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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 2158 12 November 1976

THE SOUTH AFRICAN MEDICAL AND DENTAL COUNCIL

The Minister of Health, on the recommendation of the South African Medical and Dental Council, hereby makes the following regulations in terms of section 15 (5) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974):

REGULATIONS RELATING TO THE CONDUCT OF INQUIRIES HELD IN TERMS OF SECTION 48 OF THE ACT

1. In these regulations—

“accused” means a person registered in terms of section 18 or 32 of the Act in respect of whose profession a professional board has been established in terms of section 15;

“chairman” means the chairman of the professional board;

“professional board” means the professional board established in terms of section 15 of the Act in respect of the profession of the accused.

2. Where a person reports a complaint or charge or allegation of improper or disgraceful conduct to the professional board, such person shall in writing to the registrar set out in concise terms the specific act complained of, and shall be prepared, if so required by the professional board, to bring evidence in support thereof.

3. The complaint and any accompanying documents shall be submitted to the chairman, who shall direct the registrar—

(1) to call for further information from the complainant; or

(2) to forward to the accused the documents received from the complainant or to advise the accused of the nature of the complaint and ask him for an explanation, but warning him that such explanation may be used in evidence against him; or

(3) to refer the case to the professional board.

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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN GESONDHEID

No. R. 2158 12 November 1976

DIE SUID-AFRIKAANSE GENEESKUNDIGE EN TANDHEELKUNDIGE RAAD

Die Minister van Gesondheid vaardig hierby, op aanbeveling van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die volgende regulasies uit kragtens artikel 15 (5) van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (Wet 56 van 1974):

REGULASIES BETREFFENDE DIE INSTELLING VAN ONDERSOEKE WAT INGEVOLGE ARTIKEL 48 VAN DIE WET GEHOU WORD

1. In hierdie regulasies beteken—

“beroepsraad” die beroepsraad ingestel ingevolge artikel 15 van die Wet ten opsigte van die beroep van die beskuldigde;

“beskuldigde” ’n persoon wat ingevolge artikel 18 of 32 van die Wet geregistreer is, ten opsigte van wie se beroep ’n beroepsraad ingevolge artikel 15 ingestel is;

“voorsitter” die voorsitter van die beroepsraad.

2. Waar iemand ’n klage of beskuldiging of bewering van onbetaamlike of skandelijke gedrag aan die beroepsraad rapporteer, moet sodanige persoon skriftelik aan die registrateur die spesifieke handeling waaroor gekla word, beknopt uiteensit, en hy moet bereid wees om, indien die beroepsraad dit vereis, getuienis tot staving daarvan aan te voer.

3. Die klage en enige begeleidende dokumente moet voorgelê word aan die voorsitter wat die registrateur moet gelas—

(1) om nadere inligting van die klaer in te win; of

(2) om aan die beskuldigde die dokumente wat van die klaer ontvang is te stuur of om die beskuldigde van die aard van die klage in kennis te stel en van hom ’n verduideliking te vra, dog hom te waarsku dat sodanige verduideliking as getuienis teen hom gebruik kan word; of

(3) om die saak na die beroepsraad te verwys.

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4. On receipt of the replies asked for under the preceding regulation the registrar shall submit them to the chairman, or, if no replies be received, the registrar shall report to the chairman accordingly. The chairman shall then make his recommendation on the case, and this, together with all other documents concerned, shall be referred to the professional board for consideration.

5. A professional board may cause further investigation to be made and seek such legal advice or other assistance as it may deem necessary.

6. Should a professional board resolve that the complaint, even if substantiated, would not constitute improper or disgraceful conduct, or conduct which, when regard is had to the accused's profession, would be improper or disgraceful, or for any other reason should be withheld from inquiry, it shall take such action as it may think fit and report such action and the grounds therefor to the council.

7. Should a professional board resolve that the evidence adduced in support of the complaint discloses prima facie evidence of improper or disgraceful conduct, or conduct which, when regard is had to the accused's profession, is improper or disgraceful, such board shall arrange to have the case heard by it.

