



EMBARGO: FOR IMMEDIATE RELEASE

**MEDIA STATEMENT BY SOUTH AFRICAN LAW REFORM COMMISSION CONCERNING
RELEASE OF DISCUSSION PAPER 145 ON PROJECT 25 – STATUTORY LAW REVISION
IN RESPECT OF LEGISLATION ADMINISTERED BY DEPARTMENT OF HEALTH**

The South African Law Reform Commission (SALRC) hereby releases Discussion Paper 145 on Project 25 – Statutory Law Revision in respect of legislation administered by the Department of Health for general information and public comment. The discussion paper sets out the SALRC's preliminary recommendations for law reform regarding statutes administered by the Department of Health.

After having reviewed the statutes administered by the Department of Health, the SALRC is of the opinion that the majority of the statutes are current and should be retained. There are a few provisions in the statutes reviewed that contravene section 9 of the Constitution. Obsolete and redundant provisions were identified in a number of statutes. There are several provisions in the various pieces of legislation for which no date of commencement has been proclaimed. The SALRC also proposes that a number of statutes, which had been amended so often and so extensively that the Acts concerned have become difficult to read and interpret, should be consolidated and promulgated afresh. The proposals with regard to legislative amendment, repeal and consolidation are reflected in Annexures B and C and D to H of the discussion paper.

In 2003 Cabinet approved that the Minister of Justice and Constitutional Development (as the Minister was referred to at the time) coordinates and mandates the SALRC to review provisions in the legislative framework that may result in discrimination as defined in section 9 of the Constitution. This section prohibits unfair discrimination based on race, gender, sex, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth. In 2004, the SALRC included Project 25: Statutory Law Revision in its law reform programme for the purpose of revising all statutes from 1910 to date. The focus of the statutory law revision project, at present, is the constitutionality of

legislation in light of section 9 of the Constitution, and the repeal of redundant and obsolete provisions.

The methodology adopted in this investigation is to review the statute book by government department. The SALRC identifies a department, reviews the legislation administered by that department for constitutionality in terms of section 9, as well as redundant and obsolete provisions, sets out the preliminary findings and proposals in a consultation paper, and consults with that department to verify the SALRC's preliminary findings and proposals. The SALRC then develops a discussion paper in respect of the legislation of each department and publishes the discussion paper for general information and public comment. Finally, comment received on the discussion paper is reflected in a report which contains a draft Bill or Bills proposing amending, repealing and consolidated legislation where necessary.

The SALRC invites comments on the proposals put forward in Discussion Paper 145 and the proposed draft amending, repealing and consolidating legislation included in the discussion paper. **The closing date for comments is 30 September 2017.** All comments and representations must be sent for the attention of Ms Ronel van Zyl to the following address:

The Secretary
South African Law Reform Commission
Private Bag X668
Pretoria
0001
E-mail: Rovanzyl@justice.gov.za

Discussion Paper 145 is available on the Internet at the following site:

<http://www.justice.gov.za/salrc/dpapers.htm>.

The discussion paper can also be obtained free of charge from the SALRC on request. Kindly contact Mr Jacob Kabini at Jakabini@justice.gov.za or (012) 622 6327 in this regard.

Contact for enquiries in respect of media statement: Ms Ronel van Zyl.

Email: Rovanzyl@justice.gov.za

Tel.: (012) 622 6337

ISSUED BY THE SECRETARY, S A LAW REFORM COMMISSION, CENTURION

DATE: 01 August 2017