



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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THE PRESIDENCY

No. 1356. 13 December 2000

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

No. 58 of 2000: Council for Medical Schemes Levies Act, 2000.

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DIE PRESIDENSIE

No. 1356. 13 Desember 2000

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

No. 58 van 2000: Wet op Heffings deur Raad vir Mediese Skemas, 2000.

(English text signed by the President.)  
(Assented to 5 December 2000.)

# ACT

**To provide for the imposition of levies by the Council for Medical Schemes; and to provide for matters incidental thereto.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless inconsistent with the context—
  - “Council” means the Council for Medical Schemes established by section 3(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998);
  - “levy” means the amount imposed under section 2;
  - “medical scheme” means a medical scheme registered under section 24(1) of the Medical Schemes Act, 1998;
  - “member” has the meaning ascribed to it in section 1 of the Medical Schemes Act, 1998;
  - “Minister” means the Minister of Health.

## Imposition of levies

2. (1) The Council may by notice in the *Gazette*, subject to subsections (3), (6) and (7)—
  - (a) impose levies on medical schemes and specify the intervals and times when such levies are payable for the purpose of meeting the general administrative and other costs of the Council and the functions performed by the Registrar of Medical Schemes;
  - (b) vary the levies; or
  - (c) determine interest as contemplated in section 4.
- (2) The levies imposed in terms of subsection (1) must be based on the number of members of a medical scheme.
- (3) Before imposing levies, varying levies, or determining the rate of interest payable in terms of section 4, the Council must—
  - (a) publish the proposed levies, variation or determination in order to bring the proposed levies, variation or determination to the attention of the medical schemes in question and the members of medical schemes, together with a statement explaining the reason for the levy imposition, variation or determination, including a statement that representations may be made to the Council within a specified and reasonable time;
  - (b) have regard to any representation made to it in terms of paragraph (a);
  - (c) give the Minister notice in writing of the proposed imposition or variation of levies, or determination of the rate of interest, and specify the period for which such imposition, variation or determination is intended to operate;
  - (d) provide the Minister with reasons for the imposition, variation of levies or determination of the rate of interest;
  - (e) provide the Minister with evidence of consultation with medical schemes and of the degree of concurrence among medical schemes with regard to the imposition, variation or determination.

(Engelse teks deur die President geteken.)  
(Goedgekeur op 5 Desember 2000.)

# WET

**Om voorsiening te maak vir die oplegging van heffings deur die Raad vir Mediese Skemas; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

## Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- “heffing” die bedrag opgelê kragtens artikel 2; 5
  - “lid” dieselfde as ’n “lid” soos omskryf in artikel 1 van die Wet op Mediese Skemas, 1998 (Wet No.131 van 1998);
  - “mediese skema” ’n mediese skema geregistreer kragtens artikel 24(1) van die Wet op Mediese Skemas, 1998;
  - “Minister” die Minister van Gesondheid; 10
  - “Raad” die Raad vir Mediese Skemas ingestel by artikel 3(1) van die Wet op Mediese Skemas, 1998.

## Oplegging van heffings

2. (1) Die Raad kan by kennisgewing in die *Staatskoerant*, behoudens subartikels (3), (6) en (7)— 15
- (a) heffings oplê aan mediese skemas en die tussenposes en tye vermeld wanneer sodanige heffings betaalbaar is ten einde die algemene administratiewe en ander koste van die Raad en die werksaamhede verrig deur die Registrateur van Mediese Skemas te delg;
  - (b) die heffings wysig; of 20
  - (c) rente bepaal soos beoog in artikel 4.
- (2) Die heffings opgelê ingevolge subartikel (1) moet gebaseer word op die getal lede van ’n mediese skema.
- (3) Voor die oplegging van heffings, die wysiging van heffings of die bepaling van die rentekoers betaalbaar ingevolge artikel 4 moet die Raad— 25
- (a) die voorgestelde heffings, wysiging of bepaling publiseer ten einde die betrokke mediese skemas en die lede van mediese skemas in te lig aangaande die voorgestelde heffings, wysiging of bepaling, tesame met ’n verklaring wat die rede vir die oplegging van die heffing, die wysiging of bepaling verduidelik, met inbegrip van ’n verklaring dat vertoë aan die Raad gerig kan word binne ’n vermelde en redelike tydperk; 30
  - (b) enige vertoë ingevolge paragraaf (a) gerig, in ag neem;
  - (c) die Minister skriftelik in kennis stel van die voorgestelde oplegging of wysiging van heffings of bepaling van die rentekoers en die tydperk vermeld ten opsigte waarvan die oplegging, wysiging of bepaling bedoel is om te geld; 35
  - (d) redes aan die Minister verstrek vir die oplegging of wysiging van die heffings of die bepaling van die rentekoers;
  - (e) die Minister voorsien van bewyse van raadpleging met mediese skemas, asook van die mate van instemming deur mediese skemas ten opsigte van die oplegging, wysiging of bepaling. 40

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(4) The Minister must, with the concurrence of the Minister of Finance, within a period of 60 days after receiving a notice contemplated in subsection (3), give the Council written notice approving or disapproving the proposed imposition, variation of levies or determination of the rate of interest, and in the event of disapproving that imposition, variation or determination, also give reasons for the disapproval thereof. 5

(5) The Minister may, with the concurrence of the Minister of Finance, in the notice contemplated in subsection (4), recommend an alternative levy or rate of interest determination.

