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DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 978

13 August 1999

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

REGULATIONS RELATING TO THE CONDUCT OF INQUIRIES INTO ALLEGED UNPROFESSIONAL CONDUCT IN TERMS OF THE HEALTH PROFESSION ACT, 1974

The Minister of Health intends, in consultation with the Health Professions Council of South Africa, in terms of section 61(1), read with section 61(4) of the Health Professions Act, 1974 (Act No. 56 of 1974), to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Development), within two months of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall bear such meaning, and unless the context otherwise indicates -

“appellant” means a respondent or *pro forma* complainant who is aggrieved by a decision of a professional conduct committee and appeals to the disciplinary appeal committee;

“complaint” means any information regarding the unprofessional conduct by a person registered in terms of the Act, which comes to the attention of the

registrar, the council or a professional board, or a complaint, charge or allegation of unprofessional conduct against such person;

"committee of preliminary inquiry" means a committee established by a professional board in terms of the Regulations relating to the Functions and Functioning of Professional Boards for the preliminary investigation into complaints;

"disciplinary appeal committee" means a committee established by council in terms of section 10(2) of the Act;

"inquiry" means an inquiry held by a professional conduct committee in terms of Chapter IV of the Act and these regulations to inquire into a complaint against a person registered in terms of the Act;

"investigating officer" means a person who is appointed in terms of section 41A of the Act by the registrar to investigate a complaint on an informal basis with a view to the speedy resolution thereof;

"professional conduct committee" means a committee established by a professional board in terms of the Regulations relating to the Functions and Functioning of Professional Boards to conduct an inquiry;

"pro forma complainant" means a person appointed by the relevant professional board to represent the actual complainant and to present the complaint to a professional conduct committee;

"respondent" means a person registered in terms of the Act whose conduct is the subject of an inquiry in terms of Chapter IV of the Act and these regulations;

"the Act" means the Health Professions Act, 1974 (Act No. 56 of 1974).

Lodging of complaints

2. A complaint shall be in writing and be addressed to the registrar.

Preliminary investigation

3. On receipt of a complaint the registrar may -
- (a) call for further information or an affidavit from the complainant;
 - (b) advise the respondent of the complaint or forward particulars of the complaint to him or her and request a written explanation from him or her before a date determined by the registrar, and warn him or her that such explanation may be used in evidence against him or her;
 - (c) refer the case directly to the committee of preliminary inquiry or the chairperson of such committee of the professional board concerned; or
 - (d) if he or she is of the opinion that a complaint is capable of being resolved on an informal basis, refer such complaint to the investigating officer for finalisation.

Informal resolution of complaints

4. The investigating officer shall be entitled to investigate complaints on the following basis:
- (a) to telephonically or otherwise discuss the complaint with both the complainant and the respondent;
 - (b) to contact such other person(s) telephonically or otherwise to obtain such further information as he or she may deem fit;

5. (1) The investigating officer shall inform the complainant in writing of the respondent's written explanation referred to in regulation 3(b) and request the complainant to reply thereto in writing before a date indicated by him or her in his or her written request.
- (2) The investigating officer shall be entitled to make a finding or ruling which is equitable and acceptable to both the complainant and the respondent;
- (3) If the complainant or the respondent does not accept the finding or ruling referred to in subregulation (2), the complaint shall be dealt with by Council *de novo* after the investigating officer submitted his or her report to the registrar.
6. The investigating officer shall quarterly submit a report to the registrar in respect of all complaints finalised by him or her in terms of these informal procedures.
7. On receipt by the registrar of a report referred to in regulation 6, the registrar shall submit it to the chairperson of a committee of preliminary inquiry, and if no further information or explanation(s) is received, the registrar shall report this to such chairperson.
8. The chairperson of a committee of preliminary inquiry may give written instructions to the registrar on the further handling of the case.
9. The registrar shall submit the case, together with the instructions referred to in regulation 8, if there are any, to a committee of preliminary inquiry for consideration.
10. The registrar or a committee of preliminary inquiry or the chairperson of such committee may at any stage cause further investigation to be made and seek such legal advice or other assistance, as he, she or it may deem necessary.
11. If a committee of preliminary inquiry resolved that there are no grounds for an

inquiry; it shall take such action as it may think fit.

12. If a committee of preliminary inquiry decides that an inquiry should be held into the conduct of a respondent, it shall direct the registrar to arrange for the holding of an inquiry.

Inquiry

13. (1) (a) On receipt of a directive referred to in regulation 12, the registrar shall issue a notice addressed to the respondent stating where and when the inquiry will be held and enclosing a charge sheet as formulated by the *pro forma* complainant.
- (b) The notice referred to in paragraph (a) shall be served on the respondent or mailed to him or her at his or her registered address by certified post at least one month prior to the date of the aforesaid inquiry.
- (c) If the notice is mailed as referred to in paragraph (b), it shall be the duty of the *pro forma* complainant to ensure that the said notice came to the attention of the respondent.
- (2) If witnesses are summoned at the instance of the respondent the registrar may require the respondent to deposit a sum of money sufficient to cover the costs thereby entailed.

Request for further particulars

14. (1) Any request by the respondent for further particulars to the charge sheet referred to in regulation 13(1)(a) shall be served on the *pro forma* complainant at least three weeks before the date of the inquiry.

- (2) The *pro forma* complainant shall furnish his or her written reply to a request referred to in subregulation (1) to the respondent within one week after receipt thereof.

Discussion prior to inquiry

15. In order to determine the issues in dispute at an inquiry, the parties shall, at least seven days prior to the inquiry, arrange a conference with each other at a mutually convenient time and venue, where:
- (a) the respondent and/or his or her legal representative shall indicate what exceptions, objections or points *in limine* he or she intends raising;
 - (b) the respondent and/or his or her legal representative shall indicate how he or she intends pleading to the charge sheet;
 - (c) copies of all documents, reports, notes, X-rays and any other exhibits which a party intends using at the inquiry are furnished to the other party;
 - (d) perusal of the originals of the documents, reports, notes, X-rays and other exhibits referred to in paragraph (c) are allowed;
 - (e) admissions are made by both parties with regard to allegations and/or exhibits;
 - (f) a summary of an expert witness' opinion is furnished to the other party; and
 - (g) any other aspect concerning the inquiry is resolved.

Procedure at an inquiry

16. (1) At an inquiry held in terms of these regulations the procedure shall be as follows:
- (a) The respondent or, if he or she is not present, his or her legal representative shall be asked by the chairman of the professional conduct committee to plead to the charge and the plea shall be so recorded.
 - (b) If the respondent, or his or her legal representative, refuses or fails to plead directly to the charge sheet, this shall be recorded by the chairperson and a plea of not guilty shall be entered.
 - (c) The *pro forma* complainant shall be given the opportunity of stating his or her case and of leading evidence in support thereof.
 - (d) The discharge of the respondent may be applied for after the *pro forma* complainant has closed his or her case.
 - (e) After the *pro forma complainant* has closed his or her case the respondent shall be given the opportunity of stating his or her case and of leading evidence in support thereof.
 - (f) The professional conduct committee may in its discretion allow further evidence to be led or a witness to be recalled by either the *pro forma* complainant or the respondent or by both after their cases have been closed.
 - (g) After the parties have closed their cases the professional conduct committee may in its discretion call further witnesses or recall a witness to be questioned by the members of the professional

conduct committee and thereafter by the *pro forma* complainant and then by the respondent or his or her legal representative.

- (h) After all evidence has been given, the *pro forma* complainant shall be allowed to address the professional conduct committee on the evidence and the legal position.
- (i) Thereafter the respondent shall likewise be allowed to address the professional conduct committee, whereafter the *pro forma* complainant shall be allowed to address the professional conduct committee in reply.
- (j) After evidence of a witness has been given, the opposing party shall be entitled to cross-examine the witness, whereafter the chairperson of the professional conduct committee may put questions to the witness and allow other members of the professional conduct committee to put questions to the witness.
- (k) Further cross-examination shall be allowed arising from questions put by the chairperson and other members.
- (l) The person who led the evidence shall thereafter be entitled to re-examine the witness, but shall confine his or her re-examination to matters on which the witness was cross-examined or on which the chairman or other members put questions to the witness.
- (m) If the respondent and his or her legal representative are not present at the inquiry after having been duly informed, it shall proceed in the respondent's absence and a plea of not guilty shall be entered, unless the respondent has in writing pleaded guilty.
- (n) All oral evidence shall be taken on oath or affirmation administered by the chairperson of the professional conduct committee.

