

zette

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PROCLAMATION*by the**President of the Republic of South Africa***No. R. 7, 2005****AMENDMENT OF SCHEDULE 2 TO THE PUBLIC SERVICE ACT, 1994**

In terms of section 7(5)(a)(ii) of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), I hereby amend, at the request of the Premier of Limpopo, Schedule 2 to the said Act by the substitution for the designations of the Provincial Departments and Heads of Provincial Departments of the Provincial Administration of Limpopo, in Columns 1 and 2 of Schedule 2, respectively, of the designations of the Provincial Departments and Heads of Provincial Departments of the said Provincial Administration as set out in Columns 1 and 2, respectively, below:

Column 1	Column 2
Limpopo	
Department of Agriculture	Head: Agriculture
Department of Economic Development, Environment and Tourism	Head: Economic Development, Environment and Tourism
Department of Education	Head: Education
Department of Health and Social Development	Head: Health and Social Development
Department of Local Government and Housing	Head: Local Government and Housing
Department of Public Works	Head: Public Works

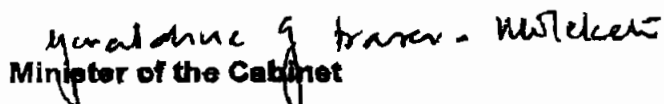
Department of Roads and Transport	Head: Roads and Transport
Department of Safety, Security and Liaison	Head: Safety, Security and Liaison
Department of Sport, Arts and Culture	Head: Sport, Arts and Culture
Provincial Treasury	Head: Provincial Treasury

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this 3rd day of February, Two Thousand and Five.



President

By Order of the President-in-Cabinet:



Minister of the Cabinet

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 7, 2005****WYSIGING VAN BYLAE 2 BY DIE STAATSDIENSWET, 1994**

Ingevolge artikel 7(5)(a)(ii) van die Staatsdienswet, 1994 (gepromulgeer deur Proklamasie No. 103 van 1994), wysig ek hierby, op versoek van die Premier van Limpopo, Bylae 2 by vermelde Wet, deur die vervanging van die benamings van die Provinsiale Departemente en Hoofde van Provinsiale Departemente van die Provinsiale Administrasie van Limpopo, in Kolomme 1 en 2 van Bylae 2, onderskeidelik, met die benamings van die Provinsiale Departemente en Hoofde van Provinsiale Departemente van die vermelde Provinsiale Administrasie, soos onderskeidelik uiteengesit in Kolomme 1 en 2 hieronder:

Kolom 1	Kolom 2
Limpopo	
Departement van Ekonomiese Ontwikkeling, Omgewing en Toerisme	Hoof: Ekonomiese Ontwikkeling, Omgewing en Toerisme
Departement van Gesondheid en Maatskaplike Ontwikkeling	Hoof: Gesondheid en Maatskaplike Ontwikkeling
Departement van Landbou	Hoof: Landbou
Departement van Onderwys	Hoof: Onderwys
Departement van Openbare Werke	Hoof: Openbare Werke
Departement van Paaie en Vervoer	Hoof: Paaie en Vervoer
Departement van Plaaslike Regering	Hoof: Plaaslike Regering en

en Behuising	Behuising
Departement van Sport, Kuns en Kultuur	Hoof: Sport, Kuns en Kultuur
Departement van Veiligheid, Sekuriteit en Skakeling	Hoof: Veiligheid, Sekuriteit en Skakeling
Provinsiale Tesourie	Hoof: Provinsiale Tesourie

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die 3de dag van Februarie Tweeduisend en Vyf.

Mabo Mbozi
President

Op las van die President-in-Kabinet:

Gerardus G. Erasmus - Minister
Minister van die Kabinet

**GOVERNMENT NOTICES
GOEWERMENSKENNISGEWINGS**

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 98

11 February 2005

MENTAL HEALTH CARE ACT, 2002 (ACT NO.17 OF 2002)

CORRECTION NOTICE TO THE GENERAL REGULATIONS

The following correction to Government Notice No. R. 1467 appearing in Government Gazette No. 27117 of 15 December 2004, is hereby published for general information.

In the Schedule:

1. CHAPTER 1: QUALITY STANDARDS AND NORMS

1.1. Regulation 3 of the regulations: Decision by Head of health establishment

1.1.1. On page 4, substitute the following for regulation 3(1):

“3. (1) When a head of a health establishment makes a decision in terms of these regulations that falls outside his or her scope of professional practice, he or she must act in consultation with the relevant mental health care practitioners.”.

