may thereafter set the matter down for further, other or alternative relief, as supported by their affidavits and this application.
- 7 The first to third respondents are directed to comply with section 38(1)(j) of the Public Finance Management Act 1 of 1999 and ensure that, within three months of the date of service of this court order, a signed Transfer of Payment agreement is concluded with each of the qualifying ECD centres that are recipients of the conditional grant or equitable share subsidies, and that each agreement clearly sets out the terms and timeframes for the payment of the subsidy in respect of each ECD centre.
- 8 The first to third respondents are directed to pay the costs of the application, including the costs of two counsel where so employed, each on scale C, such costs to be paid jointly and severally amongst them



M BHYAT


B P ENOCH
REGISTRAR

B ENOCH
24/06/2026

