

EXTRAORDINARY



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[No. 1759.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

836.]

[7th June, 1967.

is hereby notified that the State President has assented to the following Acts which are hereby published for general information:—

PAGE

70 of 1967: Forest Amendment Act, 1967

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No. 836.]

[7 Junie 1967.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

BLADSY

No. 70 van 1967: Boswysingswet 1967

No. 70, 1967.]

ACT

To amend the Forest Act, 1941, so as to authorize the State President to provide that inspections may be carried out by any person designated thereto by the Minister of Forestry, and to prescribe or specify certain conditions with reference to the sale of certain forest produce; to increase the penalties; and to substitute certain terms.

(English text signed by the State President.)
(Assented to 27th May, 1967.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 12 of
Act 13 of 1941.

1. Section 12 of the Forest Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (2) for all the words preceding paragraph (a) of the following words:

“(2) Any such proclamation may provide for the inspection of any such trees, timber or forest produce by any officer of the department or any other person designated for the purpose by the Minister, and may—”; and

(b) by the insertion after subsection (2) of the following subsection:

“(2A) The conditions prescribed or specified in any such proclamation may include any conditions to the effect that any such timber and the grades, standards of quality and packing or marking of any such timber shall be as prescribed by the South African Bureau of Standards established by section 4 of the Standards Act, 1962 (Act No. 33 of 1962), and that each piece of such timber shall be marked in such a manner as to indicate conformity with the relevant specification of the said Bureau.”.

Amendment of
section 15 of
Act 13 of 1941,
as amended by
section 3 of
Act 10 of 1948.

2. Section 15 of the principal Act is hereby amended by the substitution for the words “fifty pounds” and “six months” of the words “one thousand rand” and “two years”, respectively.

Amendment of
section 28 of
Act 13 of 1941.

3. Section 28 of the principal Act is hereby amended by the substitution for the words “twenty pounds” and “two months” of the words “one hundred rand” and “six months”, respectively.

Substitution of
“Governor-
General”,
“Union”,
“Crown” and
“Crown forest” in
Act 13 of 1941.

4. The principal Act is hereby amended by the substitution for the word “Governor-General” wherever it occurs of the words “State President”, for the word “Union” wherever it occurs of the word “Republic”, for the word “Crown” wherever it occurs of the word “State” and for the words “Crown forest” wherever they occur of the words “State forest”.

Short title.

5. This Act shall be called the Forest Amendment Act, 1967.

No. 70, 1967.]

WET

Tot wysiging van die Boswet, 1941, om die Staatspresident te magtig om daarvoor voorsiening te maak dat inspeksies uitgevoer kan word deur enige persoon wat die Minister van Bosbou daartoe aanwys, en om sekere voorwaardes met betrekking tot die verkoop van sekere bosprodukte voor te skryf of te spesifiseer; om die strawwe te verhoog; en om sekere terme te vervang.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Mei 1967.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 12 van die Boswet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 12 van
Wet 13 van 1941.

 - (a) deur in subartikel (2) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
„(2) So 'n proklamasie kan voorsiening maak vir die inspeksie van bedoelde bome, timmerhout of bosprodukte deur 'n beampte van die departement of enige ander persoon wat vir die doel deur die Minister aangewys is, en kan—”; en
 - (b) deur na subartikel (2) die volgende subartikel in te voeg:
„(2A) Die voorwaardes voorgeskryf of gespesifiseer in so 'n proklamasie kan voorwaardes insluit ten effekte dat bedoelde timmerhout en die grade, standaard van gehalte en verpakking of merk van bedoelde timmerhout moet wees soos voorgeskryf deur die Suid-Afrikaanse Buro vir Standaard by artikel 4 van die Wet op Standaard, 1962 (Wet No. 33 van 1962), ingestel, en dat elke stuk van bedoelde timmerhout op so 'n wyse gemerk moet wees om aan te dui dat dit voldoen aan die toepaslike spesifikasie van genoemde Buro.”.
2. Artikel 15 van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” en „ses maande” deur onderskeidelik „duisend rand” en „twee jaar” te vervang.

Wysiging van
artikel 15 van
Wet 13 van 1941,
soos gewysig deur
artikel 3 van
Wet 10 van 1948.
3. Artikel 28 van die Hoofwet word hierby gewysig deur die woorde „twintig pond” en „twee maande” deur onderskeidelik „honderd rand” en „ses maande” te vervang.

Wysiging van
artikel 28 van
Wet 13 van 1941.
4. Die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” oral waar dit voorkom deur die woord „Staatspresident”, deur die woord „Unie” oral waar dit voorkom deur die woord „Republiek”, deur die woord „Kroon” oral waar dit voorkom deur die woord „Staat” en deur die woord „Kroonbos” oral waar dit voorkom deur die woord „Staatsbos” te vervang.

Vervanging van
„Goewerneur-generaal”, „Unie”, „Kroon” en „Kroonbos” in
Wet 13 van 1941.

5. Hierdie Wet heet die Boswysigingswet, 1967. —

Kort titel.

No. 71, 1967.]

ACT

To amend the Vaal River Development Scheme Act, 1934, so as to make provision for alternative methods of supplying water to the Kimberley Municipality; to authorize the State President to make regulations as to the installation of water-meters by certain persons who abstract or receive water from the Vaal River and as to matters incidental thereto.

(Afrikaans text signed by the State President.)

(Assented to 29th May, 1967.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 11 of Act 38 of 1934, as amended by section 3 of Act 18 of 1944.

1. Section 11 of the Vaal River Development Scheme Act, 1934 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection:

“(4) Notwithstanding the provisions of subsection (3), the Minister may supply the water to which the Kimberley Municipality is entitled under the said subsection or any permit issued under section 6 (1), in such manner as he may determine, whether by causing water to be passed down the Vaal River or by making the said water available to the Municipality by means of a canal, pipeline or any other water-work or method: Provided that, unless the Minister makes use of the channel of the Vaal River to supply water to the said Municipality, he shall not be obliged, at the request of the Municipality, to cause any water to be passed down the Vaal River at the diversion weir referred to in the said subsection or to comply with the first and the second proviso to the said subsection.”.

Amendment of section 14 of Act 38 of 1934.

2. Section 14 of the principal Act is hereby amended by the addition of the following paragraph:

“(f) the installation of a water-meter at his own cost by any person referred to in section 6 who abstracts water from the Vaal River under or without a permit or to whom water from the Vaal River is supplied within the limits of the works; the power of the Minister to cause such a water-meter to be installed in any case where the person concerned fails to instal the prescribed water-meter and to recover the cost thereof from the person concerned; and the inspection, reading and testing of any such water-meter by an officer authorized thereto by the Minister or the Secretary.”.

Short title.

3. This Act shall be called the Vaal River Development Scheme Amendment Act, 1967.

No. 71, 1967.]

WET

Tot wysiging van die Vaalrivier Uitbreidingskema Wet, 1934, om voorsiening te maak vir alternatiewe metodes van verskaffing van water aan die Kimberley Munisipaliteit; om die Staatspresident te magtig om regulasies uit te vaardig omtrent die aanbring van watermeters deur sekere persone wat water uit die Vaalrivier uithaal of ontvang en omtrent aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Mei 1967.)*

DAAR WORD BEPAAL deur die Staatspresident die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 11 van die Vaalrivier Uitbreidingskema Wet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel by te voeg:

„(4) Die Minister kan, ondanks die bepalinge van subartikel (3), die water waarop die Kimberley Munisipaliteit ingevolge genoemde subartikel of 'n permit ingevolge artikel 6 (1) uitgereik, geregtig is, op die wyse wat hy goedvind, verskaf, hetsy deur water in die Vaalrivier te laat afvloeï of deur genoemde water by wyse van 'n kanaal, pypleiding of enige ander waterwerk of metode aan die Munisipaliteit beskikbaar te stel: Met dien verstande dat, tensy die Minister gebruik maak van die bedding van die Vaalrivier om water aan genoemde Munisipaliteit te verskaf, hy nie verplig is om op versoek van die Munisipaliteit water by die in genoemde subartikel bedoelde uitkeerdam in die Vaalrivier te laat afvloeï of om aan die eerste en die tweede voorbehoudsbepaling by genoemde subartikel te voldoen nie.”.

Wysiging van artikel 11 van Wet 38 van 1934, soos gewysig deur artikel 3 van Wet 18 van 1944.

2. Artikel 14 van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

„(f) die aanbring van 'n watermeter op eie koste deur enige persoon in artikel 6 bedoel wat water kragtens of sonder 'n permit uit die Vaalrivier uithaal of aan wie water afkomstig uit die Vaalrivier binne die omvang van die werke verskaf word; die bevoegdheid van die Minister om so 'n watermeter te laat aanbring in 'n geval waar die betrokke persoon versuim om die voorgeskrewe watermeter aan te bring en om die koste daarvan op die betrokke persoon te verhaal; en die inspeksie, lees en toets van so 'n watermeter deur 'n beaampte deur die Minister of die Sekretaris daartoe gemagtig.”.

Wysiging van artikel 14 van Wet 38 van 1934.

3. Hierdie Wet heet die Wysigingswet op die Vaalrivier- Kort titel. uitbreidingskema, 1967.

No. 72, 1967.]

ACT

To provide for certain measures for the control and promotion of medical schemes; for that purpose to establish a Central Council for Medical Schemes, and to provide for matters incidental thereto.

*(English text signed by the Acting State President.)
(Assented to 1st June, 1967.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) “applicable Act” means the Pension Funds Act, 1956 (Act No. 24 of 1956), or the Friendly Societies Act, 1956 (Act No. 25 of 1956), as the circumstances may require; (xxiii)
 - (ii) “chemist and druggist” means a person registered as a chemist and druggist under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (ii)
 - (iii) “council” means the Central Council for Medical Schemes established by section 4; (xvii)
 - (iv) “dentist” means a person registered as a dentist under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (xxii)
 - (v) “dependant”, in relation to a member of a registered scheme, means—
 - (a) the wife of such member;
 - (b) any minor child (including any step-child or legally adopted child) of such member, who is not self-supporting and is not a member of any registered scheme; and
 - (c) any other person who under the rules of the scheme is recognized as a dependant of such member and is eligible for benefits under the scheme by virtue of such member’s membership; (i)
 - (vi) “friendly society” means a friendly society as defined in section 1 of the Friendly Societies Act, 1956 (Act No. 25 of 1956); (xv)
 - (vii) “fund” means the Medical Schemes Fund established by section 11; (iii)
 - (viii) “medical aid scheme” means a medical scheme of which the rules provide for the rendering of medical and dental services to the members thereof and to the dependants of such members by medical practitioners and dentists of their own choice and at fees not exceeding the fees calculated in accordance with the tariff of fees; (x)
 - (ix) “medical benefit scheme” means a medical scheme of which the rules provide for the conclusion of an agreement between such scheme and any medical practitioner or group of medical practitioners or any dentist or group of dentists, as the case may be, as to the periodic remuneration payable by such scheme to such medical practitioner or any member of such group of medical practitioners or to such dentist or any member of such group of dentists, as the case may be, by way of a salary or by way of an amount cal-

No. 72, 1967.]

WET

Om voorsiening te maak vir sekere maatreëls vir beheer oor en die bevordering van mediese skemas; om vir daardie doel 'n Sentrale Raad vir Mediese Skemas in te stel, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 1 Junie 1967.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woord-
omskrywing

- (i) „afhanklike”, met betrekking tot 'n lid van 'n geregistreerde skema—
 - (a) die eggenote van daardie lid;
 - (b) 'n minderjarige kind (met inbegrip van 'n stiefkind of 'n wetlik aangenome kind) van daardie lid, wat nie selfversorgend en nie 'n lid van 'n geregistreerde skema is nie; en
 - (c) iemand anders wat kragtens die reëls van die skema erken word as 'n afhanklike van daardie lid en in aanmerking kom vir voordele kragtens die skema uit hoofde van daardie lid se lidmaatskap; (v)
- (ii) „apteker” iemand wat kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as apteker geregistreer is; (ii)
- (iii) „fonds” die Fonds vir Mediese Skemas by artikel 11 ingestel; (vii)
- (iv) „geldetarief”—
 - (a) met betrekking tot 'n diens deur 'n geneesheer gelewer, die voorkeurgeldetarief wat op die eerste dag van Januarie 1966 van toepassing was ten opsigte van dienste gelewer aan lede van sekere mediese skemas deur geneeshere, soos deur die Minister in die *Staatskoerant* afgekondig en soos van tyd tot tyd ooreenkomstig die bepalings van artikel 30 gewysig; en
 - (b) met betrekking tot 'n diens deur 'n tandarts gelewer, die geldetarief ten opsigte van dienste gelewer aan lede van sekere mediese skemas deur tandartse, waaromtrent ooreengekom is tussen die Nasionale Vereniging van Mediese Hulpskemas en die Tandheelkundige Vereniging van Suid-Afrika, soos deur die Minister in die *Staatskoerant* afgekondig en soos van tyd tot tyd ooreenkomstig die bepalings van artikel 30 gewysig; (xxiii)
- (v) „geneesheer” iemand wat kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as geneesheer geregistreer is; (x)
- (vi) „geregistreer”, met betrekking tot 'n skema, geregistreer kragtens artikel 15 of voorlopig geregistreer kragtens artikel 16, na gelang van die omstandighede, en het „registrasie” 'n ooreenstemmende betekenis; (xviii)
- (vii) „hierdie Wet” ook die regulasies; (xxiv)
- (viii) „lid”, met betrekking tot 'n skema, iemand wat as lid van die skema ingeskryf of toegelaat is en nog so 'n lid is, of wat ingesluit is in die reëls van die skema; (xix)

whose treatment such medical practitioner or such member of such group of medical practitioners or such dentist or such member of such group of dentists, as the case may be, is under such agreement responsible; (ix)