1.2. Regulation 4 of the regulations: Home visits

1.2.1. On page 5, substitute the following for regulation 4:

“4. Providers of mental health care may visit homes and places of employment of persons who are deemed to be mentally ill or intellectually disabled, within the catchment areas in which they operate, if such home visit is required for the care, treatment or rehabilitation of a mental health care user.”.

1.3. Regulation 5 of the regulations: Community care

1.3.1. On page 5, substitute the following for regulation 5(3):

“5. (3) Services by a grouping referred to in sub-regulation (2) may, within their professional scope of practice, include medical care, residential community accommodation, day-care centres, counselling, support or therapeutic groups, psychotherapy, vocational rehabilitation programmes, psychosocial rehabilitation programmes or other services, which would assist the recovery of the person to optimal functioning.”.

1.4. Regulation 7 of the regulations: Report on exploitation and abuse

1.4.1. On page 6, substitute the following for the opening sentence of regulation 7(1):

"7. (1) A person witnessing any form of abuse against a mental health care user as contemplated in section 11(1) of the Act –".

1.4.2. On page 6, substitute the following for regulation 7(1)(a):

"(a) must report this fact to the Review Board concerned in the form of form MHCA 02 of the Annexure;or".

2. CHAPTER 2: APPLICATION FOR MENTAL HEALTH CARE AND ASSESSMENT**2.1. Regulation 8 of the regulations: Emergency admission or treatment without consent**

2.1.1. On page 6, substitute the following for regulation 8:

"8. Any person or health establishment that provides care, treatment and rehabilitation services to a mental health care user or admits such user in circumstances contemplated in section 9(1)(c) of the Act must report that fact in writing in the form of form MHCA 01 of the Annexure to the relevant Review Board."

2.2. Regulation 9 of the regulations: Application for assisted mental health care

2.2.1. On page 6, substitute the following for regulation 9(1):

"9. (1) An application for assisted mental health care by a person contemplated in section 27(1) of the Act must be made in the form of form MHCA 04 of the Annexure."

2.2.2. On page 7, substitute the following for regulation 9(5):

"9. (5) On completion of the examination referred to in sub-regulation (3), the mental health care practitioners must submit their finding in the form of form MHCA 05 of the Annexure to the head of the health establishment concerned."

2.2.3. On page 7, substitute the following for regulation 9(7):

"9. (7) The head of the health establishment concerned must give notice in terms of section 27(9) of the Act to the applicant in the form of form MHCA 07 of the Annexure of his or her decision concerning the application for assisted care, treatment and rehabilitation in question and reasons thereof."

2.2.4. On page 7, substitute the following for regulation 9(9):

"9. (9) The Review Board concerned must, after receiving the documentation referred to in sub-regulation (8) and after completing an investigation in terms of section 28(3) of the Act within 30 days, report on its findings and decision to the head of the health establishment concerned, the

applicant and the head of the relevant provincial department in the form of form MHCA 14 of the Annexure.”.

2.3. Regulation 11 of the regulations: 72-Hours assessment after head of health establishment grants application for involuntary care, treatment and rehabilitation

2.3.1. On page 9, delete the hyphen (-) between the expression “concerning” and the expression “further” in the last sentence of regulation 11(6).

2.3.2. On page 10, substitute the following for regulation 11(9):

“11.(9) If the head of the health establishment concerned, following the 72-hours assessment, is of the opinion that the mental health status of the mental health care user warrants further involuntary care, treatment and rehabilitation services on an inpatient basis, he or she must request the Review Board in the form of form MHCA 08 of the Annexure to approve such further care, treatment and rehabilitation.”.

3. CHAPTER 4: TRANSFER AND DISCHARGE

3.1. Regulation 17 of the regulations: Discharge report

3.1.1. On page 12, substitute the following for regulation 17:

“17. The head of a health establishment must in terms of section 16 or 56 of the Act issue a discharge report in the form of form MHCA 03 of the Annexure.”.

3.2. Regulation 21 of the regulations: Periodical reports

3.2.1. On page 15, substitute the following for the closing sentence of regulation 21(1):

“...must be done on form MHCA 13A of the Annexure.”.

3.3. Regulation 22 of the regulations: Application for the transfer of a mental health care user to a maximum security facility

3.3.1. On page 16, substitute the following for regulation 22:

“22. The head of a health establishment may in terms of section 39(1), 43 or 54(2) of the Act in the form of form MHCA 19 of the Annexure request the Review Board concerned to order the transfer of an assisted-or involuntary mental health care user and a State patient or mentally ill prisoner to another health establishment or a designated health establishment with a maximum security facility.”.