8. In the event of an inquiry being resolved upon, the chairman or registrar, on behalf of the professional board, shall issue a summons in the form of Annexure A hereto, addressed to the accused. The chairman or registrar shall at the same time furnish the accused with a copy of these regulations and warn him that his answer in writing may be used in evidence. The accused may be assisted in all proceedings under these regulations by counsel or an attorney, or both.

The summons referred to in this regulation shall be served on the accused at his registered address or forwarded through the Post Office to him at his registered address by registered letter.

9. In all cases where the pro forma complainant or the accused expresses a desire to have persons subpoenaed as witnesses, the professional board may, at its discretion, issue the necessary summonses and may require the accused, if witnesses are summoned at his instance, to deposit a sum of money sufficient to cover the costs thereby entailed, and may pay such costs from the amount so deposited. The fees payable to witnesses shall be as determined from time to time by the council.

10. At an inquiry held in terms of these regulations the procedure shall be as follows:

(1) The chairman or the registrar shall read the notice of the inquiry addressed to the accused.

(2) The accused shall then be asked by the chairman to plead "guilty" or "not guilty" to the charge(s) against him: Provided that if the accused by a personally signed letter notified the registrar before the hearing that he pleads "guilty" to the charge(s) against him, it may be entered as his plea in his absence, in which event the professional board shall have a discretion as to whether or not to hear evidence pertaining to the charge. If the accused pleads "not guilty" the professional board shall proceed to hear evidence pertaining to the charge. If the accused refuses or fails to plead directly to a charge, the professional board shall make a note thereof and enter a plea of "not guilty" on behalf of the accused, and a plea so entered shall have the same result as if it had in fact been so pleaded.

4. Na ontvangs van die antwoorde verlang ingevolge die voorgaande regulasie, moet die registrateur hulle aan die voorsitter voorlê, of as geen antwoorde ontvang word nie, moet die registrateur dit aan die voorsitter rapporteer. Die voorsitter moet dan sy aanbeveling oor die saak doen wat, tesame met alle ander betrokke stukke, na die beroepsraad vir oorweging verwys moet word.

5. 'n Beroepsraad kan verdere ondersoek laat instel en sodanige regsadvies inwin of ander hulp inroep as wat hy nodig ag.

6. As 'n beroepsraad besluit dat die klagte, selfs al is dit bewys, nie onbetaamlike of skandelijke gedrag uitmaak nie of gedrag wat, indien die persoon se beroep in aanmerking geneem word, nie onbetaamlik of skandelik is nie, of om enige ander rede nie aan 'n ondersoek onderwerp behoort te word nie, moet hy sodanige stappe doen as wat hy goeie vind, en sodanige stappe en die redes daarvoor aan die raad rapporteer.

7. Indien 'n beroepsraad besluit dat die getuienis aangevoer tot stawing van die klagte prima facie-bewys lewer van onbetaamlike of skandelijke gedrag, of van gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skandelik is, moet hy reëlins tref dat die saak deur hom verhoor word.

8. Indien besluit word om 'n ondersoek in te stel, moet die voorsitter of registrateur namens die beroepsraad 'n dagvaarding uitreik in die vorm van Aanhangsel A hiervan, gerig aan die beskuldigde. Terselfdertyd moet die voorsitter of registrateur die beskuldigde van 'n kopie van hierdie regulasies voorsien en hom waarsku dat sy skriftelike antwoord as getuienis gebruik kan word. Die beskuldigde kan in alle verrigtinge kragtens hierdie regulasies deur 'n advokaat of prokureur, of albei, bygestaan word.

Die dagvaarding in hierdie regulasie genoem, moet aan die beskuldigde by sy geregistreerde adres beteken of per pos aan hom by sy geregistreerde adres per geregistreerde brief gerig word.