- (x) "medical practitioner" means a person registered as a medical practitioner under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (v)
- (xi) "medical scheme" means a scheme established with the object of making provision for—
 - (a) the rendering, free of charge, to members thereof and to dependants of such members, of medical, para-medical, nursing, surgical or dental services; or
 - (b) the supply, free of charge, to members thereof and to dependants of such members, of medicines or of medical, surgical, dental or optical requirements or appliances or of accommodation in hospitals or nursing homes; or
 - (c) the granting of assistance to members thereof in defraying expenditure incurred by them in connection with the rendering of such services or the supply of such medicines, requirements, appliances or accommodation; (xi)
- (xii) "member", in relation to a scheme, means a person who has been enrolled or admitted as and is still a member of the scheme, or who in terms of the rules of the scheme is a member of the scheme; (viii)
- (xiii) "Minister" means the Minister of Health; (xii)
- (xiv) "National Association of Medical Aid Schemes" means the National Association of Medical Aid Schemes established in terms of section 12 (a); (xiv)
- (xv) "National Association of Medical Benefit Schemes" means the National Association of Medical Benefit Schemes established in terms of section 12 (b); (xiii)
- (xvi) "pension fund" means a pension fund as defined in section 1 of the Pension Funds Act, 1956 (Act No. 24 of 1956); (xvi)
- (xvii) "prescribed" means prescribed by regulation; (xxiv)
- (xviii) "registered", in relation to a scheme, means registered under section 15 or provisionally registered under section 16, as the circumstances may require, and "registration" has a corresponding meaning; (vi)
- (xix) "registrar" means the Registrar of Medical Schemes appointed under section 13; (xix)
- (xx) "regulation" means a regulation made under this Act; (xx)
- (xxi) "rules", in relation to a scheme, means the rules of the scheme and includes—
 - (a) the provisions of the law, charter, deed of settlement, memorandum of association or other document by which the scheme is constituted;
 - (b) the articles of association or other rules for the conduct of the business of the scheme; and
 - (c) the provisions relating to the benefits which may be granted by and the contributions which may become payable to the scheme; (xviii)
- (xxii) "scheme" means a medical scheme; (xxi)
- (xxiii) "tariff of fees" means—
 - (a) in relation to a service rendered by a medical practitioner, the preferential tariff of fees applicable as at the first day of January, 1966, in respect of services rendered to members of certain medical schemes by medical practitioners, as published by the Minister in the *Gazette* and as amended from time to time in accordance with the provisions of section 30; and
 - (b) in relation to a service rendered by a dentist, the tariff of fees in respect of services rendered to members of certain medical schemes by dentists, agreed on between the National Association of Medical Aid Schemes and the Dental Association of South Africa, as published by the Minister in the *Gazette* and as amended from time to time in accordance with the provisions of section 30; (iv)

- (ix) „mediese bystandskema” ’n mediese skema waarvan die reëls voorsiening maak vir die aangaan van ’n ooreenkoms tussen sodanige skema en ’n geneesheer of groep geneeshere of ’n tandarts of groep tandartse, na gelang van die geval, aangaande die periodieke vergoeding betaalbaar deur sodanige skema aan sodanige geneesheer of ’n lid van sodanige groep geneeshere of aan sodanige tandarts of ’n lid van sodanige groep tandartse, na gelang van die geval, in die vorm van salaris of in die vorm van ’n bedrag bereken op die grondslag van die aantal lede van sodanige skema en afhanklikes van sodanige lede vir wie se behandeling sodanige geneesheer of sodanige lid van sodanige groep geneeshere of sodanige tandarts of sodanige lid van sodanige groep tandartse, na gelang van die geval, kragtens sodanige ooreenkoms verantwoordelik is; (ix)
- (x) „mediese hulpskema” ’n mediese skema waarvan die reëls voorsiening maak vir die lewering van mediese en tandheelkundige dienste aan die lede daarvan en aan die afhanklikes van sodanige lede deur geneeshere en tandartse volgens eie keuse en teen gelde wat nie hoër is nie as die gelde bereken ooreenkomstig die geldetarief; (viii)
- (xi) „mediese skema” ’n skema ingestel met die oogmerk om voorsiening te maak vir—
 - (a) die kostelose lewering van geneeskundige, para-geneeskundige, verplegings-, snykundige of tandheelkundige dienste aan lede daarvan en aan afhanklikes van sodanige lede; of
 - (b) die kostelose verskaffing van medisyne of van geneeskundige, snykundige, tandheelkundige of optiese benodigdhede of apparate of van akkommodasie in hospitale of verpleeginrigtings aan lede daarvan en aan afhanklikes van sodanige lede; of
 - (c) die verlening van bystand aan lede daarvan om uitgawe te bestry wat deur hulle aangegaan is in verband met die lewering van sodanige dienste of die verskaffing van sodanige medisyne, benodigdhede, apparate of akkommodasie; (xi)
- (xii) „Minister” die Minister van Gesondheid; (xiii)
- (xiii) „Nasionale Vereniging van Mediese Bystandskemas” die Nasionale Vereniging van Mediese Bystandskemas ingevolge artikel 12 (b) ingestel; (xv)
- (xiv) „Nasionale Vereniging van Mediese Hulpskemas” die Nasionale Vereniging van Mediese Hulpskemas ingevolge artikel 12 (a) ingestel; (xiv)
- (xv) „onderlinge hulpvereniging” ’n onderlinge hulpvereniging soos omskryf in artikel 1 van die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956); (vi)
- (xvi) „pensioenfonds” ’n pensioenfonds soos omskryf in artikel 1 van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956); (xvi)
- (xvii) „raad” die Sentrale Raad vir Mediese Skemas by artikel 4 ingestel; (iii)
- (xviii) „reëls”, met betrekking tot ’n skema, die reëls van die skema en ook—
 - (a) die bepalinge van die wet, oktrooi, akte van ooreenkoms, akte van oprigting of ander stuk uit krag waarvan die skema ingestel is;
 - (b) die statute of ander reëls vir die bestuur van die sake van die skema; en
 - (c) die bepalinge betreffende die voordele wat verleen kan word deur, en die bydraes wat betaalbaar word aan die skema; (xxi)
- (xix) „registrateur” die Registrateur van Mediese Skemas wat kragtens artikel 13 aangestel is; (xix)
- (xx) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xx)
- (xxi) „skema” ’n mediese skema; (xxii)
- (xxii) „tandarts” iemand wat kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as tandarts geregistreer is; (iv)
- (xxiii) „toepaslike wet” die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), of die Wet op Onderlinge

(2) For the purposes of the application of this Act in relation to a scheme, any reference in this Act to a scheme shall be construed as a reference to that scheme or to the person in control of the affairs of that scheme, as the circumstances may require.

Application of Act.

2. (1) The provisions of this Act—

- (a) shall, subject to the provisions of paragraphs (b), (c), (d) and (e), also apply with reference to a medical scheme established by the State or the Administration of the territory of South-West Africa;
- (b) shall apply with reference to the South African Railways and Harbours' Sick Fund established in terms of section 32 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), only if the Minister has at the request of the Minister of Transport and by notice in the *Gazette* declared the said provisions to be so applicable;
- (c) shall apply with reference to any fund established in terms of any regulation made under section 33 (1) (b) *bis* of the Police Act, 1958 (Act No. 7 of 1958), only if the Minister has at the request of the Minister of Police and by notice in the *Gazette* declared the said provisions to be so applicable;
- (d) shall apply with reference to any fund established in terms of any regulation made under section 87 (1) (f) *bis* of the Defence Act, 1957 (Act No. 44 of 1957), only if the Minister has at the request of the Minister of Defence and by notice in the *Gazette* declared the said provisions to be so applicable;
- (e) shall apply with reference to any fund established in terms of any regulation made under section 94 (1) (b) *bis* of the Prisons Act, 1959 (Act No. 8 of 1959), only if the Minister has at the request of the Minister of Prisons and by notice in the *Gazette* declared the said provisions to be so applicable;
- (f) shall apply with reference to a particular medical scheme established under an agreement published or deemed to have been published in terms of section 48 of the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), only if the Minister has at the request of the Minister of Labour and by notice in the *Gazette* declared the said provisions to be applicable with reference to that medical scheme;
- (g) shall apply with reference to a medical scheme in respect of which a notice has been issued in terms of paragraph (b), (c), (d), (e) or (f), as from the date fixed in such notice.

(2) A medical scheme referred to in paragraph (f) of subsection (1) shall furnish such statistical information in respect of that scheme at such times and in such manner as may be prescribed in the case of a registered scheme, irrespective of whether or not a notice as provided in that paragraph has been issued in respect thereof.

(3) In the application of the provisions of this Act with reference to a medical scheme referred to in subsection (1) (b), (c), (d), (e) or (f) of this section, the reference in sections 16 (1), 19 and 33 to the commencement of this Act, shall be construed as a reference to the relevant date referred to in subsection (1) (g) of this section.

Exemptions by registrar.

3. (1) The registrar may, with the approval of the council and subject to such conditions and for such period as the council may approve, in writing exempt any medical scheme from compliance with any provision of this Act.

(2) (a) A medical scheme which has under subsection (1) been exempted from compliance with any provision of this Act shall, subject to the provisions of paragraph (b), be deemed to comply with that provision.

(b) A medical scheme so exempted subject to any condition imposed under subsection (1), shall be deemed to

(2) By die toepassing van hierdie Wet met betrekking tot 'n skema, word 'n verwysing in hierdie Wet na 'n skema uitgelê as 'n verwysing na daardie skema of na die persoon in beheer van die sake van daardie skema, na gelang van die omstandighede.

2. (1) Die bepalings van hierdie Wet—

Toepassing van die Wet.

- (a) is, behoudens die bepalings van paragrafe (b), (c), (d) en (e), ook van toepassing met betrekking tot 'n mediese skema ingestel deur die Staat of die Administrasie van die gebied Suidwes-Afrika;
- (b) is van toepassing met betrekking tot die Siekefonds van die Suid-Afrikaanse Spoorweë en Hawens ingestel ingevolge artikel 32 van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), slegs indien die Minister op versoek van die Minister van Vervoer en by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings aldus van toepassing is;
- (c) is van toepassing met betrekking tot 'n fonds ingestel ingevolge 'n regulasie uitgevaardig kragtens artikel 33 (1) (b)bis van die Polisiewet, 1958 (Wet No. 7 van 1958), slegs indien die Minister op versoek van die Minister van Polisie en by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings aldus van toepassing is;
- (d) is van toepassing met betrekking tot 'n fonds ingestel ingevolge 'n regulasie uitgevaardig kragtens artikel 87 (1) (f)bis van die Verdedigingswet, 1957 (Wet No. 44 van 1957), slegs indien die Minister op versoek van die Minister van Verdediging en by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings aldus van toepassing is;
- (e) is van toepassing met betrekking tot 'n fonds ingestel ingevolge 'n regulasie uitgevaardig kragtens artikel 94 (1) (b)bis van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), slegs indien die Minister op versoek van die Minister van Gevangenis en by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings aldus van toepassing is;
- (f) is van toepassing met betrekking tot 'n bepaalde mediese skema ingestel kragtens 'n ooreenkoms wat gepubliseer is of geag word gepubliseer te wees ingevolge artikel 48 van die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), slegs indien die Minister op versoek van die Minister van Arbeid en by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings met betrekking tot daardie mediese skema van toepassing is;
- (g) is met betrekking tot 'n mediese skema ten opsigte waarvan 'n kennisgewing ingevolge paragraaf (b), (c), (d), (e) of (f) uitgereik is, van toepassing met ingang van die datum wat in dié kennisgewing bepaal word.

(2) 'n Mediese skema bedoel in paragraaf (f) van subartikel (1) verstrek die statistiese inligting ten opsigte van daardie skema op die tyte en op die wyse wat in die geval van 'n geregistreerde skema voorgeskryf is, hetsy 'n kennisgewing soos in daardie paragraaf bepaal ten opsigte daarvan uitgereik is al dan nie.

(3) By die toepassing van die bepalings van hierdie Wet met betrekking tot 'n mediese skema bedoel in subartikel (1) (b), (c), (d), (e) of (f) van hierdie artikel, word die verwysing in artikels 16 (1), 19 en 33 na die inwerkingtreding van hierdie Wet, uitgelê as 'n verwysing na die toepaslike datum bedoel in subartikel (1) (g) van hierdie artikel.

3. (1) Die registrateur kan met die goedkeuring van die raad en onderworpe aan die voorwaardes en vir die tydperk wat die raad goedkeur, 'n mediese skema skriftelik vrystel van die nakoming van 'n bepaling van hierdie Wet.

Vrystellings deur registrateur.

(2) (a) 'n Mediese skema wat kragtens subartikel (1) vrygestel is van die nakoming van 'n bepaling van hierdie Wet, word, behoudens die bepalings van paragraaf (b), geag aan daardie bepaling te voldoen.

(b) 'n Mediese skema wat aldus vrygestel is onderworpe aan 'n voorwaarde kragtens subartikel (1) opgelê, word

(3) If the registrar is of the opinion that the grounds on which exemption has been granted under subsection (1) in respect of any particular medical scheme have ceased to exist, he may at any time, with the approval of the council, by notice in writing addressed to such scheme and with effect from a date specified in such notice (not being a date earlier than three months after the date of the notice), withdraw any exemption granted in respect of such scheme under subsection (1).

Establishment of
Central Council
for Medical
Schemes.

4. There is hereby established a council to be known as the Central Council for Medical Schemes which may exercise the powers and shall perform the functions conferred upon or assigned to the council by this Act.

Constitution of
council.

5. (1) The council shall consist of a chairman appointed by the Minister and who shall be a person who, in the opinion of the Minister, has knowledge or experience of medical schemes and of not less than seven and not more than nine ordinary members likewise appointed and of whom one shall be designated by the Minister as vice-chairman of the council.

(2) (a) The seven ordinary members of the council or, if more than seven ordinary members are appointed, seven of such members shall be persons who are appointed as such members on account of their knowledge or experience of medical schemes, and of such members—

- (i) one shall be a medical practitioner;
- (ii) one shall be a dentist;
- (iii) one shall be a chemist and druggist;
- (iv) one shall be a person who has special knowledge of medical benefit schemes;
- (v) one shall be a person who has special knowledge of medical aid schemes;
- (vi) one shall be a person who has special knowledge of medical schemes established under agreements published or deemed to have been published under section 48 of the Industrial Conciliation Act, 1956 (Act No. 28 of 1956); and
- (vii) one shall be a person who has special knowledge of hospital services.

(b) No person shall be appointed by virtue of the provisions of paragraph (a) (vi) except on the recommendation of the Minister of Labour.

(c) Any vacancy that may arise among the ordinary members of the council shall, subject to the provisions of paragraphs (a) and (b), be filled by appointment by the Minister for the unexpired period for which the member in respect of whom the vacancy occurred was appointed.

