

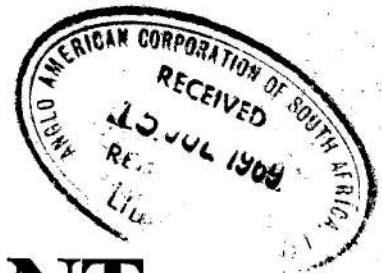


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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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CAPE TOWN, 30TH JUNE, 1969.

KAAPSTAD, 30 JUNIE 1969.

[No. 2461.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1100. 30th June, 1969.

No. 1100.

30 Junie 1969.

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

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

No. 95 of 1969: Medical Schemes Amendment Act, 1969.

No. 95 van 1969: Wysigingswet op Mediese Skemas, 1969.

ACT

To amend the Medical Schemes Act, 1967, to effect alterations to certain definitions; to regulate the application of section 38 to medical schemes which are exempted from registration; to change the manner of constituting the Central Council for Medical Schemes; further to regulate the use of the moneys in the Medical Schemes Fund; to repeal the provisions in regard to the establishment of the National Association of Medical Aid Schemes and the National Association of Medical Benefit Schemes; to make provision for the exercise of control by the said council over the Registrar of Medical Schemes; to provide for the publication by the said registrar of certain particulars regarding schemes which have been registered or provisionally registered; to provide for the establishment by certain medical schemes of benefit funds; to provide for the conditions subject to which certain persons may retain or acquire membership of medical schemes; to regulate the procedure to be followed by medical practitioners and dentists who do not wish to charge fees in accordance with the tariff of fees; to provide for the establishment of a remuneration commission to examine the tariff of fees from time to time; to repeal the provisions relating to agreements between doctors or dentists and schemes regarding remuneration; to grant the said registrar the right to appear before the Appeal Board to be heard; to provide for the determination of the maximum benefits to which a member of a scheme shall be entitled, and for providing members of such schemes with proof of membership; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 19th June, 1969.)

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 1 of
Act 72 of 1967.

1. Section 1 of the Medical Schemes Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "chemist and druggist" in subsection (1) of the following definition:
" 'commission' means the Remuneration Commission established by section 30;";
- (b) by the substitution for the definition of "medical aid scheme" in the said subsection of the following definition:
" '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

WET

Tot wysiging van die Wet op Mediese Skemas, 1967, ten einde veranderinge aan sekere woordomskrywings aan te bring; die toepassing van artikel 38 op mediese skemas wat van registrasie vrygestel is, te reël; die wyse van samestelling van die Sentrale Raad vir Mediese Skemas te verander; die gebruik van geld in die Fonds vir Mediese Skemas verder te reël; die bepalings met betrekking tot die instelling van die Nasionale Vereniging van Mediese Hulp-skemas en die Nasionale Vereniging van Mediese Bystandskemas te herroep; voorsiening te maak vir die uitoefening van beheer deur genoemde raad oor die Registrateur van Mediese Skemas; voorsiening te maak vir die bekendmaking deur genoemde registrateur van sekere besonderhede aangaande skemas wat geregistreer of voorlopig geregistreer is; voorsiening te maak vir die instelling deur sekere mediese skemas van voordelefondse; voorsiening te maak vir die voorwaardes waarop sekere persone lidmaatskap van mediese skemas kan behou of verkry; die prosedure te reël wat gevolg moet word deur geneeshere en tandartse wat nie gelde ooreenkomstig die geldetarief wil vra nie; voorsiening te maak vir die instelling van 'n vergoedingskommissie om die geldetarief van tyd tot tyd in oënskou te neem; die bepalings aangaande ooreenkomste tussen geneeshere of tandartse en skemas omtrent vergoeding te herroep; aan genoemde registrateur die reg te verleen om voor die Appèl-raad te verskyn om aangehoor te word; voorsiening te maak vir die bepaling van die maksimum voordele waarop 'n lid van 'n mediese skema geregtig is, en vir die verskaffing van bewys van lidmaatskap aan lede van sodanige skemas; en vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 19 Junie 1969.)