9. In alle gevalle waar die pro forma-aanklaer of die beskuldigde die wens uitspreek om persone as getuies te laat dagvaar, kan die beroepsraad, na goedvinde, die nodige dagvaardings uitreik en kan van die beskuldigde, indien getuies op sy versoek gedagvaar word, 'n deposito vereis voldoende om die daarby betrokke koste te dek, en kan sodanige koste betaal uit die bedrag wat aldus gestort is. Die gelde aan getuies betaalbaar, is soos van tyd tot tyd deur die raad bepaal.

10. By 'n ondersoek ingevolge hierdie regulasies ingestel, is die prosedure soos volg:

(1) Die voorsitter of die registrateur, lees die kennisgewing van die ondersoek gerig aan die beskuldigde voor.

(2) Die beskuldigde word dan deur die voorsitter gevra om "skuldig" of "onskuldig" te pleit op die beskuldiging(s) teen hom: Met dien verstande dat indien die beskuldigde voor die verhoor die registrateur skriftelik by wyse van 'n brief deur hom persoonlik onderteken, verwittig het dat hy "skuldig" pleit op die beskuldiging(s) teen hom, dit in sy afwesigheid as sy pleit aangeteken kan word, in welke geval dit by die beroepsraad berus of hy getuienis oor die beskuldiging(s) wil aanhoor of nie. Indien die beskuldigde "onskuldig" pleit, moet die beroepsraad getuienis ten opsigte van die beskuldiging aanhoor. Indien die beskuldigde weier of in gebreke bly om regstreeks op 'n beskuldiging te pleit, maak die beroepsraad daarvan 'n aantekening en teken hy voorts 'n pleit van "onskuldig" namens die beskuldigde aan, en 'n pleit aldus aangeteken, het dieselfde gevolg asof dit inderdaad aldus gepleit was.

(3) Where evidence pertaining to any charge must be adduced either because the accused has pleaded "not guilty" or because the professional board has resolved that evidence should be adduced, the pro forma complainant shall be given the opportunity of stating his case and thereafter of leading evidence in support thereof. After the conclusion of such evidence the pro forma complainant's case shall be closed.

(4) (a) If the accused is present or is represented, he or his representative shall be given the opportunity of stating his case and thereafter of leading evidence in support of it: Provided that the accused shall be allowed to present his defence in writing, should he so wish, in which event such written exposition shall be read to the professional board.

(b) If the accused is absent and he is not represented, any letter, statement, explanation or defence that he put forward as a result of a request in terms of regulation 3 (b) or as a result of the summons issued in terms of regulation 8, or both, shall be read to the professional board and shall be received as evidence.

(c) After the accused or his representative has led his evidence, or his written exposition, statement, explanation or defence has been read instead, his case shall be closed.

(5) The professional board may, if it thinks it desirable, allow further evidence to be led by either the pro forma complainant or the accused or his representative or by both after their cases are already closed.

(6) After all evidence has been given, the pro forma complainant shall be allowed to address the professional board on the evidence and the legal position, and this shall be allowed irrespective of whether the accused has led evidence or not.

(7) Thereafter the accused or his representative, if present, shall likewise be allowed to address the professional board.

(8) If it sees fit, the professional board may allow the pro forma complainant to reply on questions of law which the accused or his representative has raised in his address.

11. (1) Members of the professional board may, with the consent of the chairman, put to the witnesses such questions as they think desirable.

(2) After the evidence of a witness has been given, the opposing party or his representative shall be entitled to cross-examine the witness; thereafter the chairman of the professional board shall be entitled to put to the witness any questions which he wishes to put or which members of the professional board wish to put with his consent. If evidence has been led, the person who led the evidence shall be entitled to re-examine the witness, but shall confine his re-examination to matters on which the witness was cross-examined or on which the chairman put questions to the witness.

12. (1) All oral evidence shall be taken on oath, and the professional board may decline to admit the evidence of any witness or deponent to a document who is not present for, or declines to submit to cross-examination.