3.4. Regulation 30 of the regulations: Discharge of state patient

3.4.1. On page 20, substitute the following for regulation 30(4):

“30.(4) If the head of a health establishment, after receiving a report contemplated in section 41(3) of the Act, has reason to believe that the State patient has not fully complied with the terms and conditions

applicable to the discharge or that the mental health status of the State patient has deteriorated, that head must use form MHCA 34 of the Annexure for the purpose of section 48(5) of the Act.”.

4. CHAPTER 8: OBSERVATION AND TREATMENT

4.1. Regulation 41 of the regulations: Observation and treatment of mental health care users referred to health establishment by a court of law in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)

4.1.1. On page 26, substitute the following for regulation 41(1):

“41.(1) A person referred by a court of law to a health establishment in terms of section 79 of the Criminal Procedure Act, 1977 for observation, must be informed that a report will be submitted by a mental health care practitioner to the court of law and that he or she is under no obligation to divulge information.”.

4.2. Regulation 43 of the regulations: Licensing of community facilities

4.2.2. On page 28, substitute the following for the opening sentence of regulation 43(1):

“43(1) Any service not directly run under the auspices of an organ of the State and which is not a designated hospital, but which provides residential or day-care facilities for 5 people or more with mental disorders must in terms of the Act-”.

5. ANNEXURES

5.1. Form MHCA 05

5.1.1. On page 1 of the Form MHCA 05, on lines 20 to 26, substitute the following sequence of numbering of paragraph (a), (b) and (c) for the incorrect numbering (a), (a) and (b).

5.2. Form MHCA 06

5.2.1. On page 1 of the Form MHCA 06, on lines 23 to 28, substitute the following sequence of numbering of paragraphs (a), (b) and (c) for the incorrect numbering (a), (a) and (b).

5.3. Form MHCA 08

5.3.1. On page 1 of the Form MHCA 08, on lines 6 on the heading, substitute the following expression “[Section 34(3)(c)(i) of the Act]” for the expression “[Section 34(3)(c)(ii) of the Act]”.

5.4. Form MHCA 13A

5.4.1. On page 1 of the Form MHCA 13A, line 4, substitute the following expression “(ASSISTED/INVOLUNTARY USER/MENTALLY ILL PRISONER)” for the expression “(ASSISTED/INVOLUNTARY USER/MENTALLY ILL PERSON)”.

- 5.4.2. On page 1 of the Form MHCA 13A, line 11, substitute the following expressions
"Assisted user Involuntary user Mentally ill prisoner
for the expressions "Assisted user Involuntary inpatient
Involuntary outpatient

**ISAZISI SIKARHULUMENTE
ISEBE LEZEMPILO**

No. R. 98

11 February 2005

**UMTHETHO WOKONGIWA KWEMPILO YENGQONDO (UMTHETHO NA. 17 OF
2002)****ISAZISO SESILUNGISO SEZIMIMISELO**

Isilungiso esilandelayo seSaziso sikaRhulumente Na. R. 1467 iGazethi kaRhulumente Na. 27117 of 15 December 2004, iyapapashwa ngokwazisa uluntu jikelele.

KWISIHLOMELO**1. ISAHLUKO 1: ISITHETHE NOMGANGATHO WOKUNIKEZELA NGENKONZO
EPHAKAMILEYO****1.1. Ummiselo 7.1 wemimiselo: lingxelo malunga nokuxhatshazwa
nokuphathwa kakubi****1.1.1. Kwikhasi 6, fakela okulandelayo endaweni yommiselo 7(1)(a):**

"7. (1)(a) makaxele kwibhodi yokuhlola enxulumene nokongokwe fomu ye MHCA02 ye candelo; okanye".

**2. ISAHLUKO 2: ISICELO SOKONGIWA KWEMPILO YENGQONDO
NOKULOLONGWA****2.1. Ummiselo 8 wemimiselo: Ukungeniswa esibhedlela ngokungxamisekileyo
okanye ukongiwa ngaphandle kwemvume.****2.1.1. Kwikhasi 6, fakela okulandelayo endaweni yesihloko sommiselo 8:**

"Ukungeniswa esibhedlela ngokungxamisekileyo okanye ukongiwa ngaphandle kwemvume.