- (o) Evidence on affidavit shall be admissible: Provided that the opposing party may require the deponent of such affidavit to be present for purposes of cross-examination.
- (p) (i) The record, or any portion thereof, of a lawfully constituted court, inquest court or statutory body from any jurisdiction shall be accepted as *prima facie* evidence if it has been certified to be a true copy by that court and/or jurisdiction.
 - (ii) If it is practicable and appears just the professional conduct committee may, for the purpose of cross-examination, order the presence of a witness whose evidence appears in such record and is presented as *prima facie* evidence.
- (2) Upon the conclusion of a case the professional conduct committee shall deliberate thereon *in camera* and shall thereafter announce its finding.
- (3) The professional conduct committee may make a finding of not guilty even if the respondent has pleaded guilty.
- (4) (a) If the respondent is found guilty the *pro forma* complainant shall furnish details to the professional conduct committee of previous convictions of the respondent under the Act, if any.
 - (b) The *pro forma* complainant may address the professional conduct committee and lead evidence regarding a suitable penalty to be imposed.
 - (c) The respondent may thereafter address the professional conduct committee and adduce evidence in mitigation of the penalty to be imposed.
 - (d) The *pro forma* complainant may reply.

- (e) Thereupon the professional conduct committee shall deliberate *in camera* upon the penalty to be imposed.
 - (f) The chairperson of the professional conduct committee shall then inform the respondent of the professional conduct committee's decision regarding the penalty.
- (5) The finding made and penalty imposed by the professional conduct committee shall be of immediate force and effect.
 - (6) The finding made and penalty imposed by the professional conduct committee shall however not take effect as from the date on which an appeal as referred to in regulation 17, is received until a finding is made by a disciplinary appeal committee.

Appeal

- 17. (1) The respondent or *pro forma* complainant may appeal against the finding and/or penalty to the disciplinary appeal committee.
- (2) The appellant shall inform the registrar by notice within three weeks from the date of the professional conduct committee's decision of his or her intention to appeal against the finding and/or penalty.
- (3) The registrar shall provide the appellant with a copy of a transcript of the proceedings at the inquiry within one month from the date on which the registrar received the notice referred to in subregulation (2) upon payment of a fee as determined in terms.
- (4) The appellant shall file six copies of his or her papers setting out the grounds for appeal and containing heads of argument with the registrar within one month from the date on which he or she received a copy of the transcript referred to in subregulation (3).

- (5) The appeal will only be heard on the papers referred to in subregulation (4).
- (6) The other party shall file six copies of his or her reply to the appellant's papers referred to in subregulation (4) with the registrar within one month from the date on which the appellant filed his or her papers with the registrar.
- (7) The appellant shall file six copies of his or her reply to the other party's reply referred to in subregulation (6) with the registrar within two weeks from the date on which the other party filed his or her reply.
- (8) If no reply referred to in subregulation (7) is filed by the appellant within the period referred to in subregulation (7), the registrar shall advise both parties after the aforesaid period has lapsed in writing of the date on which the matter will be heard by the disciplinary appeal committee.
- (9) After the appellant and other party addressed the disciplinary appeal committee on the merits and/or grounds of appeal at the hearing, the disciplinary appeal committee shall deliberate *in camera* on the matter and advise the parties of its findings.
- (9) Each party shall be responsible for his or her own costs occasioned by the preparation for and/or the finalisation of the appeal.
- (10) The decision of the disciplinary appeal committee is of force and effect from the date determined by such committee, unless turned down by the appropriate high court.

Continuation of inquiry

18. If one or more member(s) of the professional conduct committee is unable to serve at any time after a plea has been lodged, the inquiry shall proceed provided that not less than two of the original members are available to continue

with the inquiry.

Accessibility to an inquiry

19. (1) The proceedings at an inquiry shall be open to the public: Provided that -

- (a) any decision of the professional conduct committee in respect of any point arising in connection with, or in the course of, an inquiry may be arrived at *in camera*;
- (b) any evidence adduced during an inquiry may on good cause shown in the discretion of the professional conduct committee be heard *in camera*;
- (c) the professional conduct committee may on good cause shown in its discretion order that no person shall at any time in any way publish any information which would probably reveal the identity of any particular person other than the respondent.

(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 in a court of law to a fine not exceeding R5 000.

(3) A verbatim record shall be kept of all inquiries held and a typed written copy of such recording shall be made available to the complainant, respondent and/or any other party upon written request and payment of a fee to be determined by the registrar.

Subpoena

20. A summons for attendance as a witness before a professional conduct committee to give oral evidence and/or for the production to it of any book,

record, document or thing shall be as nearly as practicable in the form of Annexure A.

Repeal

21. (1) The regulations published under Government Notice No. R.2303 of 28 September 1990 and Government Notice No. R.874 of 26 April 1991 are hereby repealed.
- (2) An inquiry in terms of the regulations referred to in subregulation (1) which commenced before the a professional conduct committee of the council or a professional board immediately prior to the commencement of these regulations shall be conducted and finalised under the procedures prescribed by those regulations as if such regulations had not been withdrawn.

DR M E TSHABALALA-MSIMANG
MINISTER OF HEALTH

ANNEXURE A

FORM OF SUMMONS TO APPEAR BEFORE THE PROFESSIONAL BOARD FOR

To

(name of person summoned and his or her address)

You are hereby summoned to appear at (place) on
..... (date and time) before the professional conduct committee of the
Professional Board for established in terms of the Health Professions
Act, 1974 (Act No.56 of 1974), to give evidence in respect of

.....
.....
.....
(if the person summoned is to produce any book, record, document of thing, add)
and you are hereby directed to bring with you:

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

Given under the hand of the Registrar, this day of

.....
REGISTRAR

RAAD VIR GESONDHEIDSBEROEPE VAN SUID-AFRIKA**REGULASIES BETREFFENDE DIE INSTELLING VAN ONDERSOEKE NA BEWEERDE ONPROFESSIONELE GEDRAG INGEVOLGE DIE WET OP GESONDHEIDBEROEPE, 1974**

Die Minister van Gesondheid is voornemens om in oorleg met die Raad op Gesondheidsberoepe van Suid-Afrika, kragtens artikel 61(1), gelees met artikel 61(4), van die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), die regulasies in die Bylae uit te vaardig.

Belanghebbendes word versoek om binne twee maande na die datum van publikasie van hierdie kennisgewing gemotiveerde kommentaar oor of verhoë in verband met die voorgestelde regulasies in te dien by die Direkteur-Generaal van Gesondheid, Privaat Sak X828, Pretoria, 0001 (vir aandag van die Direkteur: Mensehulpbronontwikkeling).

