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PLEASE TAKE NOTE: THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2014 WILL BE ON 12 DECEMBER 2014

THE NEXT PUBLICATION WILL BE ON 16 JANUARY 2015

PROVINCIAL NOTICE

[No. 104 of 2014]**FREE STATE INITIATION SCHOOL HEALTH AMENDMENT REGULATIONS,
2014**

I, Dr Benjamin Malakoane, Member of the Executive Council responsible for Health in the Province, acting in terms of section 13 of the Free State Initiation School Health Act, 2004 (Act No. 1 of 2004), hereby amend the Regulations issued in terms of the Act and published in 2008, as set out in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

___ Words underlined with a solid line indicate insertions in existing regulations.

Amendment of Regulation 2 of the Regulations

1. Regulation 2 of the Free State Initiation School Health Regulations, 2008 (hereafter referred to as the "Regulations"), is amended by –

(a) the substitution for subregulation (1) of the following subregulation:

"(1) An application in terms of section 2(1) of the Act must be in the form prescribed in [Part B] Part A in the Attachment to the regulations."; and

(b) the insertion of subregulation (4) after subregulation (3):

"(4) Permission to hold an Initiation School must be in the form prescribed in Part B in the Attachment to the regulations."

Amendment of Regulation 3 of the Regulations

2. Regulation 3 of the Regulations is amended by the insertion of subregulation (4) after subregulation (3) –

"(4) An applicant who applies to perform circumcision must have at least ten years' previous experience of performing circumcisions."

Amendment of Regulation 4 of the Regulations

3. Regulation 4 of the Regulations is amended by the substitution for paragraph (c) of the following paragraph –

"(c) He/she must have at least [10 (ten)] 3 (three) years relevant experience in performing circumcision;"

Amendment of Regulation 5 of the Regulations

4. Regulation 5 of the Regulations is amended by –

(a) the substitution for subregulation (1) of the following subregulation –

“(1) A person intending to operate an initiation school must obtain **[written approval and]** the necessary prescribed forms from the relevant Local Initiation School Health Committee.”;

(b) the substitution for subregulation (2) of the following subregulation –

“(2) The metropolitan or local municipality, or Traditional Authority or the land owner, whatever is applicable must provide written approval to the applicant to hold an initiation school in respect of the land in question.”;

(c) the substitution for subregulation (6) of the following subregulation –

“(6) The number of Initiates at an initiation school [in attendance may] must not exceed 25 (twenty five); Provided that the relevant District Initiation School Health Committee may approve up to 50 (fifty) initiates to attend, if the Environmental Health Practitioner provides a report that the place where the initiation school is intended to be held, is suitable to accommodate such higher number.”;

(d) the substitution for subregulation (7) of the following subregulation –

“(7) The Environmental Health Practitioner must conduct a risk analysis assessment and a permit of compliance **[may] must** be issued before permission to hold an initiation school is granted.”;
and

(e) the substitution for paragraph (a) of subregulation (8) of the following paragraph –

“(a) 25 (twenty five) Litre of clean, hygienic water per day per initiate in relation to the number of proposed initiates must be available for the period of the initiation school;”.

Amendment of Regulation 6 of the Regulations

5. Regulation 6 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation –

“(3) Initiation Schools may only be held during winter school holidays or end of the year school holidays; Provided that, where only adult initiates will attend an initiation school, permission may be granted by the relevant District Initiation Health Committee to hold such Initiation school during any time of the year.”.

Amendment of Regulation 10 of the Regulations

6. Regulation 10 of the Regulations is amended by the substitution for the following regulation –

“10. The term of office will be [2] 3 (three) years.”.

Amendment of Regulation 14 of the Regulations

7. Regulation 14 of the Regulations is amended by the substitution for paragraph (a) of subregulation (2) of the following paragraph –

“(a) The District Health Councillor appointed by the MEC, who shall be the chairperson; Provided that where the District Health Councillor is not available to serve in the Committee, the District Health Manager or District Medical Officer shall act as chairperson;”.

Amendment of Regulation 15 of the Regulations

8. Regulation 15 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation –

“(1) To advise the District Health Councillor, or where the District Health Councillor is not serving on the relevant Committee, the District Health Manager or the District Medical Officer, on all matters pertaining to Initiation Schools.”.

Amendment of Regulation 20 of the Regulations

9. Regulation 20 of the Regulations is amended by the substitution for paragraph (a) of the following paragraph –

“(a) The Local Health Councillor, who is appointed by the **[District Health Councillor] MEC**, shall be the chairperson of the committee; Provided that where the Local Health Councillor is not available to serve on the Committee, the Local Area Health Manager shall act as chairperson;”.

Amendment of Regulation 21 of the Regulations

10. Regulation 21 of the Regulations is amended by the substitution for paragraph (d) of the following paragraph –

“(d) advise the Local Health Councillor or where the Local Health Councillor is not serving on the Committee, the Local Area Health Manager, on all matters pertaining to initiation schools;”.

