



CIRCULAR

Reference: Legislation/Statutory fees
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Date: 15 August 2016

Circular 57 of 2016: Amendments to Regulations 31 and 32 published in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998)

1. Section 67 of the Medical Schemes Act, 131 of 1998 (the Act) provides the requisite authority for the Minister of Health to make Regulations relating to a number of issues in terms of, and relevant to the provisions contained in the Act, in consultation with the Council for Medical Schemes (CMS). Regulation 31 determines the fees payable to the CMS in respect of the matters specified, whilst Regulation 32 determines fees payable in respect of statutory penalties.
2. The Regulations came into force on 1 November 1999 and since that time the fee structure has not been amended.
3. Section 67(2) of the Act stipulates that the Minister must publish a notice of his intention to make such Regulations and call for comments from interested parties, not less than three months before such regulation or amendment thereto comes into force. The said provision is quoted for ease of reference:

"(2) The Minister 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 his or her intention to make that regulation and inviting interested persons to furnish him or her 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 Minister which, after the provisions of that subsection have been complied with, has been amended by the Minister in consequence of comments or representations received by him or her in pursuance of a 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. Following consultation with the industry, the Minister has approved amendments to Regulations 31 and 32 to read as follows:

AMENDMENT OF REGULATION 31 OF THE REGULATIONS

1. Regulation 31 of the Regulations is hereby amended by –

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

"(a) an application for registration of a medical scheme: [R5 000,00] **R8 750.00;**"

(b) by the deletion of paragraph (b);

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

"(c) to change the name of a medical scheme: [R500,00] **R700,00;**"

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

"(d) registration of amendments, rescissions or additions to the rules of a medical scheme in terms of Section 31 of the Act, per A4 page or part thereof: [R50,00] **R55,00;**"

- (e) by the deletion of paragraph (e);
- (f) by the deletion of paragraph (f);
- (g) the substitution for paragraph (g) of the following paragraph:

“(g) application for **[approval] accreditation or renewal of accreditation** as an administrator contemplated in Section 58(4) of the Act: [R10 000,00] **R14 000,00;**”
- (h) by the substitution for paragraph (h) of the following paragraph:

“(h) application for **accreditation or renewal of accreditation** as a broker contemplated in Section 65 of the Act: [R1 000,00] **R1 400,00;**”
- (i) by the substitution for paragraph (i) of the following paragraph:

“(i) an appeal contemplated in Section 50(3) of the Act: [R2 000,00] **R2 800,00;** and”; and
- (j) by the substitution for paragraph (j) of the following paragraph:

“(j) an application for accreditation **[to provide a managed healthcare service to a medical scheme: R10 000,00] or renewal of accreditation** as a managed healthcare organisation; **R14 000,00;**”

Substitution of Regulation 32 of the Regulations

2. The following regulation is hereby substituted for Regulation 32 of the Regulations:

"Penalties

32. The penalty for every day which a failure contemplated in Section 66(3) of the Act continues, is [R1 000,00] **R1 400,00.**"
5. The effective date of the amendments will be made known in the published Government Gazette. The CMS will communicate the details, once available.

Yours sincerely



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