(2) The statement of a complainant who is not present in person, or of any witness in support of the charge(s) who is not present in person, shall be in the form of an affidavit; however, the accused may object to such evidence if he is not given the opportunity of cross-examining the witness: Provided that where the information or charge(s) has or have been based on the records

(3) Waar getuienis ten opsigte van enige beskuldiging aangevoer moet word of omdat die beskuldigde "onskuldig" gepleit het, of omdat die beroepsraad besluit het dat getuienis aangevoer moet word, moet die pro forma-aanklaer geleentheid gegee word om sy saak uiteen te sit en daarna om getuienis ter staving daarvan te lei. Na beëindiging van sodanige getuienis is die pro forma-aanklaer se saak afgesluit.

(4) (a) Indien die beskuldigde teenwoordig of verteenwoordig is, word hy of sy verteenwoordiger geleentheid gegee om sy saak uiteen te sit en om daarna getuienis ter staving daarvan te lei: Met dien verstande dat die beskuldigde toegelaat moet word, indien hy dit verlang, om sy verweer skriftelik te stel, in welke geval sodanige skriftelike uiteensetting aan die beroepsraad voorgelees sal word.

(b) Indien die beskuldigde afwesig is en hy nie verteenwoordig is nie, word enige skrywe, verklaring, verduideliking of verweer wat hy voorgelê het na aanleiding van 'n versoek ingevolge regulasie 3 (b) of na aanleiding van die dagvaarding uitgereik ingevolge regulasie 8, of beide, aan die beroepsraad voorgelees en as getuienis ontvang.

(c) Nadat die beskuldigde of sy verteenwoordiger sy getuienis gelei het, of, in plek daarvan, sy skriftelike uiteensetting, verklaring, verduideliking of verweer voorgelees is, is sy saak afgesluit.

(5) Die beroepsraad kan, indien hy dit goed ag, toelaat dat verdere getuienis gelei word of deur die pro forma-aanklaer of deur die beskuldigde of sy verteenwoordiger of deur albei nadat hulle sake reeds afgesluit is.

(6) Nadat alle getuienis afgelê is, word die pro forma-aanklaer toegelaat om die beroepsraad toe te spreek oor die getuienis en die regsposisie, en dit word toegelaat afgesien daarvan of die beskuldigde getuienis gelei het of nie.

(7) Daarna word die beskuldigde of sy verteenwoordiger, indien teenwoordig, insgelyks toegelaat om die beroepsraad toe te spreek.

(8) Die beroepsraad kan na goedgefinke die pro forma-aanklaer toelaat om repliek te lewer op regspraakstukke wat die beskuldigde of sy verteenwoordiger in sy rede geopper het.

11. (1) Lede van die beroepsraad kan, met toestemming van die voorsitter, sodanige vrae aan getuies stel as wat hulle wenslik ag.

(2) Nadat die getuienis van 'n getuie gelewer is, is die teenparty of sy verteenwoordiger geregtig om die getuie te kruisvra; daarna is die voorsitter van die beroepsraad geregtig om enige vrae wat hy self, of wat lede van die beroepsraad met sy toestemming wil stel, aan die getuie te stel. Indien getuienis gelei is, is die persoon wat die getuienis gelei het, daarop geregtig om die getuie te herondervra, maar hy moet sy herondervraging beperk tot aangeleenthede waarvoor die getuie gekruisvra is of waarvoor die voorsitter aan die getuie vrae gestel het.

12. (1) Alle mondelinge getuienis moet onder eed afgelê word en die beroepsraad kan weier om getuienis toe te laat van enige getuie of deponent by 'n dokument wat nie vir kruisondervraging aanwesig is nie, of wat weier om hom daaraan te onderwerp.

(2) Die verklaring van 'n klaer wat nie persoonlik aanwesig is nie, of van enige getuie ter staving van die beskuldiging(s) wat nie persoonlik aanwesig is nie, moet in die vorm van 'n beëdigde verklaring wees; die beskuldigde kan egter teen sodanige getuienis beswaar maak indien hy nie in die geleentheid gestel word om die getuie te kruisvra nie: Met dien verstande dat waar die inligting

of a lawfully constituted court, such records shall be accepted as prima facie evidence provided they have been certified to be a true copy. If it is practicable and appears just, the professional board may subpoena for the purposes of cross-examination the witnesses whose evidence appears in the said records.