(6) The Council may impose the levies, or vary such levies, or determine the rate of interest under subsection (1), only after the Minister has approved that imposition, variation or determination. 10

(7) An imposition, variation or determination made in terms of subsection (1) must be published in the *Gazette* at least 30 days before its commencement.

(8) The levies imposed or varied or rate of interest determined under subsection (1) must be reviewed annually by the Council. 15

### Distribution of levies

3. (1) The levies imposed or varied or rate of interest determined under section 2(1), forms part of the funds of the Council, subject to subsections (2) and (3), and must be dealt with in terms of section 12 of the Medical Schemes Act, 1998 (Act No. 131 of 1998). 20

(2) The levies and interest collected by the Council must be paid into a bank account designated for such purpose by the Council and approved by the National Treasury in terms of section 7(2) of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) At least six months before the start of the financial year of the Department of Health, or within another period agreed between the Minister and the Council, the Council must submit to the Minister— 25

(a) a budget of estimated revenue and expenditure for the Council's next financial year in terms of section 53 of the Public Finance Management Act, 1999; and

(b) a corporate plan in the prescribed format covering the affairs of the Council for the Council's following three financial years in terms of section 54(1) of the Public Finance Management Act, 1999, 30

for approval by the Minister, with the concurrence of the Minister of Finance.

### Non-payment of levies

4. (1) Where a levy imposed or varied under section 2(1) is not paid by a medical scheme on the day the levy or the variation became due and payable, the medical scheme is liable for the payment of such levy to the Council, and in addition to the levy, of interest at a rate determined in terms of section 2, calculated upon the unpaid amount of the levy from the date on which the levy became due and payable, subject to subsections (2) and (3). 35

(2) The uniform interest rate applicable to a debt owing to the state, as determined by the Minister of Finance in terms of section 80(1)(b) of the Public Finance Management Act, 1999, must form the basis for the determination of the rate of interest payable to the Council. 40

(3) Levies and interest due, must be regarded as a debt due to the Council and may be recovered by the Council by a judicial process in any competent court. 45

### Levy imposition to lapse after five years

5. (1) Any imposition of a levy in terms of section 2(1)(a), lapses five years after the day on which it was introduced.

(2) The Minister may, at least three months but not more than 12 months before the day on which the imposition in terms of section 2(1)(a) would otherwise lapse, on the written request of the Council and with the concurrence of the Minister of Finance, in writing give the Council notice approving or disapproving a re-imposition of the levy and in the event of disapproving the re-imposition, also give reasons for the disapproval thereof. 50

(4) Die Minister moet, met die instemming van die Minister van Finansies, binne 'n tydperk van 60 dae na ontvangs van 'n kennisgewing beoog in subartikel (3) die Raad skriftelik in kennis stel van die goedkeuring of afkeuring van die voorgestelde oplegging of wysiging van die heffings of bepaling van die rentekoers, en indien daardie oplegging, wysiging of bepaling afgekeur word ook redes verstrek vir die afkeuring daarvan. 5

(5) Die Minister kan, met die instemming van die Minister van Finansies, 'n alternatiewe heffing of rentekoersbepaling aanbeveel in die kennisgewing beoog in subartikel (4).

(6) Die Raad kan slegs heffings oplê, sodanige heffings wysig of die rentekoers bepaal kragtens subartikel (1) nadat die Minister die oplegging, wysiging of bepaling goedgekeur het. 10

(7) 'n Oplegging, wysiging of bepaling ingevolge subartikel (1) gedoen, moet minstens 30 dae voor die aanvang daarvan in die *Staatskoerant* gepubliseer word.

(8) Die heffings opgelê of gewysig of rentekoers bepaal kragtens subartikel (1) moet jaarliks deur die Raad hersien word. 15

### Verdeling van heffings

3. (1) Die heffings opgelê of gewysig of rentekoers bepaal kragtens artikel 2(1) maak deel uit van die fondse van die Raad, behoudens subartikels (2) en (3), en moet gehanteer word ingevolge artikel 12 van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998). 20

(2) Die heffings en rente ingevorder deur die Raad moet oorbetal word in 'n bankrekening wat vir dié doel deur die Raad aangewys is en deur die Nasionale Tesourie goedgekeur is ingevolge artikel 7(2) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

(3) Die Raad moet minstens ses maande voor die aanvang van die boekjaar van die Departement van Gesondheid of binne 'n ander tydperk ooreengekom tussen die Minister en die Raad— 25

(a) 'n begroting van geraamde inkomste en uitgawes vir die Raad se volgende boekjaar ingevolge artikel 53 van die Wet op Openbare Finansiële Bestuur, 1999; en 30