BYLAE**Woordomskrywings**

1. In hierdie regulasies het enige uitdrukking waaraan 'n betekenis van die Wet geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken -

"appellant" die respondent of *pro forma* aanklaer wat gegrief is deur 'n besluit van 'n professionele gedragkomitee en na die dissiplinêre appélkomitee appelleer;

"die Wet" die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974)

“dissiplinêre appèlkomitee” ‘n komitee deur die raad ingestel kragtens artikel 10(2) van die Wet;

“klagte” enige inligting betreffende onprofessionele gedrag deur ‘n persoon wat kragtens die Wet geregistreer is, wat onder die aandag van die registrateur, die raad of ‘n beroepsraad kom, of ‘n klagte, aanklag of bewering van onprofessionele gedrag teen sodanige persoon;

“komitee vir voorlopige ondersoek” ‘n komitee deur ‘n beroepsraad ingestel kragtens die Regulasies betreffende die Funksies en Funksionering van Beroepsrade vir die voorlopige ondersoek van klagtes;

“ondersoek” ‘n ondersoek wat kragtens Hoofstuk IV van die Wet en hierdie regulasies uitgevoer word deur ‘n professionele gedragkomitee, om ‘n klagte te ondersoek teen ‘n persoon wat ingevolge die Wet geregistreer is;

“ondersoekbeampte” ‘n persoon wat deur die registrateur kragtens artikel 41A van die Wet aangestel is om ‘n klagte op ‘n informele grondslag te ondersoek met die oog op die spoedige afhandeling daarvan;

“professionele gedragkomitee” ‘n komitee deur ‘n beroepsraad ingestel kragtens die Regulasies betreffende die Funksies en Funksionering van Beroepsrade om ‘n ondersoek te behartig;

“pro forma aanklaer” ‘n persoon wat deur die betrokke beroepsraad aangestel is om die eintlike klaer te verteenwoordig en die klagte aan die professionele gedragkomitee voor te lê;

“respondent” ‘n persoon wat kragtens die Wet geregistreer is en wie se gedrag die onderwerp is van ‘n ondersoek kragtens Hoofstuk IV van die Wet en hierdie regulasies.

Indiening van klagtes

2. 'n Klagte moet skriftelik wees en aan die registrateur gerig word.

Voorlopige ondersoek

3. Na ontvangs van 'n klagte kan die registrateur -
 - (a) nadere inligting inwin of 'n eedsverklaring van die klaer bekom;
 - (b) die respondent van die klagte in kennis stel of besonderhede van die klagte aan hom of haar stuur en van hom of haar 'n skriftelike verduideliking voor 'n datum deur die registrateur bepaal, vra en hom of haar waarsku dat sodanige verduideliking as getuienis teen hom of haar gebruik kan word;
 - (c) die saak direk na die komitee vir voorlopige ondersoek of die voorsitter van sodanige komitee van die betrokke beroepsraad verwys; of
 - (d) indien hy of sy van mening is dat 'n klagte op 'n informele wyse afgehandel kan word, sodanige klagte verwys na die ondersoekbeampte vir afhandeling.

Informele afhandeling van klagtes

4. Die ondersoekbeampte sal geregtig wees om klagtes op die volgende grondslag te ondersoek:
 - (a) om telefonies of andersins die klagte met beide die klaer en die respondent te bespreek;
 - (b) om sodanige ander persoon(e) telefonies of andersins te kontak ten einde sodanige verdere inligting as wat hy of sy nodig ag te bekom;

5. (1) Die ondersoekbeampte moet die klaer skriftelik oor die respondent se geskrewe verduideliking bedoel in regulasie 3(b) inlig en die klaer versoek om skriftelik daarop te reageer voor 'n datum aangedui deur hom of haar in sy of haar geskrewe versoek.
 - (2) Die ondersoekbeampte is geregtig om 'n bevinding of beslissing te maak wat vir beide die klaer en die respondent regverdig en aanvaarbaar is;
 - (3) Indien die klaer of die respondent nie die bevinding of beslissing bedoel in subregulasie (2) aanvaar nie, sal die klagte *de novo* deur die beroepsraad hanteer word nadat die ondersoekbeampte sy of haar verslag aan die registrateur voorgelê het.
6. Die ondersoekbeampte sal kwartaalliks 'n verslag aan die registrateur voorlê ten opsigte van alle klagtes wat deur hom of haar kragtens hierdie informele prosedure gefinaliseer is.
 7. Na ontvangs deur die registrateur van die verslag bedoel in regulasie 6, moet die registrateur dit aan die voorsitter van 'n komitee vir voorlopige ondersoek voorlê, en indien geen nadere inligting of verduideliking(s) ontvang word nie, moet die registrateur sodanige voorsitter dienooreenkomstig verwittig.
 8. Die voorsitter van 'n komitee van voorlopige ondersoek kan geskrewe opdragte oor die verdere hantering van die saak aan die registrateur gee.
 9. Die registrateur moet die saak, tesame met die opdragte bedoel in regulasie 8, as daar is, aan 'n komitee vir voorlopige ondersoek vir oorweging voorlê.
 10. Die registrateur of 'n komitee vir voorlopige ondersoek of die voorsitter van sodanige komitee kan te eniger tyd verdere ondersoek laat instel en sodanige regsadvies inwin of ander hulp inroep as wat hy, sy of dit nodig ag.
 11. Indien 'n komitee vir voorlopige ondersoek besluit dat daar nie gronde vir 'n ondersoek is nie, moet dit sodanige stappe neem as wat dit goedvind.

12. Indien 'n komitee vir voorlopige ondersoek besluit dat 'n ondersoek na die gedrag van 'n respondent gehou moet word, moet dit die registrateur gelas om vir die hou van 'n ondersoek te reël.

Ondersoek

13. (1) (a) Na ontvangs van 'n lasgewing bedoel in regulasie 12, moet die registrateur 'n kennisgewing aan die respondent rig waarin vermeld word waar en wanneer die ondersoek sal plaasvind en 'n klagstaat soos deur die *pro forma* aanklaer geformuleer, daarby aanheg.
- (b) Die kennisgewing bedoel in paragraaf (a) moet aan die respondent beteken word of per aangetekende pos aan hom of haar by sy of haar geregistreerde adres gestuur word minstens een maand voor die datum van die bogemelde ondersoek.
- (c) indien die kennisgewing gepos is soos bedoel in paragraaf (b), is dit die plig van die *pro forma* aanklaer om te verseker dat genoemde kennisgewing onder die respondent se aandag gekom het.
- (2) Indien getuies op versoek van die respondent gedagvaar word, kan die registrateur 'n deposito van die respondent vereis wat voldoende is om die daarby betrokke koste te dek.

Versoek om nadere besonderhede

14. (1) 'n Versoek deur die respondent om nadere besonderhede tot die klagstaat bedoel in regulasie 13(1)(a) moet aan die *pro forma* aanklaer beteken word ten minste drie weke voor die datum van die ondersoek;
- (2) Die *pro forma* aanklaer moet sy of haar geskrewe antwoord op die versoek bedoel in subregulasie (1) aan die respondent binne een week

na die ontvangs daarvan verskaf.

Samesprekings voor ondersoek

15. Ten einde die geskilspunte by 'n ondersoek te bepaal, moet die partye ten minste sewe dae voor die ondersoek 'n konferensie met mekaar op 'n wedersydse geleë tyd en plek reël waartydens:

- (a) die respondent en/of sy of haar regsverteenwoordiger(s) moet aandui welke eksepsies, besware of aspekte *in limine* hy of sy voornemens is om te opper;
- (b) die respondent en/of sy of haar regsverteenwoordiger(s) moet aandui hoe hy of sy voornemens is om te pleit op die klagstaat;
- (c) afskrifte van alle dokumente, verslae, notas, X-strale en enige ander bewysstukke wat 'n party van voorneme is om by die ondersoek te gebruik, aan die ander party oorhandig word;
- (d) insae in die oorspronklike dokumente, verslae, notas, X-strale en ander bewysstukke bedoel in paragraaf (c) toelaatbaar is;
- (e) erkennings deur beide partye ten opsigte van bewerings en/of bewysstukke gemaak word;
- (f) 'n opsomming van 'n deskundige getuie se mening aan die ander party oorhandig word;
- (g) enige ander aspek betreffende die ondersoek uitgeklaar word.