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

1. Artikel 1 van die Wet op Mediese Skemas, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 1 van
Wet 72 van 1967.

(a) deur die omskrywing van „geldetarief” in subartikel (1) deur die volgende omskrywing te vervang:

„geldetarief”—

(a) met betrekking tot 'n diens deur 'n geneesheer gelewer, die geldetarief deur die Minister in die *Staatskoerant* by Goewermentskennisgewing No. R.1378 van 1 September 1967 afgekondig, en soos van tyd tot tyd ooreen-

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by medical practitioners and dentists of their own choice;”;

(c) by the deletion of the definitions of “National Association of Medical Aid Schemes” and “National Association of Medical Benefit Schemes” in the said subsection; and

(d) by the substitution for the definition of “tariff of fees” in the said subsection of the following definition: “‘tariff of fees’ means—

(a) in relation to a service rendered by a medical practitioner, the tariff of fees published by the Minister in the *Gazette* by Government Notice No. R.1378 of 1st September, 1967, 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 published by the Minister in the *Gazette* by Government notice No. R.851 of 17th May, 1968, and as amended from time to time in accordance with the provisions of section 30;”.

Amendment of
section 2 of
Act 72 of 1967.

2. Section 2 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The provisions of this Act—

(a) shall, subject to the provisions of paragraphs (b), (c), (d), (e) and (f) also apply with reference to a medical scheme established by the State or the Administration of the territory of South-West Africa;

(b) shall, subject to the provisions of subsection (2A), 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, subject to the provisions of subsection (2A), 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, subject to the provisions of subsection (2A), 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

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komstig die bepalings van artikel 30 gewysig;
en

- (b) met betrekking tot 'n diens deur 'n tandarts gelewer, die geldetarief deur die Minister in die *Staatskoerant* by Goewermentskennisgewing No. R.851 van 17 Mei 1968 afgekondig, en soos van tyd tot tyd ooreenkomstig die bepalings van artikel 30 gewysig;"
- (b) deur na die omskrywing van „hierdie Wet” in genoemde subartikel die volgende omskrywing in te voeg:
„„kommissie” die Vergoedingskommissie by artikel 30 ingestel;"
- (c) deur die omskrywing van „mediese hulpskema” in genoemde subartikel deur die volgende omskrywing te vervang:
„„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 na eie keuse;"
- (d) deur die omskrywings van „Nasionale Vereniging van Mediese Bystandskemas” en „Nasionale Vereniging van Mediese Hulpskemas” in genoemde subartikel te skrap.

2. Artikel 2 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 2 van
Wet 72 van 1967.

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die bepalings van hierdie Wet—

- (a) is, behoudens die bepalings van paragrawe (b), (c), (d), (e) en (f) ook van toepassing met betrekking tot 'n mediese skema ingestel deur die Staat of die Administrasie van die gebied Suidwes-Afrika;
- (b) is, behoudens die bepalings van subartikel (2A), 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, behoudens die bepalings van subartikel (2A), 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, behoudens die bepalings van subartikel (2A), 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

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Gazette declared the said provisions to be so applicable;

- (e) shall, subject to the provisions of subsection (2A), 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, subject to the provisions of subsection (2A), apply with reference to any fund established in terms of any regulation made under section 26 (1) (b) *bis* of the Public Service Act, 1957 (Act No. 54 of 1957), in respect of the Bureau for State Security, only if the Minister has at the request of the Prime Minister and by notice in the *Gazette* declared the said provisions to be so applicable;
 - (g) shall, subject to the provisions of subsection (2A), 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;
 - (h) 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), (f) or (g) as from the date fixed in such notice.”; and
- (b) by the insertion after subsection (2) of the following subsection:
- “(2A) A medical scheme referred to in subsection (1) (b), (c), (d), (e), (f) or (g) of this section to which the provisions of this Act do not apply shall for the purposes of section 38 be deemed to be a registered medical scheme.”.

Amendment of
section 3 of
Act 72 of 1967.

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(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: Provided that a medical scheme which has been exempted thereunder from registration under this Act shall not be regarded as a registered medical scheme for the purposes of section 38.”.

Amendment of
section 5 of
Act 72 of 1967.

4. Section 5 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(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 nine ordinary members likewise appointed and of whom one shall be designated by the Minister as vice-chairman of the council.