(3) The Minister shall cause the name of every person appointed as a member of the council and the period for which he has been appointed to be published in the *Gazette*.

Persons disqualified
from being
members of
council, and
vacation of office.

6. (1) No person shall be appointed as a member of the council if he—

- (a) is an unrehabilitated insolvent;
- (b) is disqualified under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), from carrying on his profession;
- (c) is not a South African citizen permanently resident in the Republic.

(2) A member of the council shall vacate his office if he—

- (a) becomes subject to any disqualification referred to in subsection (1);
- (b) becomes of unsound mind;
- (c) is convicted of an offence and sentenced to imprisonment without the option of a fine; or

(3) Indien die registrateur van oordeel is dat die gronde waarop vrystelling kragtens subartikel (1) ten opsigte van 'n bepaalde mediese skema verleen is, nie meer bestaan nie, kan hy te eniger tyd met die goedkeuring van die raad by skriftelike kennisgewing aan sodanige skema gerig en met ingang van 'n datum wat in sodanige kennisgewing bepaal is (wat nie 'n datum vroeër as drie maande na die datum van die kennisgewing is nie), 'n vrystelling intrek wat ten opsigte van daardie skema kragtens subartikel (1) verleen is.

4. Hierby word 'n raad ingestel wat die Sentrale Raad vir Mediese Skemas heet en die bevoegdhede kan uitoefen en die werksaamhede moet verrig wat by hierdie Wet aan die raad verleen of toegewys is. Instelling van Sentrale Raad vir Mediese Skemas.

5. (1) Die raad bestaan uit 'n voorsitter, wat die Minister aanstel en wat iemand moet wees wat, na die oordeel van die Minister, kennis of ondervinding van mediese skemas besit, en uit minstens sewe en hoogstens nege gewone lede insgelyks aangestel, waarvan een deur die Minister as ondervoorsitter van die raad aangewys word. Samestelling van die raad.

(2) (a) Die sewe gewone lede van die raad moet persone wees, of, indien meer as sewe gewone lede aangestel word, moet sewe van sodanige lede persone wees wat uit hoofde van hul kennis of ondervinding van mediese skemas as sodanige lede aangestel word, en van sodanige lede moet—

- (i) een 'n geneesheer;
- (ii) een 'n tandarts;
- (iii) een 'n apteker;
- (iv) een iemand met besondere kennis van mediese bystandskemas;
- (v) een iemand met besondere kennis van mediese hulpskemas;
- (vi) een iemand met besondere kennis van mediese skemas wat gestig is kragtens ooreenkomste wat gepubliseer is of geag word gepubliseer te wees kragtens artikel 48 van die Wet op Nywerheids-
versoening, 1956 (Wet No. 28 van 1956); en
- (vii) een iemand met besondere kennis van hospitaal-
dienste,
wees.

(b) Niemand word uit hoofde van die bepalings van para graaf (a) (vi) aangestel nie, behalwe op aanbeveling van die Minister van Arbeid.

(c) 'n Vakature wat onder die gewone lede van die raad ontstaan, word, behoudens die bepalings van paragrawe (a) en (b), gevul deur aanstelling deur die Minister vir die onverstreke tydperk waarvoor die lid ten opsigte van wie die vakature ontstaan het, aangestel was.

(3) Die Minister laat die naam van iedereen wat as lid van die raad aangestel word en die tydperk waarvoor hy aangestel is, in die *Staatskoerant* publiseer.

6. (1) Niemand word as lid van die raad aangestel nie indien hy— Persone wat onbevoeg is om lede van die raad te wees, en ontruiming van amp.

- (a) 'n ongerehabiliteerde insolvent is;
- (b) kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), onbevoeg is om sy beroep voort te sit;
- (c) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie.

(2) 'n Lid van die raad ontruim sy amp indien hy—

- (a) aan 'n in subartikel (1) bedoelde onbevoegdheid onderhewig raak;
- (b) geestelik versteurd raak;
- (c) aan 'n misdryf skuldig bevind word en sonder die keuse van 'n boete tot gevangenisstraf veroordeel word: of

Conditions of appointment and remuneration of members of the council.

7. (1) A member of the council shall be appointed on such conditions and for such period as the Minister may determine when making the appointment: Provided that in the case of an ordinary member such period shall not exceed five years and that any member whose period of office has expired shall be eligible for re-appointment.

(2) The chairman and vice-chairman of the council shall be paid such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine.

(3) An ordinary member of the council other than the vice-chairman shall as such receive no remuneration in respect of his services, but every member of the council (other than a member who is in the full-time service of the State) shall in respect of travelling and subsistence expenses incurred by him in connection with the business of the council be paid such allowances as the Minister in consultation with the Minister of Finance may determine.

Functions of the council.

8. The functions of the council shall be—

- (a) to control, promote, encourage and co-ordinate the establishment, development and functioning of medical schemes;
- (b) to investigate complaints and settle disputes in relation to the affairs of registered medical schemes as provided in this Act; and
- (c) to perform such other functions as may be prescribed.

Meetings of council.

9. (1) The council shall hold at least two ordinary meetings each year.

(2) Special meetings of the council may be convened by the chairman thereof and shall be convened by him at the written request of the majority of the members setting forth clearly the purpose for which the meeting is to be held.

(3) The quorum for a meeting of the council shall be a majority of the members thereof.

Committees of the council.

10. (1) The council may—

- (a) appoint from among its members an executive committee and such other committees as it may deem expedient, and may delegate to any committee so appointed such of its powers and functions as it may from time to time determine;
- (b) where it has delegated any of its powers and functions conferred or assigned under section 27 or 28 to a committee appointed under paragraph (a), appoint a person with knowledge and experience of the law to be a member of such committee, with such powers and functions as the council may determine and at such remuneration (if any) as the Minister in consultation with the Minister of Finance may determine, or, where it has not delegated any of its powers and functions under section 27 or 28 to a committee so appointed, appoint such a person at such remuneration to assist it in the performance or the exercise of any of the said functions or powers;
- (c) appoint such committees, consisting of members of the council and persons who are not such members, or of such persons only, as it may deem necessary to investigate and report to it in regard to any matter falling within the scope of the council's functions and powers under this Act.

(2) A member of a committee appointed under subsection (1) (b) or (c) who is not a member of the council or in the full-time service of the State shall, in respect of travelling and subsistence expenses incurred by him in connection with the business of the committee of which he is a member, be paid the allowances applicable to a member of the council in terms of section 7 (3).

Establishment of Medical Schemes Fund.

11. (1) There is hereby established a fund, to be known as the Medical Schemes Fund, into which shall be paid all contributions in terms of section 26 and such other moneys as may become due to the fund from any other source.

— Minister of Health

7. (1) 'n Lid van die raad word op die voorwaardes en vir die tydperk aangestel wat die Minister bepaal wanneer hy die aanstelling doen: Met dien verstande dat dié tydperk in die geval van 'n gewone lid hoogstens vyf jaar is en dat 'n lid wie se amptstermyn verstryk het, weer aangestel kan word.

Voorwaardes van aanstelling en vergoeding van lede van die raad.

(2) Aan die voorsitter en ondervoorsitter van die raad word die vergoeding en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

(3) 'n Gewone lid van die raad, behalwe die ondervoorsitter, ontvang as sodanig geen vergoeding ten opsigte van sy dienste nie, maar aan elke lid van die raad (behalwe 'n lid wat in die voltydse diens van die Staat is) word ten opsigte van reis- en verblyftekoste deur hom in verband met die sake van die raad aangegaan, die toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

8. Die werksaamhede van die raad is—

Werksaamhede van die raad.

- (a) om die instelling, ontwikkeling en werking van mediese skemas te beheer, te bevorder, aan te moedig en te koördineer;
- (b) om met betrekking tot die sake van geregistreerde mediese skemas klagtes te ondersoek en geskille te besleg soos by hierdie Wet bepaal; en
- (c) om die ander werksaamhede te verrig wat voorgeskryf is.

9. (1) Die raad hou minstens twee gewone vergaderings elke jaar.

Vergaderings van die raad.

(2) Spesiale vergaderings van die raad kan deur die voorsitter daarvan belê word en word deur hom belê op skriftelike versoek van die meerderheid van die lede waarin die doel waarvoor die vergadering gehou moet word, duidelik uiteengesit word.

(3) Die kworum vir 'n vergadering van die raad is die meerderheid van die lede daarvan.

10. (1) Die raad kan—

Komitees van die raad.

- (a) uit sy lede 'n uitvoerende komitee en die ander komitees wat hy goetvind, aanstel en kan aan 'n aldus aangestelde komitee sodanige van sy bevoegdhede en werksaamhede deleger as wat hy van tyd tot tyd bepaal;
- (b) waar hy van sy bevoegdhede en werksaamhede kragtens artikel 27 of 28 verleen of toegewys, aan 'n kragtens paragraaf (a) aangestelde komitee gedelegeer het, iemand met regskenning en -ondervinding as lid van daardie komitee aanstel met die bevoegdhede en werksaamhede wat die raad bepaal en teen die vergoeding (as daar is) wat die Minister in oorleg met die Minister van Finansies bepaal, of, waar die raad nie van sy bevoegdhede en werksaamhede kragtens artikel 27 of 28 aan 'n aldus aangestelde komitee gedelegeer het nie, so iemand teen sodanige vergoeding aanstel om hom by te staan met die verrigting of uitoefening van enige van bedoelde werksaamhede of bevoegdhede;
- (c) die komitees, bestaande uit lede van die raad en persone wat nie lede van die raad is nie of uit slegs sodanige persone, aanstel wat hy nodig ag ten einde enige aanleentheid wat binne die omvang van die raad se werksaamhede en bevoegdhede kragtens hierdie Wet val, te ondersoek en daarvoor aan die raad verslag te doen.

(2) Aan 'n kragtens subartikel (1) (b) of (c) aangestelde lid van 'n komitee wat nie 'n lid van die raad of in die voltydse diens van die Staat is nie, word ten opsigte van reis- en verblyftekoste deur hom aangegaan in verband met die sake van die komitee waarvan hy lid is, die toelae betaal wat ingevolge artikel 7 (3) op 'n lid van die raad van toepassing is.

11. (1) Hierby word 'n fonds ingestel wat die Fonds vir Mediese Skemas heet en waarin gestort word al die bydraes ingevolge artikel 26 en die ander gelde wat aan die fonds uit enige ander bron verskuldig raak.

Instelling van Fonds vir Mediese Skemas.

(3) The moneys in the fund shall be utilized—

(a) for the rendering of assistance to a member, to the extent recommended by the council, to cover expenses in respect of the defrayal of which such member would have been entitled to receive assistance from the scheme of which he is a member, if the maximum assistance to which he is entitled in terms of the rules of the said scheme had not already been granted to him; and

(b) for such other purposes as may be prescribed.

(4) Any moneys in the fund not required for immediate use, shall be invested with the Public Debt Commissioners.

Establishment of National Association of Medical Aid Schemes and National Association of Medical Benefit Schemes.

12. There shall be established in the prescribed manner—

(a) a body to be known as the National Association of Medical Aid Schemes which shall be representative of registered medical aid schemes; and

(b) a body to be known as the National Association of Medical Benefit Schemes which shall be representative of registered medical benefit schemes.

Appointment of Registrar of Medical Schemes.

13. Subject to the laws governing the public service, the Minister shall, after consultation with the council, appoint an officer to be styled the Registrar of Medical Schemes who shall perform the functions and carry out the duties assigned to or imposed upon the registrar by or under this Act, and such other functions and duties as may from time to time be assigned to or imposed upon him by the Minister or the Secretary for Health.

Medical schemes to apply for registration.

14. (1) Every medical scheme shall apply to the registrar for registration under this Act.

(2) An application under subsection (1) shall be accompanied by particulars of the name and address of the person managing the business of the scheme to which the application relates and a copy of the rules of the scheme together with such particulars as may be prescribed.

(3) The registrar shall acknowledge in writing the receipt of any such application.

Registration of medical schemes and rejection of applications.

15. (1) If, after considering any application made in terms of section 14, the registrar is satisfied that the scheme in question complies in respect of its rules and otherwise with the provisions of this Act, he shall register the scheme and transmit to the applicant a certificate of registration in the prescribed form as well as a copy of the rules of the scheme with the date of registration endorsed thereon.

(2) If, after considering any such application, the registrar is not so satisfied, he shall, subject to the provisions of section 16, reject the application and in writing indicate to the applicant in what respect the scheme in question does not comply with provisions of this Act.

Provisional registration and registration of existing medical schemes.

16. (1) If, after considering any application made in terms of section 14 in respect of a medical scheme which was in existence at the commencement of this Act, the registrar is not satisfied that the scheme in question complies in respect of its rules or otherwise with the provisions of this Act, he shall register the scheme provisionally and forward to the applicant a certificate of provisional registration in the prescribed form, and in writing indicate to the applicant the requirements to be complied with in order that he may be so satisfied.

(2) The provisional registration of a medical scheme under subsection (1) shall be valid for a period of two years, but may from time to time be extended by the registrar for further periods of twelve months, but not exceeding five years in the aggregate, if he is satisfied—

(a) that the scheme has made reasonable efforts to meet his requirements, as notified in terms of subsection (1);

(b) that the scheme may reasonably be expected to meet the said requirements within the proposed period of extension; and

(3) Die gelde in die fonds word aangewend—

(a) vir die verlening van bystand aan 'n lid, in die mate deur die raad aanbeveel, om uitgawe te dek ten opsigte van die bestryding waarvan sodanige lid geregtig sou gewees het om bystand van die skema waarvan hy lid is te ontvang, indien die maksimum bystand waarop hy ingevolge die reëls van bedoelde skema geregtig is, nie reeds aan hom verleen is nie; en

(b) vir die ander doeleindes wat voorgeskryf word.

(4) Die gelde in die fonds wat nie vir onmiddellike gebruik nodig is nie, moet by die Openbare Skuldkommissaris belê word.

12. Daar word op die voorgeskrewe wyse ingestel—

(a) 'n liggaam wat die Nasionale Vereniging van Mediese Hulpkemas heet en wat verteenwoordigend is van geregistreerde mediese hulpkemas; en

(b) 'n liggaam wat die Nasionale Vereniging van Mediese Bystandskemas heet en wat verteenwoordigend is van geregistreerde mediese bystandskemas.