Prosedure by 'n ondersoek

16. (1) By 'n ondersoek ingevolge hierdie regulasies ingestel, is die prosedure soos volg:

- (a) Die respondent of, indien hy of sy nie teenwoordig is nie, sy of haar regsverteenwoordiger word deur die voorsitter van die professionele gedragkomitee gevra om te pleit op die klag en die pleit sal so aangeteken word.
- (b) Indien die respondent of sy of haar regsverteenwoordiger weier of in gebreke bly om regstreeks op die klagstaat te pleit, maak die voorsitter 'n aantekening daarvan en word 'n pleit van onskuldig aangeteken.
- (c) Die *pro forma* aanklaer moet geleentheid gegee word om sy of haar saak uiteen te sit en getuienis ter stawing daarvan te lei.
- (d) Daar kan 'n versoek tot ontslag van die repondent gerig word nadat die *pro forma* aanklaer sy of haar saak gesluit het.
- (e) Nadat die *pro forma* aanklaer sy of haar saak gesluit het, moet die respondent geleentheid gegee word om sy of haar saak uiteen te sit en getuienis ter stawing daarvan te lei.
- (f) Die professionele gedragkomitee kan in sy diskresie toelaat dat verdere getuienis gelei word of 'n getuie teruggeroep word of deur die *pro forma* aanklaer of die respondent of deur albei nadat hulle sake gesluit is.
- (g) Nadat die partye hulle sake gesluit het, kan die professionele gedragkomitee in sy diskresie verdere getuies roep of 'n getuie terugroep om deur die lede van die professionele gedragkomitee en daarna deur die *pro forma* aanklaer en dan deur die respondent of sy of haar regsverteenwoordiger ondervra te word.
- (h) Nadat alle getuienis afgelê is, word die *pro forma* aanklaer toegelaat om die professionele gedragkomitee toe te spreek oor die getuienis en die regsposisie.

- (i) Daarna word die respondent ingelyks toegelaat om die professionele gedragkomitee toe te spreek, waarna die *pro forma* aanklaer toegelaat word om die professionele gedragkomitee in repliek toe te spreek.
- (j) Nadat die getuienis van 'n getuie gelewer is, is die teenparty geregtig om die getuie te kruisondervra, waarna die voorsitter van die professionele gedragkomitee vrae aan die getuie kan stel en die ander lede van die professionele gedragkomitee kan toelaat om vrae aan die getuie te stel.
- (k) Verdere kruisondervraging moet toegelaat word voortspruitend uit vrae gestel deur die voorsitter of ander lede.
- (l) Die persoon wat die getuienis gelei het, is daarna geregtig om die getuie te herondervra, maar hy of sy moet sy of haar herondervraging beperk tot aangeleenthede waaroor die getuie gekruisondervra is of waaroor die voorsitter of ander lede aan die getuie vrae gestel het.
- (m) Indien die respondent en sy of haar regsverteenwoordiger nie by die ondersoek teenwoordig is nie nadat hulle behoorlik ingelig is, word dit in die respondent se afwesigheid voortgesit en word 'n pleit van onskuldig aangeteken, tensy die respondent skriftelik skuldig gepleit het.
- (n) Alle mondelinge getuienis moet onder eed of bevestiging afge neem deur die voorsitter van die professionele gedragkomitee, afgelê word.
- (o) Getuienis by wyse van beëdigde verklaring word toegelaat: Met dien verstande dat die teenparty die teenwoordigheid van die deponent van sodanige verklaring mag versoek vir doeleindes van kruisondervraging.

- (p) (i) Die oorkonde, of enige deel daarvan, van 'n wetlik ingestelde hof, hof vir geregtelike doodsondersoeke of statutêre liggaam van enige jurisdiksie moet as *prima facie*-getuienis aanvaar word indien dit deur daardie hof en/of jurisdiksie as 'n ware kopie gesertifiseer is.
 - (ii) As dit uitvoerbaar is en regverdig blyk, kan die professionele gedragkomitee vir doeleindes van kruisondervraging die teenwoordigheid van 'n getuie wie se getuienis in sodanige oorkonde verskyn en aangebied word as *prima facie* getuienis gelas.
- (2) Na afloop van 'n saak moet die professionele gedragkomitee *in camera* daaroor bedraadslaag en daarna sy bevinding bekend maak.
- (3) Die professionele gedragkomitee kan 'n bevinding van onskuldig maak selfs al het die respondent skuldig gepleit.
- (4)
 - (a) Indien die respondent skuldig bevind word, moet die *pro forma* aanklaer besonderhede van vorige skuldigbevindings van die respondent ingevolge die Wet, as daar is, aan die professionele gedragkomitee voorlê.
 - (b) Die *pro forma* aanklaer kan verhoë tot die professionele gedragkomitee rig en getuienis aanvoer betreffende die oplegging van 'n gepaste straf.
 - (c) Die respondent kan daarna verhoë tot die professionele gedragkomitee rig en getuienis voorlê ter versagting van die straf wat opgelê staan te word.
 - (d) Die *pro forma* aanklaer kry geleentheid vir repliek.
 - (e) Daarna moet die professionele gedragkomitee *in camera*

beraadslaag oor die straf wat opgelê moet word.

- (f) Die voorsitter van die professionele gedragkomitee moet dan die respondent van die professionele gedragkomitee se besluit betreffende die straf verwittig.
- (5) Die bevinding gemaak en die straf wat deur die professionele gedragkomitee opgelê is, sal onmiddellik van krag wees en in werking tree.
- (6) Die bevinding gemaak en die straf wat deur die professionele gedragkomitee opgelê is, sal egter nie in werking tree vanaf die datum waarop 'n appèl bedoel in regulasie 17, ontvang is totdat 'n bevinding deur die dissiplinêre appèlkomitee gemaak is nie.

Appèl

- 17. (1) Die respondent of *pro forma* aanklaer kan teen die bevinding en/of straf appelleer na die dissiplinêre appèlkomitee.
- (2) Die appellant moet binne drie weke na die datum van die besluit deur die professionele gedragkomitee die registrateur by wyse van kennisgewing in kennis stel van sy of haar voorneme om teen die bevinding en/of straf te appelleer.
- (3) Die registrateur moet binne een maand vanaf die datum waarop die registrateur die kennisgewing bedoel in sugregulasie (2) ontvang het, 'n kopie van die verbatim verslag van die verrigtinge by die ondersoek aan die appellant verskaf by betaling van die gelde wat ingevolge regulasie 19(3) hiervan bepaal is.
- (4) Die appellant moet binne een maand vanaf die datum waarop hy of sy 'n kopie van die verbatim verslag bedoel in subregulasie (3) ontvang het, ses kopieë van sy of haar stukke wat die gronde vir appèl uiteensit en

betooghoofde bevat by die registrateur liasseer.

- (5) Die appèl sal slegs op die stukke bedoel in subregulasie (4) beslis word.
- (6) Die ander party moet binne een maand vanaf die datum waarop die appellant sy of haar stukke by die registrateur geliasseer het, ses kopieë van sy of haar antwoord op die appellant se stukke bedoel in subregulasie (4) by die registrateur liasseer.
- (7) Die appellant moet binne twee weke vanaf die datum waarop die ander party sy of haar antwoord geliasseer het, ses kopieë van sy of haar repliek op die ander party se antwoord bedoel in subregulasie (6) liasseer.
- (8) Indien geen repliek bedoel in subregulasie (7) deur die appellant geliasseer word binne die tydperk bedoel in subregulasie (7) nie, moet die registrateur na die verstryding van genoemde tydperk beide partye skriftelik in kennis stel van die datum waarop die aangeleentheid voor die dissiplinêre appèlkomitee sal dien.
- (9) Nadat die appellant en ander party die dissiplinêre appèlkomitee toegesprek het oor die meriete en/of gronde vir appèl, moet die dissiplinêre appèlkomitee die aangeleentheid *in camera* oorweeg en die partye oor sy bevindinge inlig.
- (10) Elke party sal verantwoordelik wees vir sy of haar eie onkoste aangaan ter voorbereiding en/of afhandeling van die appèl.
- (11) Die besluit van die dissiplinêre appèlkomitee is van krag vanaf die datum deur sodanige komitee bepaal, tensy dit deur die toepaslike hoër hof ter syde gestel is.

Voortsetting van ondersoek

18. Indien een of meer lede van die professionele gedragkomitee te enige tyd nadat 'n pleit aangeteken is nie meer kan dien nie, sal die ondersoek voortgaan met dien verstande dat ten minste twee van die oorspronklike lede beskikbaar is.

