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GOVERNMENT GAZETTE

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THE PRESIDENCY

No. 1308.

1 December 2000

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 50 of 2000: Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000.

DIE PRESIDENSIE

No. 1308.

1 Desember 2000

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 50 van 2000: Tweede Wysigingswet op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoep, 2000.

Act No. 50, 2000 CHIROPRACTORS, HOMEOPATHS AND ALLIED HEALTH
SERVICE PROFESSIONS SECOND AMENDMENT ACT, 2000

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)
(Assented to 26 November 2000.)*

ACT

To amend the Chiropractors, Homeopaths and Allied Health Service Professions Act, 1982, so as to define certain expressions; to amend certain definitions and delete others; to abolish the Chiropractors, Homeopaths and Allied Health Service Professions Interim Council; to establish the Allied Health Professions Council of South Africa; to provide for the establishment of professional boards; to regulate the relationship between the new Council and the professional boards; to make provision for matters relating to the responsibility, accountability, democratisation and transparency of the Council and professional boards; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 63 of 1982, as amended by section 1 of Act 108 of 1985, section 1 of Act 10 of 1990, section 1 of Act 63 of 1993 and section 1 of Act 40 of 1995 5

1. Section 1 of the Chiropractors, Homeopaths and Allied Health Service Professions Act, 1982 (hereinafter referred to as “the principal Act”), is hereby amended by—

(a) the insertion before the definition of “allied health service profession” of the following definition:

“ ‘acupuncturist’ means a person registered as such under this Act in respect of the profession of Chinese medicine and acupuncture;”

(b) the substitution for the definition of “allied health service profession” of the following definition:

“ ‘allied health [service] profession’ means [any] the profession [referred to in] of ayurveda, Chinese medicine and acupuncture, chiropractic, homoeopathy, naturopathy, osteopathy, phytotherapy, therapeutic aromatherapy, therapeutic massage therapy or therapeutic reflexology, or any other profession contemplated in section 16(1) to which this Act applies;”

(c) the insertion after the definition of “annual fees” of the following definitions: 20

“ ‘ayurveda practitioner’ means a person registered as such under this Act;

‘chairperson’ means the chairperson contemplated in section 7(1);

‘chiropractor’ means a person registered as such under this Act;”

TWEDE WYSIGINGSWET OP CHIROPRAKTISYNS, Wet No. 50, 2000
HOMEOPATE EN VERWANTE GESONDHEIDSDIENSBEROEPE, 2000

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit
 bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in be-
 staande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 26 November 2000.)

WET

Tot wysiging van die Wet op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, 1982, ten einde sekere uitdrukkings te omskryf; sekere omskrywings te wysig en ander te skrap; die Interim Raad vir Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe te ontbind; die Raad vir Verwante Gesondheidsberoepe van Suid Afrika in te stel; voorsiening te maak vir die instelling van beroepsrade; die verhouding tussen die nuwe Raad en die beroepsrade te reguleer; voorsiening te maak vir aangeleenthede met betrekking tot die verantwoordelikheid, verantwoordbaarheid, demokratisering en deursigtigheid van die Raad en beroepsrade; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 63 van 1982, soos gewysig deur artikel 1 van Wet 108 van 1985, artikel 1 van Wet 10 van 1990, artikel 1 van Wet 63 van 1993 en 5 artikel 1 van Wet 40 van 1995

1. Artikel 1 van die Wet op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, 1982 (hieronder “die Hoofwet” genoem), word hierby gewysig—

- (a) deur die volgende omskrywings voor die omskrywing van “beroep” in te voeg:
- 10 “ ‘akupunkturist’ iemand wat as sodanig kragtens hierdie Wet geregistreer is ten opsigte van die beroep van Chinese geneeskunde en akupunktuur;
 ‘ayurveda-praktisyn’ iemand wat as sodanig kragtens hierdie Wet geregistreeer is;”;
- 15 (b) deur die omskrywing van ‘beroep’ deur die volgende omskrywing te vervang:
 “ ‘beroep’ [die beroep van chiropraktisyn of homeopaat of] ’n verwante [gesondheidsdiensberoep] gesondheidsberoep;”;
- (c) deur die omskrywing van “beroepsraad” deur die volgende omskrywing te vervang:
- 20 “ ‘beroepsraad’ ’n beroepsraad kragtens artikel [10A(3)] 10A ingestel;”;
- (d) deur die volgende omskrywing na die omskrywing van “beroepsraad” in te voeg:
- 25 “ ‘chiropraktisyn’ iemand wat as sodanig kragtens hierdie Wet geregistreeer is;”;
- (e) deur die volgende omskrywings na die omskrywing van “Direkteur-generaal” in te voeg:

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- (d) the substitution for the definition of "council" of the following definition:
" 'council' means the [**Chiropractors, Homeopaths and**] Allied Health
[**Service**] Professions [**Interim**] Council of South Africa established by
section 2;";
- (e) the insertion after the definition of "Director-General" of the following
definitions: 5
" 'educational institution' means any university or technikon established
by an Act of Parliament and approved by the council to offer training in
any profession for which a register has been established in terms of this
Act or any private school registered with the Department of Education 10
and approved by the council to offer such training;
'examining authority' means any person or group of persons approved by
the council to conduct examinations in any subject falling under any
profession registered in terms of this Act;";
- (f) the deletion of the definition of "former council"; 15
- (g) the insertion after the definition of "Director-General" of the following
definitions:
" 'homoeopath' means a person registered as such under this Act;
'intern' means a person registered as such in terms of section 19;";
- (h) the substitution for the definition of "medical practitioner" of the following 20
definition:
" 'medical practitioner' means a person registered as such under the
[**Medical, Dental and Supplementary**] Health [**Service**] Professions
Act, 1974 (Act No. 56 of 1974);";
- (i) the insertion after the definition of "Minister" of the following definitions: 25
" 'naturopath' means a person registered as such under this Act;
'osteopath' means a person registered as such under this Act;
'phytotherapist' means a person registered as such under this Act;";
- (j) the substitution for the definition of "practitioner" of the following definition: 30
'practitioner' means [**any**] a person registered [**under**] as an acupunc-
turist, ayurveda practitioner, chiropractor, homoeopath, naturopath,
osteopath or phytotherapist, in terms of this Act [**or who is deemed to be
so registered**];";
- (k) the substitution for the definition of "profession" of the following definition: 35
" 'profession' means [**the profession of chiropractor or homeopath or
an**] any allied health [**service**] profession;";
- (l) the substitution for the definition of "professional board" of the following
definition:
" 'professional board' means a professional board established under
section 10A[(3)];"; 40
- (m) the substitution for the definition of "regulation" of the following definition:
" 'regulation' means any regulation made under [**section 38**] this Act;";
- (n) the insertion after the definition of "regulation" of the following definitions: 45
" 'rule' means any rule made under this Act;
'scheduled substance' means any scheduled substance as defined in
section 1 of the Medicines and Related Substances Control Act, 1965
(Act No. 101 of 1965);
- (o) the insertion after the definition of "student" of the following definitions: 50
" 'student-intern' means a person registered as such in terms of section
19;
'therapeutic aromatherapist' means a person registered as such under this
Act;
'therapeutic massage therapist' means a person registered as such under
this Act;
'therapeutic reflexologist' means a person registered as such under this 55
Act;
'therapist' means a person registered as a therapeutic aromatherapist,
therapeutic massage therapist or therapeutic reflexologist in terms of this
Act;";

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- “‘eksamineringsowerheid’ enige persoon of groep persone deur die raad goedgekeur om eksamens af te neem in enige onderwerp wat ressorteer onder enige beroep wat ingevolge die Wet geregistreer is; ‘fitoterapeut’ iemand wat as sodanig kragtens hierdie Wet geregistreer is;
- 5
 ‘gelyste stof’ ’n gelyste stof soos omskryf in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965);”;
- (f) deur die omskrywing van “geneesheer” deur die volgende omskrywing te vervang:
- 10
 “‘geneesheer’ iemand wat as sodanig kragtens die Wet op [**Geneesheer, Tandartse en**] Aanvullende [**Gesondheidsdiensberoep**] Gesondheidsberoep, 1974 (Wet No. 56 van 1974), geregistreer is;”;
- (g) deur die omskrywing van “hierdie Wet” deur die volgende omskrywing te vervang:
- 15
 “‘hierdie Wet’ ook enige regulasie, reël of bevel uitgevaardig of uitgereik kragtens hierdie Wet;”;
- (h) deur na die omskrywing van “hierdie Wet” die volgende omskrywings in te voeg:
- 20
 “‘homeopaat’ iemand wat as sodanig kragtens hierdie Wet geregistreer is;
 ‘intern’ iemand wat as sodanig kragtens artikel 19 geregistreer is;”;
- (i) deur na die omskrywing van “Minister” die volgende omskrywings in te voeg:
- 25
 “‘naturopaat’ iemand wat as sodanig kragtens hierdie Wet geregistreer is;
 ‘ondervoorsitter’ die ondervoorsitter in artikel 7(1) beoog;
 ‘onprofessionele optrede’ onbehoorlike, skandelige, oneervolle of onwaardige optrede of optrede wat, met inagneming van die beroep van iemand wat ingevolge hierdie Wet geregistreer is, onbehoorlik, skandelik, oneervol of onwaardig is;
 ‘opvoedkundige instelling’ ’n universiteit of teknikon ingestel deur ’n Wet van die Parlement en goedgekeur deur die raad om opleiding te verskaf in enige beroep waarvoor ’n register ingestel is ingevolge hierdie Wet of enige privaatskool geregistreer by die Departement van Onderwys en goedgekeur deur die raad om sodanige opleiding te verskaf;
 ‘osteopaat’ iemand wat as sodanig kragtens hierdie Wet geregistreer is;”;
- 30
 (j) deur die omskrywing van “praktisyn” deur die volgende omskrywing te vervang:
- 35
 “‘praktisyn’ iemand wat [**kragtens**] ingevolge hierdie Wet [**geregistreer is of geag word aldus geregistreer te wees**] as ’n akupunkturist, ajurveda-praktisyn, chiropraktisyn, homeopaat, naturopaat, osteopaat of fitoterapeut geregistreer is;”;
- 40
 (k) deur die omskrywing van “raad” deur die volgende omskrywing te vervang:
- 45
 “‘raad’ die [**Interim**] Raad vir [**Chiropraktisyns, Homeopate en**] Verwante [**Gesondheidsdiensberoep**] Gesondheidsberoep van Suid-Afrika by artikel 2 ingestel;”;
- 50
 (l) deur na die omskrywing van “raad” die volgende omskrywing in te voeg:
- “‘reël’ ’n reël kragtens hierdie Wet ingestel;”;
- (m) deur die omskrywing van “regulasie” deur die volgende omskrywing te vervang:
- 55
 “‘regulasie’ ’n regulasie kragtens [**artikel 38**] hierdie Wet uitgevaardig;”;
- (n) deur na die omskrywing van “student” die volgende omskrywings in te voeg:
- “‘student-intern’ iemand wat as sodanig kragtens artikel 19 geregistreer is;

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- (p) the substitution for the definition of "this Act" of the following definition:
" 'this Act' includes any [regulations] regulation, rule and order made or issued under this Act;";
- (q) the insertion after the definition of "this Act" of the following definitions:
" 'unprofessional conduct' means improper, disgraceful, dishonourable or unworthy conduct or conduct which, when regard is had to the profession of a person who is registered in terms of this Act, is improper or disgraceful or dishonourable or unworthy;
'vice-chairperson' means the vice-chairperson contemplated in section 7(1)."; and
- (r) the addition of the following subsection, the existing section becoming subsection (1):
"(2) For purposes of this Act—
(a) a practitioner may—
(i) diagnose, and treat or prevent, physical and mental disease, illness or deficiencies in humans;
(ii) prescribe or dispense medicine; or
(iii) provide or prescribe treatment for such disease, illness or deficiencies in humans;
(b) a therapist may—
(i) treat or provide treatment for diagnosed disease, illness or deficiencies in humans; or
(ii) prevent such disease, illness or deficiencies in humans; and
(c) any reference in this Act, except in section 16(3), (4), (5) and (6), to practitioner includes a therapist."

Substitution of heading of Chapter 1 of Act 63 of 1982, as substituted by section 2 of Act 40 of 1995

2. The following heading is hereby substituted for the heading of Chapter 1 of the principal Act:

"**THE [CHIROPRACTORS, HOMEOPATHS AND] ALLIED HEALTH [SERVICE] PROFESSIONS [INTERIM] COUNCIL OF SOUTH AFRICA: ESTABLISHMENT, OBJECTS AND FUNCTIONS**".

Substitution of section 2 of Act 63 of 1982, as substituted by section 3 of Act 40 of 1995

3. The following section is hereby substituted for section 2 of the principal Act:

"Establishment of [Chiropractors, Homeopaths and] Allied Health [Service] Professions [Interim] Council of South Africa

2. (1) There is hereby established a juristic person to be known as the [Chiropractors, Homeopaths and] Allied Health [Service] Professions [Interim] Council of South Africa and the first meeting of the council shall be convened by the [Director-General] registrar.

(2) The head office of the council shall be situated in Pretoria."

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- 'terapeut' iemand wat as 'n terapeutiese aromaterapeut, terapeutiese masseerderapeut of terapeutiese refleksoloog ingevolge hierdie Wet geregistreer is;
- 5 'terapeutiese aromaterapeut' iemand wat as sodanig kragtens hierdie Wet geregistreer is;
- 'terapeutiese masseerderapeut' iemand wat as sodanig kragtens hierdie Wet geregistreer is;
- 'terapeutiese refleksoloog' iemand wat as sodanig kragtens hierdie Wet geregistreer is;"
- 10 (o) deur die omskrywing van "verwante gesondheidsdiensberoep" deur die volgende omskrywing te vervang:
- " 'verwante [gesondheidsdiensberoep 'n] gesondheidsberoep die beroep van ayurveda, Chinese geneeskunde en akupunktuur, chiropraktyk, homeopatie, naturopatie, osteopatie, fitoterapie, terapeutiese aromaterapie, terapeutiese masseerterapie of terapeutiese refleksologie, of enige ander beroep in [artikel 16 bedoel] artikel 16(1) beoog waarop hierdie Wet van toepassing is;"
- 15 (p) deur die omskrywing van "voormalige raad" te skrap;
- (q) die volgende omskrywing na die omskrywing van "voorgeskryf" by te voeg: " 'voorsitter' die voorsitter in artikel 7(1) beoog;" en
- 20 (r) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:
- "(2) By die toepassing van hierdie Wet—
- 25 (a) kan 'n praktisyn—
- (i) liggaamlike en geestessiekte, ongesteldheid of gebreke in die mens diagnoseer, en behandel of voorkom;
- (ii) medisyne voorskryf of toeberei; of
- (iii) behandeling vir sodanige siekte, ongesteldheid of gebreke in die mens voorsien of voorskryf;
- 30 (b) kan 'n terapeut—
- (i) gediagnoseerde siekte, ongesteldheid of gebreke in die mens behandel of behandeling verskaf; of
- (ii) sodanige siekte, ongesteldheid of gebreke in die mens te voorkom; en
- 35 (c) sluit enige verwysing in hierdie Wet na praktisyn, behalwe in artikel 16(3), (4), (5) en (6), 'n terapeut in."

Vervanging van die opskrif by Hoofstuk 1 van Wet 63 van 1982, soos vervang deur artikel 2 van Wet 40 van 1995

2. Die opskrif by Hoofstuk 1 van die Hoofwet word hierby deur die volgende opskrif
- 40 vervang:

"DIE [INTERIM] RAAD VIR [CHIROPRAKTISYNS, HOMEOPATE EN] VERWANTE [GESONDHEIDSDIENSBEROEPE] GESONDHEIDSDIENSBEROEPE VAN SUID AFRIKA: INSTELLING, OOGMERKE EN WERKSAAMHEDE".