(2) (a) Seven of the ordinary members of the council

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by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings aldus van toepassing is;

(e) is, behoudens die bepalings van subartikel (2A), 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, behoudens die bepalings van subartikel (2A), van toepassing met betrekking tot 'n fonds ingestel ingevolge 'n regulasie uitgevaardig kragtens artikel 26 (1) (b)bis van die Staatsdienswet, 1957 (Wet No. 54 van 1957), ten opsigte van die Buro vir Staatsveiligheid slegs indien die Minister op versoek van die Eerste Minister en by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings aldus van toepassing is;

(g) is, behoudens die bepalings van subartikel (2A), 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;

(h) is met betrekking tot 'n mediese skema ten opsigte waarvan 'n kennisgewing ingevolge paragraaf (b), (c), (d), (e), (f) of (g) uitgereik is, van toepassing met ingang van die datum wat in dié kennisgewing bepaal word.”; en

(b) deur die volgende subartikel na subartikel (2) in te voeg:

„(2A) 'n Mediese skema bedoel in subartikel (1) (b), (c), (d), (e), (f) of (g) van hierdie artikel waarop die bepalings van hierdie Wet nie van toepassing is nie, word by die toepassing van artikel 38 geag 'n geregistreerde mediese skema te wees.”.

3. Artikel 3 van die Hoofwet word hierby gewysig deur Wysiging van paragraaf (a) van subartikel (2) deur die volgende paragraaf te artikel 3 van vervang: Wet 72 van 1967.

„(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: Met dien verstande dat 'n mediese skema wat daarkragtens van registrasie kragtens hierdie Wet vrygestel is, nie as 'n geregistreerde mediese skema by die toepassing van artikel 38 beskou word nie.”.

4. Artikel 5 van die Hoofwet word hierby gewysig deur Wysiging van subartikels (1) en (2) deur die volgende subartikels te vervang: artikel 5 van Wet 72 van 1967

„(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 nege gewone lede insgelyks aangestel, waarvan een deur die Minister as ondervoorsitter van die raad aangewys word.

(2) (a) Sewe van die gewone lede van die raad moet persone wees wat uit hoofde van hul kennis of onder-

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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.

(aA) One of the remaining ordinary members of the council shall be a member of the South African Medical and Dental Council, established by section 2 of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), who is not registered under that Act.

(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), (aA) and (b), be filled by appointment by the Minister for the unexpired portion of the period for which the member in respect of whom the vacancy occurred, was appointed.”

Amendment of
section 11 of
Act 72 of 1967.

5. Section 11 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

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

(a) for the rendering of assistance to a member of a scheme to such extent and in such manner as may be prescribed; and

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

Repeal of section 12
of Act 72 of 1967.

6. Section 12 of the principal Act is hereby repealed.

Substitution of
section 13 of Act
72 of 1967.

7. The following section is hereby substituted for section 13 of the principal Act:

“Appoint-
ment 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—

(a) shall, subject to the control and directions of the council, in so far as it is not in conflict with his duties under the provisions of any such law, perform the functions and carry out the duties assigned to or imposed upon the registrar by or under this Act; and

(b) shall perform such other functions and carry out such other duties as may from time to

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vinding 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- versoenig, 1956 (Wet No. 28 van 1956); en
 - (vii) een iemand met besondere kennis van hospitaal- dienste, wees.
- (aA) Een van die oorblywende gewone lede van die raad moet 'n lid wees van die Suid-Afrikaanse Genees- kundige en Tandheelkundige Raad, ingestel by artikel 2 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), wat nie ingevolge daardie Wet geregistreer is nie.
- (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 para- grafe (a), (aA) en (b), gevul deur aanstelling deur die Minister vir die onverstreke gedeelte van die tydperk waarvoor die lid ten opsigte van wie die vakature ontstaan het, aangestel was.”.

5. Artikel 11 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (3) deur die volgende subartikel te vervang: artikel 11 van Wet 72 van 1967.

„(3) Die gelde in die fonds word aangewend—

- (a) vir die verlening van bystand aan 'n lid van 'n skema in die mate en op die wyse wat voorgeskryf is; en
- (b) vir die ander doeleindes wat voorgeskryf is.”.

6. Artikel 12 van die Hoofwet word hierby herroep.

Herroeping van artikel 12 van Wet 72 van 1967.

7. Artikel 13 van die Hoofwet word hierby deur die volgende Vervanging van artikel 13 van Wet 72 van 1967.

„Aanstelling van Regi- strateur van Mediese Skemas.

