

REPUBLIC OF SOUTH AFRICA

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**SECOND 2010 FIFA WORLD CUP  
SOUTH AFRICA SPECIAL  
MEASURES BILL**

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*(As introduced in the National Assembly (proposed section 76); explanatory summary of  
Bill published in Government Gazette No. 28593 of 10 March 2006)  
(The English text is the official text of the Bill)*

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(MINISTER OF SPORT AND RECREATION)

**[B 16—2006]**

ISBN 0 621 36199 2

No. of copies printed ..... 1 800

# BILL

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

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. 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; 5
  - “**accredited foreign medical contingent**” means a foreign medical contingent whose members have been accredited in terms of section 4(1); 10
  - “**commercial affiliate**” means any person designated as such in terms of section 3(1);

“**duration of the 2010 FIFA World Cup South Africa**”, in respect of a Government Guarantee, means the period commencing on the date of the conclusion of the Organising Association Agreement and ending on the date determined in the Government Guarantee in question;

“**FIFA**” means the Fédération Internationale de Football Association; 5

“**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*;

“**liquor**” bears the meaning assigned to it in section 1 of the Liquor Act, 2003 (Act No. 59 of 2003); 10

“**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; 15

“**permitted medical device**” means any medical device approved by the Minister of Health in terms of section 4(3)(a);

“**permitted medicine and Scheduled substance**” means any medicine and Scheduled substance approved by the Minister of Health in terms of section 4(3)(a); 20

“**prescribed**” means prescribed by regulation;

“**regulation**” means any regulation made in terms of section 7;

“**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. 25

#### **Extension of Minister of Trade and Industry’s power under Merchandise Marks Act, 1941**

2. 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 No. 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 after the completion or termination of the final competition as the date on which the protection afforded by such a declaration ends. 30 35

#### **Suspension of restrictions regarding marketing, distribution and consumption of liquor in respect of 2010 FIFA World Cup South Africa**

3. (1) The Minister must, by notice in the *Gazette*, designate as a commercial affiliate every person whose name has been submitted to him or her in writing by FIFA.

(2) (a) Notwithstanding any law referred to in paragraph (b) and for the duration of the 2010 FIFA World Cup South Africa, a commercial affiliate— 40

(i) may at any stadium and venue exercise such marketing rights as may be granted to it in writing by FIFA; and

(ii) must comply with any other applicable laws and the terms and conditions agreed to with FIFA. 45

(b) The laws contemplated in paragraph (a) are sections 12 and 13 of the Liquor Act, 2003 (Act No. 59 of 2003), in respect of registration requirements for the distribution of liquor within the Republic and any other restrictive provisions contained in national or provincial legislation pertaining to the—

(i) marketing of liquor at a stadium or venue; 50

(ii) distribution of liquor at a stadium or venue;

(iii) consumption of liquor at a stadium or venue; and

(iv) advertisement of liquor during the 2010 FIFA World Cup South Africa.

(3) FIFA must submit to the Minister of Trade and Industry—

(a) details of the nature, type, quantity and manufacturer of liquor for distribution and consumption at any stadium or venue during the 2010 FIFA World Cup South Africa; and 55

- (b) such other information as may be prescribed in respect of liquor to be marketed, distributed or consumed at any stadium or venue during the 2010 FIFA World Cup South Africa.

**Accreditation of foreign medical contingents and approval of medicines, Scheduled substances and medical devices** 5

4. (1) (a) The Minister of Health must accredit every 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; 10
- (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; 15
- (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.

(2) The accreditation granted by the Minister of Health contemplated in subsection (1) must be in writing and must specify— 20

- (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) The Minister of Health must approve in writing 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. 25

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

- (i) the name and manufacturer of the medicine, Scheduled substance and medical device in question; 30
- (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.

**Scope of authority of accredited foreign medical contingent** 35

5. An accredited foreign medical contingent may only render health services for the period and in respect of the team contemplated in section 4(1)(b)(ii) and (iii).

