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## GOVERNMENT NOTICE

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### DEPARTMENT OF HEALTH

No. R. 840

23 September 2010

### NATIONAL HEALTH ACT, 2003

#### REGULATIONS RELATING TO THE ESTABLISHMENT OF THE NATIONAL HEALTH RESEARCH COMMITTEE

The Minister of Health has, in terms of section 90 (1) (s) read with section 69 of the National Health Act, 2003 (Act No. 61 of 2003), made the regulations in the schedule.

#### SCHEDULE

#### CHAPTER 1

##### Definitions

1. In these regulations, “the Act” means the National Health Act, 2003 (Act no. 61 of 2003), 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:

“**Chairperson**” means chairperson of the Committee;

“**Committee**” means the National Health Research Committee referred to in terms of section 69(1) of the Act;

“**Department**” means the National Department of Health;

“**Secretariat**” means the staff in the Department responsible for providing technical and administrative support for the Committee.

**Establishment of the National Health Research Committee**

2. It is hereby established a committee to be known as the National Health Research Committee.

**Constitution of the Committee**

3. (1) The members of the Committee appointed by the Minister in terms of section 69(2) (a) of the Act shall comprised the following:
- (a) a person with extensive experience and knowledge in health research;
  - (b) a person representing the Department;
  - (c) a person representing the community;
  - (d) a person appointed on account of his/or her knowledge of the law
- (2) the committee may on an ad hoc basis co-opt any person(s) to advise and assist the committee on any matter in order to achieve the objectives of these regulations.

**Nomination and appointment of members of the Committee**

- 4.(1) A notice relating to nominations of members of the Committee shall be published in the Government Gazette and at least one newspaper enjoying circulation in the entire Republic for appointment referred to in section 69(2) of the Act and shall include—
- (a) the closing date and time for the receipt of nominations, and
  - (b) an address to which the nominations should be sent or delivered.

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- (2) A nomination of members of the Committee must be in a form substantially similar to Annexure "A" and must be accompanied by a curriculum vitae signed by the nominated person.
  - (3) If the Minister receives no nomination or receives an insufficient number of nominations within the period specified in the invitation, he or she may appoint the required number of persons who qualify to be appointed in terms of section 69(1) and such an appointment shall be deemed to have been appropriately made.
  - (4) If the Minister receives no nomination, the Minister shall make the necessary nomination, and any nomination so made by the Minister shall be deemed to have been properly made in terms of the appropriate provisions of these regulations.

#### **Appointment of the chairperson and the vice-chairperson**

- 5.(1). For every newly constituted Committee the Minister shall appoint the chairperson and a vice-chairperson.
- (2) The chairperson and vice-chairperson shall hold office during the term of office of the members of the Committee unless the chairperson and the vice-chairperson shall sooner resign or cease to be a member of the Committee.
- (3) The vice-chairperson may, if the chairperson is absent or for any reason unable to act as chairperson, perform all the functions and exercise all the powers of the chairperson.
- (4) If both the chairperson and vice-chairperson are absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so presiding may, during that meeting and until the chairperson and

- (5) If both the chairperson and the vice-chairperson have been given leave of absence, the Minister shall appoint one of the members to act as chairperson until the chairperson and the vice-chairperson resumes duty or vacates office.
- (6) If the office of chairperson and the vice-chairperson become vacant, the Minister shall appoint a new chairperson and the vice-chairperson, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his or her predecessor was appointed.

### **Meetings of the Committee**

- 6.(1) The first meeting of the Committee shall be held within 30 days after the appointment of its members, at a time and place determined by the Secretariat, and all subsequent meetings shall be held at such time and place as may be determined by the Committee.
- (2) At all meetings of the Committee, the chairperson or in his or her absence the vice-chairperson, or in the absence of both the chairperson and the vice-chairperson, any other member of the Committee designated by the members present, shall preside.
- (3) The Committee must meet not less than four times annually for the purpose of conducting its business.
- (4) A special meeting of the Committee may be convened—
  - (a) by the chairperson at any time; or
  - (b) on a written request signed by any of its members, stating clearly the purpose for which the meeting is requested; or

- (c) on a written request by the Minister.