13. Behoudens die wetsbepalings op die Staats- diens stel die Minister, na oorlegpleging met die raad, 'n beampte aan wat die Registrateur van Mediese Skemas heet en wat—

- (a) onderworpe aan die beheer en voorskrifte van die raad, vir sover dit nie in stryd met sy pligte kragtens so 'n wetsbepaling is nie, die werk- saamhede verrig en die pligte uitvoer wat by of kragtens hierdie Wet aan die registrateur toe- gewys is of hom opgelê word; en
- (b) die ander werksaamhede verrig en die ander pligte uitvoer wat van tyd tot tyd deur die

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time be assigned to or imposed upon him by the Secretary for Health.”.

Insertion of section 16A in Act 72 of 1967.

8. The following section is hereby inserted in the principal Act after section 16:

“Notifica-
tion of
registration.

16A. The registrar shall by notice in the *Gazette* make known the following particulars in respect of every scheme registered or provisionally registered by him, namely:

- (a) the name and address of the scheme; and
- (b) the date of registration or provisional registration thereof.”.

Insertion of section 19A in Act 72 of 1967.

9. The following section is hereby inserted in the principal Act after section 19:

“Establish-
ment of
benefit
fund.

19A. (1) If any subscription or contribution is under the rules of a medical scheme payable by a member in respect of the benefits to which he is entitled as a member, the scheme shall establish a benefit fund into which shall be paid every amount received by way of any such subscription or contribution.

(2) The moneys in such a benefit fund shall not be used for the granting of such benefits as are referred to in subsection (1) to any person who is not a member of the scheme in question.”.

Amendment of section 20 of Act 72 of 1967.

10. Section 20 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (d) of the following paragraph:

“(d) for the continuation, subject to the prescribed conditions, of the membership of a member who retires on pension or terminates his employment on account of age, ill-health or other disability;”;

- (b) by the substitution for paragraph (e) of the following paragraph:

“(e) that the widow of a member is, subject to the prescribed conditions, entitled to membership during her widowhood or until she becomes entitled to membership of another registered medical scheme by virtue of employment;”;

and

- (c) by the substitution for paragraph (f) of the following paragraph:

“(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—

- (i) has been a member of any other registered medical scheme for a continuous period of at least two years; or
- (ii) has, for a continuous period of not less than two years, been a dependant of a person who, during that period, has been a member of that scheme or any other scheme,

and who applies within three months after the date on which he ceased to be a member of such other scheme or a dependant of a member of that scheme or such other scheme, as the case may be, to become a member;”.

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Sekretaris van Gesondheid aan hom toegewys
of hom opgelê word.”.

8. Die volgende artikel word hierby in die Hoofwet na Invoeging van
artikel 16 ingevoeg: artikel 16A in
Wet 72 van 1967.

„Bekend-
making van
registrasie.

16A. Die registrateur moet die volgende besonder-
hede ten opsigte van elke skema wat deur hom
geregistreer of voorlopig geregistreer is, by
kennisgewing in die *Staatskoerant* bekend maak,
naamlik:

- (a) die naam en adres van die skema; en
- (b) die datum van registrasie of voorlopige regi-
strasie daarvan.”.

9. Die volgende artikel word hierby in die Hoofwet na Invoeging van
artikel 19 ingevoeg: artikel 19A in
Wet 72 van 1967.

„Instelling
van voor-
delefonds.

19A. (1) Indien ledegeld of 'n bydrae kragtens
die reëls van 'n mediese skema deur 'n lid betaalbaar
is ten opsigte van die voordele waarop hy as lid
geregtig is, moet die skema 'n voordelefonds instel
waarin iedere bedrag wat by wyse van sodanige
ledegeld of bydrae ontvang word, gestort moet word.

(2) Die geld in so 'n voordelefonds mag nie
aangewend word nie vir die verlening van voordele
soos in subartikel (1) beoog word, aan iemand wat
nie 'n lid van die betrokke skema is nie.”.

