

# Mystery of law

*The legal system is often a mystery, and we, its priests, preside over rituals baffling to everyday citizens.*

*Henry Miller*

# First lesson in law

*Quick, sure and wrong.*

# SAHPRA

- The South African Health Products Regulatory Authority is an organ of state
- Is a juristic person
- Acts through its Board – 10 to 15 members
- Statutes deal with subjects (persons) and objects (things)
- All relevant statutes must be read together

# The Medicines Act

## THE PRESIDENCY

No. 19

8 January 2016

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

*Act No. of 201 : Medicines and 14 5 Related Substances Amendment Act, 2015*

# Interpretation Act No 33 of 1957

## 14. Exercise of conferred powers between passing and commencement of a law

Where a law confers a power -

(a) *to make any appointment; or*

(b) to *make*, grant or issue any instrument, order, warrant, scheme, letters patent, *rules, regulations* or by-laws; or

(c) to give notices; or to prescribe forms; or

(d) to do any other act or thing for the purpose of the law,

that power may, unless the contrary intention appears, be exercised at any time *after the passing of the law so far as may be necessary for the purpose of bringing the law into operation at the commencement thereof*

# Commenting on Acts, Regulations, and Administrative guidelines

- You cannot go on a walkabout
- You may only address what has been put to you in the proposal
- You cannot change a material or substantive principle – slip something in in passing
- Rules of natural justice:
  - *audi alteram partem (the right to be heard)* and
  - *nemo judex in parte sua (no person may judge their own case)*

# For example – obligation to consult

Section 22C of the principal Act is hereby amended— (a) ... “(a) the Director-General may on application in the prescribed manner and on payment of the prescribed fee issue to a medical practitioner, dentist, practitioner, **veterinarian**, nurse or other person registered under the Health Professions Act, 1974 (Act No. 56 of 1974), a licence to compound and dispense medicines, on the prescribed conditions.

- Right to be consulted; it is an obligation and a fundamental principle of transparent and cooperative government

# Good work

- Standard of the MCC's administrative guidelines have improved and we are thankful for all the hard work.