### **Quorum, procedure at meetings and decision-making**

- 7.(1) A quorum of any meeting of the Committee is one half of the total number of its members plus 1.
- (2) The Committee must determine the procedure to be followed at its meetings.
- (3) Members of the Committee must treat all Committee matters with confidentiality and must refrain from unreasonable disclosure of personal, private and sensitive information belonging to third parties.
- (4) The decision of the majority of the members of the Committee present at any meeting thereof shall constitute a decision of the Committee, and in the event of an equality of votes, the chairperson person shall have a casting vote in addition to his/her deliberative vote.
- (5) Only members of the Committee have the voting rights on any matter in which the Committee is required to make a decision.
- (6) A decision taken by the Committee or an act performed under the authority of the Committee is not invalid merely by reason of—
- (a) an interim vacancy in the Committee; or
- (b) the fact that a person who is not entitled to sit as a member of the Committee, was present at the time when the decision was taken, if the act was authorized by the required majority members of the Committee present at the time.
- (7) A member of the Committee must recuse him or herself from

discussions/deliberations or decisions in which he or she has a conflict of interest.

### **Working groups of the Committee**

- 8.(1) The Committee may establish one or more working groups to advise it on any matter related to any subject matter under consideration.
- (2) The chairperson of a working group referred to in sub-regulation (1) must be a member of the Committee.
- (3) The term of office of a person appointed to a working group of the Committee, will be determined by the task for which such working group was formed.
- (4) Members of working groups may be re-appointed.
- (5) Notwithstanding sub-regulations (3) and (4) above, membership to a working group may be terminated at any time by the chairperson of the Committee on good cause shown.

### **Secretariat**

9. (1) The Department will function as the secretariat for the Committee.
- (2) The Secretariat must—
  - (a) render secretarial services to the Committee and maintain the records of the Committee's meetings;
  - (b) ensure efficient and effective management of financial and administrative matters of the Committee.

- (c) in a format and for periods as may be determined by Committee, report to the Committee on all expenditures incurred by the Committee including travel, accommodation, subsistence and other allowances; and
- (d) provide the Committee with the administrative and technical support, resources and information necessary for the performance of its functions.

### **Appeals**

- 10.(1)** A person who is aggrieved by a decision of the Committee may appeal against such decision to the Minister in writing within 60 days of such a decision having come to the knowledge of that person.
- (2) Such an appeal must clearly state—
- (a) the decision against which such appeal is lodged; and
  - (b) the grounds on which such appeal is lodged.
- (3) The Minister must appoint an appeals committee that consists of no fewer than three persons, constituted as follows:
- (a) the chairperson, appointed on account of his or her knowledge of the law; and
  - (b) two other members appointed on account of their skills and knowledge of health research ethics matters.
- (4) No member of an appeals Committee shall have a direct or indirect interest in the affairs of the appellant or respondent.



**DR. A MOTSOALEDI, MP**  
**MINISTER OF HEALTH**

**DATE:** 28/10/2010

**ANNEXURE A****NOMINATION FORM: NATIONAL HEALTH RESEARCH COMMITTEE**

This nomination form should be used for the nomination of persons contemplated in regulation 3

We, the undersigned,

1. ....

.....

.....

.....

(full names and address)

2. ....

.....

.....

.....

(full names and address)

declare that we represent / are members of:

..... and

hereby nominate, as a candidate for nomination as a member of the National Health Research Committee,

.....

who holds the title of ..... and is employed as a  
..... and is a South African citizen/ not a  
South Africa citizen but is a permanent resident of South Africa\*.

Signed at ..... on ..... 20 .....

1. ....(Signature)

2. ....(Signature)

.....

**Signed in the presence of the following witnesses:**

.....



**Signature:.**

**Full Names:**

**Signature:.** .....

**Full Names:.** .....

..... (full)

I, the undersigned, name(s), hereby consent to my nomination as a candidate for nomination as a member of the National Health Research Committee.

Signed at ..... on ..... 20... ..

.....  
**(Signature)**

.....  
.....  
.....  
.....

**(Registered address and contact details)**

**Signed in the presence of**

**Signature:.** .....

**Name:** .....

**The following witnesses:**

.....  
.....  
.....  
.....

**\* Delete whichever is not applicable**