



Reference: Regulatory Guidance - Section 8(h) Exemption Application process  
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## **Circular 5 of 2024: Section 8 (h) Exemption Application Process**

The purpose of this Circular is to delineate the processes for submitting exemption applications to the Council of Medical Schemes. Previously, the CMS issued [Circular 33 of 2021](#), detailing the online submission process for exemption applications.

As the regulator of medical schemes, the CMS is obligated to monitor medical schemes' compliance with the Medical Schemes Act (131 of 1998) (MSA), and the respective scheme rules. Pursuant to its mandate, the Council may grant applicants exemptions based on the provisions of the MSA, in terms of Section 8(h).

Section 8 (h) of the MSA provides that:

*"[t]he Council shall, in the exercise of its powers, be entitled to - exempt, in exceptional cases and subject to such terms and conditions and for such period as the Council may determine a medical scheme or other person upon written application from complying with any provision of this Act.*

### **Exemption Application Process**

#### **1. Registration:**

- 1.1. All medical schemes are required to register a person as a Data Officer. The Data Officer will be the only person permitted to submit exemptions to the CMS exemptions portal.
- 1.2. The designated person is required to register by completing this form: [Medical Scheme Exemptions \(office.com\)](https://www.medicalschemes.co.za/medical-scheme-exemptions)
- 1.3. After approval of the registration, an e-mail will be sent to the Data Officer containing a username and password.

## **2. Submitting an Exemption Application:**


- 2.1. All accredited Data Officers are henceforth required to submit exemption applications to the following SFTP site: <https://ftp.medicalschemes.com/login>, using the login credentials they had received upon registering.
- 2.2. All medical scheme applications are to be submitted on a Letterhead of the scheme with supporting documentation.
- 2.3. Once an application is received, it will be allocated to the relevant sub-division within the Regulation Division.
- 2.4. The responsible analyst will communicate to the applicant regarding additional information or timelines of the Council Committee where the application shall be tabled for approval.
- 2.5. For audit record purposes, applicants are requested to ensure that they are uploading exemption applications on the correct portals and avoid sending the applications directly to staff members.

## **3. Technical Support**

- 3.1. When the portal is not functional, the designated Data Officer may send the application to the exemption application email address ([exemptionapps@medicalschemes.co.za](mailto:exemptionapps@medicalschemes.co.za)).
- 3.2. All technical queries must be addressed to the designated exemptions email address and will be attended to within 3 days of receipt.

*The abovementioned exemption application process is effective on the date of release.*

Yours sincerely,



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