

SECOND 2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL MEASURES ACT 12 OF 2006

[ASSENTED TO 1 SEPTEMBER 2006]

[DATE OF COMMENCEMENT: 7 SEPTEMBER 2006]

(English text signed by the President)

ACT

To give effect to the Organising Association Agreement between FIFA and SAFA and to the guarantees issued by the Government to FIFA for the hosting and staging of the 2010 FIFA World Cup South Africa; and to provide for matters connected therewith.

Preamble

WHEREAS the Fédération Internationale de Football Association (FIFA) is the world governing body for the sport of football and is responsible for promoting football around the world through education and development programmes and through promoting and supervising international matches;

AND WHEREAS FIFA invited the African Member Associations affiliated to FIFA to bid for the right to serve as host for the final competition of the 2010 FIFA World Cup and provided interested national associations with a List of Requirements regarding the staging and hosting of the final competition of the 2010 FIFA World Cup;

AND WHEREAS the South African Football Association (SAFA) confirmed its bid for the right to serve as host of the final competition of the 2010 FIFA World Cup by submitting the bid documentation to FIFA;

AND WHEREAS the Government of the Republic of South Africa confirmed its support for SAFA's bid to host the 2010 FIFA World Cup by issuing a Declaration in terms of which it undertook to issue all guarantees requested in the List of Requirements to ensure the success of the 2010 FIFA World Cup and to take all measures necessary in order to comply with such guarantees and shall perform its obligations with due co-operation;

AND WHEREAS FIFA has appointed SAFA as host of the 2010 FIFA World Cup South Africa in accordance with the Organising Association Agreement;

AND WHEREAS the Government of the Republic of South Africa has a duty to pursue major developmental goals as demanded by the Constitution of the Republic of South Africa, 1996, as reflected in broad initiatives to eradicate poverty by 2014 which have been endorsed by the people of South Africa and the United Nations, the Government must strike a balance between the broad national interests of the Republic and the specific interests of FIFA when implementing its guarantees;

AND WHEREAS it is necessary to enact legislation to give effect to the Declaration and the guarantees referred to above,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:

1 Definitions

In this Act, unless the context indicates otherwise-

'2010 FIFA World Cup South Africa' means the FIFA World Cup football tournament to be staged in and hosted by the Republic in 2010 in terms of the Organising Association Agreement, and includes the 2009 FIFA Confederations Cup to be staged in the Republic in 2009;

'accredited foreign medical contingent' means a foreign medical contingent

whose members have been accredited in terms of section 3 (1);

'**FIFA**' means the Fédération Internationale de Football Association;

'**final competition**' means the final tournament of the 2010 FIFA World Cup South Africa which shall be contested in the year 2010 in the Republic by 32 teams and which shall be deemed to last for the period stipulated by the Minister by notice in the *Gazette*;

'**Minister**' means the Minister responsible for sport and recreation at national level in the Republic;

'**Organising Association Agreement**' means the Organising Association Agreement, including its annexes, entered into between FIFA and SAFA;

'**permitted medical device**' means any medical device approved by the Minister of Health in terms of section 3 (3) (a);

'**permitted medicine and Scheduled substance**' means any medicine and Scheduled substance approved by the Minister of Health in terms of section 3 (3) (a);

'**prescribed**' means prescribed by regulation;

'**regulation**' means any regulation made in terms of section 6;

'**SAFA**' means the South African Football Association or its successors-in-title;

'**team**' means the 23 football players and the 27 persons accompanying such football players representing a national association affiliated with FIFA, which national association has qualified to participate in the 2010 FIFA World Cup South Africa.

2 Extension of Minister of Trade and Industry's power under Merchandise Marks Act, 1941

If the Minister of Trade and Industry declares the 2010 FIFA World Cup South Africa a protected event in terms of section 15A (1) of the Merchandise Marks Act, 1941 (Act 17 of 1941), he or she may, notwithstanding section 15A (1) (a) (ii) of that Act, stipulate by notice in the *Gazette* a date later than one month but not later than six months after the completion or termination of the final competition as the date on which the protection afforded by such a declaration ends.

3 Accreditation of foreign medical contingents and approval of medicines, Scheduled substances and medical devices

(1) (a) Notwithstanding any other law to the contrary, the Minister of Health, after consultation with the relevant statutory health professional council, may accredit a member of a foreign medical contingent to render health services if the Minister of Health receives an application by FIFA for such accreditation.

(b) An application contemplated in paragraph (a) must state-

- (i) the full name and the passport number of every member of the foreign medical contingent concerned;
- (ii) the country of origin of the team in respect of which the members may render health services;
- (iii) the period during the 2010 FIFA World Cup South Africa for which accreditation is required;
- (iv) the name of each member of the team to whom the members of the foreign medical contingent may render health services; and
- (v) such further information in respect of the accreditation as may be prescribed.

(c) For the purposes of paragraph (a), a statutory health professional council has

the meaning ascribed to it in section 1 of the National Health Act, 2003 (Act 61 of 2003).