13. (1) Upon the conclusion of the case, the professional board shall deliberate thereon *in camera*.

(2) If the accused be found not guilty of the charge preferred against him, he shall be advised accordingly forthwith, and the professional board shall report its action to the council.

(3) If the professional board has determined, regarding any charge, that sufficient facts have been proved to its satisfaction to support the charge, it shall decide whether the charge so supported constitutes improper or disgraceful conduct, or conduct which, when regard is had to the accused's profession, is improper or disgraceful, and it shall announce its finding in this connection.

(4) After an announcement of a finding as aforesaid has been made or after the accused has pleaded "guilty", and the professional board has decided that no evidence shall be led, the pro forma complainant shall adduce evidence of previous convictions of the accused under the Act if any such convictions have previously been recorded against him: Provided that it shall be lawful for the pro forma complainant to adduce such evidence only if notice has been given to the accused prior to the commencement of the inquiry that in the event of the professional board's finding him guilty of the conduct with which he is charged, such evidence will be adduced.

(5) Evidence of previous convictions under the Act shall be adduced by means of a certificate under the hand of the registrar; such certificate shall contain the charge preferred against the accused at the time, the finding of the council, professional board, disciplinary committee or executive committee of the council, the penalty imposed, and in the case of a professional board, disciplinary committee or the executive committee, an extract from the minutes of the meeting of the council at which the finding was confirmed and the penalty was imposed: Provided that the accused shall be entitled to challenge the correctness of such certificate, in which case a copy of the minutes of the proceedings at any inquiry at which the accused was found guilty, together with a copy of the minutes of the meeting of the council at which the finding was confirmed and the penalty was imposed, shall be produced.

(6) The chairman shall then afford the pro forma complainant an opportunity of making representations regarding a suitable penalty to be imposed.

(7) The chairman shall then afford the accused an opportunity of addressing the professional board in mitigation of the penalty to be imposed. The accused may lead or give evidence in mitigation and concerning character.

(8) Thereupon the professional board shall deliberate *in camera* upon the penalty to be imposed, which shall be one or other of the following:

- (a) A fine not exceeding R50; and/or
- (b) a caution; or
- (c) a reprimand; or
- (d) a reprimand and a caution; or
- (e) suspension for a specified period from practising or performing acts specially pertaining to his profession; or
- (f) removal of his name from the register.

of beskuldiging(s) gebaseer is op die oorkonde van 'n wetlik ingestelde hof, sodanige oorkonde as prima facie-getuienis aanvaar moet word indien dit as 'n ware kopie gesertifiseer is. As dit uitvoerbaar is en regverdig blyk, kan die beroepsraad die getuies wie se getuienis in sodanige oorkonde verskyn, vir doeleindes van kruis-ondervraging dagvaar.

13. (1) Na afloop van die saak, moet die beroepsraad *in camera* daaroor beraadslaag.

(2) Indien die beskuldigde onskuldig bevind word aan die beskuldiging teen hom ingebring, moet hy onmiddellik dienoreeskomstig in kennis gestel word, en moet die beroepsraad sy optrede aan die raad rapporteer.

(3) Indien die beroepsraad met betrekking tot enige beskuldiging vasgestel het dat voldoende feite tot sy tevredenheid bewys is om die beskuldiging te staaf, moet hy besluit of die beskuldiging aldus gestaaf, onbetaamlike of skandelijke gedrag uitmaak of gedrag wat, indien die beskuldigde se beroep in aanmerking geneem word, onbetaamlik of skandelik is, en moet hy sy bevinding in hierdie verband bekendmaak.