2.1.2 Kwikhasi 6, fakela okulandelayo endaweni yommiselo 8:

"8. Nawuphi na umuntu okanye iziko leMpilo elonga, linyange lize libuyisele kwisimo esiso umnyangwa owongiwa impilo yengqondo okanye limgenise esibhedlela lomnyangwa kwiimeko ezixelwe kwisiqu 9(1)(c) soMthetho, makanike ingxelo ebhaliweyo yalonto kwifomu yo MHCA01 kwisifakelo lweBhodi yokuhlola enxulumelene nokho."

2.2 Ummiselo 9 wemimiselo: Isicelo sokongiwa kwempilo ngokuncediswa**2.2.1. Kwikhasi le 6, fakela okulandelayo endaweni yommiselo 9(1):**

"9(1) Isicelo sokongiwa kwempilo yengqondo ngokuncediswa masenziwe ngumntu oxelwe kwisigqendu 27(1) soMthetho mayenziwe kwifomu ye MHCA04 kwisifakelo."

2.2.2 Kwikhasi le 7, fakela okulandelayo endaweni yommiselo 9(5):

"9(5) Ekugqityweni koxilongo oluxelwe kummiselwana (3), abantu abaqeqeshelwe ukunyanga impilo yengqondo mabafake iziphumo zoxilongo lwabo ezikwifomu ye MHCA05 kwisifakelo, kwintloko yeziko lempilo elo."

2.2.3 Kwikhasi le 7, fakela okulandelayo endaweni yommiselo 9(7):

"9(7) Intloko yeziko lempilo elo mayinike isaziso ngokwe sigqendu 27(9) soMthetho kumenzi sicelo esikwifomu ye MHCA07 secandelo esithi sichaze isigqibo sakhe malunga nesicelo sokongiwa ngokuncediswa, ukunyangwa nokubuyiselwa kwisimo esisiso nezizathu zesosigqibo."

2.3 Ummiselo 11 wemimiso: Ulolongo lweeyure ezingama 72 emva kokuba intloko yeziko lophando linikezele imvume yokongiwa okunyanzeliswayo, unyango nokubuyiselwa kwesimo esiso

2.3.1 Kwikhasi le 9, fakela okulandelayo endaweni yommiselo 11(9):

"11(9) Ukuba ngaba intloko yeziko elo emva kohlobo lweeyure ezingama-72 inembono yokuba imo yengqondo yomnyangwa ogula ngengqondo ifuna ukuba afumane iinkonzo zokongiwa ngokunyanzeliswa, unyango nokubuyiselwa kwisimo esisiso engaphakithi, kufuneka acele iBhodi yohlobo kwifomu yeMHCA08

3. ISAHLUKO 3: UKUTSHINTSHWA NOKUKHUTSHWA

3.1. Ummiselo wama 21 wemimiselo: Ingxelo zamaxesha ngamaxesha

2.1.1. Kwikhasi le 13, fakela okulandelayo endaweni yommiselo 21(1)(d):

"21(1)(d). Ibanjwa eligula ngengqondo ngokwesiqendu soMthetho, masenziwe kwifomu yeMHCA13A kwisifakelo."

3.2. Ummiselo wama 22 wemimiselo: Isicelo setshintsho somnyangwa owamkela unyango lwempilo yengqondo kwindawo enokhuseleko olunqilima

3.2.1. Kwikhasi le 14, fakela okulandelayo endaweni yommiselo 22 Intloko yeziko lempilo ingathi ngokwesiqendu 39(1) okanye 54(2) soMthetho kwifomu ye MHCA19 kwisifakelo icele kwiBhodi yoHlobo utshintsho kwisigulane sempilo yengqondo esincediswayo esinyanzeliswayo nomnyangwa kaRhulumenteokanye ibanjwa eligula ngengqondo lisiwe kwelinye iziko lempilo elinokhuseleko olunqilima."

4. ISIFAKELO

4.1 Ifomu MHCA06

4.1.1 Kwikhasi le 2 kwifomu MHCA06, kwimida eyi 7 yokuqala, fakela iinombolo ezilandelanayo "(a), (b) no (c)" endaweni yizi ezingalandelani kakuhle "(a), (a) no

(c)".

4.2 Ifomu MHCA 08

4.2.1 Kwikhasi lo 1 kwifomu MHCA08, kwimida ye 17 -19, fakela iinombolo ezilandelanayo "(a), (b) no (c)" endaweni yezi ezingalandelani kakuhle "(a), (b) no (a)".

