

ECONOMIC DEVELOPMENT DEPARTMENT

NO. 978

16 OCTOBER 2015



***competition*commission**
south africa

**AMENDED TERMS OF REFERENCE FOR MARKET
INQUIRY: Private Healthcare Sector
October 2015**



AMENDED TERMS OF REFERENCE FOR
MARKET INQUIRY: Private Healthcare
Sector October 2015

1. BACKGROUND

The Competition Commission (“the Commission”) initiated an inquiry into the private healthcare sector (“the Inquiry”) in terms of Chapter 4A of the Competition Act, 89 of 1998 (as amended) (“the Act”) because it has reason to believe that there are features of the sector that prevent, distort or restrict competition.^a The Commission further believes that conducting this Inquiry will assist in understanding how it may promote competition in the healthcare sector, in furtherance of the purpose of the Act.^b

The Commission gave notice in the Government Gazette (“the Gazette”) on 29 November 2013 announcing the establishment of the Inquiry.^c The Commission also set out its terms of reference (“TOR”) and invited members of the public to provide information to the Inquiry.

The Inquiry officially commenced on 6 January 2014, and the time by which it was expected to be completed was 30 November 2015. The scope of the Inquiry including the time within which the Inquiry was expected to be completed were set out in the TOR as required by section 43B(4) of the Act.

2. AMENDMENT OF THE TERMS OF REFERENCE

In terms of section 43B(5) of the Act, the Commission may, by way of an amendment to the TOR, amend the scope of the Inquiry, or the time within which the Inquiry is expected to be completed, by further notice in the Gazette.

Having regard to the comments, submissions, data and information received by the Inquiry to date, the scope of the Inquiry remains unchanged. However, in light of the extent of this Inquiry, the Commission has decided to amend the completion date. In terms of the amendment, the final Inquiry report, which may include recommendations, will be completed by **15 December 2016**.

Further details regarding the revised administrative phases along with the revised administrative timelines will be made available on the Inquiry website.

^a Section 43B(1)(i).

^b Section 43B(1)(ii).

^c Section 43B (2). See Terms of Reference, *Gazette No. 37062 of 29 November 2013*.