Instelling van Nasionale Vereniging van Mediese Hulpkemas en Nasionale Vereniging van Mediese Bystandskemas.

13. Behoudens die wetsbepalings op die Staatsdiens stel die Minister, na oorlegpleging met die raad, 'n beampte aan wat die Registrateur van Mediese Skemas heet en wat die werksaamhede verrig en die pligte uitvoer wat by of kragtens hierdie Wet aan die registrateur toegewys is of hom opgelê word, sowel as die ander werksaamhede en pligte wat van tyd tot tyd deur die Minister of die Sekretaris van Gesondheid aan hom toegewys of hom opgelê word.

Aanstelling van Registrateur van Mediese Skemas.

14. (1) Elke mediese skema moet by die registrateur om registrasie kragtens hierdie Wet aansoek doen.

Mediese skemas moet om registrasie aansoek doen.

(2) 'n Aansoek kragtens subartikel (1) gaan vergesel van besonderhede betreffende die naam en adres van die persoon wat die sake bestuur van die skema waarop die aansoek betrekking het, asook 'n afskrif van die reëls van die skema tesame met die besonderhede wat voorgeskryf is.

(3) Die registrateur erken skriftelik die ontvangs van so 'n aansoek.

15. (1) Indien die registrateur na oorweging van 'n aansoek ingevolge artikel 14, oortuig is dat die betrokke skema ten opsigte van sy reëls en andersins aan die bepalinge van hierdie Wet voldoen, registreer hy die skema en stuur hy aan die aansoeker 'n registrasiesertifikaat in die voorgeskrewe vorm asook 'n afskrif van die reëls van die skema met die datum van registrasie daarop aangeteken.

Registrasie van mediese skemas, en die vandiehandwysing van aansoek.

(2) Indien die registrateur na oorweging van sodanige aansoek nie aldus oortuig is nie, wys hy, behoudens die bepalinge van artikel 16, die aansoek van die hand en deel hy die aansoeker skriftelik mee in watter opsig die betrokke skema nie aan die bepalinge van hierdie Wet voldoen nie.

16. (1) Indien die registrateur na oorweging van 'n aansoek ingevolge artikel 14 gedoen ten opsigte van 'n mediese skema wat by die inwerkingtreding van hierdie Wet bestaan het, nie oortuig is dat die betrokke skema ten opsigte van sy reëls of andersins aan die bepalinge van hierdie Wet voldoen nie, registreer hy die skema voorlopig en stuur hy aan die aansoeker 'n voorlopige registrasiesertifikaat in die voorgeskrewe vorm en deel hy die aansoeker skriftelik mee aan watter vereistes voldoen moet word ten einde hom aldus te oortuig.

Voorlopige registrasie en registrasie van bestaande mediese skemas.

(2) Die voorlopige registrasie van 'n skema kragtens subartikel (1) is vir 'n tydperk van twee jaar geldig, maar kan van tyd tot tyd deur die registrateur vir verdere tydperke van twaalf maande, maar hoogstens vyf jaar altesame, verleng word indien hy oortuig is—

(a) dat die skema redelike pogings aangewend het om aan sy vereistes, soos ingevolge subartikel (1) meegedeel, te voldoen;

(b) dat daar redelikerwys verwag kan word dat die skema binne die voorgestelde tydperk van verlenging aan bedoelde vereistes sal voldoen; en

(c) dat die voortgesette werking van die skema nie daardie

(3) When the registrar is satisfied that a provisionally registered medical scheme complies in respect of its rules and otherwise with the provisions of this Act, he shall register the scheme and transmit to the person appointed for the purposes of section 23 in respect of that scheme a certificate of registration in the prescribed form as well as a copy of its rules with the date of registration endorsed thereon, and thereupon the scheme shall cease to be provisionally registered.

Concurrent registration as medical scheme and pension fund or friendly society.

17. (1) No medical scheme which is required to be registered as a pension fund or a friendly society under the applicable Act, shall be registered under this Act unless such scheme has been registered or provisionally registered under the applicable Act as a pension fund or a friendly society, as the case may be, or has been exempted under the applicable Act from the obligation to be so registered as a pension fund or a friendly society, as the case may be.

(2) When any such scheme ceases to be registered under the applicable Act as a pension fund or a friendly society, as the case may be, or ceases, otherwise than as a result of being registered under the applicable Act, to be provisionally so registered or ceases to be exempt from the obligation to be so registered, its registration under this Act as a medical scheme shall lapse.

Cancellation and suspension of registration.

18. (1) The registrar shall cancel the registration of a scheme—

- (a) on proof to his satisfaction that the scheme has ceased to operate; or
- (b) if the registrar and the scheme are agreed that the scheme was registered by mistake in circumstances not amounting to fraud:

Provided that in the circumstances stated in paragraph (b), the registrar may suspend the registration in lieu of cancelling it, if he is satisfied that by so doing the scheme will be furnished with an opportunity of rectifying the said mistake in a manner consistent with the provisions of this Act, and if the scheme does rectify such mistake to the satisfaction of the registrar, the latter shall reinstate the said registration as from the date of suspension, but if the mistake is not rectified within a period specified by the registrar he shall cancel the registration of the scheme.

(2) If a scheme, after notice from the registrar, persists in violating any provision of this Act, the registrar may, with the approval of the council, by written notice served upon the scheme by registered post, and with effect from a date specified in such notice, cancel the registration of the scheme or suspend such registration for such period and on such conditions as the council may deem fit.

Limitation on business which may be carried on by a medical scheme.

19. No medical scheme which was not in existence immediately prior to the commencement of this Act, shall carry on any business other than the business of a medical scheme, and no medical scheme which was in existence immediately prior to the commencement of this Act shall, after such commencement, enrol or admit any person as a member in respect of any business other than the business of a medical scheme.

Matters for which a registered medical scheme shall provide.

20. No medical scheme shall be registered under section 15 unless provision is made in the rules—

- (a) for the appointment of a manager or other officer for the management of the business contemplated by the scheme;
- (b) that its members are entitled to such minimum benefits as may from time to time be prescribed;
- (c) that the dependants of a member are entitled to the same benefits as the member;
- (d) for the continuation of the membership of a member who retires on pension or terminates his employment on account of age, ill-health or other disability;
- (e) that the widow of a member is entitled to membership during her widowhood or until she becomes entitled to membership of another registered medical scheme by virtue of employment;
- (f) for the admission to the scheme as a member thereof, subject to the terms and conditions applicable to the admission of other members, but without a waiting-period or the imposition of new restrictions on account of the state of his health or the health of any of his dependants of any person who has been a member of

(3) Wanneer die registrateur oortuig is dat 'n voorlopig geregistreerde mediese skema ten opsigte van sy reëls en andersins aan die bepalings van hierdie Wet voldoen, registreer hy die skema en stuur hy aan die persoon wat vir die doeleindes van artikel 23 ten opsigte van daardie skema aangestel is, 'n registrasiesertifikaat in die voorgeskrewe vorm asook 'n afskrif van sy reëls met die datum van registrasie daarop aangeteken, en dan hou die skema op om voorlopig geregistreer te wees.

17. (1) Geen mediese skema wat kragtens die toepaslike Wet as 'n pensioenfonds of 'n onderlinge hulpvereniging geregistreer moet wees, word kragtens hierdie Wet geregistreer nie tensy daardie skema kragtens die toepaslike Wet as 'n pensioenfonds of 'n onderlinge hulpvereniging, na gelang van die geval, geregistreer of voorlopig geregistreer is, of kragtens die toepaslike Wet vrygestel is van die verpligting om aldus as 'n pensioenfonds of 'n onderlinge hulpvereniging, na gelang van die geval, geregistreer te wees.

Gelyktydige registrasie as mediese skema en pensioenfonds of onderlinge hulpvereniging.

(2) Wanneer so 'n skema ophou om kragtens die toepaslike Wet as 'n pensioenfonds of 'n onderlinge hulpvereniging, na gelang van die geval, geregistreer te wees, of ophou, behalwe as gevolg daarvan dat hy kragtens die toepaslike Wet geregistreer word, om voorlopig aldus geregistreer te wees of nie langer vrygestel is van die verpligting om aldus geregistreer te wees nie, vervall sy registrasie as 'n mediese skema kragtens hierdie Wet.

18. (1) Die registrateur trek die registrasie van 'n skema in—
- (a) by bewys tot sy oortuiging dat die skema nie meer in werking is nie; of
 - (b) indien die registrateur en die skema dit eens is dat die skema foutief geregistreer is in omstandighede wat nie op bedrog neerkom nie:

Intrekking en opskorting van registrasie.

Met dien verstande dat die registrateur in die omstandighede in paragraaf (b) genoem, die registrasie kan opskort in plaas van intrek indien hy oortuig is dat die skema sodoende die geleentheid sal hê om die fout op 'n wyse reg te stel wat bestaanbaar is met die bepalings van hierdie Wet, en indien die skema bedoelde fout ten genoë van die registrateur regstel, moet die registrateur bedoelde registrasie vanaf die datum van opskorting herstel, maar as die fout nie reggestel word binne 'n tydperk deur die registrateur bepaal nie, trek hy die registrasie van die skema in.

(2) Indien 'n skema na kennisgewing deur die registrateur volhou om 'n bepaling van hierdie Wet te skend, kan die registrateur, met die goedkeuring van die raad, by skriftelike kennisgewing per aangetekende pos beteken aan die skema en met ingang van 'n in bedoelde kennisgewing bepaalde datum, die registrasie van die skema intrek of die registrasie opskort vir die tydperk en op die voorwaardes wat die raad goedvind.

19. Geen mediese skema wat nie onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het nie, mag sake doen nie behalwe die sake van 'n mediese skema, en geen mediese skema wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, mag na bedoelde inwerkingtreding iemand as lid ten opsigte van sake behalwe die sake van 'n mediese skema inskryf of toelaat nie.

Beperking op sake wat deur 'n mediese skema gedoen kan word.

20. Geen mediese skema word kragtens artikel 15 geregistreer nie tensy voorsiening in die reëls gemaak word—

Aangeleenthede waarvoor 'n geregistreerde mediese skema voorsiening moet maak.

- (a) vir die aanstelling van 'n bestuurder of ander beampte vir die bestuur van die sake deur die skema beoog;
- (b) dat sy lede geregtig is op die minimum voordele wat van tyd tot tyd voorgeskryf word;
- (c) dat die afhanklikes van 'n lid op dieselfde voordele as die lid geregtig is;
- (d) vir die voortsetting van die lidmaatskap van 'n lid wat met pensioen aftree of sy diens beëindig vanweë ouderdom, swak gesondheid of ander ongeskiktheid;
- (e) dat die weduwee van 'n lid op lidmaatskap geregtig is gedurende haar weduweeskap of todat sy uit hoofde van diens geregtig word op lidmaatskap van 'n ander geregistreerde mediese skema;
- (f) vir die toelating tot die skema as 'n lid daarvan, onderworpe aan die bedinge en voorwaardes op die toelating van ander lede van toepassing, maar sonder 'n wagperiode of die oplegging van nuwe beperkings na aanleiding van sy gesondheidstoestand of dié van enige van sy afhanklikes.

three months after the date on which he ceased to be a member of such other scheme, to become a member;

- (g) for the settlement by a person or persons designated for the purpose under the rules, of any dispute arising out of the administration of the scheme between a member or former member or prospective member or any person deriving his claim from a member or former member or prospective member and the scheme, and for the decision of such person or persons on the dispute to be final and binding on the parties, subject only to an appeal to the council; and
- (h) for the amendment of the rules in accordance with the provisions of section 21 so as to comply with any requirements prescribed subsequent to the date of registration of the scheme.

Amendment of rules.

21. (1) Subject to the provisions of this section, a registered medical scheme may, in the manner directed by its rules, amend or rescind any of such rules or make any additional rule but, notwithstanding the provisions of any other law, no such alteration, rescission or addition shall be valid unless it has been approved by the registrar and registered as provided in subsection (2).

(2) On receipt of a written notice from a registered scheme setting out the particulars of an alteration or rescission of a rule or an addition to the rules thereof, and a certificate signed by the person appointed for the purposes of section 23 to manage the business of the scheme, that such alteration, rescission or addition has been adopted in accordance with the provisions of the rules of the scheme, the registrar shall—

- (a) if he is satisfied that the alteration, rescission or addition will not render the rules of the scheme inconsistent with this Act, register the alteration, rescission or addition and return to the scheme a copy of the notice with the date of registration endorsed thereon; or
- (b) if he is not so satisfied, in writing advise the scheme accordingly and indicate the reasons for his rejection of the alteration, rescission or addition.

(3) No alteration or rescission of or addition to the rules of a registered medical scheme which is registered as a pension fund or as a friendly society under the applicable Act shall, notwithstanding the provisions of that Act—

- (a) be registered in accordance with the provisions of the applicable Act unless it has been approved and registered under subsection (2); or
- (b) be approved and registered under subsection (2) unless the Registrar of Pension Funds or the Registrar of Friendly Societies, as the case may be, has indicated in writing that he is prepared to register it in accordance with the provisions of the applicable Act.

Binding force of rules.

22. The rules of a registered medical scheme and any amendment thereof registered in terms of section 21, shall be binding on the scheme and the members and officers thereof, and on any person who claims under the rules or whose claim is derived from a person so claiming.

Name and address of person managing a registered medical scheme.

23. (1) A registered medical scheme shall from time to time notify the registrar in writing of the name and address of the person appointed to manage the business of the scheme and of any change in the address of that person.

(2) Any notice required or permitted to be given to a medical scheme in terms of this Act shall, if given to the person of whose name and address the registrar was notified in terms of subsection (1), be deemed to have been duly given to the scheme.

Enquiries by registrar.