Toeganklikheid tot 'n ondersoek

19. (1) Die verrigtinge by 'n ondersoek is vir die publiek toeganklik: Met dien verstande dat -
- (a) enige besluit van die professionele gedragkomitee ten opsigte van enige aangeleentheid wat in verband met of gedurende 'n ondersoek ontstaan, *in camera* geneem kan word;
 - (b) enige getuienis voorgelê gedurende 'n ondersoek by voorlegging van gegronde redes in die diskresie van die professionele gedragkomitee *in camera* aangehoor kan word;
 - (c) die professionele gedragkomitee kan by voorlegging van gegronde redes in sy diskresie beveel dat niemand te eniger tyd op enige wyse enige inligting publiseer wat die identiteit van 'n bepaalde persoon, uitgesonderd die respondent, waarskynlik aan die lig sal bring nie.
- (2) Enige persoon wat 'n bevel kragtens subregulasie (1) uitgevaardig, oortree of versuim om dit na te kom, is aan 'n misdryf skuldig en by skuldigbevinding in 'n geregshof strafbaar met 'n boete van hoogstens R5 000.
- (3) 'n Verbatim opname moet van alle ondersoeke gehou word en getikte weergawe van daardie opname sal beskikbaar gestel word aan die klaer, respondent en/of enige ander party op skriftelike versoek en teen betaling van die geld deur die registrateur bepaal.

Getuiedagvaardiging

20. 'n Dagvaardiging om as 'n getuie voor 'n professionele gedragkomitee te verskyn om mondelingse getuienis te gee en/of om aan hom 'n boek, aantekening, dokument of voorwerp voor te lê, moet so na as moontlik in die vorm van Aanhangsel A wees.

Herroeping

21. (1) Die regulasies afgekondig by Goewermentskennisgewing No. R.2303 van 28 September 1990 en Goewermentskennisgewing No. R.874 van 26 April 1991 word hierby herroep.
- (2) 'n Onderzoek kragtens die regulasies bedoel in subregulasie (1) wat onmiddellik voor die inwerkingtreding van hierdie regulasies daadwerklik 'n aanvang voor die professionele gedragkomitee van die raad of 'n beroepsraad geneem het, word kragtens die prosedures by daardie regulasies voorgeskryf, uitgevoer en afgehandel asof daardie regulasies nie herroep is nie.

DR M E TSHABALALA-MSIMANG
MINISTER VAN GESONDHEID

AANHANGSEL A**VORM VAN 'N DAGVAARDIGING OM VOOR DIE BEROEPSRAAD VIR
..... TE VERSKYN**

Aan
(naam van gedagvaarde en sy of haar adres)

U word hierby gedagvaar om op (plek) om
..... (tyd en datum) te verskyn voor 'n professionele gedragkomitee
van die Beroepsraad vir ingestel kragtens die Wet op
Gesondheidsberoepe, 1974 (Wet No.56 van 1974) , om getuienis af te lê aangaande

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

Gegee onder die hand van die Registrateur op hede die dag
van

.....
REGISTRATEUR

No. R. 979

13 August 1999

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

The Minister of Health has, in terms of section 15(4) and (5)(f), (h) and (i) of the Health Professions Act, 1974 (Act No. 56 of 1974), on the recommendation of the Health Professions Council of South Africa, made the regulations in the Schedule.

SCHEDULE**REGULATIONS RELATING TO THE FUNCTIONS AND FUNCTIONING OF PROFESSIONAL BOARDS****Arrangement of regulations**

- Chapter I **ESTABLISHMENT OF COMMITTEES**
Chapter II **CONDUCT OF BUSINESS OF A PROFESSIONAL BOARD,
INCLUDING THE ELECTION OF A CHAIRPERSON OR VICE-
CHAIRPERSON**
Chapter III **TERM OF OFFICE OF MEMBERS OF A PROFESSIONAL BOARD**

Definitions

1. In these regulations -

"member" means a member of a professional board;

"professional board" means a professional board established in terms of section 15 of the Act;

"the Act" means the Health Professions Act, 1974 (Act No. 56 of 1974).

CHAPTER I: ESTABLISHMENT OF COMMITTEES**2. A professional board -**

- (a) may from time to time establish such standing committees as it may deem necessary, each consisting of as many persons, appointed by the professional board, as the professional board may determine but including at least one member of the professional board who shall be the chairperson of such committee, and shall determine the composition, quorum, and terms of reference of each committee so established;
- (b) shall at its first meeting each year appoint the members of the committees established in terms of paragraph (a);
- (c) may establish professional conduct committees, each consisting of as many persons, appointed by the professional board, as the professional board may determine, but including at least one member of the professional board who shall be the chairperson of such professional conduct committee;
- (d) may from time to time, as the need arises, establish such *ad hoc* committees as may be required to investigate and report on such matters as may be referred to such *ad hoc* committees by the professional board;
- (e) may, subject to the provisions of regulations 3, 4 and 5, delegate to any committee so established or to any person such of its powers as it may from time to time determine, but shall not be divested of any power so delegated;
- (f) may co-opt any person as a member of the professional board or of a committee of the professional board.

3. A decision of a professional-conduct committee, unless appealed against, shall be of force and effect from the date determined by the professional conduct committee.

CHAPTER II: CONDUCT OF BUSINESS OF A PROFESSIONAL BOARD, INCLUDING THE ELECTION OF A CHAIRPERSON AND VICE-CHAIRPERSON

Election of chairperson and vice-chairperson

4. (1) At the first meeting of every newly constituted professional board the members present shall elect from among their number a chairperson and vice-chairperson, who shall hold office during the term of office of the professional board, unless any one of them resigns or ceases to be a member before the expiry of his or her term of office.
 - (2) The election shall be by ballot and the ballot papers shall be counted by the registrar.
 - (3) Any member shall be competent to nominate by ballot a member for the office of chairperson, and the registrar shall announce the names of the members so nominated and arrange for a vote by ballot.
 - (4) Every vote cast in such a ballot for any person who was not nominated shall be void and invalid.
 - (5) If only two persons are nominated the voting in the first ballot shall be final, except in the case of an equality of votes.
 - (6) If more than two persons are nominated the candidate obtaining the lowest number of votes in the first ballot shall be eliminated, and thereafter successive ballots shall be taken with one candidate being eliminated each time until only two candidates remain, when the ballot shall be final, except in the case of an equality of votes.
 - (7) In the case of an equality of votes affecting the elimination of any candidate or the result of the final ballot, a further ballot shall be taken and, if such ballot is indecisive, the result of the ballot shall be decided by drawing lots.
5. The chairperson, having been elected, shall take the chair and the members shall proceed to elect a vice-chairperson, following the procedure prescribed

by regulation 4, except that in the event of an equality of votes the chairperson shall have a casting vote.

Functions of chairperson

6. The chairperson shall preside at all ordinary and special meetings of the professional board and shall be responsible for the proper conduct of its meetings and, if during a meeting a procedural problem arises which is not provided for in these regulations, the chairperson shall determine the procedure to be followed.
7. In the absence of the chairperson, the vice-chairperson shall take the chair at a meeting of a professional board.
8. In the absence of the chairperson, the vice-chairperson shall perform all the functions of chairperson.
9. If both the chairperson and the vice-chairperson are absent from a meeting of a professional board, the members present at that meeting shall forthwith from among their number elect an acting chairperson, who shall perform all the functions of chairperson until the chairperson or vice-chairperson resumes his or her duties or vacates his or her office.
10. The chairperson, vice-chairperson or acting chairperson presiding at a meeting shall, in the case of an equality of votes, have a casting vote.
11. The chairperson shall *ex officio* be a member of the executive committee of a professional board and chairperson of that committee.

