



## PRESS RELEASE

Reference : Regulator did not defame, says Supreme Court of Appeal  
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### **Press release 1 of 2012: Court rules regulator did not defame medical scheme**

The Supreme Court of Appeal (SCA) has ruled that the Council for Medical Schemes (CMS) did not defame Selfmed Medical Scheme when the regulator alluded to concerns over the scheme's governance in its Annual Report of 2004-2005.

The SCA found that the CMS was dutifully "raising concerns for debate, discussion and resolution", and that the statements it made in its 2004-2005 Annual Report were not damaging to the good reputation of the medical scheme.

"We welcome this ruling," said Craig Burton-Durham, Head of Legal Services at the CMS. "It confirms that we are protected in law to discharge our regulatory responsibility of reporting on matters of relevance to the medical schemes industry. We are able to report openly on the affairs of medical schemes in the public interest."

The contested paragraph, in which the regulator "question[s] several issues concerning governance at Selfmed", can be found on page 25 of the CMS's Annual Report 2004-2005, available on the CMS website ([http://www.medicalschemes.com/files/Annual%20Reports/2004-2005%20CMS%20Annual%20Report\\_2005.pdf](http://www.medicalschemes.com/files/Annual%20Reports/2004-2005%20CMS%20Annual%20Report_2005.pdf)).

The ruling of the Supreme Court of Appeal can also be found on the CMS website: [http://www.medicalschemes.com/files/Judgements%20on%20Appeals/SCACMS\\_RegistrarVSSelfmednBester20111125.pdf](http://www.medicalschemes.com/files/Judgements%20on%20Appeals/SCACMS_RegistrarVSSelfmednBester20111125.pdf). The case number is 561/2010.

## **For more information**

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