24. The registrar may address enquiries to any registered medical scheme in relation to any matter connected with the business or transactions of the scheme, and the scheme shall reply in writing thereto within a period of thirty days as from the date on which the registrar addressed the enquiry to it, or within such further period as the registrar may, at the request

registreerde mediese skema was en wat binne drie maande na die datum waarop hy opgehou het om lid van sodanige ander skema te wees, aansoek doen om lid te word;

- (g) vir die beslegting deur 'n persoon of persone vir dié doel kragtens die reëls aangewys, van enige geskil wat ontstaan uit die administrasie van die skema tussen 'n lid of voormalige lid of voornemende lid of iemand wat sy vordering aan 'n lid of voormalige lid of voornemende lid ontleen en die skema, en dat die beslissing van sodanige persoon of persone oor die geskil afdoende is en bindend vir die partye is onderworpe slegs aan appèl na die raad; en
- (h) vir die wysiging van die reëls ooreenkomstig die bepalings van artikel 21 om te voldoen aan vereistes voorgeskryf na die datum van registrasie van die skema.

21. (1) Behoudens die bepalings van hierdie artikel, kan 'n Wysiging van geregistreerde mediese skema volgens die voorskrifte van sy reëls. reëls, so 'n reël wysig of intrek of 'n bykomende reël uitvaardig, maar, ondanks die bepalings van 'n ander wet, is geen sodanige wysiging, intrekking of byvoeging geldig nie tensy dit deur die registrateur goedgekeur en geregistreer is soos in subartikel (2) bepaal.

(2) By ontvangs van 'n skriftelike kennisgewing van 'n geregistreerde skema waarin die besonderhede van 'n wysiging of intrekking van 'n reël of 'n byvoeging by die reëls daarvan uiteengesit word, en 'n sertifikaat onderteken deur die persoon aangestel vir die doeleindes van artikel 23 om die sake van die skema te bestuur, dat sodanige wysiging, intrekking of byvoeging aangeneem is ooreenkomstig die bepalings van die reëls van die skema, moet die registrateur—

- (a) indien hy oortuig is dat die wysiging, intrekking of byvoeging nie die reëls van die skema onbestaanbaar met hierdie Wet sal maak nie, die wysiging, intrekking of byvoeging registreer en 'n afskrif van die kennisgewing met die datum van registrasie daarop aange-teken, aan die skema terugstuur; of
- (b) indien hy nie aldus oortuig is nie, die skema dienooreenkomstig skriftelik in kennis stel en die redes vir sy verwerping van die wysiging, intrekking of byvoeging aandui.

(3) Geen wysiging of intrekking van of byvoeging by die reëls van 'n geregistreerde mediese skema wat as 'n pensioen-fonds of as 'n onderlinge hulpvereniging kragtens die toepaslike Wet geregistreer is, word, ondanks die bepalings van daardie Wet—

- (a) ooreenkomstig die bepalings van die toepaslike Wet geregistreer nie tensy dit kragtens subartikel (2) goed-gekeur en geregistreer is; of
- (b) kragtens subartikel (2) goedgekeur en geregistreer nie tensy die Registrateur van Pensioenfondse of die Registrateur van Onderlinge Hulpverenigings, na gelang van die geval, skriftelik aangedui het dat hy bereid is om dit ooreenkomstig die bepalings van die toepaslike Wet te registreer.

22. Die reëls van 'n geregistreerde mediese skema en 'n Bindende krag van wysiging daarvan ingevolge artikel 21 geregistreer, bind die reëls. skema en die lede en beamptes daarvan, en ook iemand wat kragtens die reëls eis of wie se vordering ontleen word aan iemand wat aldus eis.

23. (1) 'n Geregistreerde mediese skema stel die registrateur Naam en adres van persoon wat 'n geregistreerde mediese skema bestuur. van tyd tot tyd skriftelik in kennis van die naam en adres van die persoon wat aangestel is om die sake van die skema te bestuur, en ook van 'n verandering van adres van daardie persoon.

(2) Kennis wat ingevolge hierdie Wet aan 'n mediese skema gegee moet word of kan word, word, indien dit gegee word aan die persoon wie se naam en adres ingevolge subartikel (1) aan die registrateur verstrekk is, geag behoorlik aan die skema gegee te gewees het.

24. Die registrateur kan navrae aan 'n geregistreerde mediese skema rig met betrekking tot 'n aangeleentheid wat in verband staan met die sake of transaksies van die skema, en die skema moet skriftelik daarop antwoord binne 'n tydperk van dertig dae vanaf die datum waarop die registrateur die navrae aan Navrae deur registrateur.

Production and examination of books, documents and accounts of a registered medical scheme.

25. A registered medical scheme shall, at the request of the registrar or any person authorized in writing by the registrar, produce at any place where it carries on business, its books, documents and accounts in order to enable the registrar or such person to obtain any information relating to the scheme and required by the registrar in connection with the administration of this Act.

Contributions by registered medical schemes to the fund.

26. Every registered medical scheme shall pay monetary contributions to the fund at such times and on such basis as may be prescribed.

Appeals to the council.

27. (1) An appeal to the council against the decision of any person or persons designated as contemplated in paragraph (g) of section 20, on any dispute referred to in that paragraph, shall be lodged with the council in such manner as may be prescribed.

(2) The council shall take such steps as may be prescribed or, if no steps are prescribed, such steps as it may deem necessary for the proper consideration of the appeal, and may confirm the said decision or alter it in such manner as it may deem just, or rescind it and give such other decision as it may deem just.

(3) The decision of the council shall be binding on the parties to the dispute and shall be deemed to be the award of an arbitrator pursuant to arbitration proceedings.

Complaints submitted to council, and adjudication of disputes.

28. (1) Where a written complaint in relation to any matter provided for in the rules of a registered medical scheme, other than a complaint referred to in subsection (4), has been lodged with the council—

(a) by the scheme in question against any medical practitioner or dentist or the supplier of any medicine, requirement, appliance or accommodation in a hospital or nursing home, and such complaint is not required or permitted to be dealt with in terms of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or any other law regulating the conduct or affairs of medical practitioners or dentists or the supplier in question; or

(b) by a medical practitioner or dentist or any such supplier against the scheme,

the registrar shall, by notice served by registered post, furnish the party complained against with full particulars of the complaint, and request such party to furnish him for the information of the council with his comments thereon in writing before a date specified in the notice, not being a date earlier than thirty days after the date of the notice.

(2) The registrar shall, as soon as possible after receipt of any comments furnished to him in pursuance of a notice under subsection (1), or, if no such comments are furnished to him before the date specified in such notice, as soon as possible after that date, submit the complaint together with such comments, if any, to the council, and the council shall thereupon take all such steps as it may deem best calculated to remove the cause of the complaint.

(3) If the council is unable to remove the cause of the complaint as provided in subsection (2), it shall within the prescribed time and in the prescribed manner investigate the complaint, and shall thereafter in writing advise the complainant and the party complained against of its decision, and such decision shall be final and binding on such complainant and such party.

(4) Where a written complaint relating to the amount claimed by a medical practitioner or a dentist for professional services rendered to a member or dependant of a member of a registered medical scheme is lodged with the council by the scheme in question, the registrar shall act as provided in subsections (1) and (2) as if it were a complaint referred to in subsection (1).

(5) (a) On receipt from the registrar of a complaint referred to in subsection (4) and of any comments which may have been furnished to the registrar in relation thereto, the council shall forthwith refer the complaint together with such comments, if any, to a committee appointed by it and consisting of two members of the council and, subject to the provisions of paragraph (b), of two other persons selected by the council from among not less

25. 'n Geregistreeerde mediese skema moet op versoek van die registrateur of iemand wat skriftelik deur die registrateur gemagtig is, op 'n plek waar hy sake doen, sy boeke, dokumente en rekenings voorlê ten einde die registrateur of so iemand in staat te stel om inligting betreffende die skema te bekom wat deur die registrateur in verband met die uitvoering van hierdie Wet benodig is.

Voorlegging en ondersoek van boeke, dokumente en rekenings van 'n geregistreeerde mediese skema.

26. Elke geregistreeerde mediese skema moet op die tye en op die grondslag wat voorgeskryf is, geldelike bydraes in die fonds stort.

Bydraes deur geregistreeerde mediese skemas tot die fonds.

27. (1) 'n Appèl na die raad teen die beslissing van 'n persoon of persone aangewys soos in paragraaf (g) van artikel 20 beoog, oor 'n in daardie paragraaf bedoelde geskil, word op die voorgeskrewe wyse by die raad aangeteken.

Appèl na die raad.

(2) Die raad doen vir die behoorlike oorweging van die appèl die stappe wat voorgeskryf is of, indien geen stappe voorgeskryf is nie, die stappe wat hy nodig ag, en kan bedoelde beslissing bekragtig of dit op die wyse verander wat hy regverdig ag, of dit tersyde stel en die ander beslissing gee wat hy regverdig ag.

(3) Die beslissing van die raad bind die partye by die geskil en word geag die beslissing van 'n arbiter ingevolge arbitrasieverrigtinge te wees.

28. (1) Waar 'n skriftelike klagte met betrekking tot 'n aangeleentheid waarvoor in die reëls van 'n geregistreeerde mediese skema voorsiening gemaak is, behalwe 'n in subartikel (4) bedoelde klagte, by die raad ingedien is—

Klagtes aan raad voorgelê, en beregting van geskille.

(a) deur die betrokke skema teen 'n geneesheer of tandarts of die verskaffer van enige medisyne, benodigdheid, apparaat of akkommodasie in 'n hospitaal of verpleeginrigting, en daar nie met bedoelde klagte ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), of 'n ander wet wat die gedrag of sake van geneeshere of tandartse of die betrokke verskaffer reël, gehandel moet of kan word nie; of

(b) deur 'n geneesheer of tandarts of sodanige verskaffer teen die skema,

moet die registrateur, by kennisgewing per aangetekende pos beteken, aan die party teen wie die klagte ingedien is, volledige besonderhede van die klagte verskaf, en bedoelde party versoek om hom vir die inligting van die raad van sy skriftelike kommentaar daarop te voorsien voor 'n in die kennisgewing bepaalde datum, wat nie vroeër is as dertig dae na die datum van die kennisgewing nie.

(2) Die registrateur moet so spoedig doenlik na ontvangs van kommentaar wat aan hom ingevolge 'n kennisgewing kragtens subartikel (1) verstrekk is, of as geen sodanige kommentaar aan hom verstrekk word voor die datum in bedoelde kennisgewing bepaal nie, so spoedig doenlik na daardie datum, die klagte tesame met sodanige kommentaar, as daar is, aan die raad voorlê en daarop doen die raad die stappe wat hy die geskikste ag om die oorsaak van die klagte uit die weg te ruim.

(3) Indien die raad nie in staat is om die oorsaak van die klagte uit die weg te ruim soos in subartikel (2) bepaal nie, moet hy die klagte binne die voorgeskrewe tyd en op die voorgeskrewe wyse ondersoek, en daarna die klaer en die party teen wie gekla is, skriftelik van sy beslissing in kennis stel, en bedoelde beslissing is afdoende en bind die klaer en bedoelde party.

(4) Waar 'n skriftelike klagte betreffende die bedrag wat geëis word deur 'n geneesheer of 'n tandarts vir professionele dienste gelewer aan 'n lid of afhanklike van 'n lid van 'n geregistreeerde mediese skema, deur die betrokke skema by die raad ingedien word, handel die registrateur soos in subartikels (1) en (2) bepaal asof dit 'n in subartikel (1) bedoelde klagte is.

(5) (a) By ontvangs van die registrateur van 'n in subartikel (4) bedoelde klagte en van enige kommentaar wat met betrekking daartoe aan die registrateur verstrekk is, verwys die raad onverwyld die klagte tesame met dié kommentaar, as daar is, na 'n komitee deur hom aangestel wat bestaan uit twee lede van die raad en, behoudens die bepalings van paragraaf (b), uit twee ander persone deur die raad gekies uit 'n lys van

- (i) the Medical Association of South Africa, if the amount is claimed by a medical practitioner; or
 - (ii) the Dental Association of South Africa, if the amount is claimed by a dentist,
- for investigation in the prescribed manner.
- (b) If the association in question fails so to submit to the council the names of such persons within a period of thirty days from the date of any written request by the council to such association so to submit such names, the council shall appoint two persons to serve as members of such committee instead of two persons selected from among persons referred to in paragraph (a).
- (6) At the conclusion of its investigation as provided in subsection (5), such committee shall furnish the council with a report thereon together with its decision on the complaint, and the council shall thereupon in writing advise the scheme and the medical practitioner or dentist concerned, as the case may be, of such decision, which shall be final and binding on the scheme and such medical practitioner or such dentist, as the case may be.
- (7) If the committee decides that the amount claimed is more than the amount which should have been claimed in respect of the services rendered, it shall specify the latter amount in its report to the council under subsection (6), and the medical practitioner or dentist concerned shall thereupon not be entitled, in respect of the rendering of those services, to any amount in excess of the amount so specified.

Tariff of fees of
medical
practitioners and
dentists.

29. No medical practitioner or dentist shall in respect of the rendering by him of any particular service to a member or a dependant of a member of a registered medical aid scheme who, under the rules of such scheme, is entitled, in respect of the rendering of such service, to assistance on the basis of the tariff of fees, recover an amount exceeding the amount of the fees calculated in accordance with the relevant provisions of the said tariff of fees, unless—

- (a) such service had been rendered prior to the date on which the scheme was registered; or
- (b) such medical practitioner or dentist—
 - (i) had, not less than three months prior to the date on which such service was rendered, by notice in writing informed the council that he was not prepared to render any services to members or dependants of members of any medical aid scheme at the tariffs specified in the tariff of fees; and
 - (ii) had, if it was reasonably possible to do so, informed such member or such dependant before the rendering of such service, that he was not bound to render any services at the tariffs specified in the said tariff of fees.

Amendment of
tariff of fees.

30. (1) Subject to the provisions of this section, the tariff of fees may be amended upon application in writing to the council by—

- (a) the Medical Association of South Africa, if the proposed amendment relates to a tariff in respect of the rendering of any service by a medical practitioner; or
- (b) the Dental Association of South Africa, if the proposed amendment relates to a tariff in respect of the rendering of any service by a dentist; or;
- (c) the National Association of Medical Aid Schemes.

