

**DEPARTMENT OF HEALTH  
DEPARTEMENT VAN GESONDHEID**

No. R. 942

22 September 2000

**PUBLICATION OF EXPLANATORY SUMMARY OF THE MENTAL HEALTH CARE BILL, 2001**

The Minister of Health intends to introduce the Mental Health Care Bill, 2001 in the National Assembly in 2001. The explanatory summary is hereby published in accordance with rule 241 (c) of the Rules of the National Assembly.

**Mental Health Care Bill, 2001**

The Mental Health Care Bill provides for the regulation of the mental health care environment in a manner that enables the provision of best mental health care, treatment and rehabilitation; rights and obligations of mental health care users and the obligations of mental health care providers; the regulation of provision of mental health care services to voluntary and involuntary health care users, state patients and mentally ill prisoners; the manner in which properties of mentally ill prisoners is to be dealt with by the courts.

Copies of the Bill can be obtained from:

1. **Government Printers.**
2. **The Department of Health**  
Prof. M. Freeman  
Room 1701  
Civitas Building  
Corner of Andries and Struben Streets  
PRETORIA.  
Tel. (012) 312-0489.

No. R. 943

22 September 2000

**MEDICAL SCHEMES ACT, 1998 (ACT No. 131 OF 1998)**

**AMENDMENT TO THE REGULATIONS MADE IN TERMS OF THE MEDICAL SCHEMES ACT, 1998  
(ACT No. 131 OF 1998)**

The Minister of Health, after consultation with the Council for Medical Schemes, intends, in terms of section 67 (1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998), to make the regulations in the Schedule.

Interested persons are invited to submit comments or representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of Mr H. J. C. Labuschagne), within three months of the date of publication of this notice.

**SCHEDULE**

**Definitions**

1. In these regulations, unless the context otherwise indicates—

"insurer" means a person registered as a long-term insurer in terms of the Long-term Insurance Act, 1998 (Act No. 52 of 1998), or as a short-term insurer in terms of the Short-term Insurance Act, 1998 (Act No. 53 of 1998);

"reinsurance" in relation to the business of a medical scheme, means a contract in terms of which the insurer undertakes, in return for a premium, to indemnify a medical scheme against all or part of the loss that such medical scheme may suffer as a result of carrying on the business of a medical scheme;

"the Act" means the Medical Schemes Act, 1998 (Act No. 131 of 1998); and

"the Regulations" means the regulations published under Government Notice No. R. 1262 of 20 October 1999, as amended by Government Notices Nos. R. 570 of 5 June 2000 and R. 650 of June 2000.

**Insertion of regulations 6A and 6B in the Regulations**

2. The following regulations are hereby inserted after regulation 6 of the Regulations:

"6A (1) A medical scheme must not enter into any contract of reinsurance unless such contract has been approved by the Registrar.

(2) A medical scheme must not effect any change to an already existing contract of reinsurance unless such change has been approved by the Registrar.

- (3) A medical scheme must, within 30 days after approval is granted in terms of subregulation (1), submit, separately in respect of each contract, the following information to the Registrar:
- (a) Total reinsurance premiums already paid;
  - (b) total payments made in respect of liabilities covered;
  - (c) assets accumulated in respect of the risks covered;
  - (d) total reinsurance recoveries received; and
  - (e) total reinsurance commissions paid.
- (4) The Registrar may approve a contract of reinsurance if—
- (a) the contract provides for the spreading of the risk of the medical scheme;
  - (b) the contract is in the best interest of the member;
  - (c) there is no conflict of interest between the parties to the contract; and
  - (d) the medical scheme is exposed to identifiable risks of an unusual nature.
- 6B (1) A medical scheme must not admit a person as a member unless such person has applied in writing for membership of that medical scheme.
- (2) No person may transfer a member of one medical scheme to another medical scheme without the written consent of the member to be transferred."

***Amendment of Regulation 11 of the Regulations***

3. Regulation 11 of the Regulations is hereby amended—

(a) by the substitution for subregulation (4) of the following subregulation:

(4) Subject to subregulation (5), a medical scheme may impose a condition specific waiting period of not more than 12 months on a member or dependent in respect of pre-existing sickness condition.

(b) by the addition of the following subregulations:

(5) A medical scheme may impose a waiting period of not more than one month on a person or his or her dependent whose membership of another medical scheme has been terminated because of change of employment and who has not been a member or a dependent for a continuous period of at least two years.

(6) A person contemplated in subregulation (5) shall apply for membership within three months after the change of employment.

***Amendment of regulation 12 of the Regulations***

4. Regulation 12 is hereby amended by the insertion of the following paragraph after paragraph (b):

(c) To any person who has been a member of one or more medical schemes for a continuous period of at least 25 months or a dependent of such a member, and who applies for membership within three months after the termination of membership of the previous medical scheme; or

***Repeal of regulation 14 of the Regulations***

5. Regulation 14 of the Regulations is hereby repealed.

**M. E. TSHABALALA-MSIMANG**

Minister of Health

**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID**

No. R. 950

22 September 2000

LABOUR RELATIONS ACT, 1995

**BUILDING INDUSTRY BARGAINING COUNCIL (SOUTHERN AND EASTERN CAPE): EXTENSION  
OF AMENDMENT OF COLLECTIVE AGREEMENT TO NON-PARTIES**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Bargaining Council for the Building Industry, and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 2 October 2000 and for the period ending 28 February 2001.

**M. M. S. MDLADLANA**

Minister of Labour