Vacation of office and filling of vacancies

12. A member of a professional board shall vacate his or her office if -
 - (1) his or her estate is sequestrated or he or she has entered into a composition with the creditors of his or her estate;
 - (2) he or she has been absent from more than two consecutive ordinary

meetings of the professional board without the professional board's leave: Provided that if a member of any committee of a professional board fails to attend two consecutive meetings or fails to attend three meetings within the term of office of the committee, such member shall forfeit his or her membership of that committee;

- (3) he or she is or becomes disqualified under the Act from practising his or her profession;
- (4) he or she ceases to hold any qualification necessary for his or her designation or appointment or tenders his or her resignation in writing to the person or body or group by whom he or she was designated or appointed and that person or body or group accepts his or her resignation;
- (5) as an elected member, he or she notifies the professional board, in writing, of his or her resignation;
- (6) he or she ceases to be a South African citizen;
- (7) he or she becomes a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
- (8) he or she is convicted of an offence in respect of which he or she is sentenced to imprisonment without the option of a fine; or
- (9) the Minister, in the public interest and for just cause, and after consultation with the person or body or group by whom the member was designated or appointed, terminates his or her membership.

13. Every vacancy on a professional board arising from circumstances referred to in regulation 13 and every vacancy caused by the death of a member shall be filled by designation, appointment or election by the person or body or group by whom and in the manner in which the vacating member was designated, appointed or elected, and every member so designated, appointed or elected shall hold office for the unexpired portion of the period for which the vacating member was designated, appointed or elected.

14. (1) The chairperson or vice-chairperson may vacate his or her office without such vacation by that very fact terminating his or her membership of the professional board.
- (2) In the event of a vacation of office referred to in subregulation (1), the members present at a meeting of a professional board at which the announcement of vacation of office is made or, if vacation of office takes place between meetings, at the following meeting of the professional board, shall from among their number elect a chairperson or a vice-chairperson, as the case may be, following the procedure set out in regulation 4.

Meetings

15. All acts of a professional board shall, unless consensus on a matter is reached, be decided by a majority of the votes of the members present at any meeting.
16. The date or approximate date and place of each ordinary meeting of a professional board shall be fixed by the professional board at its preceding meeting.
17. Each newly constituted professional board shall meet as soon as practicable to elect office-bearers, establish committees as set out in Chapter I and consider such other matters as may be necessary.
18. The registrar shall determine the place, date and time of the first meeting of a newly constituted professional board.
19. Special meetings may be convened by the chairperson and shall be convened by him or her upon the written request of at least twenty-five percent of the membership of a professional board, who shall clearly state in such request the purpose for which the meeting is to be convened.
20. Notices convening ordinary meetings, together with agendas, shall be signed by the registrar and shall specify the business to be discussed at the meeting.

21. In the case of an ordinary meeting, such notice and agenda shall be forwarded to each member at least 14 days before the date for which the meeting has been convened.
22. In the case of a special meeting, such notice and agenda shall be given as the chairperson may deem adequate and, if necessary, notice may be given by facsimile transmission, e-mail or telephone.
23. Ordinary and special meetings of a professional board shall be open to the public, but a member shall be competent to move at any time that the professional board go into committee to discuss any particular item of business and, if such a motion is seconded and carried, non-members shall retire from the meeting.
24. No business shall be discussed at a meeting other than business specified in the notice and agenda for that meeting, except such business as a professional board may resolve to deal with as a matter of urgency.
25. A professional board may adjourn a meeting to any day or hour, but no business shall be discussed at an adjourned meeting except that business specified in the agenda for the meeting of which it is an adjournment, other than business brought forward in accordance with regulation 24.
26. The registrar shall keep an attendance register in which he or she shall enter the names of all the members attending each meeting, and the names of members absent with or without leave.
27. The chairperson shall take the chair at the appointed hour and, if at the expiry of a quarter of an hour a quorum is not present, he or she may declare the meeting postponed to a day and hour to be fixed by him or her.
28. A majority of the members of a professional board shall constitute a quorum at a meeting of the professional board.
29. Any member desirous of bringing any matter before a professional board shall forward in writing to the registrar, at least 30 days before the date appointed for a meeting, a notice of motion thereof, which notice of motion

shall be specified in the notice convening the meeting and the agenda and shall be considered in proper sequence with the other business presented to the professional board.

30. No matter shall be discussed without the notice referred to in regulation 29, unless permission has been obtained from the meeting to introduce a matter as a motion.
31. Should a motion referred to in regulation 30 find no seconder, it shall not be further considered.

Minutes

32. The proceedings of each meeting of a professional board and its committees shall be preserved in minutes ratified at the next meeting, after confirmation, by the signature of the chairperson.
33. Subject to the provisions of these regulations, the minutes of each meeting of a professional board and of its committees shall contain the resolutions adopted and, if so requested by a member, such motions and amendments as have been proposed and adopted or voted down, but without any comment or remark by any member.
34. The registrar shall forward a copy of the minutes of each meeting of a standing committee of a professional board to all members of the professional board as soon as possible after the conclusion of the meeting of any such committee.
35. The minutes may be taken as read: Provided that any member may move that any portion of minutes should be read with a view to such correction therein or addition thereto as may be necessary.

Order of business and debate

36. At the opening of each meeting of a professional board an opportunity shall be given to members of the professional board to put questions regarding the work of the professional board, which questions shall be answered forthwith,

if possible, or, if not, at a later sitting by the chairperson or by such office-bearer or official as the chairperson may direct. No discussion thereon shall be permitted.

37. A member of a professional board shall be competent to move at a meeting that any item appearing on the agenda for that meeting be advanced in the agenda or be considered later at the same meeting.
38. No member shall address a professional board more than once on any agenda item, motion or amendment, except with the permission of the professional board: Provided that these restrictions shall not apply to meetings of any committee of the professional board: Provided further that the mover of an original motion may reply, but he or she shall confine himself or herself strictly to answering previous speakers and shall not introduce any new matter into the debate, and the right of reply shall not extend to the mover of an amendment.
39. The chairperson shall call the attention of a professional board to continued irrelevant, tedious repetition, unbecoming language or any breach of order on the part of any member, and shall direct such member, if speaking, to desist from speaking in the manner to which exception is taken or, in the event of persistent disregard of the authority of the chair, to retire for the remainder of the sitting.
40. Whenever the chairperson addresses a professional board or intervenes during a debate, any member speaking shall temporarily desist from speaking.
41. Any member, whether or not he or she has spoken on a matter under discussion, may rise to a point of order or in explanation, but such explanation shall be confined to a material part of a speech or statement which may have been misunderstood. A member so rising to a point of order or in explanation shall be entitled to be heard forthwith.
42. (1) All motions in terms of regulations 29 and 30 and amendments thereto shall, unless otherwise permitted by the chairperson, be committed to writing and signed by the mover and shall, before they are spoken to

by other members, be read from the chair or by the registrar under the authority of the chair, and seconded. All formal amendments shall be framed so that they may be read as independent motions.

- (2) An amendment referred to in subregulation (1) shall be relevant to the motion it is intended to amend and shall not alter the original motion in such a way as to make it essentially a new motion. Such an amendment shall be so framed as -

- (i) to add or insert certain words;
- (ii) to omit certain words; or
- (iii) to omit certain words and add or insert others.

43. No motion or amendment shall be withdrawn after having been read by the chairperson or by his or her authority, except by leave of the professional board.
44. The seconder of a motion or of an amendment may reserve his or her speech for any stage of the debate.
45. If an amendment is proposed, it may be followed by other amendments, and the last amendment shall be considered first.
46. Should every amendment be rejected, the original motion shall then be put to the vote.
47. If an amendment is agreed to, it shall be regarded as a substantive motion and become the decision of the professional board.
48. When a motion is under debate, no further motion shall be received, except one of the following:
- (a) An amendment, namely "That the motion be amended as follows: ...".
 - (b) The postponement of consideration of the matter under discussion,

namely "That the meeting proceed to the next item on the agenda".