- 45 **Vervanging van artikel 2 van Wet 63 van 1982, soos vervang deur artikel 3 van Wet 40 van 1995**

3. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

50 "**Instelling van die [Interim] Raad vir [Chiropraktisyns, Homeopate en] Verwante [Gesondheidsdiensberoep] Gesondheidsberoep van Suid Afrika**

2. (1) Hierby word 'n regs persoon met die naam die [Interim] Raad vir [Chiropraktisyns, Homeopate en] Verwante [Gesondheidsdiensberoep] Gesondheidsberoep van Suid-Afrika ingestel en die eerste vergadering van die raad word deur die [Direkteur-Generaal] registrateur
- 55 belê.

(2) Die hoofkantoor van die raad is in Pretoria gesetel."

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Substitution of section 3 of Act 63 of 1982, as amended by section 4 of Act 40 of 1995, section 1 of Act 91 of 1997 and section 1 of Act 6 of 2000

4. The following section is hereby substituted for section 3 of the principal Act:

“Objects of council

3. The objects of the council shall be— 5
- (a) to assist in the promotion and protection of the health of the population of the Republic;
- (aA) to govern, administer and set policy relating to the professions registered with the council;
- (b) to control the practice of the professions and to investigate in accordance with the provisions of this Act complaints relating to the affairs of practitioners and students; 10
- (c) to control the registration of persons in respect of any profession and to set standards for the training of intending practitioners;
- (d) to advise the Minister on any matter falling within the scope of this Act as it relates [relating] to the professions registered with the council; 15
- (e) to make recommendations to the Minister within a period of 12 months calculated as from the date of commencement of the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000, on the constitution of [a new] the council [within a period not exceeding 60 months calculated as from the date of commencement of the Chiropractors, Homeopaths and Allied Health Service Professions Amendment Act, 1995 (Act No. 40 of 1995); and] with due regard to the number of persons registered in terms of this Act in respect of every profession: Provided that— 20
- (i) registers for Chinese medicine and acupuncture, therapeutic aromatherapy, therapeutic massage therapy and therapeutic reflexology must be opened within a period referred to in paragraph (e); and 30
- (ii) each profession shall not have more than three representatives on the council;
- (f) to advise the Minister on the amendment or adaptation of this Act so as to place greater emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement; and 35
- (g) to communicate to the Minister information, on matters of public importance, acquired by the council in the course of the performance of its functions under this Act.”.

Substitution of section 4 of Act 63 of 1982, as amended by section 2 of Act 10 of 1990, section 4 of Act 63 of 1993 and section 5 of Act 40 of 1995 40

5. The following section is hereby substituted for section 4 of the principal Act:

“General [functions] powers of council

4. The council may—
- (a) publish the contents of the registers;
- (b) make extracts from the registers upon payment of the prescribed fees; 45
- (c) in [accordance with the provisions of] such circumstances as may be prescribed, or where otherwise authorised by this Act, cause any name to be added to the register or to be removed from the register or, upon payment of the prescribed fees, cause any such name to be restored thereto; 50
- (d) in consultation with the relevant professional board, appoint examiners and moderators, conduct examinations and award certificates, and charge the prescribed fees in respect of such examinations and the issue of such certificates;
- (e) acquire, hire or dispose of property, borrow money against security of the assets of the council, accept any donation or accept and administer any trust; 55

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Vervanging van artikel 3 van Wet 63 van 1982, soos gewysig deur artikel 4 van Wet 40 van 1995, artikel 1 van Wet 91 van 1997 en artikel 1 van Wet 6 van 2000

4. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oogmerke van raad

- 5 3. Die oogmerke van die raad is—
- (a) om behulpsaam te wees by die bevordering en beskerming van die
gesondheid van die bevolking van die Republiek;
- (aA) om te bestuur, te administreer en beleid te bepaal met betrekking tot
die beroepe wat by die raad geregistreer is;
- 10 (b) om die beoefening van die beroepe te beheer en om ooreenkomstig
die bepalinge van hierdie Wet klagtes betreffende die sake van
praktisyne en studente te ondersoek;
- (c) om die registrasie van persone ten opsigte van ’n beroep te beheer en
om standaarde vir die opleiding van voornemende praktisyne te stel;
- 15 (d) om die Minister van advies te dien aangaande enige aangeleentheid
[betreffende] wat binne die bestek van die Wet ressorteer in dié mate
wat dit betrekking het op die beroepe geregistreer by die raad;
- (e) om binne ’n tydperk van hoogstens **[60] 12** maande vanaf die datum
van die inwerkingtreding van die Tweede Wysigingswet op Chiro-
praktisyne, Homeopate en Verwante Gesondheidsdiensberoepe, **[1995**
20 **(Wet No. 40 van 1995)]** 2000, aanbevelings aan die Minister te doen
oor die samestelling van **[’n nuwe]** die raad, met behoorlike inag-
neming van die getal persone wat ingevolge hierdie Wet ten opsigte van
elke beroep geregistreer is: Met dien verstande dat—
- 25 (i) registers vir Chinese geneeskunde en akupunktuur, terapeutiese
aromaterapie, terapeutiese masseerterapie en terapeutiese refle-
ksologie geopen moet word binne ’n tydperk in paragraaf (e)
bedoel; en
- (ii) elke beroep nie meer as drie verteenwoordigers op die raad mag
hê nie; **[en]**
- 30 (f) om die Minister van advies te dien aangaande die wysiging of
aanpassing van hierdie Wet ten einde groter klem te lê op profes-
sionele praktyk, demokrasie, deursigtigheid, gelykheid, toeganklikheid
en gemeenskapsbetrokkenheid; en
- 35 (g) om aan die Minister inligting oor te dra aangaande aangeleenthede
van openbare belang deur die raad in die loop van die uitvoering van
werksaamhede van die raad kragtens hierdie Wet verkry.”

Vervanging van artikel 4 van Wet 63 van 1982, soos gewysig by artikel 2 van Wet 10 van 1990, artikel 4 van Wet 63 van 1993 en artikel 5 van Wet 40 van 1995

40 5. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

“Algemene [werksaamhede] bevoegdhede van die raad

4. (1) Die raad kan—
- (a) die inhoud van die registers publiseer;
- (b) uittreksels uit die registers teen betaling van die voorgeskrewe gelde
45 maak;
- (c) **[ooreenkomstig die bepalinge van]** in die omstandighede wat
voorgeskryf word, of waar andersins gemagtig deur hierdie Wet, ’n
naam by die register laat voeg of uit ’n register laat skrap, of so ’n
naam by betaling van die voorgeskrewe gelde daarop laat terugplaas;
- 50 (d) in oorleg met die betrokke beroepsraad eksaminatore en moderators
aanstel, eksamens afneem en sertifikate toeken, en die voorgestelde
gelde ten opsigte van sodanige eksamens en die uitreiking van
sodanige sertifikate vra;
- (e) eiendom verkry of huur of daarvoor beskik, geld op sekuriteit van die
55 bates van die raad leen, ’n skenking aanvaar of ’n trust aanvaar en
administreer;

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- (eA) consult with the relevant professional board on matters pertaining to a registered profession;
- (f) consider any matter affecting the professions and make representations or take such action in connection therewith as the council may deem necessary; 5
- (g) conduct or arrange courses for the continuing professional development [supplementary training] of practitioners [and render financial assistance in respect of such courses] and accredit any provider to conduct such courses;
- (gA) approve any clinic established by any practitioner or group of practitioners or university or technikon or other training institution after consultation with the relevant professional board; 10
- (h) perform such other functions as may be prescribed; and generally do all such things as it may deem necessary or expedient for the purpose of achieving the objects of this Act.”. 15

Substitution of section 5 of Act 63 of 1982, as substituted by section 6 of Act 40 of 1995 and amended by section 2 of Act 91 of 1997 and section 2 of Act 6 of 2000

6. The following section is hereby substituted for section 5 of the principal Act:

“Constitution of council

- 5. (1) The council shall consist of the following members, namely—** 20
- (a) ten persons elected in the prescribed manner of whom—
- (i) one is registered as an acupuncturist and has been elected in the prescribed manner;
- (ii) one is registered as an ayurvedic practitioner and has been elected in the prescribed manner; 25
- (iii) one is registered as a chiropractor and has been elected in the prescribed manner;
- (iv) one is registered as a homoeopath and has been elected in the prescribed manner;
- (v) one is registered as a naturopath and has been elected in the prescribed manner; 30
- (vi) one is registered as an osteopath and has been elected in the prescribed manner;
- (vii) one is registered as a phytotherapist and has been elected in the prescribed manner; 35
- (viii) one is registered as a therapeutic aromatherapist and has been elected in the prescribed manner;
- (ix) one is registered as a therapeutic massage therapist and has been elected in the prescribed manner; and
- (x) one is registered as a therapeutic reflexologist and has been elected in the prescribed manner; and 40
- (b) six persons appointed by the Minister of whom—
- (i) one person shall represent the Department of Health;
- (ii) one person shall be appointed on account of his or her knowledge of the law; and 45
- (iii) four persons shall be community representatives.
- (2) The Minister shall appoint the community representatives referred to in subsection (1)(b)(iii) after the registrar has obtained nominations in the prescribed manner.
- (3) After the Minister has appointed the community representatives referred to in subsection (1)(b)(iii), the Minister shall inform the registrar in writing of the names of such community representatives. 50
- (4) (a) The community representatives referred to in subsection (1)(b)(iii) shall be persons who have expertise in the fields of health, education and welfare, but who are not registered under this Act. 55
- (b) Each of the community representatives appointed to the council by the Minister shall also serve as the community representative on one of the professional boards established in terms of this Act.

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- (eA) oorleg pleeg met die betrokke beroepsraad oor sake betreffende 'n geregistreerde beroep;
- (f) enige aangeleentheid oorweeg wat die beroepe raak en in verband daarmee die verhoë rig of die stappe doen wat die raad nodig ag;
- 5 (g) kursusse vir die [aanvullende opleiding] voortgesette professionele ontwikkeling van praktisyns hou of reël [en finansiële bystand ten opsigte van sodanige kursusse verleen] en enige voorsiener akkrediteer om sodanige kursusse te hou;
- 10 (gA) 'n kliniek ingestel deur 'n praktisyn of groep praktisyns of universiteit of teknikon of ander opleidingsinrigting na oorleg met die betrokke professionele raad goedkeur;
- (h) die ander werksaamhede verrig wat voorgeskryf is; en oor die algemeen alles doen wat hy nodig of dienstig ag om die oogmerke van hierdie Wet te bereik.”.

15 **Vervanging van artikel 5 van Wet 63 van 1982, soos vervang deur artikel 6 van Wet 40 van 1995 en gewysig deur artikel 2 van Wet 91 van 1997 en artikel 2 van Wet 6 van 2000**

6. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Samestelling van raad

- 20 **5. (1) Die raad bestaan uit die volgende lede, naamlik—**
- (a) tien persone op die voorgeskrewe wyse verkies van wie—
- (i) een as 'n akupunkturist geregistreer is en op die voorgeskrewe wyse verkies is;
- 25 (ii) een as 'n ayurveda-praktisyn geregistreer is en op die voorgeskrewe wyse verkies is;
- (iii) een as 'n chiropraktisyn geregistreer is en op die voorgeskrewe wyse verkies is;
- (iv) een as 'n homeopaat geregistreer is en op die voorgeskrewe wyse verkies is;
- 30 (v) een as 'n naturopaat geregistreer is en op die voorgeskrewe wyse verkies is;
- (vi) een as 'n osteopaat geregistreer is en op die voorgeskrewe wyse verkies is;
- 35 (vii) een as 'n fitoterapeut geregistreer is en op die voorgeskrewe wyse verkies is;
- (viii) een as 'n terapeutiese aromaterapeut geregistreer is en op die voorgeskrewe wyse verkies is;
- (ix) een as 'n terapeutiese masseerderapeut geregistreer is en op die voorgeskrewe wyse verkies is;
- 40 (x) een as 'n terapeutiese refleksoloog geregistreer is en op die voorgeskrewe wyse verkies is; en
- (b) ses persone deur die Minister aangestel, van wie—
- (i) een persoon die Departement van Gesondheid verteenwoordig;
- 45 (ii) een persoon aangestel word op grond van sy of haar kennis van die reg; en
- (iii) vier persone gemeenskapsverteenwoordigers is.
- (2) Die Minister moet die gemeenskapsverteenwoorgers in subartikel (1)(b)(iii) bedoel, aanstel nadat die registrateur op die voorgeskrewe wyse nominasies verkry het.
- 50 (3) Nadat die Minister die gemeenskapsverteenwoordigers in subartikel (1)(b)(iii) bedoel, aangestel het, moet die Minister die registrateur skriftelik in kennis stel van die name van die gemeenskapsverteenwoordigers.
- (4) (a) Die gemeenskapsverteenwoordigers in subartikel (1)(b)(iii) bedoel, moet persone wees wat kundig is op die gebied van gesondheid, onderwys en welsyn, maar wat nie kragtens hierdie Wet geregistreer is nie.
- 55 (b) Elke gemeenskapsverteenwoordiger aangestel op die raad deur die Minister dien ook as die gemeenskapsverteenwoordiger in een van die beroepsrade wat ingevolge hierdie Wet ingestel is.

(5) The names of the members of the council and the date of commencement of their period of office shall be published by the registrar in the *Gazette* as soon as possible after the constitution of the council.

(6) Subject to the provisions of section 6, a member of the council shall hold office for a period of five years, but shall be eligible for re-election for one more term.

(7) Not less than six months prior to the date of expiry of the term of office of the members of the council, the persons or bodies referred to in subsection (1) shall inform the registrar in writing of the names of the persons elected by them in terms of that subsection.

(8) As soon as possible after the process referred to in subsection (7), the Minister shall inform the registrar of the names of the persons appointed by the Minister in terms of subsection (1)(b).

(9) If any of the persons or bodies referred to in subsection (1) fails to elect a person or persons as required or to inform the registrar in terms of subsection (7) of the names of the persons to be elected by them, the Minister shall make the necessary designation or appointment, and any designation or appointment so made by the Minister shall be deemed to have been properly made in terms of the relevant provision of subsection (1)."

Amendment of section 6 of Act 63 of 1982, as amended by section 7 of Act 40 of 1995

7. Section 6 of the principal Act is hereby amended by—

- (a) the substitution for the heading of the following heading:
“Disqualification for appointment as member, vacation of office by members and filling of vacancies on council”;
- (b) the substitution in subsection (1) for paragraph (b) of the following paragraph:
“(b) who in terms of this Act or the [Medical, Dental and Supplementary] Health [Service] Professions Act, 1974 (Act No. 56 of 1974), is disqualified from practising his or her profession;”;
- (c) the substitution for subsection (2) of the following subsection:
“(2) A member of the council shall vacate his or her office if he or she—
 (a) [he] becomes subject to any disqualification contemplated in subsection (1);
 (b) [he] ceases to hold any qualification necessary for his or her appointment;
 (c) [he] has been absent from more than two consecutive ordinary meetings of the council without the council’s leave;
 (d) [he] was appointed by the Minister and tenders his or her resignation in writing to the Minister and the Minister accepts his or her resignation;
 (dA) was elected by a professional board and tenders his or her resignation to the council and the council accepts his or her resignation;
 (e) [he] becomes a patient or [President’s] State patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
 (f) [he] is convicted in the Republic or elsewhere of an offence for which he or she is sentenced to imprisonment without the option of a fine; or
[(g) the Minister in the public interest terminates his membership.]
[(h) becomes impaired to the extent that he or she is unable to carry out his or her duties as a member of the council.”; and
- (d) the substitution for subsection (3) of the following subsection:
“(3) Any vacancy on the council arising from a circumstance referred to in subsection (2) or caused by the death of a member, shall be filled by appointment [by the Minister of a person in the vacancy, and every member appointed in terms of this subsection shall hold office for the unexpired portion of the period of office of the member whose office became vacant] or election, as the case may be, by the person or body by whom and in the manner in which the vacating member was required to

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(5) Die name van die lede van die raad en die aanvangsdatum van hulle ampstermyn moet so spoedig moontlik na die samestelling van die raad deur die registrateur in die *Staatskoerant* gepubliseer word.