10. Artikel 20 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 20 van
Wet 72 van 1967.

- (a) deur paragraaf (d) deur die volgende paragraaf te
vervang:

„(d) vir die voortsetting, onderworpe aan die voor-
geskrewe voorwaardes, van die lidmaatskap van
'n lid wat met pensioen aftree of sy diens beëindig
vanweë ouderdom, swak gesondheid of ander
ongeskiktheid;”;

- (b) deur paragraaf (e) deur die volgende paragraaf te
vervang:

„(e) dat, onderworpe aan die voorgeskrewe voor-
waardes, die weduwee van 'n lid op lidmaatskap
geregtig is gedurende haar weduweenskap of totdat
sy uit hoofde van diens geregtig word op lid-
maatskap van 'n ander geregistreerde mediese
skema;”;

- (c) deur paragraaf (f) deur die volgende paragraaf te
vervang:

„(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 vanweë sy gesondheidstoestand of
dié van enige van sy afhanklikes, van iemand
wat—

- (i) vir 'n ononderbroke tydperk van minstens
twee jaar lid van 'n ander geregistreerde
mediese skema was; of

- (ii) vir 'n ononderbroke tydperk van minstens
twee jaar 'n afhanklike was van iemand wat
gedurende dié tydperk 'n lid van daardie
skema of 'n ander skema was,

en wat binne drie maande na die datum waarop
hy opgehou het om 'n lid van sodanige ander
skema of 'n afhanklike van 'n lid van daardie
skema of sodanige ander skema, na gelang van die
geval, te wees, aansoek doen om lid te word;”.

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Substitution of
section 29 of
Act 72 of 1967.

11. The following section is hereby substituted for section 29 of the principal Act:

"Tariff of
fees of
medical
practi-
tioners and
dentists.

29. (1) 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 scheme recover an amount exceeding the amount of the fees calculated in accordance with the relevant provisions of the 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, calculated from the first day of a month, prior to the date on which such service was rendered, by notice in writing informed the council that he was not prepared to render services to members or dependants of members of any medical scheme only 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.

(2) A notice under subsection (1) (b) (i) shall be effective until the expiry of three months, calculated as from the first day of a month, after the medical practitioner or dentist concerned, as the case may be, has, by notice in writing to the council, withdrawn it.

(3) Notwithstanding anything to the contrary contained in any agreement of partnership between two or more medical practitioners or two or more dentists as to the pursuit of their profession, any notice under subsection (1) (b) (i) or (2) shall be binding on all parties to such agreement.

(4) No medical scheme shall by means of a written notice to all its members make known the name of any medical practitioner or dentist from whom a notice under subsection (1) (b) (i) or (2) has been received by the council."

Substitution of
section 30 of
Act 72 of 1967.

12. The following section is hereby substituted for section 30 of the principal Act:

"Appoint-
ment of
Remunera-
tion
Com-
mission.

30. (1) The Minister shall, within three months after the date of the coming into operation of the Medical Schemes Amendment Act, 1969, and thereafter at intervals of not less than two years and not more than two years and three months, and, if the Minister considers it necessary after consultation with the South African Medical and Dental Council established by section 2 of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), may at any time appoint a commission, to be known as the Remuneration Commission, to enquire into the question whether the tariff of fees should be amended.

(2) The commission shall consist of—

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11. Artikel 29 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 29 van Wet 72 van 1967.

„Geldetarief van geneeshere en tandartse.

29. (1) 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 skema, 'n bedrag verhaal nie wat hoër is as die bedrag van die gelde volgens die toepaslike bepalings van die geldetarief bereken, tensy—

(a) bedoelde diens gelewer is voor die datum waarop die skema geregistreer is; of

(b) bedoelde geneesheer of tandarts—

(i) minstens drie maande, bereken vanaf die eerste dag van 'n maand, 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 slegs teen die tariewe in die geldetarief uiteengesit aan lede of afhanklikes van lede van 'n mediese skema 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 diens te lewer teen die tariewe in genoemde geldetarief uiteengesit.

(2) 'n Kennisgewing ingevolge subartikel (1)

(b) (i) is van krag tot by verstryking van drie maande, bereken vanaf die eerste dag van 'n maand, nadat die betrokke geneesheer of tandarts, na gelang van die geval, dit by skriftelike kennisgewing aan die raad ingetrek het.

(3) Ondanks andersluidende bepalings van 'n vennootskapsooreenkoms tussen twee of meer geneeshere of tussen twee of meer tandartse met betrekking tot die uitoefening van hul beroep, is 'n kennisgewing kragtens subartikel (1) (b) (i) of (2) bindend vir al die partye by die ooreenkoms.

(4) Geen mediese skema mag deur middel van 'n skriftelike kennisgewing aan al sy lede die naam bekend maak nie van 'n geneesheer of tandarts van wie 'n kennisgewing ingevolge subartikel (1) (b) (i) of (2) deur die raad ontvang is.”.

12. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 30 van Wet 72 van 1967.

„Aanstelling van Vergoedingskommissie.

30. (1) Die Minister moet binne drie maande na die datum van die inwerkingtreding van die Wysigingswet op Mediese Skemas, 1969, en daarna by tussenpose van minstens twee jaar en hoogstens twee jaar en drie maande, en, indien die Minister dit nodig ag, na raadpleging met die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad ingestel by artikel 2 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), kan hy te eniger tyd 'n kommissie, wat die Vergoedingskommissie heet, aanstel om ondersoek in te stel of die geldetarief gewysig moet word.

(2) Die kommissie bestaan uit—

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- (a) a judge of the Supreme Court, who shall be the chairman thereof and shall be appointed by the Minister in consultation with the Minister of Justice;
- (b) a medical practitioner appointed by the Minister from among at least three and not more than five persons whose names have been submitted for that purpose by the Medical Association of South Africa;
- (c) a dentist appointed by the Minister from among at least three and not more than five persons whose names have been submitted for that purpose by the Dental Association of South Africa; and
- (d) a person appointed by the Minister from among at least three and not more than five persons whose names have been submitted for that purpose by the National Association of Medical Aid Schemes.

(3) If after the expiration of a period of three weeks from the date on which the registrar requested the Medical Association of South Africa or the Dental Association of South Africa or the National Association of Medical Aid Schemes in writing to submit a list of names as contemplated in subsection (2) (b), (c) or (d), the said Medical Association or Dental Association or National Association has not yet submitted the said list to the registrar, the Minister shall appoint any suitable person as a member of the commission in the place of the person he would have appointed if the said Medical Association or Dental Association or National Association, as the case may be, had not so failed to submit the said list.

(4) The chairman of the commission shall have a deliberative as well as a casting vote.

(5) The member of the commission appointed in terms of subsection (2) (b) shall not take part in the proceedings of the commission in so far as they relate to dentists, and the member appointed in terms of subsection (2) (c) shall not take part in such proceedings in so far as they relate to medical practitioners.

(6) The commission shall enquire into the question whether the tariff of fees should be amended, and when such enquiry is held—

- (a) the Medical Association of South Africa;
- (b) the Dental Association of South Africa;
- (c) the National Association of Medical Aid Schemes;
- (d) the National Association of Medical Benefit Schemes;
- (e) the Department of Health; and
- (f) any medical scheme, with the approval of the commission,

may make representations to the commission.

(7) The meetings of the commission shall be held *in camera*.

(8) The commission shall within three months after its appointment submit to the Minister a report proposing either that the tariff of fees should remain unchanged or that it should be amended as indicated by it.

(9) If the commission proposes in its report that the tariff of fees should be amended, the Minister shall, within one month after the receipt by him of such report, amend the tariff of fees by notice in the *Gazette* as indicated by the commission in such report.

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- (a) 'n regter van die Hooggeregshof, wat die voorsitter daarvan is en deur die Minister in oorleg met die Minister van Justisie aangestel word;
- (b) 'n geneesheer wat deur die Minister aangestel word uit minstens drie en hoogstens vyf persone wie se name vir dié doel deur die Mediese Vereniging van Suid-Afrika voorgelê is;
- (c) 'n tandarts wat deur die Minister aangestel word uit minstens drie en hoogstens vyf persone wie se name vir dié doel deur die Tandheelkundige Vereniging van Suid-Afrika voorgelê is; en
- (d) iemand wat deur die Minister aangestel word uit minstens drie en hoogstens vyf persone wie se name vir dié doel deur die Nasionale Vereniging van Mediese Hulpskemas voorgelê is.

(3) Indien na die verstryking van 'n tydperk van drie weke vanaf die datum waarop die registrateur die Mediese Vereniging van Suid-Afrika of die Tandheelkundige Vereniging van Suid-Afrika of die Nasionale Vereniging van Mediese Hulpskemas skriftelik versoek het om 'n lys van name soos beoog in subartikel (2) (b), (c) of (d) voor te lê, genoemde Mediese Vereniging of Tandheelkundige Vereniging of Nasionale Vereniging nog nie genoemde lys aan die registrateur voorgelê het nie, moet die Minister 'n geskikte persoon as lid van die kommissie aanstel in die plek van die persoon wat hy sou aangestel het indien genoemde Mediese Vereniging of Tandheelkundige Vereniging of Nasionale Vereniging, na gelang van die geval, nie aldus in gebreke gebly het om genoemde lys voor te lê nie.