- (c) The closure of the debate, namely "That the matter be put to the vote".
 - (d) The adjournment of the debate, namely "That debate on the motion be adjourned".
 - (e) The adjournment of the professional board, namely "That the professional board now adjourns".
49. When an amendment is under debate, no further motion shall be received, except one of the following:
- (a) An amendment, namely "That the motion be amended as follows: ...".
 - (b) The closure of the debate, namely "That the matter be put to the vote".
 - (c) The adjournment of the debate, namely "The debate on the motion be adjourned".
 - (d) The adjournment of the professional board, namely "That the professional board now adjourns".
50. A motion for the adjournment of a debate (which may specify a date for further consideration of the matter) shall be made and seconded without debate and may be moved at any time, even during debate on an amendment. If the motion is carried, consideration of the matter shall be deferred. If it is lost, the debate shall proceed.
51. A motion that a matter be put to the vote shall be made and seconded without debate and shall be voted on forthwith. If the motion is carried, the motion or amendment under debate shall at once be voted on by the professional board.
52. If a motion for the adjournment of a debate is carried, the professional board shall pass to the next item on the agenda, and the debate shall be resumed at the next ordinary meeting of the professional board. The mover of the

adjournment shall, on the resumption of the debate, be entitled to speak first.

53. If a motion for the adjournment of a professional board is proposed and seconded, the chairperson shall, before putting the matter to the vote, be competent to take the opinion of the professional board as to whether the professional board shall, before rising, proceed to the transaction of unopposed business.
54. Except as provided for in regulation 55, when a matter is put to the vote, the chairperson, having first ascertained the number of members present, shall ask for a show of hands for or against the motion or amendment and shall then declare that the vote appears to him or her to be in the affirmative or the negative, as the case may be. Any member of the professional board may require that the numbers or the names, or both the numbers and the names, of the members voting for or against the motion or amendment shall be entered in the minutes: Provided that a member shall be competent to ask for a vote by ballot, and such request shall be granted if the majority of the members present support it.
55. (1) A motion to rescind a resolution passed at a previous meeting shall be considered only if notice thereof was given in terms of regulation 29. Such motion shall be passed if a majority of the votes recorded are in favour of it.
- (2) A motion to rescind a resolution passed during a meeting of a professional board may, notwithstanding the above provision, be considered during the same meeting of the professional board, provided that written notice is given during the same meeting that the matter be considered. Such motion shall be passed only if two-thirds of the votes recorded are in favour of it.
56. The registrar shall embody in the minutes any rulings of the chairperson as to the interpretation of these regulations, if so requested by a member at the time of the ruling.
57. If any ruling of the chairperson of a professional board is called in question, he or she shall vacate the chair while the matter is under discussion.

58. If any member dissents from the opinion of the majority and wishes to have his or her dissenting vote recorded, he or she shall declare his or her position forthwith whereupon his or her dissenting vote shall be entered in the minutes.
59. Any provision relating to the order of business and debate contained in these regulations may be suspended if a motion to that effect is carried by a majority of votes.

CHAPTER III: TERM OF OFFICE OF A MEMBER OF A PROFESSIONAL BOARD

60. Subject to the provisions of regulation 13, the members of a professional board shall hold office for a period of five years, but shall be eligible for re-election, redesignation or reappointment for one more term.

Repeal

61. The following regulations are hereby repealed:
 - (a) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Occupational Therapy published under Government Notice No. R. 2287 of 3 December 1976;
 - (b) Regulations relating to the Constitution of the Professional Board for Optical Dispensers published under Government Notice No. R. 816 of 16 April 1981;
 - (c) Regulations relating to the Constitution of the Professional Board for Dietetics published under Government Notice No. R. 2547 of 12 December 1980;
 - (d) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Physiotherapy published under Government Notice No. R. 2297 of 3 December 1976, as amended by Government Notices Nos. R. 2833 of 24 December 1987 and R. 2297 of 11 September 1992;

- (e) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Medical Orthotists and Prosthetists published under Government Notice No. R. 2316 of 3 December 1976, as amended by Government Notices Nos. R. 1733 of 14 August 1981, R. 2353 of 23 October 1987, R. 2109 of 7 September 1990 and R. 1701 of 25 October 1996;
- (f) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Medical Technology published under Government Notice No. R. 2303 of 3 December 1976, as amended by Government Notice No. R. 1988 of 18 September 1981;
- (g) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Health Inspectors published under Government Notice No. R. 2307 of 3 December 1976;
- (h) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Clinical Technology published under Government Notice No. R. 1213 of 25 June 1982, as amended by Government Notice No. R. 1996 of 24 August 1990;
- (i) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Medical Science published under Government Notice No. R. 2785 of 13 November 1990;
- (j) Regulations relating to the Constitution of the Professional Board for Oral Hygiene published under Government Notice No. R. 2135 of 17 October 1980;
- (k) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Optometry published under Government Notice No. R. 2311 of 3 December 1976;
- (l) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Radiography published under Government Notice No. R. 2320 of 3 December 1976, as amended by Government Notices Nos. R. 2297 of 12 October 1979 and R. 1732 of

9 August 1985;

- (m) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Psychology published under Government Notice No. R. 2327 of 3 December 1976 as amended by Government Notices Nos. R. 437 of 9 March 1979, R. 333 of 24 February 1984, R. 334 of 24 February 1984, R. 556 of 31 March 1989, R. 1389 of 30 June 1989 and R. 1095 of 17 June 1994;
- (n) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Speech Therapy and Audiology published under Government Notice No. R. 2332 of 3 December 1976, as amended by Government Notices Nos. R. 1360 of 4 July 1986 and R. 765 of 21 April 1989;
- (o) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Podiatry published under Government Notice No. R. 2293 of 3 December 1976;
- (p) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Emergency Care Personnel published under Government Notice No. R. 173 of 10 January 1992;
- (q) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Dental Therapy published under Government Notice No. R. 362 of 31 January 1992; and
- (r) Regulations relating to the Conduct of the Business of Professional Boards published under Government Notice No. R. 873 of 26 April 1991.

DR M TSHABALALA-MSIMANG
MINISTER OF HEALTH

No. R. 979

13 Augustus 1999

RAAD VIR GESONDHEIDSBEROEPE VAN SUID-AFRIKA

Die Minister van Gesondheid het, ingevolge artikel 15(4) en (5)(f), (h) en (i) van die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), op aanbeveling van die Raad van Gesondheidsberoepe van Suid-Afrika, die regulasies in die Bylae uitgevaardig.

BYLAE**REGULASIES BETREFFENDE DIE FUNKSIES EN WERKSAAMHEDE VAN BEROEPSRADE**

Rangskikking van regulasies.

Hoofstuk I **INSTELLING VAN KOMITEES**

Hoofstuk II **VERRIGTING VAN WERKSAAMHEDE VAN 'N BEROEPSRAAD, INSLUITENDE DIE VERKIESING VAN 'N VOORSITTER EN 'N ONDERVOORSITTER**

Hoofstuk III **AMPSTERMYN VAN LEDE VAN 'N BEROEPSRAAD**

Woordomskrywings

1. In hierdie regulasies beteken -

“**beroepsraad**” ‘n beroepsraad ingevolge artikel 15 van die Wet ingestel;

“**die Wet**” die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974);

“**lid**” ‘n lid van 'n beroepsraad.

HOOFSTUK 1: INSTELLING VAN KOMITEES

2. 'n Beroepsraad -

- (a) kan van tyd tot tyd sodanige vaste komitees instel as wat hy nodig ag, elk bestaande 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 sodanige komitee moet wees, en moet die samestelling, kworum en opdrag van elke komitee bepaal wat aldus ingestel is;
- (b) moet tydens sy eerste vergadering elke jaar die lede aanstel van die komitees wat ingevolge paragraaf (a) ingestel is;
- (c) kan beroepsgedragskomitees instel, elk bestaande 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 sodanige beroepsgedragskomitee moet wees;
- (d) kan van tyd tot tyd, na gelang die behoefte ontstaan, sodanige *ad hoc*-komitees instel as wat nodig is om ondersoek in te stel en verslag te doen oor sodanige sake wat deur die beroepsraad na sodanige *ad hoc*-komitees verwys word;
- (e) kan, behoudens regulasies 3, 4 en 5 aan enige komitee aldus ingestel of aan enige persoon sodanige van sy bevoegdhede delegeer as wat die raad van tyd tot tyd bepaal, maar word nie onthef van enige bevoegdheid aldus gedelegeer nie;
- (f) kan enige persoon as 'n lid van die beroepsraad of van 'n komitee van die beroepsraad koöpteer.