5 (6) Behoudens die bepalings van artikel 6 moet 'n lid van die raad die amp beklee vir 'n tydperk van vyf jaar, maar is die lid herkiesbaar vir een verdere tydperk.

(7) Die persone en liggame in subartikel (1) bedoel moet minstens ses maande voor die verstryking van die ampstermyn van die lede van die raad, die registrateur skriftelik in kennis stel van die name van die persone wat deur hulle verkies word ingevolge daardie subartikel.

10 (8) Die Minister moet, so spoedig moontlik na afloop van die proses in subartikel (7) bedoel, die registrateur in kennis stel van die name van die persone wat deur die Minister aangestel is ingevolge subartikel (1)(b).

15 (9) Indien enige van die persone of liggame in subartikel (1) bedoel, versuim om, soos vereis word, 'n persoon of persone te verkies, of om die registrateur ingevolge subartikel (7) in kennis te stel van die name van die persone wat deur hulle verkies gaan word, moet die Minister die nodige aanwysing of aanstelling doen, en enige aanwysing of aanstelling aldus deur die Minister gedoen, word geag behoorlik gedoen te gewees het ingevolge die toepaslike bepaling van subartikel (1)."

Wysiging van artikel 6 van Wet 63 van 1982, soos gewysig deur artikel 7 van Wet 40 van 1995

7. Artikel 6 van die Hoofwet word hierby gewysig—

25 (a) deur die opskrif deur die volgende opskrif te vervang:
“Onbevoegdheid vir aanstelling as lid, ontruiming van amp deur lede en vul van vakatures in raad”;

(b) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:
 30 “(b) wat ingevolge hierdie Wet of die Wet op [Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep] Gesondheidsberoep, 1974 (Wet No. 56 van 1974), onbevoeg is om sy of haar beroep te beoefen;”;

(c) deur subartikel (2) deur die volgende subartikel te vervang:

(2) 'n Lid van die raad ontruim sy of haar amp indien hy of sy—

35 (a) [hy] aan 'n onbevoegdheid in subartikel (1) beoog onderhewig word;

(b) [hy] ophou om 'n bevoegdheid te besit wat vir sy of haar aanstelling nodig is;

(c) [hy] sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig was;

40 (d) [hy] deur die Minister aangestel is en skriftelik sy of haar bedanking by die Minister indien en die Minister sy of haar bedanking aanvaar;

(dA) verkies is deur 'n beroepsraad en sy of haar bedanking by die raad indien en die raad sy of haar bedanking aanvaar;

45 (e) [hy] 'n pasiënt of [Presidentspasiënt] Staatspasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);

50 (f) [hy] in die Republiek of elders aan 'n misdryf skuldig bevind word waarvoor hy of sy gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete; of

[(g) **die Minister sy lidmaatskap in die openbare belang beëindig**

(h) in so mate gestremd raak dat hy of sy nie in staat is om sy of haar pligte as lid van die raad uit te voer nie.

(d) deur subartikel (3) deur die volgende subartikel te vervang:

55 “(3) 'n Vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (2) vermeld of wat veroorsaak word deur die dood van 'n lid, word gevul by wyse van aanstelling [deur die Minister van iemand in daardie vakature, en elke lid wat ingevolge hierdie subartikel aangestel is, beklee sy of haar amp vir die onverstreke gedeelte van die ampstermyn van die lid wie se amp vakant geword het] of verkiesing, na gelang van die geval, deur die persoon of liggaam

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be appointed or elected, and every member so appointed or elected shall hold office for the unexpired portion of the period of office of the vacating member.”.

Substitution of section 7 of Act 63 of 1982

8. The following section is hereby substituted for section 7 of the principal Act: 5

“Office-bearers

7. (1) The council shall annually, in the prescribed manner, elect a [chairman] chairperson and [vice-chairman] a vice-chairperson.

(2) The [chairman] chairperson or [vice-chairman] vice-chairperson of the council may vacate his or her office as [chairman] chairperson or [vice-chairman] vice-chairperson without terminating his or her membership of the council. 10

(3) The chairperson and vice-chairperson may be re-elected for one further term of office.”.

Substitution of section 10A of Act 63 of 1982, as inserted by section 5 of Act 63 of 1993 15

9. The following section is hereby substituted for section 10A of the principal Act:

“Establishment of professional boards

10A. (1) The Minister may, on the recommendation of the council and by notice in the *Gazette*, establish a professional board with regard to any profession in respect of which a register is kept in terms of this Act, or with regard to two or more such professions. 20

(2) The Minister may, on the recommendation of the council, disestablish any professional board contemplated in subsection (1), and may establish one or more professional boards in its stead. 25

(3) Before making a recommendation as contemplated in subsection (2), the council shall consult with any body which is or persons who are in the opinion of the council representative of the majority of persons to be affected by such disestablishment or establishment.

(4) The Minister may, on the recommendation of the council, make regulations relating to the constitution, functions, functioning and term of office of members of a professional board. 30

(5) Regulations relating to the constitution, functions and functioning of a professional board shall at least provide for—

(a) the majority of the members of a professional board to be elected by the persons registered in the profession in question; 35

(b) one person representing the community who is not registered under this Act, to be appointed to each professional board by the Minister and such person to also serve on the council;

(c) the establishment by a professional board of such committees as it may deem necessary, each consisting of as many persons appointed by the professional board as such professional board may determine, but including at least one member of the board who shall be the chairperson of such committee; 40

(d) the procedure to be followed for the appointment and election, as the case may be, of members of a professional board; 45

(e) the election of a chairperson and vice-chairperson by the members of a professional board and the powers and duties of such a chairperson and vice-chairperson; and

(f) the term of office of the members of a professional board. 50

(6) Any professional board established under this section may make representations to the council for the making, amendment or withdrawal of any regulation or rule which shall apply or applies to such professional board or the profession in respect of which such professional board was established. 55

(7) (a) Subject to paragraph (b), the council may delegate to any professional board such of its powers as the council may determine.

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deur wie en op die wyse waarop die voormalige lid aangestel of verkies moes word, en elke lid wat aldus aangestel of verkies word, beklee amp vir die onverstreke gedeelte van die ampstermyn van die voormalige lid.”.

5 **Vervanging van artikel 7 van Wet 63 van 1982**

8. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ampsdraers

7. (1) Die raad moet jaarliks op die voorgeskrewe wyse ’n voorsitter en ’n ondervoorsitter kies.

10 (2) Die voorsitter of ondervoorsitter van die raad kan sy of haar amp as voorsitter of ondervoorsitter ontruim sonder om sy of haar lidmaatskap van die raad te beëindig.

(3) Die voorsitter en ondervoorsitter kan herverkies word vir een verdere ampstermyn.”.

15 **Vervanging van artikel 10A van Wet 63 van 1982, soos ingevoeg deur artikel 5 van Wet 63 van 1993**

9. Artikel 10A van die Hoofwet word hierby deur die volgende artikel vervang:

“Instelling van beroepsrade

20 **10A.** (1) Die Minister kan, op aanbeveling van die raad en by kennisgewing in die *Staatskoerant*, ’n beroepsraad instel ten opsigte van enige beroep waarvoor ’n register gehou word ingevolge hierdie Wet, of ten opsigte van twee of meer sodanige beroepe.

25 (2) Die Minister kan, op aanbeveling van die raad, enige beroepsraad beoog in subartikel (1) ontbind en een of meer beroepsrade in sy plek instel.

(3) Voordat ’n aanbeveling gedoen word soos in subartikel (2) beoog, moet die raad oorleg pleeg met enige liggaam of persone wat na die mening van die raad verteenwoordigend is van die meerderheid persone wat geraak sal word deur sodanige verandering of instelling.

30 (4) Die Minister kan, op aanbeveling van die raad, regulasies uitvaardig met betrekking tot die samestelling, werksaamhede, werking en ampstermyn van lede van ’n beroepsraad.

(5) Regulasies met betrekking tot die samestelling, werksaamhede en werking van ’n beroepsraad moet minstens voorsiening maak dat—

35 (a) die meerderheid van die lede van ’n beroepsraad verkies word deur die persone wat in die betrokke beroep geregistreer is;

(b) een persoon wat die gemeenskap verteenwoordig en nie geregistreer is kragtens hierdie Wet nie, deur die Minister aangestel word in elke beroepsraad en dat sodanige persoon ook in die raad dien;

40 (c) die instelling deur ’n beroepsraad van die komitees wat dit nodig ag, wat elk bestaan uit soveel persone aangestel deur die beroepsraad as wat die beroepsraad bepaal, maar met inbegrip van minstens een lid van die beroepsraad wat die voorsitter van die komitee moet wees;

45 (d) die prosedure wat gevolg moet word vir die aanstelling en verkiesing, na gelang van die geval, van lede van ’n beroepsraad;

(e) die verkiesing van ’n voorsitter en ondervoorsitter deur die lede van ’n beroepsraad en die bevoegdhede en pligte van so ’n voorsitter en ondervoorsitter; en

(f) die ampstermyn van die lede van ’n beroepsraad.

50 (6) ’n Beroepsraad wat kragtens hierdie artikel ingestel is, kan tot die raad vertoë rig vir die uitvaardiging, wysiging of intrekking van ’n regulasie of reël wat op sodanige beroepsraad of die beroep ten opsigte waarvan sodanige beroepsraad ingestel is, betrekking sal hê of het.

55 (7)(a) Behoudens paragraaf (b) kan die raad dié van sy bevoegdhede wat die raad bepaal aan ’n beroepsraad deleger.

(b) The council shall not be divested of any power so delegated and may amend or set aside any decision of a professional board made in the exercise of any such power.”.

Insertion of sections 10B, 10C and 10D in Act 63 of 1982

10. The following sections are hereby inserted in the principal Act after section 10A: 5

“Disqualification for appointment as member, vacation of office by members and filling of vacancies on professional boards

10B. (1) No person who—

- (a) is an unrehabilitated insolvent;
- (b) in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), is disqualified from practising his or her profession; or
- (c) is not a South African citizen permanently resident in the Republic, shall be a member of a professional board.

(2) A member of a professional board shall vacate his or her office if he or she—

- (a) becomes subject to any disqualification contemplated in subsection (1);
- (b) ceases to hold any qualification necessary for his or her appointment;
- (c) has been absent from more than two consecutive ordinary meetings of the professional board concerned without such professional board’s leave;
- (d) tenders his or her resignation in writing to the chairperson of the professional board;
- (e) becomes a patient or State patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
- (f) is convicted in the Republic or elsewhere of an offence for which he or she is sentenced to imprisonment without the option of a fine; or
- (g) becomes impaired to the extent that he or she is unable to carry out his or her duties as a member of the professional board.

(3) Every vacancy on a professional board arising from a circumstance referred to in subsection (2) and every vacancy caused by the death of a member, shall be filled as prescribed and every member appointed in terms of this subsection shall hold office for the unexpired portion of the period for which the vacating member was appointed.

Objects of professional boards

10C. (1) The objects of a professional board are—

- (a) to advise the council on any matter, falling within the scope of this Act, that relates to any profession falling within the ambit of the professional board, in order to support the universal norms and values of the profession, with emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement;
- (b) to consult and liaise with other professional boards on matters affecting the professional board;
- (c) to advise the council in respect of all matters affecting the training of persons in, and the manner of the exercise of the practices pursued in connection with, any profession falling within the ambit of the professional board;
- (d) to promote liaison in the field of education and training contemplated in paragraph (c) and to promote the standards of such training in the Republic and elsewhere;
- (e) to communicate to the council information, on matters of public importance, acquired by the professional board in the course of the performance of its functions under this Act;

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(b) Die raad word nie ontdoen nie van enige bevoegdheid aldus gedelegeer en kan enige besluit van 'n beroepsraad geneem in die uitvoering van enige sodanige bevoegdheid wysig of tersyde stel.”

Invoeging van artikels 10B, 10C en 10D in Wet 63 van 1982

5 10. Die volgende artikels word hierby in die Hoofwet na artikel 10A ingevoeg:

“Onbevoegdheid vir aanstelling as lid, ontruiming van amp deur lede en vul van vakatures in beroepsrade

10B. (1) Niemand—

- 10 (a) wat 'n ongerehabiliteerde insolvent is;
- (b) wat ingevolge die Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974), onbevoeg is om sy of haar beroep te beoefen; of
- (c) wat nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie, mag lid van 'n beroepsraad wees nie.
- 15 (2) 'n Lid van 'n beroepsraad moet sy of haar amp ontruim indien hy of sy—
- (a) onderworpe raak aan enige onbevoegdheid in subartikel (1) beoog;
- (b) ophou om oor 'n kwalifikasie te beskik wat vir sy of haar aanstelling nodig is;
- 20 (c) sonder verlof van die betrokke beroepsraad van meer as twee agtereenvolgende gewone vergaderings van die beroepsraad afwesig is;
- (d) skriftelik sy of haar bedanking by die voorsitter van die beroepsraad indien;
- 25 (e) 'n pasiënt of Staatspasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
- (f) in die Republiek of elders aan 'n misdryf skuldig bevind word waarvoor hy of sy gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete; of
- 30 (g) gestremd raak in so 'n mate dat hy of sy nie in staat is om sy of haar pligte as 'n lid van die beroepsraad te verrig nie.
- (3) Elke vakature wat in 'n beroepsraad ontstaan as gevolg van 'n omstandigheid in subartikel (2) bedoel en elke vakature wat veroorsaak word deur die dood van 'n lid, word gevul soos voorgeskryf en elke lid wat ingevolge hierdie subartikel aangestel is, beklee sy of haar amp vir die onverstreke gedeelte van die ampstermyn waarvoor die lid wie se amp vakant geword het, aangestel is.
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Oogmerke van beroepsrade

10C. (1) Die oogmerke van 'n beroepsraad is—

- 40 (a) om die raad te adviseer ten opsigte van enige aangeleentheid binne die bestek van hierdie Wet wat verband hou met enige beroep wat binne die werkkring van die beroepsraad ressorteer, ten einde ondersteuning te verleen aan die universele norme en waardes van die beroep, met nadruk op professionele praktyk, demokrasie, deursigtigheid, billikheid, toeganklikheid en gemeenskapsbetrokkenheid;
- 45 (b) om oorleg te pleeg en te skakel met ander beroepsrade oor sake wat die beroepsraad raak;
- (c) om die raad te adviseer ten opsigte van alle aangeleenthede wat die opleiding van persone in, en die wyse van uitoefening van die praktyke nagestreef met betrekking tot, enige beroep binne die werkkring van die beroepsraad;
- 50 (d) om skakeling te bevorder op die gebied van onderwys en opleiding beoog in paragraaf (c) en om die standaarde van sodanige opleiding in die Republiek en elders te bevorder;
- 55 (e) om aan die raad inligting oor te dra rakende aangeleenthede van openbare belang verkry deur die beroepsraad in die loop van die verrigting van sy werksaamhede kragtens hierdie Wet.

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- (f) to maintain and enhance the dignity of the profession and the integrity of the persons practising the profession; and
(g) to guide the profession and to protect the public.