No. R. 109

11 February 2005

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972**REGULATIONS RELATING TO THE LABELLING OF ALCOHOLIC BEVERAGES**

The Minister of Health intends, in terms of section 15 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), to make the regulations in the Schedule.

Interested persons are invited to submit written comments or presentations on the proposed regulations to the Director-General: Health (for the attention of the Director: Mental Health and Substance Abuse, Department of Health, Private Bag X828, PRETORIA 0001).

SCHEDULE**Definitions**

1. In these regulations, "the Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), and any word or expression to which a meaning has been assigned in that Act, shall have that meaning and, unless the context indicates otherwise.

"alcoholic beverage" means any drink ordinarily consumed by humans or purporting to be suitable, or manufactured or sold for human consumption with an ethyl alcohol content above 1ml per 100ml (one percent (1%) alcohol volume).

Health warnings on container labels

2. (1) Container labels for alcoholic beverages must contain one of the health warnings set out in annexure A of these regulations.

(2) A health warning referred to in subregulation (1) shall-

(i) be visible, legible and indelible and the legibility thereof shall not be affected by any other matter, printed or otherwise;

(ii) be on a space specifically devoted for it which must be at least one eighth of the total size of such advertisement, container label, or promotional material;

(iii) be in black on a white background; and

(iv) be alternated on an equal quantity for each brand every 12 months from the date of commencement of these regulations.

Language

3. A health warning shall be in any of the South African official languages but must be in the same language as that of the container label.

Prohibited statements

4. The following information or declarations shall not appear on any container label of an alcoholic beverage:

(a) Words, pictorial representations, descriptions which may create the impression that such an alcoholic beverage has been manufactured in accordance with recommendations made by-

- (i) a health professional registered in terms of any law;
- (ii) any health organization, association or foundation;

(b) the words "health", "healthy", "heal", "cure", "restorative" or other words or symbols claiming that the alcoholic beverage has health giving, medicinal, therapeutic or prophylactic properties as part of the name or description of the alcoholic beverage; or

(c) the words: Subject to the provisions of the Medicines and Related Substances Act, 1965 (Act no.101 of 1965) or similar wording that makes reference to the said Act.

Offences and Penalties

5. Any person who contravenes the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

Commencement of regulations

6. These regulations come into operation 12 months from the date of publication.


ME TSHABALALA-MSIMANG
MINISTER OF HEALTH

ANNEXURE A: HEALTH WARNINGS

1. Alcohol reduces driving ability, Don't drink and drive.
2. Don't drink and walk on the road, alcohol kills.
3. Alcohol increases your risk to personal injuries.
4. Alcohol is a major cause of violence and crime.
5. Alcohol abuse is dangerous to your health.
6. Alcohol is addictive.
7. Drinking during pregnancy can be harmful to your unborn baby.