(4) Die voorsitter van die kommissie het 'n gewone sowel as 'n beslissende stem.

(5) Die lid van die kommissie wat ingevolge subartikel 2 (b) aangestel is, neem nie deel aan die verrigtinge van die kommissie vir sover hulle op tandartse betrekking het nie, en die lid wat ingevolge subartikel (2) (c) aangestel is, neem nie deel aan sodanige verrigtinge vir sover hulle op geneeshere betrekking het nie.

(6) Die kommissie moet ondersoek instel of die geldetarief gewysig moet word, en wanneer sodanige ondersoek ingestel word, kan—

- (a) die Mediese Vereniging van Suid-Afrika;
- (b) die Tandheelkundige Vereniging van Suid-Afrika;
- (c) die Nasionale Vereniging van Mediese Hulpskemas;
- (d) die Nasionale Vereniging van Mediese Bystandskemas;
- (e) die Departement van Gesondheid; en
- (f) 'n mediese skema, met die goedkeuring van die kommissie,

vertoë tot die kommissie rig.

(7) Die kommissie se vergaderings word agter geslote deure gehou.

(8) Die kommissie moet binne drie maande nadat hy aangestel is, aan die Minister 'n verslag voorlê waarin hy voorstel dat die geldetarief of onveranderd bly of gewysig word soos deur die kommissie aangedui.

(9) Indien die kommissie in sy verslag voorstel dat die geldetarief gewysig word, moet die Minister binne 'n maand na die ontvangs van dié verslag deur hom, die geldetarief by kennisgewing in die *Staatskoerant* wysig soos deur die kommissie in die verslag aangedui.

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(10) The members of the commission, other than the chairman thereof, shall be paid such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine.”.

Repeal of section 31 of Act 72 of 1967.

13. Section 31 of the principal Act is hereby repealed.

Amendment of section 37 of Act 72 of 1967.

14. Section 37 of the principal Act is hereby amended by the addition of the following subsection:

“(4) The registrar may in person or through a representative appear before the Appeal Board and tender evidence or submit any argument or explanation to the said board in support of the decision which is the subject of the appeal.”.

Amendment of section 41 of Act 72 of 1967.

15. Section 41 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the minimum and maximum benefits to which members of registered medical schemes and their dependants shall be entitled under such schemes;”;
and

(b) by the insertion after the said paragraph (a) of the following paragraph:

“(aA) the provision by registered medical schemes to their members of written proof of membership, and the particulars such proof shall or may contain;”.

Repeal of section 44 of Act 72 of 1967.

16. Section 44 of the principal Act is hereby repealed.

Short title.

17. This Act shall be called the Medical Schemes Amendment Act, 1969.

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(10) Aan die lede van die kommissie, uitgesonderd die voorsitter daarvan, word die vergoeding en toeslaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.”.

13. Artikel 31 van die Hoofwet word hierby herroep.

Herroeping van
artikel 31 van
Wet 72 van 1967.

14. Artikel 37 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg.

Wysiging van
artikel 37 van
Wet 72 van 1967.

„(4) Die registrateur kan self of deur 'n verteenwoordiger voor die Appèlraad verskyn en aan hom getuienis aanbied of 'n beredenering of verduideliking voorlê ter staving van die beslissing wat die onderwerp van appèl is.”.

15. Artikel 41 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 41 van
Wet 72 van 1967.

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) die minimum en maksimum voordele waarop lede van geregistreerde mediese skemas en hul afhanklikes kragtens sodanige skemas geregtig is;”;
en

(b) deur na genoemde paragraaf (a) die volgende paragraaf in te voeg:

„(aA) die verstrekking deur geregistreerde mediese skemas van skriftelike bewys van lidmaatskap aan hul lede, en die besonderhede wat sodanige bewys moet of kan bevat;”.

16. Artikel 44 van die Hoofwet word hierby herroep.

Herroeping van
artikel 44 van
Wet 72 van 1967.

17. Hierdie Wet heet die Wysigingswet op Mediese Skemas, Kort titel.
1969.