Powers of professional board

10D. A professional board may—

- (a) in such circumstances as may be prescribed, recommend to the council that any name be removed from a register or, upon payment of the prescribed fee, that such name be restored thereto, or that a registered person be suspended from practising his or her profession pending the institution of an inquiry in terms of section 23;
- (b) recommend to the council the appointment of examiners and moderators;
- (c) conduct examinations and grant certificates, and charge such fees in respect of such examinations or certificates as may be prescribed;
- (d) subject to prescribed conditions, recommend to the council the approval of training schools;
- (e) report to the council on any matter affecting the profession in respect of which such professional board has been established and on any matter referred to it by the council: Provided that when such a report is considered by the council, the chairperson of the professional board concerned shall—
- (i) be present or be represented at the meeting at which such report is considered by the council;
- (ii) have the right to address the council concerning any matter dealt with in such report;
- (iii) have the right to vote if any vote is taken at such meeting in respect of such matter; and
- (iv) have all the rights and duties of a member of the council attending such meeting;
- (f) make representations to, or by the mediation of, the council for the making, amendment or withdrawal of any regulation or rule which applies to such professional board or the profession in respect of which such professional board was established;
- (g) perform such other function as may be prescribed; and generally, do all such things as the professional board deems necessary or expedient to achieve the objects of this Act in relation to a profession falling within the ambit of the professional board.”.

Amendment of section 11 of Act 63 of 1982

11. Section 11 of the principal Act is hereby amended by—

- (a) the substitution for subsection (2) of the following subsection:
- “(2) The registrar shall act as secretary to the council and to each professional board and shall in that capacity perform, in addition to such functions as may otherwise be assigned to him or her by or under this Act, such functions as may from time to time be assigned to him or her by the council.”; and
- (b) the addition of the following subsections:
- “(3) The registrar and staff members shall not be persons registered in professions regulated by this Act.
- (4) The registrar may in writing authorise any member of his or her staff to exercise any power or perform any duty conferred or imposed on him or her by or in terms of this Act.
- (5) The appointment or dismissal of the registrar shall be subject to the approval of the Minister.”.

Amendment of section 12 of Act 63 of 1982

- 12. Section 12 of the principal Act is hereby amended by the addition of the following subsections:**

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- (f) om die waardigheid van die beroep en die integriteit van die persone wat die beroep beoefen, te handhaaf en te versterk; en
(g) om die beroep te lei en om die publiek te beskerm.

Bevoegdhede van beroepsraad

- 5 **10D.** 'n Beroepsraad kan—
- (a) in die omstandighede wat voorgeskryf word, by die raad aanbeveel om 'n naam uit 'n register te laat skrap, of sodanige naam by betaling van die voorgeskrewe gelde, daarop te laat terugplaas, of dat 'n geregistreerde persoon se reg om sy of haar beroep te beoefen, opgekort word totdat 'n ondersoek gelas is ingevolge artikel 23;
- 10 (b) die aanstelling van eksaminatore en moderators by die raad aanbeveel;
- (c) eksamens afneem en sertifikate toeken, en die geld ten opsigte van sodanige eksamens of sertifikate vra wat voorgeskryf word;
- 15 (d) behoudens voorgeskrewe voorwaardes, die goedkeuring van opleidingskole by die raad aanbeveel;
- (e) verslag doen aan die raad oor enige aangeleentheid wat die beroep raak ten opsigte waarvan die beroepsraad ingestel is en oor enige aangeleentheid wat deur die raad na hom verwys word: Met dien verstande dat wanneer sodanige verslag deur die raad oorweeg word, die voorsitter van die betrokke beroepsraad—
- 20 (i) teenwoordig is of verteenwoordig word by die vergadering waar sodanige verslag deur die raad oorweeg word;
- (ii) die reg het om die raad toe te spreek oor enige aangeleentheid wat in sodanige verslag behandel word;
- 25 (iii) die reg het om te stem indien daar by sodanige vergadering ten opsigte van sodanige aangeleentheid gestem word; en
- (iv) al die regte en pligte het van 'n lid van die raad wat sodanige vergadering bywoon;
- 30 (f) vertoë rig tot die raad, of vertoë rig deur bemiddeling van die raad, vir die uitvaardiging, wysiging of intrekking van enige regulasie of reël wat van toepassing is op sodanige beroepsraad of die beroep ten opsigte waarvan sodanige beroepsraad ingestel is;
- (g) die ander werksaamheid verrig wat voorgeskryf kan word, en oor die algemeen alles doen wat die beroepsraad nodig of dienstig ag om die oogmerke van hierdie Wet te bereik in verband met 'n beroep binne die werkring van die beroepsraad.”
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Wysiging van artikel 11 van Wet 63 van 1982

- 40 **11.** Artikel 11 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die registrateur tree as sekretaris van die raad en van elke beroepsraad op en verrig in daardie hoedanigheid, benewens die werksaamhede wat andersins deur of kragtens hierdie Wet aan hom of haar toegewys word, die werksaamhede wat van tyd tot tyd deur die raad aan hom of haar toegewys word.”; en
- 45 (b) deur die volgende subartikels by te voeg:
- “(3) Die registrateur en personeellede mag nie persone wees wat in beroepe geregistreer is wat deur hierdie Wet gereguleer word nie.
- (4) Die registrateur kan enige lid van sy or haar personeel skriftelik magtig om enige bevoegdheid uit te oefen of enige plig te verrig wat by of ingevolge hierdie Wet aan hom of haar opgedra of hom of haar opgelê is.
- 50 (5) Die aanstelling of ontslag van die registrateur is onderworpe aan die goedkeuring van die Minister.”

55 **Wysiging van artikel 12 van Wet 63 van 1982**

- 12.** Artikel 12 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

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“(3) The council may make financial grants from its own funds to assist in the financial operation of a professional board if it is convinced that such a professional board cannot be adequately financed by its registered practitioners.

(4) All professional boards shall submit audited income and expenditure statements to the council on an annual basis.”.

Amendment of section 15 of Act 63 of 1982, as substituted by section 6 of Act 63 of 1993

13. Section 15 of the principal Act is hereby amended by—

(a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Any person who desires to be registered as a [**chiropractor, homeopath or**] practitioner of an allied health [**service**] profession in terms of this Act, shall in the prescribed manner apply to the council for registration, and such application shall be accompanied by—”;

(b) the substitution for subsection (3) of the following subsections:

“(3) [**If the council after consideration of**] The council may request the relevant professional board to consider an application in terms of subsection (1) and if after such investigation and enquiries as [it] the relevant professional board may deem necessary, it is satisfied that the applicant concerned may be registered in terms of this Act, [it] such professional board shall [approve the] recommend to council the approval of such an application.

(3A) If the council is satisfied that an applicant may be registered in terms of the Act, it shall approve the application and the registrar shall thereupon register the applicant by—

(a) issuing an appropriate certificate of registration to him or her; and
(b) entering the prescribed particulars in respect of him or her in the appropriate register.”;

(c) the substitution for subsection (5) of the following subsection:

“(5) Any person who is registered or deemed to be registered in terms of this Act shall, in the practice of his or her profession, only state particulars of those degrees, diplomas or certificates entered in the appropriate register against his or her name and any other qualification recommended by the professional board and approved by the council.”; and

(d) the addition of the following subsection:

“(7) Every person who desires to have a qualification registered, other than the qualification by virtue of which he or she has in the first instance been registered, or to have a speciality registered, shall, upon payment of the prescribed fee and subject to the provisions of subsection (2), be entitled to have such other qualification or such speciality entered in the register.”.

Substitution of section 16 of Act 63 of 1982, as inserted by section 7 of Act 63 of 1993

14. The following section is hereby substituted for section 16 of the principal Act:

“Allied health [service] professions

16. (1) The Minister may, at the request of the council, by notice in the *Gazette* declare the provisions of this Act to be applicable to any profession which has as its object the promotion of health, or the treatment, prevention or relief of physical or mental defects, illnesses or deficiencies in [**man**] humans, excluding [**the profession of a chiropractor or homeopath or**] any profession referred to in subsection (1A) or any profession to which the provisions of the Pharmacy Act, 1974 (Act No. 53 of 1974), the [**Medical, Dental and Supplementary**] Health [**Service**] Professions Act, 1974 (Act

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“(3) Die raad kan finansiële toekennings uit sy eie fondse doen ten einde bystand te verleen by die finansiële werksaamhede van ’n beroepsraad indien hy daarvan oortuig is dat sodanige beroepsraad nie voldoende deur sy eie geregistreerde praktisyne gefinansier kan word nie.

5 (4) Alle beroepsrade moet op ’n jaarlikse grondslag geouditeerde inkomste- en uitgawestate aan die raad voorlê.”.

Wysiging van artikel 15 van Wet 63 van 1982, soos vervang deur artikel 6 van Wet 63 van 1993

13. Artikel 15 van die Hoofwet word hierby gewysig—

10 (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Iemand wat ingevolge hierdie Wet as ’n [**chiropraktisyn, homeopaat of**] praktisyn van ’n verwante [**gesondheidsdiensberoep**] gesondheidsberoep geregistreer wil word, moet op die voorgeskrewe wyse by die raad om registrasie aansoek doen, en bedoelde aansoek gaan vergesel van—”;

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(b) deur subartikel (3) deur die volgende subartikels te vervang:

“(3) [**indien die raad na ooweging van**] Die raad kan die betrokke beroepsraad versoek om ’n aansoek te oorweeg ingevolge subartikel (1) en indien na die ondersoek en navraag wat [**hy**] die betrokke beroepsraad nodig ag, hy daarvan oortuig is dat die betrokke aansoeker ingevolge hierdie Wet geregistreer kan word, [**hy**] moet sodanige beroepsraad die goedkeuring van so ’n aansoek by die raad aanbeveel.

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(3A) Indien die raad daarvan oortuig is dat ’n aansoeker ingevolge die Wet geregistreer kan word, moet hy die aansoek goedkeur, en die registrateur moet daarop die aansoeker registreer deur—

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(a) ’n toepaslike sertifikaat van registrasie aan hom of haar uit te reik; en

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(b) die voorgeskrewe besonderhede ten opsigte van hom of haar in die toepaslike register in te skryf.”;

(c) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Iemand wat ingevolge hierdie Wet geregistreer is of geag word aldus geregistreer te wees, mag by die beoefening van sy of haar beroep slegs besonderhede van die grade, diplomas of sertifikate vermeld wat in die toepaslike register teenoor sy of haar naam ingeskryf is en enige ander kwalifikasie wat deur die beroepsraad aanbeveel en deur die raad goedgekeur is.”; en

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(d) deur die volgende subartikel by te voeg:

“(7) Elke persoon wat ’n ander kwalifikasie wil laat registreer as die kwalifikasie uit hoofde waarvan hy of sy in die eerste plek geregistreer is, of ’n spesialiteit wil laat registreer, is teen betaling van die voorgeskrewe geld en behoudens die bepalings van subartikel (2), daarop geregtig om sodanige ander kwalifikasie of sodanige spesialiteit in die register te laat inskryf.”.

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45 **Vervanging van artikel 16 van Wet 63 van 1982, soos ingevoeg deur artikel 7 van Wet 63 van 1993**

14. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verwante [gesondheidsdiensberoepe] gesondheidsberoepe

16. (1) Die Minister kan, op die versoek van die raad, by kennisgewing in die *Staatskoerant* die bepalings van hierdie Wet van toepassing verklaar op ’n beroep wat ten doel het die bevordering van gesondheid, of die behandeling, voorkoming of leniging van liggaamlike [**gebreke**] of geestesgebreke, ongesteldhede of tekortkominge by die mens, uitgesonderd [**die beroep van ’n chiropraktisyn of homeopaat of**] ’n beroep in subartikel (1A) bedoel of ’n beroep waarop die bepalings van Wet op Aptekers, 1974 (Wet No. 53 van 1974), die Wet op [**Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe**] Gesond-

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No. 56 of 1974); the Nursing Act, 1978 (Act No. 50 of 1978), or the Dental Technicians Act, 1979 (Act No. 19 of 1979), apply.

(1A) The professions excluded in terms of subsection (1) are the professions of—

- (a) ayurveda, chiropractic and homoeopathy; 5
- (b) naturopathy, osteopathy and phytotherapy, for which professional registers shall be re-established with effect from the date of commencement of the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000; and
- (c) Chinese medicine and acupuncture, therapeutic aromatherapy, therapeutic massage therapy and therapeutic reflexology, for which professional registers shall be established with effect from the date of commencement of the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000. 10

(2) The Minister may, on the recommendation of the council, by regulation define the scope of any allied health [service] profession by specifying the acts which shall for the purposes of the application of this Act be deemed to be acts pertaining to that profession: Provided that such regulation shall not be made unless the professional board concerned which has been established in terms of section 10A[(3)] in respect of any allied health [service] profession and may in the opinion of the Minister be affected by such regulation, has been given an opportunity of submitting, through the council, representations as to the definition of the scope of the profession concerned: Provided further that if there is a difference of opinion between the council and such professional board as to the definition of the scope of the profession concerned, the council shall mention such fact in its recommendation. 15 20 25

(3) Subject to the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), and subject to the approval of the Medicines Control Council, the Minister may, on the recommendation of the council, by regulation prescribe access to and availability of medicines relative to the professions registered in terms of this Act. 30

(4) (a) Subject to the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), every practitioner whose name has been entered in the register of dispensing practitioners contemplated in paragraph (b) may, on such conditions as the council, after consultation with the relevant professional board, may determine in writing, in general or in a particular case, compound or dispense medicine prescribed by himself or herself or by any other practitioner with whom he or she is in partnership or with whom he or she is associated as principal or assistant or *locum tenens*, for use by a patient under treatment by such practitioner or such other practitioner: Provided that he or she may not keep an open shop or pharmacy. 35 40

(b) The registrar shall keep a register of practitioners who have the right in terms of this section to dispense scheduled substances and shall, at the direction of the council, enter in the register the name of a practitioner and such other particulars as the council may determine if the practitioner— 45

- (i) within three months after the commencement of the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000, submits proof to the satisfaction of the registrar that immediately before such commencement date he or she compounded or dispensed medicine as contemplated in paragraph (a) in the practice of his or her profession; or 50
- (ii) informs the registrar in the prescribed manner of his or her intention to compound or dispense medicine in the practice of his or her profession as contemplated in paragraph (a). 55

(5) The council may, after an investigation conducted by the council into the activities of a practitioner with regard to the compounding or dispensing of medicine and in consultation with the relevant professional board, direct

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heidsberoepe, 1974 (Wet No. 56 van 1974), die Wet op Verpleging, 1978 (Wet No. 50 van 1978), of die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979), van toepassing is.

(1A) Die beroepe wat ingevolge subartikel (1) uitgesluit is, is die beroepe van—

- (a) ayurveda, chiropraktyk en homeopatie;
- (b) naturopatie, osteopatie en fitoterapie, waarvoor beroepsregisters heringestel moet word met ingang van die datum van inwerkingtreding van die Tweede Wysigingswet op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, 2000; en
- (c) Chinese geneeskunde en akupunctuur, terapeutiese aromaterapie, terapeutiese masseerterapie en terapeutiese refleksologie waarvoor beroepsregisters ingestel moet word met ingang van die datum van inwerkingtreding van die Tweede Wysigingswet op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, 2000.

