

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 iudex 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.