No. R. 110

11 February 2005

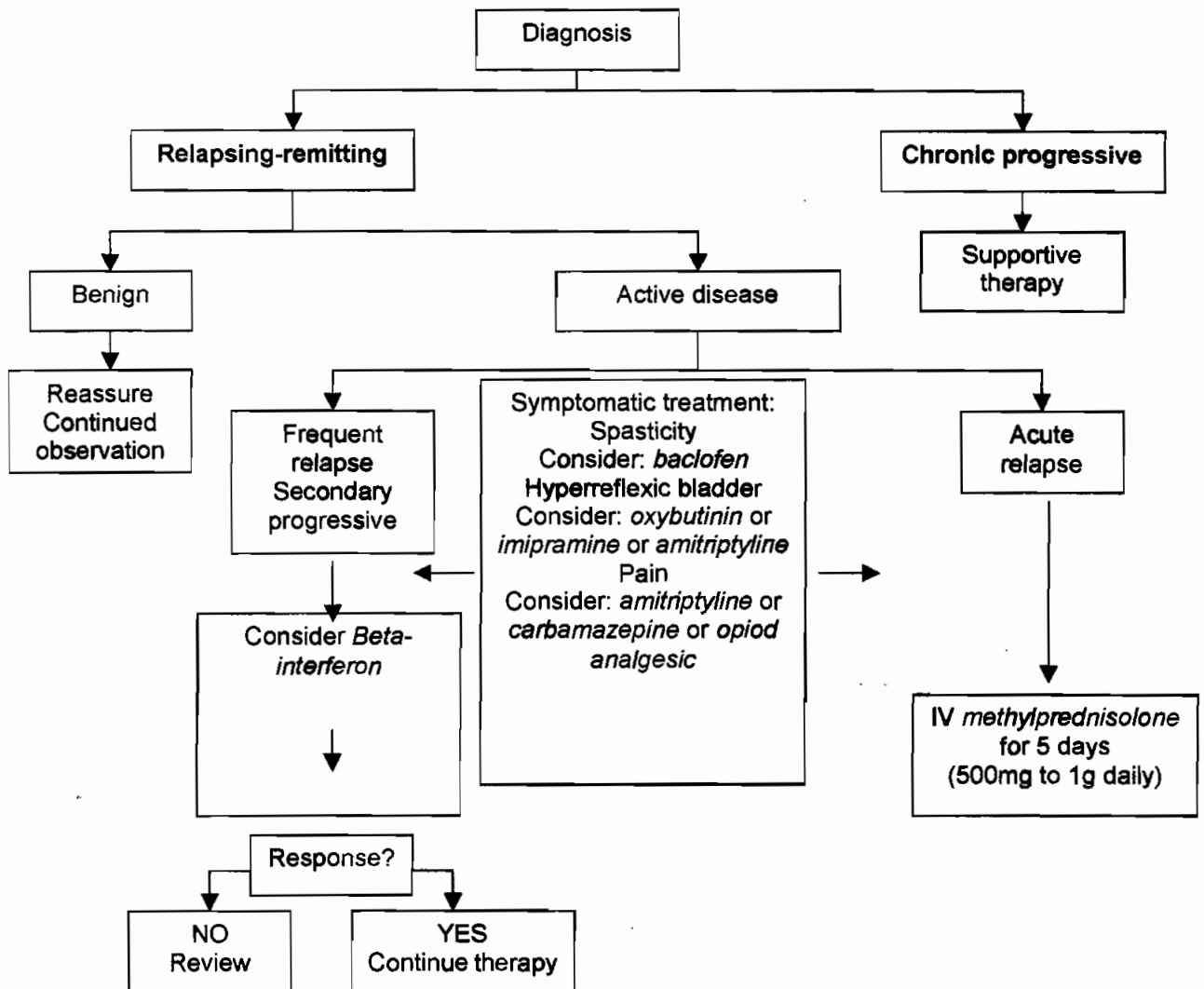
MEDICAL SCHEMES ACT, 1998 (ACT NO. 131 OF 1998)
REGULATIONS MADE IN TERMS OF THE MEDICAL SCHEMES ACT, 1998
THERAPEUTIC ALGORITHMS FOR CHRONIC CONDITIONS

The Regulations made under the Medical Schemes Act, 1998, published under Government Notice No. R1262 of 20 October 1999, as amended by the following Government Notices: No. R 570 of 5 June 2000; No R. 650 of 30 June 2000; No. R 247 of 1 March 2002 and No. R 1360 of 4 November 2002, provides, in Annexure A, as follows: "Treatment: diagnosis, medical management and medication, to the extent that this is provided for by way of a therapeutic algorithm for the prescribed condition, published by the Minister in the *Gazette*".

The therapeutic algorithms referred to in Annexure A to the regulations was published under Government Notice No. 1397 of 6 October 2003.

The therapeutic algorithms as published under Government Notice No. 1397 of 6 October 2003 is hereby amended by the substitution for the item : MULTIPLE SCLEROSIS of the following item:

MULTIPLE SCLEROSIS



Glossary:

- IV – Intravenous

Applicable ICD 10 Coding:

- G35 Multiple sclerosis

Note:

- 1. Medical management reasonably necessary for the delivery of treatment described in this algorithm is included within this benefit, subject to the application of managed health care interventions by the relevant medical scheme.**
- 2. To the extent that a medical scheme applies managed health care interventions in respect of this benefit, for example clinical protocols for diagnostic procedures or medical management, such interventions must –**
 - a. not be inconsistent with this algorithm;**
 - b. be developed on the basis of evidence-based medicine, taking into account considerations of cost-effectiveness and affordability; and**
 - c. comply with all other applicable regulations made in terms of the Medical Schemes Act, 131 of 1998**
- 3. This algorithm may not necessarily always be clinically appropriate for the treatment of children. If this is the case, alternative paediatric clinical management is included within this benefit if it is supported by evidence-based medicine, taking into account considerations of cost-effectiveness and affordability.**



**ME TSHABALALA-MSIMANG
MINISTER OF HEALTH**