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

6. (1) (a) Notwithstanding any law referred to in paragraph (c) but subject to section 4, any member of an accredited foreign medical contingent may— 40

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

(b) The possession, compounding and dispensing 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. 45

(c) The laws contemplated in paragraph (a) are— 50

- (i) section 14 of the Medicines and Related Substances Act, 1965 (Act No. 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 No. 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; 55

- (iii) section 22A of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), in so far as it pertains to the prohibition on the sale, possession and manufacture of any medicine or Scheduled substance; and
  - (iv) section 22A of the Medicines and Related Substances Act 1965 (Act No. 101 of 1965), in so far as it pertains to the prohibition on the compounding and dispensing of medicines and the import and export of medical devices without a licence. 5
- (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. 10
- (b) The laws contemplated in paragraph (a) are—
- (i) sections 13, 14(c) and 14A of the Pharmacy Act, 1974 (Act No. 53 of 1974), in so far as they pertain to the registration of and the performance of community service by pharmacists; 15
  - (ii) sections 17 and 24A of the Health Professions Act, 1974 (Act No. 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; 20
  - (iii) section 16 of the Nursing Act, 1978 (Act No. 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 No. 61 of 2003), other than those contemplated in subparagraph (i), (ii) or (iii). 25

## Regulations

7. The Minister may, in consultation with the Minister of Trade and Industry, the Minister for Agriculture and Land Affairs or the Minister of Health, as the case may be, make regulations regarding— 30
- (a) any matter that may or must be prescribed;
  - (b) the exercise of marketing rights by a commercial affiliate in respect of the marketing, distribution and consumption of liquor in order to give effect to the Organising Association Agreement; 35
  - (c) 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 40
  - (d) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

## Short title

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

## **MEMORANDUM ON THE OBJECTS OF THE SECOND 2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL MEASURES BILL, 2006**

### **1. INTRODUCTION**

The Bill has been drafted to facilitate the hosting and staging of the 2010 FIFA World Cup South Africa in accordance with the Organising Association Agreement between FIFA and SAFA and the guarantees issued by the Government of the Republic to FIFA.

### **2. OBJECTS OF BILL**

The objects of the Bill are to—

- (a) empower the Minister of Trade and Industry to stipulate a date later than one month after the completion or termination of the 2010 FIFA World Cup South Africa as the date on which the protection of the 2010 FIFA World Cup South Africa as a protected event in terms of section 15A(1) of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), ends;
- (b) suspend certain restrictions regarding marketing, distribution and consumption of liquor for the duration of the 2010 FIFA World Cup South Africa;
- (c) facilitate the accreditation of foreign medical contingents and the approval of permitted medicines, Scheduled substances and permitted medical devices for the purposes of the 2010 FIFA World Cup South Africa;
- (d) set out the scope of authority of an accredited foreign medical contingent;
- (e) suspend certain restrictions and prohibitions on the sale of unregistered medicines and on registration of and community service by certain health care providers in connection with the 2010 FIFA World Cup South Africa; and
- (f) provide for the promulgation of regulations by the Minister of Sport and Recreation.

### **3. CONSULTATION**

The following bodies were consulted:

- The South African Sports Confederation and Olympic Committee
- All national government departments
- All the provincial departments of sport and recreation
- All the national sport and recreation federations.

### **4. FINANCIAL IMPLICATIONS FOR STATE**

Each department that has given a guarantee in respect of the 2010 FIFA World Cup South Africa has the financial responsibility related to its guarantee. National Treasury will deal with any money matter by way of a money Bill to be introduced by the Minister of Finance.

### **5. PARLIAMENTARY PROCEDURE**

- 5.1 The State Law Advisers and Sport and Recreation South Africa are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 76(1) or (2) of the Constitution, since it falls within functional areas listed in Schedule 4 to the Constitution, namely “Health services” and “Trade”.
- 5.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.