(4) Na bekendmaking van 'n bevinding soos hierbo uiteengesit, of nadat die beskuldigde "skuldig" gepleit het, en die beroepsraad beslis het dat geen getuienis gelei word nie, moet die pro forma-aanklaer bewys aanvoer van vorige skuldigbevindings van die beskuldigde ingevolge die Wet as enige sodanige skuldigbevinding voorheen teen hom aangeteken is: Met dien verstande dat die pro forma-aanklaer geregtig is om sodanige bewys aan te voer slegs indien die beskuldigde voor die aanvang van die ondersoek in kennis gestel is dat die bewys aangevoer sal word ingeval die beroepsraad hom skuldig sou bevind aan die gedrag waarvan hy aangekla word.

(5) Bewys van vorige skuldigbevindings ingevolge die Wet moet aangevoer word deur middel van 'n sertifikaat onder die hand van die registrateur; sodanige sertifikaat moet die beskuldiging bevat wat indertyd teen die beskuldigde ingebring is, die bevinding van die raad, beroepsraad, tugkomitee of uitvoerende komitee van die raad, die straf opgelê, en in die geval van 'n beroepsraad, tugkomitee of die uitvoerende komitee, 'n uittreksel uit die notule van die vergadering van die raad waarop die bevinding bekragtig en straf opgelê is: Met dien verstande dat die beskuldigde die reg het om die korrektheid van sodanige sertifikaat te betwis, en in dié geval moet 'n afskrif van die notule van die verrigtinge by enige ondersoek waarop die beskuldigde skuldig bevind is, voorgelê word, tesame met 'n afskrif van die notule van die vergadering van die raad waarop die bevinding bekragtig en die straf opgelê is.

(6) Die voorsitter moet dan aan die pro forma-aanklaer die geleentheid bied om verhoë te rig in verband met die oplegging van 'n geskikte straf.

(7) Die voorsitter moet dan aan die beskuldigde die geleentheid bied om die beroepsraad ter versagting van die straf wat opgelê staan te word, toe te spreek.

Die beskuldigde kan getuienis ter versagting en aangaande karakter lei of lewer.

(8) Daarna moet die beroepsraad *in camera* beraadslaag omtrent die straf wat opgelê moet word, wat die een of die ander van die volgende moet wees:

- (a) 'n Boete van hoogstens R50; en/of
- (b) 'n waarskuwing; of
- (c) 'n berisping; of
- (d) 'n berisping en 'n waarskuwing; of
- (e) skorsing, vir 'n vasgestelde tydperk, in sy praktyk of die verrigting van handelinge wat by uitstek by sy beroep tuishoort; of
- (f) skapping van sy naam uit die register.

(9) If the professional board finds the accused guilty, it shall record its finding and inform the accused thereof and at the same time inform him of the penalty, the imposition of which it intends to recommend to the council, and shall, before the next ensuing meeting of the council, submit the minutes of the proceedings at such inquiry, together with a recommendation as to a fit and proper penalty, to the council.

(10) The accused shall be entitled to make written representations to the council, prior to the next ensuing meeting of the council, regarding the finding made and the penalty recommended by the professional board. Such representations shall be made only in the form of a written memorandum addressed to the registrar for submission to the council. The council shall not consider any representations regarding the penalty recommended by the professional board unless such representations are addressed to the registrar in writing by the accused himself or by his legal representative. All representations shall be received by the registrar before a date which the chairman shall announce at the time of the inquiry.

(11) If the council, after having considered the minutes referred to in regulation 13 (9) and the representations submitted in terms of regulation 13 (9) (if any) is of the opinion—

(a) that the finding ought not to stand, it shall set such finding aside, and inform the accused and the professional board concerned thereof; or

(b) that the finding is correct, it may impose upon the accused any penalty mentioned in regulation 13 (8).

(12) The decision of the council in terms of regulation 13 (11) shall be communicated to the parties concerned either immediately after the meeting by the chairman of the council or at such later date in writing by the registrar as the council may direct.

(13) Where a penalty has been imposed, the registrar shall notify the Secretary for Health of the name of the person punished, the nature of the charge(s) of which he has been found guilty and the penalty which has been imposed. The registrar shall simultaneously arrange for the publication in the *Gazette* in both official languages of the name of the person concerned, the charge(s) of which he has been found guilty and the penalty which has been imposed upon him.