(2) If the application—

- (a) has been made in terms of subsection (1) (a) or (b) and the representatives of the applicant and of the National Society of Medical Aid Schemes agree on the amendment of the tariff of fees as proposed; or
- (b) has been made in terms of subsection (1) (c) and the representatives of the National Association of Medical Aid Schemes and of the said Medical Association (if the proposed amendment relates to a tariff in respect of the rendering of any service by a medical practitioner) or of the said Dental Association (if the proposed amendment relates to a tariff in respect of the rendering of any service by a dentist) agree on the amendment of the tariff of fees as proposed,

- (i) die Mediese Vereniging van Suid-Afrika, indien die bedrag deur 'n geneesheer geëis word; of
- (ii) die Tandheelkundige Vereniging van Suid-Afrika, indien die bedrag deur 'n tandarts geëis word, vir ondersoek op die voorgeskrewe wyse.
- (b) Indien die betrokke vereniging versuim om die name van sodanige persone aldus aan die raad voor te lê binne 'n tydperk van dertig dae vanaf die datum van 'n skriftelike versoek deur die raad aan dié vereniging om sodanige name voor te lê, moet die raad twee persone aanstel om as lede van sodanige komitee te dien in plaas van twee persone gekies uit persone bedoel in paragraaf (a).
- (6) Na afloop van die ondersoek soos in subartikel (5) bepaal, verstrek dié komitee aan die raad 'n verslag daaroor, tesame met sy beslissing oor die klagte, en daarop stel die raad die skema en die betrokke geneesheer of tandarts, na gelang van die geval, skriftelik van die beslissing in kennis, en die beslissing is afdoende en bind die skema en sodanige geneesheer of sodanige tandarts, na gelang van die geval.
- (7) Indien die komitee beslis dat die bedrag wat geëis word meer is as die bedrag wat geëis moet gewees het ten opsigte van die gelewerde dienste, noem hy laasgenoemde bedrag in sy verslag aan die raad kragtens subartikel (6), en daarop is die betrokke geneesheer of tandarts nie ten opsigte van die lewering van daardie dienste geregtig op 'n bedrag wat die aldus genoemde bedrag te bowe gaan nie.

29. Geen geneesheer of tandarts mag, ten opsigte van die lewering deur hom van 'n besondere diens aan 'n lid of 'n afhanklike van 'n lid van 'n geregistreerde mediese hulpskema wat kragtens die reëls van daardie skema ten opsigte van die lewering van daardie diens geregtig is op bystand op die grondslag van die geldetarief, 'n bedrag verhaal nie wat hoër is as die bedrag van die gelde volgens die toepaslike bepalinge van genoemde geldetarief bereken, tensy—

Geldetarief van geneesheer en tandartse.

- (a) bedoelde diens gelewer is voor die datum waarop die skema geregistreer is; of
- (b) bedoelde geneesheer of tandarts—
 - (i) minstens drie maande voor die datum waarop bedoelde diens gelewer is, by skriftelike kennisgewing die raad in kennis gestel het dat hy nie bereid is nie om dienste teen die tariewe in die geldetarief uiteengesit, aan lede en afhanklikes van lede van 'n mediese hulpskema te lewer; en
 - (ii) indien dit redelikerwys moontlik was om dit te doen, voor die lewering van bedoelde diens, sodanige lid of sodanige afhanklike in kennis gestel het dat hy nie verplig is nie om dienste te lewer teen die tariewe in genoemde geldetarief uiteengesit.

30. (1) Behoudens die bepalinge van hierdie artikel, kan die geldetarief gewysig word op skriftelike aansoek by die raad deur—

Wysiging van geldetarief.

- (a) die Mediese Vereniging van Suid-Afrika, indien die voorgestelde wysiging betrekking het op 'n tarief ten opsigte van die lewering van 'n diens deur 'n geneesheer; of
- (b) die Tandheelkundige Vereniging van Suid-Afrika, indien die voorgestelde wysiging betrekking het op 'n tarief ten opsigte van die lewering van 'n diens deur 'n tandarts; of
- (c) die Nasionale Vereniging van Mediese Hulpskemas.

(2) Indien die aansoek—

- (a) ingevolge subartikel (1) (a) of (b) gedoen is en die verteenwoordigers van die aansoeker en van die Nasionale Vereniging van Mediese Hulpskemas ooreenkom omtrent die wysiging van die geldetarief soos voorgestel; of
- (b) ingevolge subartikel (1) (c) gedoen is en die verteenwoordigers van die Nasionale Vereniging van Mediese Hulpskemas en van bedoelde Mediese Vereniging (indien die voorgestelde wysiging betrekking het op 'n tarief ten opsigte van die lewering van 'n diens deur 'n geneesheer) of van bedoelde Tandheelkundige Vereniging (indien die voorgestelde wysiging betrekking het op 'n tarief ten opsigte van die lewering van 'n diens deur 'n tandarts) ooreenkom omtrent die wysiging van die geldetarief soos voorgestel.

(3) If the said representatives do not succeed in coming to an agreement on the amendment of the tariff of fees as proposed, and the application is not withdrawn by the applicant, a dispute shall be deemed to exist between the applicant and the said Medical Association or the said Dental Association or the National Association of Medical Aid Schemes, as the case may be, whereupon the applicant may refer the dispute to the council for decision, if the other party to the dispute consents to the dispute being so referred to the council.

(4) The decision of the council on any dispute referred to it in terms of subsection (3) shall be final, and shall be deemed to be the judgment of an arbitrator in terms of the law relating to arbitration, and if the council decides in favour of the proposed amendment of the tariff of fees, such decision shall be given effect to by an amendment of the tariff of fees in accordance therewith by the Minister by notice in the *Gazette*.

(5) If the parties to the dispute are unable to come to an agreement that the dispute be referred to the council under subsection (3), the applicant shall notify the council in writing that it has not been possible to come to an agreement, whereupon the council—

(a) shall refer the dispute for arbitration to two arbitrators of whom one shall be nominated by the applicant and one by the other party to the dispute, and in respect of whom an umpire shall be appointed by agreement between the parties to the dispute; and

(b) shall simultaneously notify the parties concerned in writing that the dispute has been so referred.

(6) If after the expiration of a period of thirty days from the date of a notice under subsection (5) (b), any party to the dispute has failed to nominate an arbitrator, or the parties to the dispute have failed to nominate an umpire, the Minister shall as soon as is practicable nominate an arbitrator or arbitrators or an umpire, as the case may be.

(7) The umpire shall preside at all meetings of the arbitrators, and if the arbitrators are unable to come to an agreement on the manner in which the dispute shall be settled, the umpire shall give a decision on the dispute, and such decision shall be deemed to be the decision of the arbitrators.

(8) The decision of the arbitrators shall be final, and if the arbitrators have decided in favour of an amendment of the tariff of fees as proposed, such decision shall be given effect to by an amendment of the tariff of fees in accordance therewith by the Minister by notice in the *Gazette*.

(9) Notwithstanding anything to the contrary contained in this section any amendment to the tariff of fees made thereunder shall remain of force and effect for a period of not less than twelve months as from the date on which the notice in question was in terms of this section published in the *Gazette*.

(10) The costs of any arbitration under this section, calculated in accordance with the table of costs in magistrates' courts and, if the party in question has requested it, as taxed by a clerk of any magistrate's court, as well as the fees payable to the arbitrators and the umpire nominated in terms of subsection (5) (a) or (6), shall be paid by the applicant or, if the applicant is the National Association of Medical Aid Schemes, be defrayed from the fund.

Agreements
between medical
practitioners or
dentists and
schemes on
remuneration
payable for services
rendered to
members of
schemes.

31. (1) If an agreement has been entered into between a medical practitioner or group of medical practitioners or a dentist or group of dentists and a registered medical benefit scheme as to the periodic remuneration payable by such scheme to such medical practitioner or any member of such group of medical practitioners or to such dentist or any member of such group of dentists, as the case may be, by way of a salary or by way of an amount calculated on the basis of the number of members of the scheme for whose treatment such medical practitioner or such member of such group of medical practitioners or such dentist or such member of such group of dentists is responsible, as the case may be, the remuneration so payable shall not be altered, except by agreement between the parties concerned or in the manner provided by this section.

(2) If any party referred to in subsection (1) refuses to consent to any alteration of the said remuneration proposed by the other party to the agreement in question and the proposal is not withdrawn by the party who made it, a dispute shall be deemed to exist between the parties in question, whereupon

(3) Indien bedoelde verteenwoordigers nie daarin slaag nie om tot 'n ooreenkoms te geraak omtrent die wysiging van die geldetarief soos voorgestel, en die aansoek nie deur die aansoeker teruggetrek word nie, word 'n geskil geag te bestaan tussen die aansoeker en bedoelde Mediese Vereniging of bedoelde Tandheelkundige Vereniging of die Nasionale Vereniging van Mediese Hulpkemas, na gelang van die geval, waarop die aansoeker die geskil na die raad vir beslissing kan verwys, indien die ander party by die geskil instem dat die geskil aldus na die raad verwys word.

(4) Die beslissing van die raad oor 'n geskil ingevolge subartikel (3) na hom verwys is afdoende en word geag 'n uitspraak van 'n arbiter ingevolge die wetsbepalings op arbitrasie te wees, en indien die raad ten gunste van die voorgestelde wysiging van die geldetarief beslis, word aan bedoelde beslissing gevolg gegee deur 'n wysiging dienoooreenkomstig van die geldetarief deur die Minister by kennisgewing in die *Staatskoerant*.

(5) Indien die partye by die geskil nie ooreen kan kom dat die geskil kragtens subartikel (3) na die raad verwys word nie, stel die aansoeker die raad skriftelik in kennis dat daar nie in geslaag is om ooreen te kom nie, waarop die raad—

- (a) die geskil vir arbitrasie verwys na twee arbiters, waarvan een benoem word deur die aansoeker en een benoem word deur die ander party by die geskil, en ten opsigte waarvan 'n skeidsregter by ooreenkoms tussen die partye by die geskil benoem word; en
- (b) die betrokke partye gelyktydig skriftelik in kennis stel dat die geskil aldus verwys is.

(6) Indien, na verloop van 'n tydperk van dertig dae vanaf die datum van 'n kennisgewing kragtens subartikel (5) (b), 'n party by die geskil in gebreke gebly het om 'n arbiter te benoem, of die partye by die geskil in gebreke gebly het om 'n skeidsregter te benoem, benoem die Minister so spoedig doenlik 'n arbiter of arbiters of 'n skeidsregter, na gelang van die geval.

(7) Die skeidsregter sit voor op alle vergaderings van die arbiters, en indien die arbiters nie ooreen kan kom omtrent die wyse waarop die geskil uit die weg geruim moet word nie, gee die skeidsregter 'n beslissing oor die geskil, en sodanige beslissing word geag die beslissing van die arbiters te wees.

(8) Die beslissing van die arbiters is afdoende, en indien die arbiters ten gunste van die wysiging van die geldetarief soos voorgestel besluit het, word aan bedoelde beslissing gevolg gegee deur 'n wysiging dienoooreenkomstig van die geldetarief deur die Minister by kennisgewing in die *Staatskoerant*.

(9) Ondanks andersluidende bepalings van hierdie artikel, is 'n wysiging van die geldetarief wat uit krag daarvan gemaak word, van krag vir 'n tydperk van minstens twaalf maande vanaf die datum waarop die betrokke kennisgewing in die *Staatskoerant* ingevolge hierdie artikel gepubliseer is.

(10) Die koste van arbitrasie kragtens hierdie artikel, bereken volgens die tabel van koste in landdroshoue en, indien die betrokke party dit versoek het, soos getakseer deur 'n klerk van 'n landdroshof, en ook die gelde betaalbaar aan die arbiters en skeidsregter ingevolge subartikel (5) (a) of (6) benoem, word deur die aansoeker betaal of, indien die aansoeker die Nasionale Vereniging van Mediese Hulpkemas is, uit die fonds bestry.

31. (1) Indien 'n ooreenkoms aangegaan is tussen 'n geneesheer of groep geneeshere of 'n tandarts of groep tandartse en 'n geregistreerde mediese bystandskema aangaande die periodieke vergoeding betaalbaar deur sodanige skema aan sodanige geneesheer of 'n lid van sodanige groep geneeshere of aan sodanige tandarts of 'n lid van sodanige groep tandartse, na gelang van die geval, in die vorm van salaris of in die vorm van 'n bedrag bereken op die gronslag van die aantal lede van die skema vir wie se behandeling sodanige geneesheer of sodanige lid van sodanige groep geneeshere of sodanige tandarts of sodanige lid van sodanige groep tandartse verantwoordelik is, na gelang van die geval, word die vergoeding wat aldus betaalbaar is, nie gewysig nie, behalwe by ooreenkoms tussen die betrokke partye of soos by hierdie artikel bepaal word.

Ooreenkomste tussen geneeshere of tandartse en skemas omtrent vergoeding betaalbaar vir dienste gelewer aan lede van skemas.

(2) Indien 'n party bedoel in subartikel (1) weier om in te stem tot 'n wysiging van bedoelde vergoeding voorgestel deur die ander party by die betrokke ooreenkoms en die voorstel nie teruggetrek word nie deur die party wat dit gedoen het, word 'n geskil geag te bestaan tussen die betrokke partye, waarop die

(3) If a dispute is under subsection (2) deemed to exist, the registrar shall as soon as possible make it known by notice in the *Gazette*.

(4) The decision of the council shall be final and binding on the parties to any dispute referred to it under subsection (2), and shall be deemed to be a judgment of an arbitrator in terms of the law relating to arbitration.

(5) If the parties to the dispute are unable to come to an agreement that the dispute be referred to the council under subsection (2), the party who proposed the alteration of the said remuneration shall notify the council in writing that it has not been possible to come to an agreement, whereupon the council—

(a) shall refer the dispute for arbitration to two arbitrators of whom one shall be nominated by the medical practitioner or group of medical practitioners or dentist or group of dentists, as the case may be, that is a party to the agreement, and the other shall be nominated by the National Association of Medical Benefit Schemes, and in respect of whom an umpire shall be nominated by agreement between the said medical practitioner or group of medical practitioners or dentist or group of dentists, as the case may be, and the said National Association; and

(b) shall simultaneously notify the parties to the agreement and the said National Association in writing that the dispute has been so referred.

(6) If after the expiration of a period of thirty days from the date of a notice under subsection (5) (b), the medical practitioner or group of medical practitioners or dentist or group of dentists, as the case may be, that is a party to the agreement, or the said National Association has failed to nominate an arbitrator, or the said medical practitioner or group of medical practitioners or dentist or group of dentists, as the case may be, and the said National Association have failed to nominate an umpire, the Minister shall as soon as is practicable nominate an arbitrator or arbitrators or an umpire, as the case may be.