(2) Die Minister kan, op aanbeveling van die raad, by regulasie die omvang van 'n verwante **[gesondheidsdiensberoepe]** gesondheidsberoepe omskryf deur die handeling te bepaal wat vir die doeleindes van die toepassing van hierdie Wet geag word handeling te wees wat by daardie beroep tuishoort: Met dien verstande dat sodanige regulasie nie uitgevaardig word nie tensy die betrokke beroepsraad wat ingevolge artikel 10A[(3)] ten opsigte van 'n verwante **[gesondheidsdiensberoepe]** gesondheidsberoepe ingestel is en na die oordeel van die Minister deur sodanige regulasie geraak kan word, 'n geleentheid gebied is om deur bemiddeling van die raad tot die Minister verhoër te word met betrekking tot die omskrywing van die omvang van die betrokke beroep: Met dien verstande voorts dat indien daar 'n verskil van mening bestaan tussen die raad en sodanige beroepsraad met betrekking tot die omskrywing van die omvang van die betrokke beroep, die raad dié feit in sy aanbeveling moet vermeld.

(3) Behoudens die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), en behoudens die goedkeuring van die Medisynebeheerraad, kan die Minister, op aanbeveling van die raad, by wyse van regulasie die toegang tot en beskikbaarheid van medisyne met betrekking tot die beroepe wat ingevolge hierdie Wet geregistreer is, voorskryf.

(4) (a) Behoudens die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), is elke praktisyn wie se naam in die register van voorbereidingspraktisyns in paragraaf (b) beoog, ingeskryf is op die voorwaardes wat die raad na oorleg met die betrokke professionele raad skriftelik bepaal, in die algemeen of in 'n besondere geval, daarop geregtig om persoonlik medisyne aan te maak of toe te berei wat voorgeskryf is deur homself of haarself of deur enige ander praktisyn met wie hy of sy in vennootskap staan of met wie hy of sy geassosieer is as hoof of assistent of *locum tenens*, vir gebruik deur 'n pasiënt onder behandeling van sodanige praktisyn of van sodanige ander praktisyn: Met dien verstande dat hy of sy nie 'n oop winkel of apteek mag hou nie.

(b) Die registrateur moet 'n register hou van praktisyns wat ingevolge hierdie artikel die reg het om gelyste stowwe toe te berei, en moet op bevel van die raad, die naam van 'n praktisyn en die ander besonderhede wat die raad bepaal, inskryf, indien die praktisyn—

- (i) binne drie maande na die inwerkingtreding van die Tweede Wysigingswet op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, 2000, tot die bevrediging van die registrateur bewys voorlê dat onmiddellik voor sodanige inwerkingtredingsdatum hy of sy in die beoefening van sy of haar beroep medisyne aangemaak of voorberei het soos in paragraaf (a) beoog; of
- (ii) die registrateur op die voorgeskrewe wyse in kennis stel van sy of haar voorneme om in die beoefening van sy of haar beroep medisyne aan te maak of toe te berei soos in paragraaf (a) beoog.

(5) Die raad kan, na 'n ondersoek wat deur die raad ingestel is na die bedrywighede van 'n praktisyn met betrekking tot die aanmaak of voorbereiding van medisyne en in oorleg met die betrokke beroepsraad,

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that the name of any person be removed from the register contemplated in subsection (4)(b), or prohibit him or her for a specific period from making use of the right contemplated in subsection (4).

(6) The council may by regulation determine fees to be paid for the entering or re-entering of a name in the register contemplated in subsection (4)(b).” 5

Substitution of section 16A of Act 63 of 1982, as inserted by section 6 of Act 108 of 1985 and amended by section 93 of Act 88 of 1996

15. The following section is hereby substituted for section 16A of the principal Act:

“Control over training” 10

16A. (1) Notwithstanding anything to the contrary in any law contained, no person or educational institution **[excluding a university or technikon established by or under an Act of Parliament]** shall offer or provide any education or training **[which is intended to qualify any person for the practising of any]** in any allied health profession to which the provisions of this Act apply, unless such education or training has been considered by the relevant professional board and approved by the council after considering a recommendation by the relevant board. 15

(2) Any person or institution wishing to offer or to provide the education or training referred to in subsection (1) shall, before offering or providing such education or training, apply to the council in writing for its approval of such education or training and shall furnish such particulars regarding such education or training as the council may require. 20

(3) The council may, after consultation with the relevant professional board, grant or refuse any application made in terms of subsection (2) and may, if it has granted such application, prescribe such conditions and requirements as it may deem fit subject to which the education and training in question may be provided. 25

(4) The council may appoint a person to attend examinations in respect of any allied health profession regulated by or under this Act which are being conducted by a person or institution whose application has been approved by the council in terms of subsection (3). 30

(5) Any person who contravenes or fails to comply with any provision of this section, or any condition or requirement prescribed thereunder, shall be guilty of an offence and liable on conviction to a fine **[not exceeding two thousand rand]** or to imprisonment for a period not exceeding six months or to both **[such]** a fine and such imprisonment.”. 35

Substitution of section 16B of Act 63 of 1982, as substituted by section 8 of Act 63 of 1993

16. The following section is hereby substituted for section 16B of the principal Act: 40

“Prescribing of qualifications”

16B. (1) Subject to the provisions of subsection (2), the Minister may from time to time, on the recommendation of the council, prescribe the qualifications obtained by virtue of examinations conducted by **[a university or other]** an educational institution or examining authority which, when held singly or conjointly with any other qualification, **[shall]** may entitle any holder thereof to registration under this Act as a **[chiropractor, homeopath or]** practitioner of an allied health **[service]** profession, **[as the case may be,]** if he or she has, before or in connection with or after the acquisition of the qualification in question, complied with such conditions or requirements as may be so prescribed: Provided that if a 45 50

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beveel dat die naam van enige persoon uit die register beoog in subartikel (4)(b) verwyder word, of hom of haar vir 'n bepaalde tydperk te verbied om van die reg beoog in subartikel (4) gebruik te maak.

5 (6) Die raad kan by regulasie gelde bepaal wat betaal moet word vir die inskrywing of herinskrywing van 'n naam in die register beoog in subartikel (4)(b).”.

Vervanging van artikel 16A van Wet 63 van 1982, soos ingevoeg deur artikel 6 van Wet 108 van 1985 en gewysig deur artikel 93 van Wet 88 van 1996

15. Artikel 16A van die Hoofwet word hierby deur die volgende artikel vervang:

10 **“Beheer oor opleiding**

15 **16A.** (1) Ondanks andersluidende wetsbepalings mag [**niemand, uitgesonderd 'n universiteit of teknikon ingestel by of kragtens 'n Wet van die Parlement,**] geen persoon of opvoedkundige instelling, onderrig of opleiding aanbied of verskaf [**wat bedoel is om iemand te bekwaam vir die beoefening van 'n beroep**] in enige verwante gesondheidsberoep waarop die bepaling hierdie Wet van toepassing is nie, tensy sodanige onderrig of opleiding deur die betrokke beroepsraad oorweeg en deur die raad goedgekeur is na oorweging van 'n aanbeveling van die betrokke beroepsraad.

20 (2) [**Iemand**] 'n Persoon of instelling wat die onderrig of opleiding bedoel in subartikel (1), wil aanbied of verskaf, moet, alvorens hy of sy sodanige onderrig of opleiding aanbied, skriftelik by die raad om sy goedkeuring van sodanige onderrig of opleiding aansoek doen en die besonderhede aangaande daardie onderrig of opleiding verstrek wat die raad vereis.

25 (3) Die raad kan, na oorleg met die beroepsraad, 'n aansoek wat ingevolge subartikel (2) gedoen is, toestaan of weier en kan, indien hy so 'n aansoek toegestaan het, die voorwaardes en vereistes voorskryf wat hy goed ag en onderworpe waaraan die betrokke onderrig op opleiding verskaf mag word.

30 (4) Die raad kan 'n persoon aanstel om in te sit by die eksamens in enige verwante gesondheidsberoep wat by of kragtens hierdie Wet gereguleer word, wat afgeneem word deur 'n persoon of instelling wie se aansoek deur die raad ingevolge subartikel (3) goedgekeur is.

35 (5) [**Iemand**] 'n Persoon wat 'n bepaling van hierdie artikel, of 'n voorwaarde of vereiste daarkragtens voorgeskryf, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete [**van hoogstens tweeduisend rand**] of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met [**daardie**] beide 'n boete [**sowel as**] en daardie gevangenisstraf.”.

Vervanging van artikel 16B van Wet 63 van 1982, soos vervang deur artikel 8 van Wet 63 van 1993

16. Artikel 16B van die Hoofwet word hierby deur die volgende artikel vervang:

“Voorskryf van kwalifikasies

45 **16B.** (1) Behoudens die bepaling van subartikel (2) kan die Minister van tyd tot tyd op aanbeveling van die raad die kwalifikasies, verwerf uit hoofde van eksamens afgeneem deur 'n [**universiteit of ander instansie wat eksamens afneem**] opvoedkundige instelling of eksamineringsowerheid, voorskryf wat, indien alleen of saam met 'n ander kwalifikasie besit, aan 'n besitter daarvan die reg kan verleen op registrasie kragtens hierdie
50 Wet as 'n [**chiropraktisyn, homeopaat of**] praktisyn van 'n verwante [**gesondheidsdiensberoep, na gelang van die geval,**] gesondheidsberoep indien hy of sy, voor of in verband met of na die verwerwing van die betrokke kwalifikasie, voldoen het aan die voorwaardes of vereistes wat aldus voorgeskryf word: Met dien verstande dat indien 'n beroepsraad

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professional board has been established in terms of section 10A(1), the council must first consult the relevant professional board before making a recommendation to the Minister relating to a qualification to be prescribed.

- (2) No qualification obtained by virtue of examinations conducted by **[a university or other]** an educational institution or examining authority situated outside the Republic shall be prescribed under this section unless—
- (a) such qualification entitles the holder thereof to practise as a **[chiropractor, homeopath or]** practitioner of an allied health **[service]** profession, **[as the case may be,]** in the country or state in which such **[university or other]** educational institution or examining authority is situated; and
- (b) the council is satisfied that possession of such qualification indicates a standard of professional training not lower than that prescribed in respect of the training of **[chiropractors, homeopaths or]** practitioners of allied health **[service]** professions within the Republic.

Amendment of section 16C of Act 63 of 1982, as substituted by section 9 of Act 63 of 1993 and amended by section 8 of Act 40 of 1995

17. Section 16C of the principal Act is hereby amended by—

- (a) the substitution for subsections (1) and (2) of the following subsections, respectively:
- (1) The council may accept a qualification other than a qualification referred to in section 16B, for the purpose of registration under this subsection, if such qualification, in the opinion of the council, indicates a satisfactory standard of professional education, and may, subject to the provisions of **[subsections]** subsection (2) [and (3)] and section 15(1) and (2), register any person as a **[chiropractor, homeopath or]** practitioner of an allied health **[service]** profession who possesses such qualification and who, in the opinion of the council, possesses sufficient professional knowledge and ability and is proficient in at least one of the official languages of the Republic: Provided that if a professional board has been established in terms of section 10A(1), the council must first consult the relevant professional board before making a recommendation to the Minister relating to a qualification to be prescribed.
- (2) A person **[referred to in]** who has been granted temporary registration in terms of subsection (1), may only practise as a **[chiropractor, homeopath or]** practitioner of an allied health **[service]** profession **[as the case may be]** as prescribed—
- (a) for such period or periods as the council may determine; **[and before the expiration of which he shall satisfy the council that—**
- (ii) **he is conversant with the laws of the Republic relating to chiropractic, homeopathy or the practice of an allied health service profession and the practising of the profession of a chiropractor or homeopath or an allied health service profession, as the case may be]** and
- [(c)](b)** subject to such conditions as the council may determine.”; and
- (b) the deletion of subsection (5).

Amendment of section 16D of Act 63 of 1982, as inserted by section 6 of Act 108 of 1985

18. Section 16D of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
- “(2) Any person who prevents any person authorised in terms of subsection (1) from entering any institution or premises referred to in that subsection or who

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ingevolge artikel 10A(1) ingestel is, die raad eers met die betrokke beroepsraad oorleg moet pleeg alvorens hy 'n aanbeveling aan die Minister doen rakende 'n kwalifikasie wat voorgeskryf moet word.

5 (2) Geen kwalifikasie verwerf uit hoofde van eksamens afgeneem deur 'n [universiteit] opvoedkundige instelling of [ander instansie wat eksamens afneem] eksamineringsowerheid wat buite die Republiek geleë is, word kragtens hierdie artikel voorgeskryf nie tensy—

10 (a) daardie kwalifikasie aan die besitter daarvan die reg verleen om as 'n [chiropraktisyn, homeopaat of] praktisyn van 'n verwante [gesondheidsdiensberoep, na gelang van die geval,] gesondheidsberoep te praktiseer in die land of staat waarin daardie [universiteit] opvoedkundige instelling of [ander instansie wat eksamens afneem] eksamineringsowerheid, geleë is; en

15 (b) die raad oortuig is dat besit van so 'n kwalifikasie getuig van 'n standaard van professionele opleiding nie laer nie as dié wat ten opsigte van die opleiding van [chiropraktisyns, homeopate of] praktisyns van verwante [gesondheidsdiensberoepe] gesondheidsberoepe binne die Republiek voorgeskryf word.”

Wysiging van artikel 16C van Wet 63 van 1982, soos vervang deur artikel 9 van 20 Wet 63 van 1993 en gewysig deur artikel 8 van Wet 40 van 1995

17. Artikel 16C van die Hoofwet word hierby gewysig—

(a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

25 “(1) Die raad kan 'n ander kwalifikasie as 'n kwalifikasie bedoel in artikel 16B vir die doel van registrasie kragtens hierdie subartikel aanvaar indien sodanige kwalifikasie, na die oordeel van die raad, getuig van 'n bevredigende standaard van professionele opleiding, en kan, onderworpe aan die bepalings van [subartikels] subartikel (2) [en (3)] en artikel 15(1) en (2), enige persoon wat sodanige kwalifikasie besit en wat, na die oordeel van die raad, oor genoegsame professionele kennis en vaardigheid beskik en minstens een van die amptelike tale van die Republiek magtig is, as 'n [chiropraktisyn, homeopaat of] praktisyn van 'n verwante [gesondheidsdiensberoep] gesondheidsberoep registreer. Met dien verstande dat indien 'n beroepsraad kragtens artikel 35 10A(1) ingestel is, die raad eers met die betrokke beroepsraad oorleg moet pleeg alvorens hy 'n aanbeveling aan die Minister doen rakende 'n kwalifikasie wat voorgeskryf moet word.

40 (2) [Iemand bedoel in] 'n Persoon aan wie tydelike registrasie toegestaan is ingevolge subartikel (1) mag slegs soos voorgeskryf as [chiropraktisyn, homeopaat of] praktisyn van 'n verwante [gesondheidsdiensberoep, na gelang van die geval,] gesondheidsberoep praktiseer—

(a) vir die tydperk of tydperke wat die raad bepaal; [en voor die verstryking waarvan hy die raad moet oortuig dat—

45 (ii) hy vertrouwd is met die wette van die Republiek wat op chiropraktyk of homeopatie of die praktyk van 'n verwante gesondheidsdiensberoep en die beoefening van die beroep van chiropraktisyn of homeopaat of 'n verwante gesondheidsdiensberoep, na gelang van die geval, betrekking het] en

50 [(c)](b) onderworpe aan enige voorwaardes wat die raad bepaal.”; en

(b) deur subartikel (5) te skrap.

Wysiging van artikel 16D van Wet 63 van 1982, soos ingevoeg deur artikel 6 van Wet 108 van 1985

18. Artikel 16D van die Hoofwet word hierby gewysig deur subartikel (2) deur die 55 volgende subartikel te vervang:

“(2) Iemand wat 'n kragtens subartikel (1) gemagtigde persoon verhinder om 'n inrigting of perseel in daardie subartikel bedoel, binne te gaan of wat hom of

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hinders him or her in the making therein or thereon of any investigation contemplated in that subsection, shall be guilty of an offence and liable on conviction to a fine [not exceeding R100] or to imprisonment for a period not exceeding six months or to both a fine and such imprisonment.”.