(b) 'n besigheidsplan in die voorgeskrewe formaat wat die Raad se bedrywighede dek vir die Raad se volgende drie boekjare ingevolge artikel 54(1) van die Wet op Openbare Finansiële Bestuur, 1999,

aan die Minister voorlê vir goedkeuring deur die Minister, met die instemming van die Minister van Finansies. 35

### Nie-betaling van heffings

4. (1) Wanneer 'n heffing wat kragtens artikel 2(1) opgelê of gewysig is, nie betaal word deur 'n mediese skema op die dag waarop die heffing of wysiging verskuldig en betaalbaar geword het nie, is die mediese skema aanspreeklik vir die betaling van sodanige heffing aan die Raad en bykomend tot die heffing van rente teen 'n koers bepaal ingevolge artikel 2 bereken op die onbetaalde bedrag van die heffing vanaf die datum waarop die heffing verskuldig en betaalbaar geword het, behoudens subartikels (2) en (3). 40

(2) Die eenvormige rentekoers van toepassing op 'n skuld verskuldig aan die staat, soos bepaal deur die Minister van Finansies ingevolge artikel 80(1)(b) van die Wet op Openbare Finansiële Bestuur, 1999, moet die basis wees vir die bepaling van die rentekoers betaalbaar aan die Raad. 45

(3) Heffings en rente verskuldig moet beskou word as 'n skuld verskuldig aan die Raad en kan verhaal word deur die Raad deur regsproses in enige bevoegde hof.

### Verstryking van opgelegde heffings na vyf jaar 50

5. (1) Enige oplegging van 'n heffing ingevolge artikel 2(1)(a) verstryk vyf jaar na die dag waarop dit ingestel is.

(2) Die Minister kan minstens drie maande, maar hoogstens 12 maande voor die dag waarop die oplegging ingevolge artikel 2(1)(a) andersins sou verstryk, op skriftelike versoek van die Raad en met die instemming van die Minister van Finansies die Raad 55

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(3) An assessment of the performance of the Council, as set out in section 6, must be commissioned by the Minister and be considered before approving the re-imposition contemplated in subsection (2).

**Assessment of performance of Council for Medical Schemes**

**6.** (1) In this section, “performance” in relation to the Council for Medical Schemes includes— 5

- (a) the efficiency, economy and effectiveness of the Council’s management of the financial resources at its disposal;
- (b) the benefits derived from the Council’s work by those who bear the levies and other charges imposed by the Council; and 10
- (c) any other matter agreed upon between the Minister and the Minister of Finance.

(2) If the Minister is—

- (a) satisfied that there is sufficient concern among medical schemes and their members about the performance of the Council to justify an assessment of that performance; or 15

(b) not satisfied that the performance of the Council is adequate,

the Minister may, after consultation with the Council, appoint any person to conduct an assessment of and report to the Minister and the Minister of Finance on that performance. 20

(3) Despite subsection (2), an assessment of the performance of the Council must be commissioned by the Minister and the findings reported to the Minister and the Minister of Finance at least once every five years, and be considered by the Minister and the Minister of Finance.

**Short title and commencement 25**

**7.** This Act is called the Council for Medical Schemes Levies Act, 2000, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

skriftelik in kennis stel van die goedkeuring of afkeuring van die hernude oplegging van die heffing en in geval van die afkeuring van die hernude oplegging ook redes verskaf vir die afkeuring daarvan.

(3) 'n Beoordeling van die prestasie van die Raad, soos bepaal in artikel 6, moet gelas word deur die Minister en in ag geneem word alvorens die goedkeuring van 'n hernude oplegging soos beoog in subartikel (2). 5

### Beoordeling van prestasie van Raad vir Mediese Skemas

6. (1) In hierdie artikel beteken "prestasie" met betrekking tot die Raad vir Mediese Skemas ook—

- (a) die doeltreffende, ekonomiese en doelmatige bestuur deur die Raad van die finansiële hulpbronne tot die Raad se beskikking; 10
- (b) die baat wat gevind word by die werk van die Raad deur diegene wat die heffings en ander gelde opgelê deur die Raad dra; en
- (c) enige ander aangeleentheid soos ooreengekom deur die Minister en die Minister van Finansies. 15

(2) Indien die Minister—

- (a) oortuig is dat daar voldoende besorgdheid bestaan onder mediese skemas en hul lede oor die prestasie van die Raad om 'n beoordeling van daardie prestasie te regverdig; of
  - (b) nie oortuig is dat die verrigting van die Raad geskik is nie, 20
- kan die Minister na beraadslaging met die Raad enige persoon aanstel om 'n beoordeling te behartig en verslag te doen aan die Minister en die Minister van Finansies oor daardie prestasie.

(3) Ondanks subartikel (2) moet 'n beoordeling van die prestasie van die Raad deur die Minister gelas word, en minstens elke vyf jaar moet daar aan die Minister en die Minister van Finansies oor die bevindings verslag gedoen word en moet die Minister en die Minister van Finansies die bevindings oorweeg. 25

### Kort titel en inwerkingtreeding

7. Hierdie Wet heet die Wet op Heffings deur Raad vir Mediese Skemas, 2000, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal. 30