(7) The provisions of section 30 (7) shall *mutatis mutandis* apply to any dispute referred under subsection (5) of this section to arbitration.

(8) The decision of the arbitrators shall be final and shall for all purposes be binding upon the parties to the dispute.

(9) If a dispute referred to in subsection (2) has been settled, the registrar shall as soon as possible make it known by notice in the *Gazette*.

(10) If any dispute is under subsection (2) deemed to exist, the medical practitioner or dentist in question shall, notwithstanding anything to the contrary contained in the agreement in question, not withhold his services from any member or any dependant of any member of the scheme for whose treatment he is under that agreement responsible, until such time as such dispute has been settled in the manner provided by this section, and no medical practitioner (if the dispute relates to an alteration of the remuneration payable to a medical practitioner) or dentist (if the dispute relates to an alteration of the remuneration payable to a dentist) shall during the period between the dates on which the respective notices in respect of such dispute have in terms of subsections (3) and (9) been published and the period of twelve months immediately after the expiration of such first-mentioned period, in any manner whatsoever discourage any medical practitioner or dentist, as the case may be, or perform any act calculated to discourage any medical practitioner or dentist, as the case may be, from rendering any services to a member or a dependant of a member of the scheme in question, or from agreeing to render services to such a member or such a dependant.

(11) The costs of arbitration under this section, calculated in accordance with the table of fees in magistrates' courts and if the party in question has requested it, as taxed by a clerk of any magistrate's court, as well as the fees payable to the arbitrators and umpire nominated in terms of subsection (5) (a) or (6), shall be paid by the party who proposed the amendment of the agreement in question or, if such party is a scheme, be defrayed from the fund.

(3) Indien 'n geskil kragtens subartikel (2) geag word te bestaan, moet die registrateur dit so spoedig doenlik by kennisgewing in die *Staatskoerant* bekend maak.

(4) Die beslissing van die raad is afdoende en bindend vir die partye by 'n geskil wat kragtens subartikel (2) na hom verwys is, en word geag 'n uitspraak van 'n arbiter ingevolge die wetsbepalings op arbitrasie te wees.

(5) Indien die partye by die geskil nie ooreen kan kom dat die geskil kragtens subartikel (2) na die raad verwys word nie, stel die party wat die wysiging van bedoelde vergoeding voorgestel het die raad skriftelik in kennis dat daar nie in geslaag is om ooreen te kom nie, waarop die raad—

(a) die geskil vir arbitrasie verwys na twee arbiters, waarvan een benoem word deur die geneesheer of groep geneeshere of tandarts of groep tandartse, na gelang van die geval, wat 'n party by die ooreenkoms is, en die ander benoem word deur die Nasionale Vereniging van Mediese Bystandskemas, en ten opsigte waarvan 'n skeidsregter by ooreenkoms tussen bedoelde geneesheer of groep geneeshere of tandarts of groep tandartse, na gelang van die geval, en bedoelde Nasionale Vereniging benoem word; en

(b) die partye by die ooreenkoms en bedoelde Nasionale Vereniging gelyktydig skriftelik in kennis stel dat die geskil aldus verwys is.

(6) Indien, na verloop van 'n tydperk van dertig dae vanaf die datum van 'n kennisgewing kragtens subartikel (5) (b) die geneesheer of groep geneeshere of tandarts of groep tandartse, na gelang van die geval, wat 'n party by die ooreenkoms is, of bedoelde Nasionale Vereniging in gebreke gebly het om 'n arbiter te benoem, of bedoelde geneesheer of groep geneeshere of tandarts of groep tandartse, na gelang van die geval, en bedoelde Nasionale Vereniging in gebreke gebly het om 'n skeidsregter te benoem, benoem die Minister so spoedig doenlik 'n arbiter of arbiters of 'n skeidsregter, na gelang van die geval.

(7) Die bepalinge van artikel 30 (7) is *mutatis mutandis* van toepassing op 'n geskil wat kragtens subartikel (5) van hierdie artikel vir arbitrasie verwys is.

(8) Die beslissing van die arbiters is afdoende en vir alle doeleindes bindend vir die partye by die geskil.

(9) Indien 'n geskil bedoel in subartikel (2) besleg is, moet die registrateur dit so spoedig doenlik by kennisgewing in die *Staatskoerant* bekend maak.

(10) Indien 'n geskil kragtens subartikel (2) geag word te bestaan, mag die betrokke geneesheer of tandarts, ondanks andersluidende bepalinge van die betrokke ooreenkoms, nie sy dienste weerhou nie van 'n lid of 'n afhanklike van 'n lid van die skema vir wie se behandeling hy kragtens daardie ooreenkoms verantwoordelik is, tot tyd en wyl sodanige geskil besleg is op die wyse by hierdie artikel bepaal, en geen geneesheer (indien die geskil betrekking het op 'n wysiging van die vergoeding betaalbaar aan 'n geneesheer) of tandarts (indien die geskil betrekking het op 'n wysiging van die vergoeding betaalbaar aan 'n tandarts) mag gedurende die tydperk tussen die datums waarop die onderskeie kennisgewings ten opsigte van sodanige geskil ingevolge subartikels (3) en (9) gepubliseer is en die tydperk van twaalf maande onmiddellik na die verstryking van eersgenoemde tydperk, op enige wyse hoegenaamd 'n geneesheer of tandarts, na gelang van die geval, ontmoedig, of 'n handeling verrig nie wat daarop bereken is om 'n geneesheer of tandarts, na gelang van die geval, te ontmoedig om dienste aan 'n lid of 'n afhanklike van 'n lid van die betrokke skema te lewer of toe te stem om dienste aan sodanige lid of sodanige afhanklike te lewer.

(11) Die koste van arbitrasie kragtens hierdie artikel, bereken volgens die tabel van koste in landdroshowe en, indien die betrokke party dit versoek het, soos getakseer deur 'n klerk van 'n landdroshof, en ook die gelde betaalbaar aan die arbiters en skeidsregter ingevolge subartikel (5) (a) of (6) benoem, word deur die party wat die wysiging van die betrokke ooreenkoms voorgestel het, betaal of, indien bedoelde party 'n skema is, uit die fonds bestry.

32. 'n Geneesheer, tandarts of iemand anders wat dien- Rekenings moet
ste gelewer het aan, of enige medisyne, benodigtheid, apparaat deur geneeshere,
of akkommodasie in 'n hospitaal of ander instelling, of 'n tandarts of

benefits under the scheme, shall, if the benefits of such scheme apply in respect of the rendering of the service or the supplying of the medicine, requirement, appliance or accommodation in question, furnish the member concerned with an account or statement reflecting such particulars as may be prescribed.

Carrying on business of a medical scheme which is not registered.

33. No person shall—

- (a) carry on the business of a medical scheme which is in existence at the commencement of this Act—
 - (i) for a period of more than six months after such commencement unless application has been duly made under section 14 for the registration of that scheme; or
 - (ii) for a period of more than twelve months after he has been advised by the registrar that the application for the registration of that scheme has been rejected; or
- (b) carry on the business of a medical scheme established after such commencement unless the scheme has been duly registered under section 15; or
- (c) carry on the business of any medical scheme for a period of more than twelve months after he has been advised by the registrar that the registration of that scheme has lapsed or has been cancelled, or during any period of suspension of the registration of such scheme; or
- (d) under a scheme or arrangement with one or more other persons, whether such scheme or arrangement has been reduced to writing or not, engage in any activity which may be the subject of a medical scheme, unless such scheme or arrangement has been registered as a medical scheme under section 15.

Use of designation "medical scheme".

34. No person shall, after the expiration of a period of twelve months from the commencement of this Act, without the consent of the registrar, apply to his business a name which includes the words "medical scheme" or any other name which is calculated to indicate or is likely to lead persons to believe that he carries on the business of a medical scheme, unless such business is registered under this Act.

Registrar may require schemes not registered to furnish information.

35. (1) The registrar may by notice in writing require any person who he has reason to suspect is carrying on the business of a medical scheme which is not registered, to transmit to him within a period stated in such notice a copy of the rules, if any, under which such person is operating and such further information as the registrar may require.

(2) If such person fails to comply with the requirements of the registrar to his satisfaction, the registrar or any other person authorized by him in writing may, with the consent of the Minister, require such person to produce at any place where he carries on the business in question, the books, documents or accounts relating to that business in order to enable the registrar or such other person to ascertain whether that business constitutes a medical scheme.

(3) If the registrar is satisfied that the person concerned is carrying on the business of a medical scheme which was in existence at the commencement of this Act, he shall register the scheme provisionally whereafter the provisions of this Act shall apply in respect of that scheme.

Establishment of appeal board.

36. (1) The Minister shall establish a board, to be known as the Medical Schemes Appeal Board, to hear and determine appeals from decisions of the registrar in terms of sections 3, 15, 16, 18, 21 and 35 (3).

(2) The said Appeal Board shall consist of three members who shall be appointed by the Minister and shall be persons who in the opinion of the Minister are suitably qualified to perform the functions devolving upon them under this Act.

(3) The Minister may, at the request of the said Appeal Board or any person who lodges an appeal with the said board, appoint not more than two persons who in the opinion of the Minister have expert knowledge of any matter to which any appeal relates, to serve as assessors on the said board in connection with such appeal.

(4) A member of the said Appeal Board shall be appointed on such conditions and for such period not exceeding five years as the Minister may determine.

(5) Any person whose period of office as a member of the

opsigte van wie 'n lid van 'n geregistreerde skema op voordele kragtens die skema geregtig is, moet, indien die voordele van bedoelde skema van toepassing is ten opsigte van die lewering van die betrokke diens of die verskaffing van die betrokke medisyne, benodigheid, apparaat of akkommodasie, aan die betrokke lid 'n rekening of staat verstrek waarin die besonderhede uiteengesit word wat voorgeskryf is.

33. Niemand mag—

- (a) die sake van 'n mediese skema wat by die inwerking-treding van hierdie Wet bestaan, voortsit nie—
 - (i) vir 'n langer tydperk as ses maande na bedoelde inwerkingtreding tensy aansoek om die registrasie van daardie skema behoorlik ingevolge artikel 14 gedoen is; of
 - (ii) vir 'n langer tydperk as twaalf maande nadat hy deur die registrateur in kennis gestel is dat die aansoek om die registrasie van daardie skema van die hand gewys is; of
- (b) die sake van 'n mediese skema wat na sodanige inwerkingtreding ingestel is, voortsit nie tensy die skema behoorlik ingevolge artikel 15 geregistreer is; of
- (c) die sake van 'n mediese skema voortsit nie vir 'n langer tydperk as twaalf maande nadat hy deur die registrateur in kennis gestel is dat die registrasie van daardie skema verval het of ingetrek is, of gedurende 'n tydperk van opskorting van die registrasie van sodanige skema; of
- (d) kragtens 'n skema of reëling met een of meer ander persone, hetsy dié skema of reëling op skrif gestel is al dan nie, betrokke wees by 'n bedrywigheid wat die onderwerp van 'n mediese skema kan uitmaak nie, tensy sodanige skema of reëling kragtens artikel 15 as 'n mediese skema geregistreer is.

Voortsetting van sake van mediese skema wat nie geregistreer is nie.

34. Niemand verleen na die verstryking van 'n tydperk van twaalf maande vanaf die inwerkingtreding van hierdie Wet sonder die toestemming van die registrateur aan sy saak 'n naam wat die woorde „mediese skema” insluit, of 'n ander naam wat daarop bereken is om aan te dui of wat persone waarskynlik sal laat dink dat hy sake as 'n mediese skema doen nie, tensy sodanige saak kragtens hierdie Wet geregistreer is.

Gebruik van naam „mediese skema”.

35. (1) Die registrateur kan by skriftelike kennisgewing iemand ten opsigte van wie hy rede het om te vermoed dat hy die sake van 'n mediese skema voortsit wat nie geregistreer is nie, aansê om binne 'n in sodanige kennisgewing vermelde tydperk 'n afskrif van die reëls, as daar is, uit krag waarvan so iemand optree, en die ander inligting wat die registrateur verlang, aan hom te stuur.

Registrateur kan eis dat skemas wat nie geregistreer is nie, inligting verstrek.

(2) Indien bedoelde persoon versuim om aan die vereistes van die registrateur tot sy genoeë te voldoen, kan die registrateur of iemand anders skriftelik deur hom gemagtig, met die toestemming van die Minister, sodanige persoon aansê om op 'n plek waar hy die betrokke saak voortsit, die boeke, dokumente of rekenings betreffende daardie saak voor te lê ten einde die registrateur of bedoelde ander persoon in staat te stel om vas te stel of daardie saak 'n mediese skema uitmaak.

(3) Indien die registrateur oortuig is dat die betrokke persoon die sake van 'n mediese skema voortsit wat by die inwerking-treding van hierdie Wet bestaan het, registreer hy die skema voorlopig waarna die bepalings van hierdie Wet ten opsigte van daardie skema van toepassing is.

36. (1) Die Minister stel 'n raad in, wat die Appèlraad vir Mediese Skemas heet, om appèlle teen beslissings van die registrateur ingevolge artikels 3, 15, 16, 18, 21 en 35 (3) te verhoor en daaroor te beslis.

Instelling van appèlraad.

(2) Genoemde Appèlraad bestaan uit drie lede wat deur die Minister aangestel word en persone moet wees wat, na die oordeel van die Minister, die nodige kwalifikasies besit om die werksaamhede te verrig wat kragtens hierdie Wet op hulle rus.

(3) Die Minister kan op versoek van genoemde Appèlraad of iemand wat 'n appèl by dié raad indien, hoogstens twee persone aanstel wat na die oordeel van die Minister deskundige kennis besit van 'n aangeleentheid waarop 'n appèl betrekking het, om in verband met so 'n appèl as assessors in dié raad te dien.

(4) 'n Lid van genoemde Appèlraad word aangestel op die voorwaardes en vir die tydperk, maar van hoogstens vyf jaar, wat die Minister bepaal.

(6) The Minister shall cause the name of every person appointed as a member of the said Appeal Board and the period for which he has been appointed to be published in the *Gazette*.

(7) A member of the said Appeal Board and any person serving as assessor on such board (other than a person who is in the full-time employment of the State) shall be paid such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine.

Appeal against
decision of
registrar.