Amendment of section 16E of Act 63 of 1982, as substituted by section 10 of Act 63 of 1993. 5

19. Section 16E of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) For [the] purposes of promoting education or training in [chiropractic, homeopathy or] any allied health [service] profession to which this Act applies, the council may, after consultation with the relevant professional board and notwithstanding the provisions of this Act, register any person not permanently resident within the Republic in the profession in which he or she gives education or training, for such period as the council may determine.”. 10

Amendment of section 18 of Act 63 of 1982, as substituted by section 12 of Act 63 of 1993 15

20. Section 18 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who [desires to be registered] enrolls as a student in [chiropractic, homeopathy or] an allied health [service] profession shall in writing apply [therefor] to the council for registration as a student, and such application shall be accompanied by the prescribed particulars and registration fee.”. 20

Insertion of section 19 in Act 63 of 1982

21. The following section is hereby inserted in the principal Act after section 18: 25

“Registration of interns

19. (1) Any person who has obtained a qualification which entitles him or her to register as a practitioner of an allied health profession under this Act after the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000, commences and who wishes to practise such profession in the Republic, shall apply to the council for registration in the prescribed manner. 30

(2) (a) A person who has applied for registration in terms of subsection (1) may, on the recommendation of the relevant professional board, be registered by the council as an intern. 35

(b) An intern must complete a prescribed internship programme before he or she may be registered as a practitioner of the profession in question.

(3) The council may, after consultation with the relevant professional board, register a person who has not yet graduated as a student intern and may permit such student to commence with a prescribed internship programme. 40

(4) No person may be registered by the council as a practitioner unless he or she has graduated and has completed the prescribed internship.

(5) The duration, requirements, conditions and rules pertaining to an internship are as prescribed.”. 45

Amendment of section 21 of Act 63 of 1982, as amended by section 10 of Act 108 of 1985 and section 13 of Act 63 of 1993

22. Section 21 of the principal Act is hereby amended by—

(a) the addition in subsection (1) of the word “or” at the end of paragraph (f) and the addition to the said subsection of the following paragraph: 50

“(g) is unable for any reason to practise the profession for which he or she is registered in terms of this Act.”; and

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haar by die instelling van 'n in daardie subartikel beoogde ondersoek daarin of daarop hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete [van hoogstens R100] of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide 'n boete en sodanige gevangenisstraf.”.

5 Wysiging van artikel 16E van Wet 63 van 1982, soos vervang deur artikel 10 van Wet 63 van 1993

19. Artikel 16E van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 10 “(1) Ten einde opleiding of onderrig in [**chiropraktyk, homeopatie of**] 'n verwante [**gesondheidsdiensberoep**] gesondheidsberoep waarop hierdie Wet van toepassing is, te bevorder, kan die raad, na oorleg met die betrokke beroepsraad en ondanks die bepalings van hierdie Wet, iemand wat nie permanent in die Republiek woonagtig is nie in die beroep waarin hy of sy opleiding of onderrig gee, registreer vir die tydperk wat die raad bepaal.”.

15 Wysiging van artikel 18 van Wet 63 van 1982, soos vervang deur artikel 12 van Wet 63 van 1993

20. Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 20 “(1) Enige persoon wat as 'n student in [**chiropraktyk, homeopatie of**] 'n verwante [**gesondheidsdiensberoep geregistreer wil word**] gesondheidsberoep inskryf, moet skriftelik by die raad [**daarom**] om registrasie as 'n student aansoek doen, en sodanige aansoek moet vergesel gaan van die voorgeskrewe besonderhede en registrasiegeld.”.

Invoeging van artikel 19 in Wet 63 van 1982

- 25 **21.** Die volgende artikel word hierby in die Hoofwet na artikel 18 ingevoeg:

“Registrasie van interns

- 30 **19.** (1) Enige persoon wat 'n kwalifikasie verwerf het wat hom of haar die reg gee om as 'n praktisyn in 'n verwante gesondheidsberoep kragtens hierdie Wet te registreer na die inwerkingtreding van die Tweede Wysigingswet op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, 2000, en wat sodanige beroep in die Republiek wil beoefen, moet op die voorgeskrewe wyse by die raad aansoek doen om registrasie.

- 35 (2) (a) 'n Persoon wat om registrasie ingevolge subartikel (1) aansoek gedoen het, kan op aanbeveling van die betrokke beroepsraad deur die raad as 'n intern geregistreer word.

- (b) 'n Intern moet 'n voorgeskrewe internskapsprogram voltooi voordat hy of sy as 'n praktisyn van die betrokke beroep geregistreer mag word.

- 40 (3) Die raad kan, na oorleg met die betrokke beroepsraad, 'n persoon registreer wat nog nie gegraduateer het as 'n student-intern nie en kan sodanige student toelaat om met 'n voorgeskrewe internskapsprogram te begin.

- (4) Niemand kan deur die raad as 'n praktisyn geregistreer word, tensy hy of sy gegraduateer en die voorgeskrewe internskap voltooi het nie.

- 45 (5) Die duur, vereistes, voorwaardes en reëls ten opsigte van 'n internskap is soos voorgeskryf.”.

Wysiging van artikel 21 van Wet 63 van 1982, soos gewysig deur artikel 10 van Wet 108 van 1985 en artikel 13 van Wet 63 van 1993

22. Artikel 21 van die Hoofwet word hierby gewysig—

- 50 (a) deur in subartikel (1) die woord “of” aan die einde van paragraaf (f) by te voeg en deur in genoemde subartikel die volgende paragraaf by te voeg:

“(g) om die een of ander rede nie in staat is om die beroep waarvoor hy of sy ingevolge hierdie Wet geregistreer is, te beoefen nie.”; en

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(b) the substitution for subsection (5) of the following subsection:

(5) The council shall not under subsection (1) instruct that the name of any person be removed from any register kept under section [15(3)(b)] 14 unless the council has consulted with the professional board [(if any)] established in respect of the profession concerned.” 5

Amendment of section 23 of Act 63 of 1982, as substituted by section 14 of Act 63 of 1993

23. Section 23 of the principal Act is hereby amended by—

(a) the substitution for subsection (1) of the following subsections:

“(1) The council may, in respect of [**chiropractors or homeopaths, and a professional board may in the case of a practitioner practising an associated health service profession in respect of which such professional board has been established**] a practitioner registered in any allied health profession in terms of this Act, institute an inquiry into any written complaint, charge or allegation of [**improper or disgraceful**] unprofessional conduct against [**any**] such practitioner [**and**]. 10 15

(1A) The council may refer allegations of conduct referred to in subsection (1) to the relevant professional board and delegate to such board the power to investigate such complaint and to hold an inquiry in the prescribed manner. 20

(1B) When requested to hold an inquiry, the professional board in question must seek information from any person, including the practitioner against whom the complaint, charge or allegation was lodged and must investigate the matter fully before holding an inquiry. 25

(1C) The council or the professional board may, on finding the practitioner concerned guilty of such conduct, in the case of the council, impose any of the penalties referred to in section 24(1) or, in the case of a professional board, recommend the imposition of any such penalty in terms of subsection (3): Provided that in the case of a complaint, charge or allegation which forms or is likely to form the subject of criminal proceedings, the council or the professional board concerned, as the case may be, may postpone the holding of an inquiry until those proceedings have been disposed of.”; and 30

(b) the substitution for subsection (3) of the following subsection:

(3) If a professional board holding an inquiry under this section, finds the person charged guilty of [**improper or disgraceful**] unprofessional conduct or of conduct which in consideration of the profession in respect of which that person is registered, is [**improper or disgraceful**] unprofessional, it shall note its finding and inform such person thereof, and shall at the same time inform such person of the penalty the imposition of which it intends to recommend to the council, and it shall before the next ensuing meeting of the council submit to the council the minutes of the proceedings at the inquiry together with the recommendation concerning a proper penalty. 35 40

Amendment of section 24 of Act 63 of 1982, as amended by section 12 of Act 108 of 1985 and section 15 of Act 63 of 1993 45

24. Section 24 of the principal Act is hereby amended by—

(a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Any practitioner who after the holding of an inquiry referred to in section 23(1) is found guilty of [**improper or disgraceful**] unprofessional conduct or of conduct which in consideration of any profession in respect of which that practitioner is registered, is [**improper or disgraceful**] unprofessional, shall be liable to one or other of the following penalties, namely—”; 50 55

(b) the substitution in subsection (1) for paragraph (d) of the following paragraph:

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(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die raad gee nie kragtens subartikel (1) opdrag dat die naam van ’n persoon geskrap word uit ’n register wat kragtens artikel [15(3)(b)] 14 gehou word nie, tensy die raad oorleg gepleeg het met die beroepsraad [(as daar is)] wat ten opsigte van die betrokke beroep ingestel is.”.

Wysiging van artikel 23 van Wet 63 van 1982, soos vervang deur artikel 14 van Wet 63 van 1993

23. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikels te vervang:

“(1) Die raad kan ten opsigte van [**chiropraktisyns en homeopate, en ’n beroepsraad kan in die geval van ’n praktisyn wat ’n verwante gesondheidsdiensberoep beoefen ten opsigte waarvan sodanige beroepsraad ingestel is,**] ’n praktisyn wat geregistreer is in enige verwante gesondheidsberoep ingevolge hierdie Wet, ondersoek instel na ’n skriftelike klage, beskuldiging of bewering van [onbetaamlike of skandelige] onprofessionele gedrag teen [’n] sodanige praktisyn [en].

(1A) Die raad kan beweringe van gedrag bedoel in subartikel (1) na die betrokke beroepsraad verwys en die bevoegdheid om sodanige klage te ondersoek en om ’n ondersoek op die voorgeskrewe wyse te hou aan die betrokke beroepsraad deleger.

(1B) Wanneer versoek word om ’n ondersoek te hou, moet die betrokke beroepsraad inligting inwin van enige persoon, met inbegrip van die praktisyn teen wie die klage, beskuldiging of bewering gelê is en moet die beroepsraad die saak ten volle te ondersoek voordat die ondersoek gehou word.

(1C) Die raad of die beroepsraad kan by skuldigbevinding van die betrokke praktisyn aan sodanige gedrag, in die geval van die raad, enige van die strawwe in artikel 24(1) vermeld, oplê of, in die geval van ’n beroepsraad, die oplegging van enige sodanige straf ingevolge subartikel (3) aanbeveel: Met dien verstande dat in die geval van ’n klage, beskuldiging of bewering wat die onderwerp van strafregtelike verrigtinge uitmaak of waarskynlik sal uitmaak, die raad of die betrokke beroepsraad, na gelang van die geval, die hou van ’n ondersoek kan uitstel totdat daardie verrigtinge afgehandel is.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien ’n beroepsraad wat ’n ondersoek kragtens hierdie artikel hou, die aangeklaagde persoon skuldig bevind aan [**onbetaamlike of skandelige**] onprofessionele gedrag of aan gedrag wat, met inagneming van die beroep ten opsigte waarvan daardie persoon geregistreer is, [onbetaamlik of skandelik] onprofessioneel is, teken hy sy bevinding aan en verwittig hy sodanige persoon daarvan, en verwittig hy hom of haar terselfdertyd van die straf die oplegging waarvan hy voornemens is om by die raad aan te beveel en lê hy, voor die eersvolgende vergadering van die raad, die notule van die verrigtinge by die ondersoek, tesame met die aanbeveling aangaande ’n gepaste straf, aan die raad voor.”.

Wysiging van artikel 24 van Wet 63 van 1982, soos gewysig deur artikel 12 van Wet 108 van 1985 en artikel 15 van Wet 63 van 1993

24. Artikel 24 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“’n Praktisyn wat na die hou van ’n ondersoek in artikel 23(1) vermeld, skuldig bevind word aan [**onbetaamlike of skandelige**] onprofessionele gedrag of aan gedrag wat met inagneming van ’n beroep ten opsigte waarvan daardie praktisyn geregistreer is, [onbetaamlik of skandelik] onprofessioneel is, is strafbaar met die een of ander van die volgende strawwe, naamlik—”;

(b) deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang:

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- “(d) a fine not exceeding [R10 000] the prescribed amount.”;
- (c) the substitution in subsection (3) for paragraph (a) of the following paragraph:
 “(a) The council, or any committee of the council, or a professional board, where any such committee or professional board holds an inquiry under powers delegated to it by the council, may for [the] purposes of any such inquiry take evidence and may, under the hand of the [chairman] chairperson of the council or the [chairman] chairperson of any such committee or board or the secretary of the council, summon any witness and require the production of any book, record, document or article, and may through the [chairman] chairperson concerned administer the oath to or accept an affirmation from any witness, and may examine any book, record, document or article which a witness has been so required to produce.”;
- (d) the substitution in subsection (3)(c) for the proviso of the following proviso:
 “: Provided that a person so summoned shall be entitled to all the privileges to which a witness subpoenaed to give evidence before a provincial division of the [Supreme] High Court is entitled.”;
- (e) the substitution for subsection (4) of the following subsection:
 (4) The [chairman] chairperson of the council, where the council itself holds any such inquiry, or the [chairman] chairperson of any professional board, or committee of the council, holding any such inquiry, may appoint a person with adequate experience in the administration of justice as an assessor at the inquiry to advise the council, the professional board or the committee concerned, as the case may be, on matters of law, procedure or evidence.”;
- (f) the substitution in subsection (7) for paragraph (a) of the following paragraph:
 “(a) terminate any suspension imposed under subsection (1)(b) before the expiry of the specified period; and”; and
- (g) the substitution for subsection (9) of the following subsection:
 (9) If any person registered in terms of this Act is alleged to be guilty of [improper or disgraceful] unprofessional conduct or conduct which, in consideration of the profession in respect of which that person is registered, is [improper or disgraceful] unprofessional, and the council or a professional board is of the opinion that on conviction after an inquiry under section 23, a fine not exceeding [R2 500] the prescribed amount shall be imposed on him or her, the council or professional board may issue a summons as prescribed against such person upon which an endorsement is made by the council or a professional board that such person may admit that he or she is guilty of the said conduct and that he or she may pay the fine stipulated.”.

Amendment of section 29 of Act 63 of 1982, as substituted by section 18 of Act 63 of 1993

25. Section 29 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

- “(b) Any rule contemplated in paragraph (a) referring to an allied health [service] profession shall only be made after consultation with the professional board concerned [(if any)].”.

