

'By word of mouth' registration for traditional healers may clash with NHA

 By [Neil Kirby](#)

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On 3 November 2015, the Minister of Health, Aaron Motsoaledi, published proposed changes to the regulations of the Traditional Health Practitioners Act. The regulations have been published for comment for a period of three months.

The interesting aspects of the regulations are those dealing with registration. A prospective applicant, as any one of a diviner, herbalist, traditional birth attendant or tradition surgeon, must complete training period and register "on the basis of the documentary proof he or she may produce to the Registrar, or on the basis that the community regarded him or her to [be] a Diviner, Herbalist, Traditional Birth Attendant or Traditional Surgeon."

This is a quite a startling process for the registration of a health professional - "by word of mouth and hearsay."

In addition, there is minimum age for Diviners and Herbalists of 18 and 25 for a Traditional Birth Attendant and Traditional Surgeon.

In light of recent controversies concerning traditional circumcision ceremonies, the approach that has been taken is surprising and may bring this regulation into conflict with the provisions of National Health Act No. 61 of 2003, dealing with the powers of the Minister of Health to create regulations dealing with health services obtainable at non-health establishments such as an initiation schools.

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Neil Kirby is director: health care and life sciences law of Werksmans. He is the chair of the Medicine and Law Committee of the International Bar Association. Kirby has been named as a leading lawyer in Dispute Resolution by Chambers Global: The World's Leading Lawyers for Business (2008 - 2013), and has published numerous articles in his various fields of speciality.

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