37. (1) Any person who is aggrieved by any decision of the registrar in terms of section 3, 15, 16, 18, 21 or 35 (3) may within one month after the date on which such decision was given, appeal against such decision to the Appeal Board referred to in section 36, and the said board may make such order on the appeal as it may consider equitable, and its decision shall be final.

(2) The operation of any decision which is the subject of an appeal under subsection (1) shall be suspended pending the decision of the said board on such appeal.

(3) Any person who lodges an appeal under subsection (1) shall submit with his appeal written arguments or explanations of the grounds of his appeal, and may further in person or through a representative appear before the said Appeal Board and tender any evidence or submit any argument or explanation to the said board in support of the written arguments or explanations of his grounds of appeal.

Prohibition of
membership of
and claims
against more
than one registered
medical scheme.

38. (1) No person shall—

- (a) be a member of more than one registered medical scheme; or
- (b) claim or accept benefits in respect of himself or any dependant who is not a member of a registered medical scheme, from any registered medical scheme other than the scheme of which he is a member.

(2) No medical scheme shall enrol or admit or, after the commencement of this Act, allow to continue, as a member thereof any person who is a dependant of a member of any other medical scheme, if under the rules of such other scheme that person is recognized as a dependant of that member and is entitled to the benefits to which that member is entitled.

Prohibition on
publication of
certain
information.

39. No person shall, except in the performance of his functions or duties under this Act or when called upon to do so as a witness before a court of law, disclose any information relating to the affairs or any medical scheme and furnished to or obtained by him in connection with any enquiry or investigation under this Act.

Offences and
penalties.

40. Any person who contravenes or fails to comply with any provision of this Act of any request or requirement made thereunder, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Regulations.

41. (1) The council may with the approval of the Minister make regulations relating to—

- (a) the minimum benefits to which members of registered medical schemes and their dependants shall be entitled under such schemes;
- (b) the conditions subject to which any person who has terminated his membership of a registered medical scheme shall be enrolled as a member of any other registered medical scheme;
- (c) the basis on which the subscription payable in respect of the benefits provided by a registered medical scheme shall be determined;
- (d) the times when and the basis on which contributions shall be paid to the fund by registered medical schemes or different categories of such schemes;
- (e) the manner in which any payment due under a registered medical scheme shall be made;
- (f) the supply to the registrar by registered medical schemes of statistical and other information relating to such schemes;
- (g) the convening and conduct of and the procedure at meetings of the council or any committee appointed by it, including the quorum for any meeting of any such committee.

(6) Die Minister laat die naam van iedereen wat as lid van genoemde Appèlraad aangestel is, en die tydperk waarvoor hy aangestel is, in die *Staatskoerant* publiseer.

(7) 'n Lid van genoemde Appèlraad en iemand wat as assessor in dié raad dien (behalwe iemand wat in die heeltidse diens van die Staat is) word die vergoeding en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

37. (1) Iemand wat hom veronreg ag deur 'n beslissing van die registrateur ingevolge artikel 3, 15, 16, 18, 21 of 35 (3) kan binne 'n maand na die datum waarop dié beslissing gegee is, teen daardie beslissing appelleer na die Appèlraad bedoel in artikel 36, en genoemde raad kan ten opsigte van die appèl die bevel uitreik wat hy billik ag, en sy beslissing is afdoende.

Appèl teen beslissing van registrateur.

(2) Die uitwerking van 'n beslissing wat die onderwerp van 'n appèl kragtens subartikel (1) is, word opgeskort hangende die beslissing van genoemde raad oor dié appèl.

(3) Iemand wat kragtens subartikel (1) appèl aanteken, moet skriftelike beredenerings of verduidelikings van die gronde van sy appèl saam met die appèl voorlê, en kan bowendien self of deur 'n verteenwoordiger voor genoemde Appèlraad verskyn en aan genoemde raad getuieis aanbied of 'n beredenering of verduideliking voorlê ter staving van die skriftelike beredenerings of verduidelikings van sy gronde van appèl.

38. (1) Niemand mag—

- (a) lid van meer as een geregistreerde mediese skema wees nie; of
- (b) voordele ten opsigte van homself of 'n afhanklike wat nie lid van 'n geregistreerde skema is nie, van 'n geregistreerde mediese skema, behalwe die skema waarvan hy lid is, eis of ontvang nie.

Verbod op lidmaatskap van en eise teen meer as een geregistreerde mediese skema.

(2) Geen mediese skema mag as lid daarvan 'n persoon wat 'n afhanklike van 'n lid van 'n ander mediese skema is, inskryf of toelaat of, na die inwerkingtreding van hierdie Wet, daardie persoon toelaat om lid daarvan te bly nie, indien daardie persoon kragtens die reëls van daardie ander skema erken word as 'n afhanklike van daardie lid en geregtig is op die voordele waarop daardie lid geregtig is.

39. Niemand mag inligting betreffende die sake van 'n mediese skema wat aan hom verstrekk is of deur hom verkry is in verband met 'n navraag of ondersoek kragtens hierdie Wet, openbaar maak nie behalwe by die uitvoering van sy werksaamhede of pligte kragtens hierdie Wet of wanneer hy daarom gevra word as getuie in 'n geregshof.

Verbod op openbaarmaking van sekere inligting.

40. Iemand wat 'n bepaling van hierdie Wet of 'n ver-soek of vereiste wat uit krag daarvan gerig of gestel is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf.

Misdrywe en strawwe.

41. (1) Die raad kan met die goedkeuring van die Minister regulasies uitvaardig met betrekking tot—

Regulasies.

- (a) die minimum voordele waarop lede van geregistreerde mediese skemas en hul afhanklikes kragtens sodanige skemas geregtig is;
- (b) die voorwaardes waarop iemand wat sy lidmaatskap van 'n geregistreerde mediese skema beëindig het, as lid van 'n ander geregistreerde mediese skema ingeskryf moet word;
- (c) die grondslag waarop die ledegelde bepaal word wat betaalbaar is ten opsigte van die voordele deur 'n geregistreerde mediese skema verskaf;
- (d) die tye wanneer en die grondslag waarop bydraes deur geregistreerde mediese skemas of verskillende kategorieë van sodanige skemas in die fonds gestort moet word;
- (e) die wyse waarop 'n betaling wat kragtens 'n mediese skema verskuldig is, gedoen moet word;
- (f) die verstrekking aan die registrateur deur geregistreerde mediese skemas van statistiese en ander inligting betreffende sodanige skemas;
- (g) die byeenroep en hou van en die prosedure op vergaderings van die raad of 'n komitee deur hom aangestel, met inbegrip van die kworum vir 'n vergadering van so 'n komitee;

and generally relating to all matters which the council considers it necessary or expedient to prescribe for the better performance of its functions or in order that the purposes of this Act may be achieved.

(2) The council shall, not less than three months before any regulation is made under subsection (1), cause a copy of the proposed regulation to be published in the *Gazette* together with a notice declaring its intention to make that regulation and inviting interested persons to furnish it with their comments thereon or any representations they may wish to make in regard thereto.

(3) The provisions of subsection (2) shall not apply in respect of—

(a) any regulation made by the council and, after the provisions of that subsection have been complied with, amended by the council in consequence of comments or representations received by it in pursuance of the notice issued thereunder; or

(b) any regulation in respect of which the Minister, after consultation with the council, is of the opinion that the public interest requires it to be made without delay.

(4) No regulation made under subsection (1) (c) shall be approved by the Minister, except with the concurrence of the Minister of the Interior.

Council to report cases of improper or disgraceful conduct to the South African Medical and Dental Council, the South African Pharmacy Board or the South African Nursing Council.

42. Whenever it appears to the council that the conduct of any person registered under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or the Nursing Act, 1957 (Act No. 69 of 1957), is such as to constitute improper or disgraceful conduct or conduct which when regard is had to such person's profession, is improper or disgraceful, the council shall report the matter to the South African Medical and Dental Council, the South African Pharmacy Board or the South African Nursing Council, whichever council or board has jurisdiction in the matter.

Exemption from stamp duty.

43. No stamp duty shall be payable in connection with any policy of insurance issued in substitution of another solely for the purpose of complying with the provisions of this Act.

Determination of tariff of fees in the case of dentists, in the absence of agreement.

44. (1) If after the expiration of a period of six months from the date of commencement of this Act, the National Association of Medical Aid Schemes and the Dental Association of South Africa have not come to an agreement on the tariff of fees as envisaged in paragraph (b) of the definition of "tariff of fees" in section 1 a dispute shall be deemed to exist between the said associations, and the council—

(a) shall refer the dispute for arbitration to two arbitrators of whom one shall be nominated by the said National Association of Medical Aid Schemes and the other by the said Dental Association, and in respect of whom an umpire shall be nominated by agreement between the said associations; and

(b) shall simultaneously advise the said associations in writing that the dispute has been so referred.

(2) The provisions of section 30 (6) and (7) shall *mutatis mutandis* apply to any dispute referred to in subsection (1) of this section.

(3) The decision of the arbitrators shall be final, and the tariff of fees which apply by virtue of such decision shall for all purposes be deemed to have been agreed on between the associations referred to in subsection (1).

(4) The costs of arbitration under this section, calculated in accordance with the table of costs in magistrates' courts and, if one of the parties has requested it, as taxed by a clerk of any magistrate's court, including the fees payable to the arbitrators and umpire appointed thereunder, shall be borne in equal shares by the associations referred to in subsection (1).

Application of Act to South-West Africa.

45. This Act and any amendment thereof shall apply also in the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section 3 (1) of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)) and in relation to all persons in that portion of the said territory known as the "Rehoboth Gebiet" and defined in the Schedule to Proclamation No. 28 of 1923 of the said territory.

Short title and

46. This Act shall be called the Medical Schemes Act, 1967,

en oor die algemeen met betrekking tot alle aangeleenthede wat die raad nodig of dienstig ag om voor te skryf om sy werksaamhede beter te verrig of sodat die doelstellinge van hierdie Wet verwesenlik kan word.

(2) Minstens drie maande voordat 'n regulasie kragtens subartikel (1) uitgevaardig word, laat die raad 'n afskrif van die voorgestelde regulasie in die *Staatskoerant* publiseer tesame met 'n kennisgewing waarin hy sy voorneme te kenne gee om daardie regulasie uit te vaardig en belanghebbendes uitnoodig om hom van hul kommentaar daarop of verhoë wat hul in verband daarmee wil rig, te voorsien.

(3) Die bepalings van subartikel (2) is nie van toepassing nie ten opsigte van—

(a) 'n regulasie deur die raad uitgevaardig wat, nadat aan die bepalings van daardie subartikel voldoen is, deur die raad gewysig is ten gevolge van kommentaar of verhoë deur hom ontvang uit hoofde van 'n kennisgewing uit krag daarvan uitgereik; of

(b) 'n regulasie ten opsigte waarvan die Minister, na oorleg met die raad, van oordeel is dat dit in die openbare belang is dat dit sonder versuim uitgevaardig word.

(4) Geen regulasie kragtens subartikel (1) (c) uitgevaardig, word deur die Minister goedgekeur nie, behalwe met die instemming van die Minister van Binnelandse Sake.

42. Wanneer dit vir die raad blyk dat die gedrag van iemand wat kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), of die Wet op Verpleging, 1957 (Wet No. 69 van 1957), geregistreer is, sodanig is dat dit onbetaamlike of skandelijke gedrag uitmaak of gedrag wat met inagneming van so iemand se beroep, onbetaamlik of skandelik is, moet die raad die aangeleentheid rapporteer aan die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Suid-Afrikaanse Aptekerskommissie of die Suid-Afrikaanse Verpleegstersraad, watter raad of kommissie ook al regsbevoegdheid in die saak het.

Raad moet gevalle van onbetaamlike of skandelijke gedrag aan die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Suid-Afrikaanse Aptekerskommissie of die Suid-Afrikaanse Verpleegstersraad rapporteer.

43. Geen seëlreg is betaalbaar nie in verband met 'n verskeringspolis wat ter vervanging van 'n ander uitgereik word bloot ten einde aan die bepalings van hierdie Wet te voldoen.

Vrystelling van seëlreg.

44. (1) Indien na verstryking van 'n tydperk van ses maande vanaf die datum van inwerkingtreding van hierdie Wet, die Nasionale Vereniging van Mediese Hulpkemas en die Tandheelkundige Vereniging van Suid-Afrika nie tot 'n ooreenkoms geraak het omtrent die geldetarief soos in paragraaf (b) van die omskrywing van „geldetarief” in artikel 1 beoog nie, word 'n geskil geag te bestaan tussen genoemde verenigings en moet die raad—

Bepaling van geldetarief in die geval van tandartse, by ontstentenis van ooreenkoms.

(a) die geskil vir arbitrasie verwys na twee arbiters waarvan een benoem word deur genoemde Nasionale Vereniging van Mediese Hulpkemas en die ander benoem word deur genoemde Tandheelkundige Vereniging, en ten opsigte waarvan 'n skeidsregter by ooreenkoms tussen genoemde verenigings benoem word; en

(b) genoemde verenigings gelyktydig skriftelik in kennis stel dat die geskil aldus verwys is.

(2) Die bepalings van artikel 30 (6) en (7) is *mutatis mutandis* van toepassing op 'n geskil bedoel in subartikel (1) van hierdie artikel.

(3) Die beslissing van die arbiters is afdoende, en die verenigings bedoel in subartikel (1) word vir alle doeleindes geag ooreen te gekom het omtrent die geldetarief wat uit hoofde van sodanige beslissing geld.

(4) Die koste van arbitrasie kragtens hierdie artikel, bereken volgens die tabel van koste in landdroshof, en indien een van die partye dit versoek het, soos getakseer deur 'n klerk van 'n landdroshof, met inbegrip van die gelde betaalbaar aan die arbiters en skeidsregter wat uit krag daarvan aangestel is, word in gelyke dele gedra deur die verenigings bedoel in subartikel (1).

45. Hierdie Wet en iedere wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika (met inbegrip van die Oostelike Caprivi Zipfel in artikel 3 (1) van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), vermeld) en met betrekking tot alle persone in dié deel van genoemde gebied wat bekend staan as die „Rehoboth Gebiet” en wat in die Bylae by Proklamasie No. 28 van 1923 van genoemde gebied omskryf word.

Toepassing van Wet op Suidwes-Afrika.

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