(2) The accreditation granted by the Minister of Health contemplated in subsection (1) must be in writing and must specify-

- (a) the full names of all accredited members of the foreign medical contingent;
- (b) the period for which the accreditation is granted; and
- (c) any condition in respect of the accreditation that may be necessary.

(3) (a) Notwithstanding any other law to the contrary, the Minister of Health, after consultation with the Medicines Control Council established by section 2 of the Medicines and Related Substances Act, 1965 (Act 101 of 1965), may approve all medicines, Scheduled substances and medical devices that may be used by an accredited foreign medical contingent if the Minister of Health receives a written request for such use by FIFA on behalf of an accredited foreign medical contingent.

(b) A request contemplated in paragraph (a) must state-

- (i) the name and manufacturer of the medicine, Scheduled substance and medical device in question;
- (ii) the quantity of each medicine and Scheduled substance and the number of each type of medical device required by the accredited foreign medical contingent; and
- (iii) such other information as may be prescribed.

(4) The approval given by the Minister of Health contemplated in subsection (3) must be in writing and must specify-

- (a) the name and manufacturer of the medicine, Scheduled substance and medical device in question;
- (b) the quantity of each medicine and Scheduled substance and the number of each type of medical device required by the accredited foreign medical contingent; and
- (c) any condition in respect of the approval that may be necessary.

4 Scope of authority of accredited foreign medical contingent

An accredited foreign medical contingent may only render health services for the period and in respect of the team contemplated in section 3 (1)(b) (ii) and (iii).

5 Suspension of prohibition on sale of unregistered medicines, registration of and community service for certain health care providers

(1) (a) Notwithstanding any law referred to in paragraph (c) but subject to section 3, any member of an accredited foreign medical contingent may-

- (i) possess, compound, dispense, import and export permitted medicines and Scheduled substances; and
- (ii) import and export permitted medical devices.

(b) The possession, compounding, dispensing, import and export of permitted medicines and Scheduled substances and the import and export of such permitted medical devices contemplated in paragraph (a) may be undertaken solely for the purposes of rendering such health services as may be required by members of the team in respect of which the foreign medical contingent is accredited to render health services.

(c) The laws contemplated in paragraph (a) are-

- (i) section 14 of the Medicines and Related Substances Act, 1965 (Act 101 of 1965), in so far as it pertains to the prohibition on the sale of medicines

- which are subject to registration and are not registered;
- (ii) section 19 of the Medicines and Related Substances Act, 1965 (Act 101 of 1965), in so far as it pertains to the prohibition on the sale of medicines which do not comply with requirements prescribed in terms of that Act;
- (iii) section 22A of the Medicines and Related Substances Act, 1965 (Act 101 of 1965), in so far as it pertains to the prohibition on the sale, possession, manufacture, import and export of any medicine or Scheduled substance; and
- (iv) section 22C of the Medicines and Related Substances Act 1965 (Act 101 of 1965), in so far as it pertains to the prohibition on the compounding, dispensing, import and export of medicines and the import and export of medical devices without a licence.

(2) (a) Notwithstanding any law referred to in paragraph (b), any member of an accredited foreign medical contingent may render any health service to a member of the team in respect of which the foreign medical contingent has been accredited without being registered or having rendered community service as is contemplated in those laws.

(b) The laws contemplated in paragraph (a) are-

- (i) sections 13, 14 (c) and 14A of the Pharmacy Act, 1974 (Act 53 of 1974), in so far as they pertain to the registration of and the performance of community service by pharmacists;
- (ii) sections 17 and 24A of the Health Professions Act, 1974 (Act 56 of 1974), in so far as they pertain to the registration of any profession registrable in terms of that Act and the performance of community service by persons registering for the first time for a profession listed in the regulations in terms of that Act;
- (iii) section 16 of the Nursing Act, 1978 (Act 50 of 1978), in so far as it pertains to the registration or enrolment, as the case may be, of a nurse, midwife, nursing auxiliary, student nurse, student midwife, pupil nurse or pupil nursing auxiliary in terms of that Act; and
- (iv) any other national legislation pertaining to the registration of or the performance of community service by any health care provider as defined in section 1 of the National Health Act, 2003 (Act 61 of 2003), other than those contemplated in subparagraph (i), (ii) or (iii).

6 Regulations

(1) The Minister may, in consultation with the Minister of Trade and Industry or the Minister of Health, as the case may be, make regulations regarding-

- (a) any matter that may or must be prescribed;
- (b) the suspension of the prohibition on the possession, compounding and dispensing of permitted medicines and Scheduled substances and permitted medical devices and the registration of and the performance of community service by health care providers, in order to give effect to the Organising Association Agreement; and
- (c) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) Before the Minister makes any regulation under this section, he or she must

publish a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment, in writing, within a period stated in the notice, of not less than 30 days from the date of publication of the notice.

(3) If the Minister alters the draft regulations, as a result of any comment, he or she need not publish those alterations before making the regulations.

(4) The Minister must submit to Parliament the draft regulations contemplated in subsection (2) and comments received in terms of that subsection before final publication.

7 Short title

This Act is called the Second 2010 FIFA World Cup South Africa Special Measures Act, 2006.