Amendment of section 30 of Act 63 of 1982, as substituted by section 17 of Act 108 of 1985

26. Section 30 of the principal Act is hereby amended by—

- (a) the substitution in subsection (1) for the words following paragraph (b) of the following words:
 “the council shall cause the matter to be investigated and may, if it deems it necessary, refer it to the relevant professional board to hold an inquiry in respect of that practitioner *mutatis mutandis* in accordance with the provisions of section 24 and the regulations made under section 38(1)(q).”;

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“(d) ’n boete [**van hoogstens R10 000**] wat nie die voorgeskrewe bedrag oorskry nie;

(c) deur in subartikel (3) paragraaf (a) deur die volgende paragraaf te vervang:

5 “(a) Die raad, of ’n komitee van die raad, of ’n beroepsraad, waar so ’n komitee of beroepsraad ’n ondersoek hou kragtens bevoegdheede wat deur die raad aan hom gedelegeer is, kan vir die doeleindes van so ’n ondersoek getuienis afneem en kan, onder die handtekening van die voorsitter van die raad of die voorsitter van so ’n komitee of beroepsraad of die sekretaris van die raad, ’n getuie dagvaar en die voorlegging van enige boek, aantekening, dokument of voorwerp eis, en kan deur die
10 betrokke voorsitter ’n getuie die eed oplê of ’n bevestiging van hom of haar afneem, en kan ’n boek, aantekening dokument of voorwerp ondersoek wat ’n getuie aldus aangesê is om voor te lê.”;

(d) deur in subartikel (3)(c) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

15 “: Met dien verstande dat iemand wat aldus gedagvaar is op al die privilegies geregtig is waarop ’n getuie wat gedagvaar is om voor ’n provinsiale afdeling van die [**Hooggereshof**] Hoë Hof getuienis af te lê, geregtig is.”;

(e) deur subartikel (4) deur die volgende subartikel te vervang:

20 “(4) Die voorsitter van die raad, waar die raad self so ’n ondersoek hou, of die voorsitter van ’n beroepsraad, of komitee van die raad wat so ’n ondersoek hou, kan iemand met voldoende ondervinding van die regspleging as assessor by die ondersoek aanstel om die raad, die beroepsraad of die betrokke komitee, na gelang van die geval, in verband met regsrae, prosedure of bewyslewering van advies te dien.”;

(f) deur in subartikel (7) paragraaf (a) deur die volgende paragraaf te vervang:

25 “(a) ’n skorsing kragtens subartikel (1)(b) opgelê voor die verstryking van die vasgestelde tydperk beëindig; en”; en

(g) deur subartikel (9) deur die volgende subartikel te vervang:

30 “(9) Indien iemand wat kragtens hierdie Wet geregistreer is na bewering hom of haar skuldig gemaak het aan [**onbetaamlike of skandelijke**] onprofessionele gedrag of gedrag wat, met inagneming van die beroep ten opsigte waarvan daardie persoon geregistreer is, [**onbetaamlik of skandelik**] onprofessioneel is, en die raad of ’n beroepsraad [**op redelike gronde**] van oordeel is dat hy of sy by ’n skuldigbevinding na ’n ondersoek ingevolge artikel 23 ’n boete opgelê sal word wat nie [**R2 500**] die voorgeskrewe bedrag te bowe gaan nie, kan die raad of beroepsraad ’n dagvaarding soos voorgeskryf teen so ’n persoon uitreik waarop ’n endossement deur die raad of ’n beroepsraad aangebring is dat daardie persoon kan erken dat hy of sy hom of haar skuldig gemaak het aan genoemde gedrag, en dat hy of sy ’n bepaalde boete kan betaal.”.

45 **Wysiging van artikel 29 van Wet 63 van 1982, soos gewysig deur artikel 18 van Wet 63 van 1993**

25. Artikel 29 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

50 “(b) ’n Reël in paragraaf (a) beoog wat op ’n verwante [**gesondheidsdiensberoep**] gesondheidsberoep betrekking het, word slegs na oorleg met die betrokke beroepsraad [(**as daar is**)] gemaak.”.

Wysiging van artikel 30 van Wet 63 van 1982, soos gewysig deur artikel 17 van Wet 108 van 1985

26. Artikel 30 van die Hoofwet word hierby gewysig—

55 (a) deur in subartikel (1) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

60 “moet die raad die aangeleentheid laat ondersoek en kan hy, indien hy dit nodig ag, dit na die betrokke beroepsraad verwys om mutatis mutandis ooreenkomstig die bepalings van artikel 24 en die regulasies kragtens artikel 38(1)(q) uitgevaardig, ’n ondersoek ten opsigte van daardie praktisyn te hou.”;

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- (b) the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
 “If the council or professional board in question, after holding an inquiry under subsection (1), finds that any circumstance referred to in that subsection exists in respect of the practitioner concerned, **[it]** the council may by order—”; and 5
- (c) the substitution for subsection (6) of the following subsection:
 “(6) Any practitioner who contravenes or fails to comply with any order made under subsection (2), shall be guilty of an offence and on conviction liable to a fine not exceeding **[R100]** the prescribed amount.”. 10

Substitution of section 31 of Act 63 of 1982, as amended by section 18 of Act 108 of 1985 and section 19 of Act 63 of 1993

27. The following section is hereby substituted for section 31 of the principal Act:

“Offences by unregistered persons, and penalties

31. (1) Subject to the provisions of subsection (2) of this section and section 41, any person who is not registered as a practitioner in a particular profession and who— 15

- (a) for gain practises any such profession;
 (b) for gain performs any act specially pertaining to any such profession;
 (c) pretends, or by any means whatsoever holds himself or herself out, to be any such practitioner, whether or not purporting to be registered; or 20
 (d) uses the title of acupuncturist, ayurvedic practitioner, chiropractor, homoeopath, naturopath, osteopath, **[herbalist or an allied health service profession]** phytotherapist, therapeutic aromatherapist, therapeutic massage therapist, therapeutic reflexologist or of any other profession registered in terms of this Act, or any other title or any name, description or symbol indicating, or calculated to lead persons to infer, that he or she holds the **[qualifications]** qualification of **[a]** acupuncturist, ayurveda practitioner, chiropractor, homeopath, naturopath, osteopath, **[or herbalist or an allied health service profession]** phytotherapist, therapeutic aromatherapist, therapeutic massage therapist, therapeutic reflexologist or of any other profession registered in terms of this Act, 25

shall be guilty of an offence and on conviction liable to a fine **[not exceeding R500]** or to imprisonment for a period not exceeding six months or to both **[that]** a fine and **[that]** such imprisonment. 35

(2) The provisions of subsection (1) shall not prohibit—

- (a) any person exercising a profession to which the provisions of the Pharmacy Act, 1974 (Act No. 53 of 1974), the **[Medical, Dental and Supplementary]** Health **[Service]** Professions Act, 1974 (Act No. 56 of 1974), the Nursing Act, 1978 (Act No. 50 of 1978), or the Dental Technicians Act, 1979 (Act No. 19 of 1979), apply, from performing any act pertaining to his or her profession, as contemplated in the appropriate Act, which may lawfully be performed by him or her; 40
 (b) a **[chiropractor or homeopath of]** practitioner in any allied health profession from performing any act pertaining to an allied health **[service]** profession, if such act is an act which also pertains to the profession **[of a chiropractor or homeopath, as the case may be]** for which the practitioner is registered in terms of this Act. 45

(3) The council may, in addition to any penalty imposed in terms of this section, order that the cost of conducting the inquiry or such portion of the inquiry as the council may determine, shall be paid by the practitioner concerned. 50

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- (b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Indien die raad of betrokke beroepsraad, nadat hy ’n ondersoek kragtens subartikel (1) gehou bet, bevind dat enige omstandigheid in daardie subartikel vermeld ten opsigte van die betrokke praktisyn bestaan, kan [hy] die raad by bevel—”; en

- (b) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) ’n Praktisyn wat ’n bevel wat kragtens subartikel (2) gegee is, oortree of versuim om daaraan te voldoen, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete [van hoogstens R100] wat nie die voorgeskrewe bedrag oorskry nie.”.

Vervanging van artikel 31 van Wet 63 van 1982, soos gewysig deur artikel 18 van Wet 108 van 1985 en artikel 19 van Wet 63 van 1993

27. Artikel 31 van die Hoofwet word hierby deur die volgende artikel vervang:

“Misdrywe deur ongeregistreerde persone, en strawwe

31. (1) Behoudens die bepalings van subartikel (2) van hierdie artikel en artikel 41 is iemand wat nie as ’n praktisyn in ’n bepaalde beroep geregistreer is nie en wat—

- (a) so ’n beroep vir wins beoefen;
(b) vir wins ’n handeling verrig wat spesiaal by so ’n beroep tuishoort;
(c) voorgee dat hy of sy ’n praktisyn in so ’n beroep is of op enige wyse hoegenaamd homself of haarself as so ’n praktisyn voordoen, hetsy hy of sy voorgee geregistreer te wees al dan nie; of
(d) gebruik maak van die titel van akupunturis, ayurveda-praktisyn, chiropraktisyn, homeopaat, naturopaat, osteopaat, [kruiekundige of ’n verwante gesondheidsdiensberoep] fitoterapeut, terapeutiese aromaterapeut, terapeutiese masseerderapeut, terapeutiese refleks-oloog of van enige ander beroep ingevolge hierdie Wet geregistreer, of van enige ander titel of enige naam, beskrywing of teken wat aandui, of daarop gemik is om persone te laat aflei, dat hy of sy die [kwalifikasies] kwalifikasie van ’n akupunturis, ayurveda-praktisyn, chiropraktisyn, homeopaat, naturopaat, osteopaat, [of kruiekundige of verwante gesondheidsdiensberoep] fitoterapeut, terapeutiese aromaterapeut, terapeutiese masseerderapeut, terapeutiese refleks-oloog of van enige ander beroep geregistreer ingevolge hierdie Wet besit,

aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete [van hoogstens R500] of met gevangenisstraf vir ’n tydperk van hoogstens ses maande of met [daardie] beide ’n boete [sowel as daardie] en sodanige gevangenisstraf.

(2) Die bepalings van subartikel (1) belet nie—

- (a) ’n persoon wat ’n beroep beoefen waarop die bepalings van die Wet op Aptekers, 1974 (Wet No. 53 van 1974), die Wet op [Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe] Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), die Wet op Verpleging, 1978 (Wet No. 50 van 1978), of die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979). van toepassing is, om ’n handeling wat by sy of haar beroep tuishoort, soos beoog in die toepaslike Wet, en wat wettig deur hom of haar verrig mag word, te verrig nie;
(b) ’n [chiropraktisyn of homeopaat] praktisyn in enige verwante gesondheidsberoep om ’n handeling te verrig wat by ’n verwante [gesondheidsdiensberoep] gesondheidsberoep tuishoort nie, indien so ’n handeling ’n handeling is wat ook by die beroep [van ’n chiropraktisyn of homeopaat, na gelang van die geval,] waarvoor die praktisyn ingevolge hierdie Wet geregistreer is, tuishoort.

(3) Die raad kan, benewens enige straf ingevolge hierdie artikel opgelê, beveel dat die koste vir die hou van die ondersoek of die gedeelte van die ondersoek wat die raad bepaal deur die betrokke praktisyn betaal moet word.

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(4) The imposition of a penalty shall have the effect of a civil judgment of the magistrate's court of the district in which the disciplinary inquiry took place."

Amendment of section 32 of Act 63 of 1982, as amended by section 20 of Act 63 of 1993

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28. Section 32 of the principal Act is hereby amended by—

(a) the substitution for subsection (1) of the following subsection:

"(1) A practitioner or a student who is not registered as a medical practitioner in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), may not—

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(a) pretend, or by any means whatsoever hold himself or herself out, to be a medical practitioner, or make use of the title of medical practitioner or any other title or any name, description or symbol indicating, or calculated to lead persons to infer, that he or she holds the qualifications of a medical practitioner; or

15

(b) perform any act which does not fall within his or her prescribed scope of practice.";

(b) the substitution for subsection (2) of the following subsection:

"(2) A practitioner or student who contravenes any provision of subsection (1), shall be guilty of an offence and on conviction liable to a fine [not exceeding R500] or to imprisonment for a period not exceeding six months or to both [that] a fine and [that] such imprisonment.";

20

(c) the deletion of subsection (4).

Insertion of section 32A in Act 63 of 1982

29. The following section is hereby inserted after section 32 of the principal Act:

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"Other offences, and penalties

32A. Any person who—

(a) procures or attempts to procure for himself or herself or any other person registered under this Act, any certificate, order or prescription referred to in this Act by means of a false representation, whether verbally or in writing, or aids or abets any person in doing so;

30

(b) makes or causes to be made any unauthorised entry or alteration in or removal from a register or certified copy thereof or extract therefrom or on any certificate issued under this Act;

(c) wilfully destroys or damages or renders illegible or causes to be destroyed, damaged or rendered illegible any entry in the register or, without the permission of the holder thereof, any certificate issued under this Act;

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(d) forges or, knowing it to be forged, utters any document purporting to be a certificate issued under this Act;

40

(e) pretends to be a person registered in terms of this Act; or

(f) supplies or offers to supply to any person not registered under this Act, the Health Professions Act, 1974 (Act No. 56 of 1974), or the Nursing Act, 1978 (Act No. 50 of 1978), any instrument or appliance which can be used, or is claimed to be effective, for the purpose of diagnosing, treating or preventing physical or mental defects, illnesses or deficiencies in man, knowing that such instrument or appliance will be used by such unregistered person for the purpose of performing for gain an act which such unregistered person is in terms of the provisions of this Act or the Health Professions Act, 1974, or Nursing Act, 1978, prohibited from performing for gain,

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shall be guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment."

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(4) Die oplegging van 'n straf het die effek van 'n siviele vonnis van die landdroshof van die distrik waarin die dissiplinêre ondersoek plaasgevind het."

Wysiging van artikel 32 van Wet 63 van 1982, soos gewysig deur artikel 20 van 5 Wet 63 van 1993

28. Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Praktisyn of 'n student wat nie geregistreer is nie as 'n geneesheer kragtens die Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974), mag nie—

- (a) hom of haar voordoen as, of op welke wyse ook al uitgee vir, 'n geneesheer, of gebruik maak van die titel van geneesheer of enige ander titel of enige naam, beskrywing of simbool wat aandui, of daarop gemik is om persone te laat afdel, dat hy of sy die kwalifikasies van 'n geneesheer besit nie; of
- (b) 'n handeling verrig wat nie binne sy of haar voorgeskrewe praktyksbestek ressorteer nie.”

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) 'n Praktisyn of student wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete [van hoogstens R500] of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met [daardie] beide 'n boete [sowel as daardie] en sodanige gevangenisstraf.”; en

(c) deur subartikel (4) te skrap.

25 Invoeging van artikel 32A in Wet 63 van 1982

29. Die volgende artikel word hierby in die Hoofwet na artikel 32 ingevoeg:

“Ander misdrywe, en strawwe

32A. Enigiemand wat—

- (a) vir homself of haarself of enige ander persoon kragtens hierdie Wet geregistreer, enige sertifikaat, bevel of voorskrif bedoel in hierdie Wet verkry of poog om dit te verkry by wyse van 'n valse voorstelling, hetsy mondeling of op skrif, of 'n persoon hulp verleen om dit te doen;
- (b) 'n ongemagtigde inskrywing of wysiging in of skraping uit 'n register of gesertifiseerde afskrif daarvan of uittreksel daaruit of op 'n kragtens hierdie Wet uitgereikte sertifikaat maak of laat maak;
- (c) 'n inskrywing in die register of, sonder die toestemming van die houder daarvan, enige sertifikaat kragtens hierdie Wet uitgereik, opsetlik vernietig of beskadig of onleesbaar maak of laat vernietig, beskadig of onleesbaar maak;
- (d) 'n dokument wat heet 'n kragtens hierdie Wet uitgereikte sertifikaat te wees, vervals of, wetende dat dit vervals is, uitgee;
- (e) voorgee iemand anders te wees wat ingevolge hierdie Wet geregistreer is; of
- (f) 'n instrument of toestel wat gebruik kan word, of ten opsigte waarvan daarop aanspraak gemaak word dat dit doeltreffend is, vir die doel van die diagnosering, behandeling of voorkoming van liggaamlike of geestesgebroke, ongesteldhede of tekortkominge by die mens, aan iemand wat nie kragtens hierdie Wet, die Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974), of die Wet op Verpleging, 1978 (Wet No. 50 van 1978), geregistreer is nie verskaf of die verskaffing daarvan aanbied, wetende dat so 'n instrument of toestel deur so 'n ongeregistreerde persoon gebruik gaan word om vir wins 'n handeling te verrig wat so 'n ongeregistreerde persoon ingevole die bepalings van hierdie Wet, die Wet op Gesondheidsberoep, 1974, of Wet op Verpleging, 1978, verbied word om vir wins te verrig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met beide 'n boete en sodanige gevangenisstraf.”