Amendment of Regulation 22 of the Regulations

11. Regulation 22 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation –

“(1) The term of office will be [2 (two)] 3 (three) years.”.

Amendment of Regulation 25 of the Regulations

12. Regulation 25 of the Regulations is amended by –

- (a) the substitution for subregulation (1) of the following subregulation –

“(1) Subject to subregulation (3), [T] the minimum [required] age for an initiate to be accepted at an Initiation School is 16 years.”; and

- (b) the insertion of subregulation (3) after subregulation (2) –

“(3) The MEC may, in exceptional circumstances, give permission to allow an initiate below the age of 16 years to attend an initiation school: Provided that the parent of the initiate give written permission, a report by the traditional healer involved in the holding of the initiation school or in the circumcision of initiates at the initiation school and a recommendation by the principal of the school if a child is a school-going learner, is provided to motivate the attendance of such initiate.”.

Amendment of Regulation 26 of the Regulations

13. Regulation 26 of the Regulations is amended by the substitution for regulation 26 of the following regulation –

“26. The District Medical Officer may [, **in consultation with the MEC,**] order closure of an initiation school that is operating [**without appropriate permission from the local municipality**] In contravention of the provisions of the Act or these Regulations or without [appropriate] permission from the metropolitan or local municipality, or the Department, or the local initiation school health committee, or the Traditional Authority (where applicable) in the area.”.

Insertion of new Regulation after Regulation 26

14. The following Regulation is inserted after Regulation 26:

“OFFENCES AND PENALTIES

27. Any person who –

(a) fails to comply with the provisions of Regulation 4(1) to (f);

(b) admits more initiates than provided for by Regulation 5(6);

(c) accepts an initiate under the age of 16 at an initiation school, in contravention of Regulation 25(2),

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 2 years.”.

Renumbering of Regulation 27

15. The current Regulation 27 is renumbered to Regulation 28.

Amendment of Part A to the Attachment

16. The Regulations is amended by the substitution for Part A to the Attachment by the attached Part A.

Short title

17. These Regulations are called the Free State Initiation School Health Amendment Regulations, 2014.

“ATTACHMENT

<p>PART A</p>	<p>OFFICE OF THE LOCAL INITIATION SCHOOL HEALTH COMMITTEE</p>	<p>FORM 1</p>
<p>APPLICATION TO HOLD AN INITIATION SCHOOL IN TERMS OF SECTION 2 (1) OF THE ACT AND REGULATION 4 OF THE FREE STATE INITIATION SCHOOL HEALTH REGULATIONS, 2008</p>		
<p>DETAILS OF APPLICANT</p>		<p>FOR OFFICIAL USE ONLY</p>
<p>1. Name of the Applicant </p> <p>2. Address of the Applicant </p> <p>3. Identity number of the Applicant (Please attach a certified copy of ID document) </p> <p>4. Have you applied for permission before? If so, was it refused and what were the reasons for refusal </p>	<p>1. District in which application is made. (Date stamp of the Local Initiation School Health Committee)</p> <p>2. Local Municipality at which the Initiation School is going to be held.....</p> <p>3. Affidavit that gives a brief summary of the Applicant’s experience in traditional affairs including past experience of holding an Initiation School and treating Initiates is attached.</p> <p>4. Yes/No</p>	

4.		Please tick the relevant box	
		Yes	No
4.1	Applicant is at least 45 years of age; or		
	Applicant is the biological parent of the initiate		
4.2	Applicant is a South African citizen		
4.3	Applicant has at least [10] 3 years' experience in performing circumcision. If the applicant is going to perform circumcision, he/she must have at least [10] 3 years' experience in performing circumcision		
4.4	Applicant has the support of 5 graduated initiates		
4.5	Applicant has submitted confirmation of consent in terms of Annexures C and D of the Act		
4.5	Applicant has submitted confirmation of consent in terms of Annexures C and D of the Act		
4.6	Applicant has submitted a report of good health of each initiate		
4.7	Applicant has at least 3 years relevant experience in initiation schools		
5.	If applicant or a traditional surgeon wishes to perform circumcisions, such person must complete Part C, Form 3	5. Annexure A, B, C and D to the Act must be properly completed and attached to this application. (NB. Part A is not required if the initiate is not going to be circumcised or if the applicant is not going to perform circumcisions)	

DATE OF BIRTH OF INITIATE WITH SUBMISSION OF PROOF IN THE FORM OF A CERTIFIED COPY OF IDENTITY DOCUMENT OR BIRTH CERTIFICATE	
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DATE OF BIRTH OF INITIATE WITH SUBMISSION OF PROOF IN THE FORM OF A CERTIFIED COPY OF IDENTITY DOCUMENT OR BIRTH CERTIFICATE	
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25.	

SIGNATURE OF APPLICANT: DATE:

PRINT SURNAME AND INITIALS:.....”