14. Any decision of the professional board in respect of any point arising in connection with, or in the course of, an inquiry may be arrived at *in camera*.

15. (1) If the professional board considers it to be in the interest of the proper performance of its duties, it may order that no person shall at any time in any way publish any information likely to reveal the identity of a particular person (other than the registered person into whose conduct the inquiry is held).

(2) Any person who infringes or fails to comply with an order made in terms of subregulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R50.

16. The chairman may appoint a person with adequate experience in the administration of justice to be present at an inquiry and to advise the professional board on questions of law, procedure or evidence.

17. A summons for attendance as a witness before the professional board or for the production to it of any book, record, document or thing shall be as nearly as practicable in the form of Annexure B hereto.

18. The procedure laid down in these regulations shall apply *mutatis mutandis* to any inquiry held by a professional board under section 51 of the Act.

(9) Indien die beroepsraad die beskuldigde skuldig bevind, teken hy sy bevinding aan en verwittig hy die beskuldigde daarvan en verwittig hom 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, aan die raad die notule van die verrigtinge by sodanige ondersoek, tesame met 'n aanbeveling aangaande 'n gepaste straf, voor.

(10) Die beskuldigde is geregtig om skriftelike vertoë tot die raad te rig, voor die eersvolgende vergadering van die raad, ten aansien van die bevinding wat gemaak is en die straf wat deur die beroepsraad aanbeveel is. Sodanige vertoë geskied slegs by wyse van 'n skriftelike memorandum gerig aan die registrateur vir voorlegging aan die raad. Die raad oorweeg geen vertoë ten aansien van die straf wat deur die beroepsraad aanbeveel is nie tensy sodanige vertoë skriftelik deur die beskuldigde self of sy regsvertegenwoordiger aan die registrateur gerig word. Alle vertoë moet deur die registrateur ontvang word voor 'n datum wat die voorsitter ten tyde van die ondersoek moet aankondig.

(11) Indien die raad, na oorweging van notule kragtens regulasie 13 (9) en die vertoë kragtens regulasie 13 (9) voorgelê (as daar is), van oordeel is—

(a) dat die bevinding nie gehandhaaf behoort te word nie, stel hy die bevinding ter syde en verwittig die beskuldigde en die beroepsraad daarvan; of

(b) dat die bevinding korrek is, kan hy aan die beskuldigde 'n straf in regulasie 13 (8) bedoel, oplê.

(12) Die besluit van die raad kragtens regulasie 13 (11) moet aan die betrokke partye meegedeel word, of onmiddellik na die vergadering deur die voorsitter van die raad of op 'n later datum skriftelik deur die registrateur, na gelang die raad gelas.

(13) Waar 'n straf opgelê is, stel die registrateur die Sekretaris van Gesondheid in kennis van die naam van die persoon wat gestraf is, asook van die aard van die beskuldiging(s) waaraan hy skuldig bevind is en die straf wat opgelê is. Terselfdertyd tref die registrateur reëlins vir die publikasie in die *Staatskoerant* in albei amptelike tale van die naam van die betrokke persoon, die beskuldiging(s) waaraan hy skuldig bevind is en die straf wat hom opgelê is.

14. Enige besluit van die beroepsraad ten opsigte van enige aangeleentheid wat in verband met, of gedurende die verloop van 'n ondersoek ontstaan, kan *in camera* geneem word.

15. (1) Indien die beroepsraad van mening is dat dit in die belang van die behoorlike uitvoering van sy pligte is, kan die beroepsraad gelas dat niemand te eniger tyd op enige wyse enige inligting wat die identiteit van 'n bepaalde persoon (uitgesonderd die geregistreerde persoon na wie se gedrag ondersoek ingestel word) waarskynlik aan die lig sal bring, publiseer nie.

(2) Iemand wat 'n bevel kragtens subregulasie (1) uitgereik, oortree of versuim om dit na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50.

16. Die voorsitter kan iemand met voldoende ondervinding van die regspleging aanstel om as assessor teenwoordig te wees by 'n ondersoek en om die beroepsraad in verband met regsvrae, prosedure of bewyslewering van advies te dien.