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Amendment of section 33 of Act 63 of 1982, as substituted by section 19 of Act 108 of 1985

30. Section 33 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) in respect of annual fees; and”.

5

Amendment of section 35 of Act 63 of 1982

31. Section 35 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) When any person is charged with a contravention of any provision of the **[Medical, Dental and Supplementary] Health [Service] Professions Act, 1974** (Act No. 56 of 1974), and it is alleged that any act was at the commencement of this Act usually performed by persons who practise any profession to which this Act relates in the Republic, the onus of proving it shall be on the person alleging it.”.

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Substitution of section 36 of Act 63 of 1982

32. The following section is hereby substituted for section 36 of the principal Act: 15

“Limitation of liability

36. The registrar or the council or a committee of the council or a professional board or any member or officer of the council or of a committee of the council or a member of a professional board shall not be liable for any act done in good faith under this Act.”.

20

Amendment of section 38 of Act 63 of 1982, as amended by section 22 of Act 108 of 1985, section 27 of Act 94 of 1991 and section 21 of Act 63 of 1993

33. Section 38 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Any regulation made under this section may prescribe a penalty for any contravention thereof or failure to comply therewith of a fine or imprisonment for a period not exceeding three months or both a fine and such imprisonment.”.

25

Amendment of section 38A of Act 63 of 1982, as inserted by section 23 of Act 108 of 1985 and amended by section 45 of Act 23 of 1993 and section 94 of Act 88 of 1996

34. Section 38A of the principal Act is hereby amended by— 30

(a) the substitution for subsection (2) of the following subsection:

“(2) Any practitioner who in respect of any professional services rendered by him or her claims payment from any person (in this section referred to as the patient) shall, subject to the provisions of **[section 32 of the Medical Schemes Act, 1967 (Act No. 72 of 1967)] section 59 of the Medical Schemes Act, 1998 (Act No. 131 of 1998)**, furnish the patient with a detailed account within a reasonable period.”; and

35

(b) the substitution in subsection (3) for paragraph (d) of the following paragraph:

“(d) The council may, after consultation with the relevant professional board, from time to time determine and publish the fees used by the council as a norm for the determination of amounts contemplated in paragraph (a).”.

40

Amendment of section 38B of Act 63 of 1982, as inserted by section 22 of Act 63 of 1993

35. Section 38B of the principal Act is hereby amended by— 45

(a) the substitution in subsection (1) for paragraph (b) of the following paragraph:

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Wysiging van artikel 33 van Wet 63 van 1982, soos vervang deur artikel 19 van Wet 108 van 1985

30. Artikel 33 van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

- 5 “(c) ten opsigte van jaarlikse gelde; en”.

Wysiging van artikel 35 van Wet 63 van 1982

31. Artikel 35 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- 10 “(3) Wanneer iemand aangekla word weens ’n oortreding van ’n bepaling van die Wet op [Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep] Gesondheidsberoep, 1974 (Wet No. 56 van 1974), en daar beweer word ’n handeling by die inwerkingtreding van hierdie Wet gewoonlik verrig is deur persone wat ’n beroep waarop hierdie Wet betrekking het in die Republiek beoefen, rus die las om dit te bewys op die persoon wat dit beweer.”.

15 Vervanging van artikel 36 van Wet 63 van 1982

32. Artikel 36 van die Hoofwet word hierby deur die volgende artikel vervang:

“Beperking van aanspreeklikheid

- 20 36. Die registrateur of die raad of ’n komitee van die raad of ’n beroepsraad of ’n lid of beampte van die raad of van ’n komitee van die raad of ’n lid van ’n beroepsraad is nie aanspreeklik vir ’n handeling wat te goeder trou kragtens hierdie Wet verrig is nie.”.

Wysiging van artikel 38 van Wet 63 van 1982, soos gewysig deur artikel 22 van Wet 108 van 1985, artikel 27 van Wet 94 van 1991 en artikel 21 van Wet 63 van 1993

25 33. Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang.

- 30 “(4) ’n Regulasie kragtens hierdie artikel uitgevaardig, kan vir ’n oortreding daarvan of versuim om daaraan te voldoen, ’n straf van ’n boete of gevangenisstraf vir ’n tydperk van hoogstens drie maande, of van beide ’n boete en sodanige gevangenisstraf, voorskryf.”.

Wysiging van artikel 38A van Wet 63 van 1982, soos ingevoeg deur artikel 23 van Wet 108 van 1985 en gewysig deur artikel 45 van Wet 23 van 1993 en artikel 94 van Wet 88 van 1996

34. Artikel 38A van die Hoofwet word hierby gewysig—

- 35 (a) deur subartikel (2) deur die volgende subartikel te vervang:

40 “(2) ’n Praktisyn wat ten opsigte van professionele dienste deur hom of haar gelewer, betaling van iemand (in hierdie artikel die pasiënt genoem) vorder, moet, behoudens die bepalings van [artikel 32 van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967)] artikel 59 van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998), binne ’n redelike tydperk aan die pasiënt ’n gespesifiseerde rekening verstrek.”;

en

- (b) deur in subartikel (3) paragraaf (d) deur die volgende paragraaf te vervang:

45 “(d) Die raad kan, na oorleg met die betrokke beroepsraad, van tyd tot tyd die gelde bepaal en publiseer wat die raad as maatstaf gebruik vir die bepaling van bedrae in paragraaf (a) beoog.”.

Wysiging van artikel 38B van Wet 63 van 1982, soos ingevoeg deur artikel 22 van Wet 63 van 1993

35. Artikel 38B van die Hoofwet word hierby gewysig—

- 50 (a) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

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“(b) by any penalty imposed on him or her under section 24; and”; and
(b) the substitution for subsection (2) of the following subsection:

“(2) Any appeal committee referred to in subsection (1), [shall] may be appointed by the Minister and shall consist of—

(a) a [magistrate with no fewer than ten years experience as a 5
magistrate,] person who is legally qualified and who has practised
in the field of law for a period of at least 10 years who shall be the
[chairman] chairperson; and

(b) two practitioners who practise the same profession as the appellant 10
concerned, who have no direct interest in the affairs of the appellant, 10
[or] who are not in the employment of the appellant and who are not
members of the council or professional board concerned.”.

Substitution of section 41 of Act 63 of 1982

36. The following section is hereby substituted for section 41 of the principal Act:

**“Interpretation of laws in respect of certain medicine men and 15
herbalists**

41. The provisions of this Act and the [Medical, Dental and 15
Supplementary] Health [Service] Professions Act, 1974 (Act No. 56 of
1974), shall not be construed as derogating from the right which a 20
[medicine man or] herbalist contemplated in the Code of Zulu Law may 20
have to practise his or her profession.”.

Substitution of section 41A of Act 63 of 1982, as inserted by section 9 of Act 40 of 1995

37. The following section is hereby substituted for section 41A of the principal Act:

**“Abolition of Chiropractors, Homeopaths and Allied Health Service 25
Professions Interim Council, and transitional arrangements**

41A. (1) Notwithstanding section 5(6), the Chiropractors, Homeopaths 25
and Allied Health Service Professions Interim Council (in this section
referred to as “the Interim Council”) shall cease to exist on the day 30
immediately preceding the date of the first meeting of the council. 30

(2) All rights, obligations, assets and liabilities acquired or incurred by 30
the Interim Council shall immediately vest in the council and the council
shall be deemed to have acquired or incurred such rights, obligations, assets
and liabilities in terms of this Act.”.

Substitution of word in Act 63 of 1982

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38. The principal Act is hereby amended by the substitution for the word “chairman”,
wherever it occurs, of the word “chairperson”.

Substitution of section 43 of Act 63 of 1982, as substituted by section 24 of Act 63 of 1993

39. The following section is hereby substituted for section 43 of the principal Act: 40

“Short title

43. This Act shall be called the [Chiropractors, Homeopaths and]
Allied Health [Service] Professions Act, 1982.”.

Substitution of long title of Act 63 of 1982, as substituted by section 10 of Act 40 of 1995

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40. The following long title is hereby substituted for the long title of the principal Act:

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“(b) deur ’n straf wat hom of haar kragtens artikel 24 opgelê is; en”;

en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ’n Appèlkomitee in subartikel (1) bedoel, [word] kan deur die Minister aangestel word en moet bestaan uit—

(a) ’n [landdros met minstens tien jaar ondervinding as landdros] persoon wat regsgekwalifiseerd is en vir ’n tydperk van minstens 10 jaar in die regsvelde gepraktiseer het, wat die voorsitter is; en

(b) twee praktisyns wat dieselfde beroep as die betrokke appellant beoefen, wat geen regstreekse belang by die sake van die appellant het, [of] wat nie in diens van die appellant is nie en wat nie lede van die raad of die betrokke beroepsraad is nie.”.

Vervanging van artikel 41 van Wet 63 van 1982

36. Artikel 41 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Uitleg van wette met betrekking tot sekere genees- en kruiekundiges**

41. Die bepalings van hierdie Wet en van die Wet op [Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe] Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), word nie so uitgelê nie dat dit afbreuk doen aan die reg wat ’n [genees- of] kruiekundige beoog in die Wetboek van Zoeloereg besit, om sy of haar beroep te beoefen nie.”.

Vervanging van artikel 41A van Wet 63 van 1982, soos ingevoeg deur artikel 9 van Wet 40 van 1995

37. Artikel 41A van die Hoofwet word hierby deur die volgende artikel vervang:

“**Afskaffing van Interim Raad op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, en oorgangsmatreëls**

41A. (1) Ondanks artikel 5(6), hou die Interim Raad op Chiropraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe (in hierdie artikel “die Interim Raad” genoem) op om te bestaan op die dag onmiddellik voor die dag waarop die eerste vergadering van die raad gehou word.

(2) Alle regte, verpligtinge, bates en skulde wat deur die Interim Raad verkry of aangegaan is, gaan onmiddellik oor op die raad en die raad word geag sodanige regte, verpligtinge, bates en skulde ingevolge hierdie Wet te verkry of aan te gee het.”.

Vervanging van woord in Engelse teks van Wet 63 van 1982

38. Die Hoofwet word hierby gewysig deur in die Engelse teks die woord “chairman”, waar dit ook al voorkom, deur die woord “chairperson” te vervang.

Vervanging van artikel 43 van Wet 63 van 1982, soos vervang deur artikel 24 van Wet 63 van 1993

39. Artikel 43 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Kort titel**

43. Hierdie Wet heet die Wet op [Chiropraktisyns, Homeopate en] Verwante [Gesondheidsdiensberoepe] Gesondheidsberoepe, 1982.”.

Vervanging van lang titel van Wet 63 van 1982, soos vervang deur artikel 10 van Wet 40 van 1995

40. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“ACT

To provide for the control of the practice of **[the professions of chiropractor and homeopath and]** allied health professions, and for that purpose to establish **[a Chiropractors, Homeopaths and]** an Allied Health **[Service]** Professions **[Interim]** Council of South Africa and to determine its functions; and to provide for matters connected therewith.” 5

Savings and transitional provisions

40. (1) In this section, “Interim Council” means the Chiropractors, Homeopaths and Allied Health Service Professions Interim Council established by section 2 of the principal Act as it existed immediately before this Act takes effect. 10

(2) Any proclamation, notice, regulation, authorisation, rule or order issued, made, granted or done in terms of the principal Act, or deemed to have been issued, made, granted or done in terms of the principal Act, as it existed immediately before this Act takes effect, remains in force until withdrawn, cancelled or repealed by the Allied Health Professions Council of South Africa, established by section 2 of the principal Act (in this section referred to as “the council”). 15

(3) Any inquiry into alleged improper or disgraceful conduct by a chiropractor, homoeopath or person who practises in an allied health service profession, including any preliminary investigation undertaken to determine whether *prima facie* evidence exists which would justify such inquiry, and which has not been concluded at the date of the first meeting of the council, must be continued and concluded by the council. 20

(4) The council may institute and conclude disciplinary proceedings against any person who, at any time before the first meeting of the council, is alleged to have committed an act which constituted unprofessional conduct.

(5) Any person employed by the Interim Council immediately before the date on which the Interim Council is abolished in terms of section 41A of the principal Act, must be regarded as having been appointed by the council in terms of section 11 of the principal Act. 25

(6) The person who was the registrar of the Interim Council immediately before this Act takes effect, continues to hold office and to perform the functions assigned to him or her in terms of the principal Act, as well as such functions as may be or may have been assigned to him or her by the Interim Council or the council, until a registrar has been appointed by the council in terms of section 11 of the principal Act. 30

Short title and commencement

41. This Act is called the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000, and takes effect on a date fixed by the President by proclamation in the *Gazette*. 35

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“WET

Om voorsiening te maak vir beheer oor die beoefening van [die beroepe van chiopraktisyn en homeopaat en] verwante [gesondheidsdiensberoepe] gesondheidsberoepe, en om vir daardie doel ’n [Interim] Raad vir [Chiopraktisyns, Homeopate en] Verwante [Gesondheidsdiensberoepe] Gesondheidsberoepe van Suid-Afrika in te stel en om sy werksaamhede te bepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”

Voorbehoude en oorgangsbepalings

41. (1) In hierdie artikel beteken “Interim Raad” die Interim Raad op Chiopraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe by artikel 2 van die Hoofwet ingestel soos dit bestaan het onmiddellik voor hierdie Wet in werking getree het.

(2) ’n Proklamasie, kennisgewing, regulasie, magtiging, reël of bevel wat uitgereik, uitgevaardig, verleen of gegee is ingevolge die Hoofwet of wat geag word uitgereik, uitgevaardig, verleen of gegee te gewees het ingevolge die Hoofwet, soos dit bestaan het onmiddellik voor die inwerkingtreding van hierdie Wet, bly in werking totdat ingetrek, gekanselleer of herroep deur die Raad op Verwante Gesondheidsberoepe van Suid-Afrika (in hierdie artikel “die raad” genoem), wat by artikel 2 van die Hoofwet ingestel is.

(3) ’n Ondersoek na beweerde onbetaamlike of skandelige gedrag deur ’n chiopraktisyn, homeopaat of persoon wat ’n verwante gesondheidsdiensberoep beoefen, met inbegrip van enige voorlopige ondersoek onderneem om te bepaal of *prima facie*-bewyse bestaan wat sodanige ondersoek sal regverdig, en wat nie afgehandel is teen die datum van die eerste vergadering van die raad nie, moet deur die raad voortgesit en afgehandel word.

(4) Die raad kan dissiplinêre ondersoeke instel en afhandel teen enige persoon wat, te eniger tyd voor die eerste vergadering van die raad, na bewering ’n oortreding begaan het wat onprofessionele gedrag uitmaak.

(5) Enige persoon in diens van die Interim Raad onmiddellik voor die datum waarop die Interim Raad afgeskaf is ingevolge artikel 41A van die Hoofwet, word geag ingevolge artikel 11 van die Hoofwet deur die raad aangestel te gewees het.

(6) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet die registrateur van die Interim Raad was, gaan voort om die amp te beklee en om die werksaamhede te verrig wat ingevolge die Hoofwet aan hom of haar toegewys is, sowel as die werksaamhede wat deur die Interim Raad of die raad aan hom of haar toegewys word of is, totdat ’n registrateur ingevolge artikel 11 van die Hoofwet deur die raad aangestel is.

Kort titel en inwerkingtreding

42. Hierdie Wet heet die Tweede Wysigingswet op Chiopraktisyns, Homeopate en Verwante Gesondheidsdiensberoepe, 2000, en tree in werking op ’n datum wat deur die President by proklamasie in die *Staatskoerant* bepaal word.