17. 'n Dagvaarding om as 'n getuie voor die beroepsraad te verskyn, of om aan hom 'n boek, aantekening, dokument of voorwerp voor te lê, moet so na as moontlik in die vorm van Aanhangsel B wees.

18. Die prosedure in hierdie regulasies voorgeskryf *mutatis mutandis* van toepassing op 'n ondersoek ingestel deur 'n beroepsraad ingevolge artikel 51 van die Wet.

19. Any fine imposed under regulation 13 (8) (a) may be recovered by action in a competent court and shall be used for the purposes of the council.

ANNEXURE A FORM OF SUMMONS

To.....

You are hereby summoned to appear at.....
upon the..... day of..... 19..... at.....
before the Professional Board for.....
when the following charge which has been preferred against you will be considered:

Should you fail to appear the professional board may consider and deal with the charge in accordance with the relative regulations.

Should you desire your letter dated..... (or any further written communication which you wish to make) to constitute your explanation or defence, please notify me to that effect as soon as possible, and not later than..... but you are hereby warned that any such communication may be used in evidence.

A copy of the relevant regulations is enclosed.

Given under the hand of the..... of the
professional board/council, this..... day of
19.....

Chairman or Registrar

ANNEXURE B FORM OF SUMMONS TO APPEAR BEFORE THE PROFESSIONAL BOARD

To.....

(name of person summoned and his
address)

You are hereby summoned to appear at..... (place),
on..... (date and time), before the Professional
Board for..... established in terms
of the Medical, Dental and Supplementary Health Service Professions
Act, 1974, to give evidence respecting.....

(if the person summoned is to produce any book, record, document
or thing, add) and you are required to bring with you.....

(specify the book, record, document or thing).

Given under the hand of the..... of the
professional board/council, this..... day of
19.....

Chairman or Registrar

19. Enige boete kragtens regulasie 13 (8) (a) opgelê,
kan by wyse van aksie in 'n bevoegde hof verhaal word
en moet vir doeleindes van die raad bestee word.

AANHANGSEL A VORM VAN DAGVAARDING

Aan.....

Hierby word u gedagvaar om op die..... dag van
19..... om..... te
voor die Beroepsraad vir..... te verskyn wanneer
die volgende beskuldiging teen u ingebring, oorweeg sal word:

As u versuim om te verskyn, kan die beroepsraad die beskuldiging
ooreenkomstig die betrokke regulasies oorweeg en behandel.

As u verkies dat u brief van..... (of enige verdere
skriftelike mededeling wat u wil indien) as u verduideliking of verweer
moet dien, geliewe my dienooreenkomstig so spoedig moontlik en nie
later nie as..... in kennis te stel, maar u word
hierby gewaarsku dat enige sodanige mededeling as getuienis gebruik
kan word.

'n Kopie van die betrokke regulasies is ingesluit.

Gegee onder die hand van die..... van die
beroepsraad/raad op hede die..... dag van.....
19.....

Voorsitter of Registrateur

AANHANGSEL B VORM VAN DAGVAARDING OM TE VERSKYN VOOR DIE BEROEPSRAAD

Aan.....

(naam van gedagvaarde en sy adres)

U word hierby gedagvaar om in..... (plek)
op..... (datum en tyd), te verskyn voor die
Beroepsraad vir.....
ingestel kragtens die Wet op Geneeshere, Tandartse en Aanvullende
Gesondheidsdiensberoep, 1974, om getuienis af te lê aangaande.....

(as die gedagvaarde 'n boek, aantekening, dokument of voorwerp
moet voorlê, voeg daaraan toe) en u word gelas om saam te bring
..... (vermeld die betrokke boek, aan-
tekening, dokument of voorwerp).

Gegee onder die hand van die.....
van die beroepsraad/ raad ophede die.....
dag van..... 19.....

Voorsitter of Registrateur

Buy National Savings Certificates

Koop Nasionale Spaarsertifikate

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