3. Beslissing van 'n beroepsgedragskomitee is van krag vanaf die datum deur die beroepsgedragskomitee bepaal, tensy daarteen geappelleer word.

HOOFSTUK II: VERRIGTING VAN WERKSAAMHEDE VAN 'N BEROEPSRAAD, INSLUITENDE DIE VERKIESING VAN 'N VOORSITTER EN 'N ONDERVOORSITTER

Verkiesing van voorsitter en ondervoorsitter

4. (1) Tydens die eerste vergadering van elke nuut saamgestelde beroepsraad moet die aanwesige lede vanuit hulle geledere 'n voorsitter en ondervoorsitter kies wat hul ampte vir die ampstermyn van die beroepsraad sal beklee, tensy enigeen van hulle bedank of ophou om 'n lid te wees voordat sy of haar ampstermyn verstryk.
- (2) Die verkiesing word per stembrief gehou en stembriewe word deur die registrateur getel.
- (3) Enige lid is geregtig daarop om 'n lid vir die amp van voorsitter per stembrief te nomineer, en die registrateur moet die name van die lede bekend maak wat aldus genomineer is en reël vir 'n verkiesing per stembrief.
- (4) Elke stem wat tydens so 'n stemming uitgebring is vir 'n persoon wat nie genomineer is nie, is nietig en ongeldig.
- (5) Indien slegs twee persone genomineer word, is die eerste stemming finaal, behalwe in die geval van 'n staking van stemme.
- (6) Indien meer as twee persone genomineer word, word die kandidaat wat die minste stemme in die eerste stemming behaal, uitgeskakel waarna verdere stemmings moet plaasvind waartydens een kandidaat elke keer uitgeskakel word totdat slegs twee kandidate oorbly, in welke geval die stemming finaal sal wees, behalwe in die geval van 'n staking van stemme.
- (7) In die geval van 'n staking van stemme wat die uitskakeling van enige kandidaat of die uitslag van die finale stemming raak, moet 'n verdere stemming plaasvind en, indien sodanige stemming onbeslis is, word die

uitslag van die stemming deur te loot beslis.

5. Die voorsitter moet, nadat hy of sy verkies is, die stoel inneem en die lede moet voortgaan om 'n ondervoorsitter te verkies volgens die prosedure in regulasie 4 voorgeskryf, behalwe dat die voorsitter in die geval van 'n staking van stemme, 'n beslissende stem het.

Werkzaamhede van voorsitter

6. Die voorsitter moet tydens alle gewone en buitengewone vergaderings van die beroepsraad voorsit en is verantwoordelik vir die behoorlike verloop van die vergaderings en, indien daar gedurende 'n vergadering 'n prosedureprobleem ontstaan waarvoor daar nie in hierdie regulasies voorsiening gemaak word nie, moet die voorsitter die prosedure bepaal wat gevolg moet word.
7. In die afwesigheid van die voorsitter, moet die ondervoorsitter die stoel by 'n vergadering van 'n beroepsraad inneem.
8. In die afwesigheid van die voorsitter moet die ondervoorsitter al die werkzaamhede van die voorsitter verrig.
9. Indien die voorsitter sowel as die ondervoorsitter tydens 'n vergadering van 'n beroepsraad afwesig is, moet die lede aanwesig by daardie vergadering uit eie geledere 'n waarnemende voorsitter verkies wat al die werkzaamhede van die voorsitter verrig totdat die voorsitter of ondervoorsitter weer sy of haar pligte hervat of sy of haar amp ontruim.
10. Die voorsitter, ondervoorsitter of waarnemende voorsitter wat by 'n vergadering voorsit, het by 'n staking van stemme 'n beslissende stem.
11. Die voorsitter is ampshalwe 'n lid van die uitvoerende komitee van 'n beroepsraad en voorsitter van daardie komitee.

Ampsontruiming en vul van vakatures

12. 'n Lid van 'n beroepsraad moet sy of haar amp ontruim indien -

- (1) sy of haar boedel gesekwestreer word of hy of sy 'n akkoord met die skuldeisers van sy of haar eiendom aangegaan het;
- (2) hy of sy sonder verlof van die beroepsraad van meer as twee agtereenvolgende gewone vergaderings van die beroepsraad afwesig was: Met dien verstande dat, indien 'n lid van enige komitee van 'n beroepsraad versuim om twee agtereenvolgende vergaderings by te woon of versuim om drie vergaderings gedurende die ampstermyn van die komitee by te woon, sodanige lid sy of haar lidmaatskap van daardie komitee verbeur;
- (3) hy of sy kragtens die Wet onbevoeg word of is om sy of haar beroep te beoefen;
- (4) hy of sy ophou om in besit te wees van enige kwalifikasie wat nodig is vir sy of haar aanwysing of aanstelling, of skriftelik sy of haar bedanking indien by die persoon of liggaam of groep deur wie hy of sy aangewys of aangestel is en daardie persoon of liggaam of goep sy of haar bedanking aanvaar;
- (5) hy of sy as 'n verkose lid die beroepsraad skriftelik van sy of haar bedanking in kennis stel;
- (6) hy of sy ophou om 'n Suid-Afrikaanse burger te wees;
- (7) hy of sy 'n pasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
- (8) hy of sy aan 'n misdryf skuldig bevind is ten opsigte waarvan hy of sy gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete; of
- (9) die Minister, in die openbare belang en om 'n gegronde rede, en na

oorleg met die persoon of liggaam of groep deur wie die lid aangewys of aangestel is, sy of haar lidmaatskap beëindig.

13. Elke vakature in 'n beroepsraad wat spruit uit omstandighede in regulasie 13 bedoel en elke vakature wat veroorsaak word deur die dood van 'n lid, moet gevul word deur aanwysing, aanstelling of verkiesing deur die persoon of liggaam of groep deur wie en op die wyse waarop die uitgetrede lid aangewys, aangestel of verkies is, en elke lid wat aldus aangewys, aangestel of verkies is, beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede lid aangewys, aangestel of verkies is.
14. (1) Die voorsitter of ondervoorsitter kan sy of haar amp ontruim sonder dat sodanige ontruiming sy of haar lidmaatskap van die beroepsraad vanself beëindig.

(2) In die geval van 'n ampsontruiming bedoel in subregulasie (1) moet die lede aanwesig by 'n vergadering van 'n beroepsraad waar die aankondiging van ampsontruiming gedoen word of, indien die ampsontruiming tussen vergaderings plaasvind, by die volgende vergadering van die beroepsraad uit eie geledere 'n voorsitter of 'n ondervoorsitter, na gelang van die geval, verkies volgens die prosedure in regulasie 4 uiteengesit.

Vergaderings

15. Alle handeling van 'n beroepsraad word, tensy konsensus oor 'n aangeleentheid bereik is, beslis deur 'n meerderheid van die stemme van die lede wat by enige vergadering aanwesig is.
15. Die datum of benaderde datum en plek van elke gewone vergadering van 'n beroepsraad word deur die beroepsraad by sy voorafgaande vergadering vasgestel.
17. Elke nuut saamgestelde beroepsraad moet so gou doenlik vergader om ampsdraers te verkies, komitees in te stel soos in Hoofstuk 1 uiteengesit, en sodanige ander sake te oorweeg as wat nodig is.

18. Die registrateur moet die plek, datum en tyd van die eerste vergadering van 'n nuut saamgestelde beroepsraad bepaal.
19. Buitengewone vergaderings kan deur die voorsitter belê word en moet deur hom of haar belê word op die skriftelike versoek van minstens vyf-en-twintig persent van die ledetal van 'n beroepsraad, wat duidelik in sodanige versoek die doel moet vermeld waarvoor die vergadering belê moet word.
20. Kennisgewings waardeur gewone vergaderings belê word, tesame met sakelyste, moet deur die registrateur geteken word en moet die sake vermeld wat tydens die vergadering bespreek moet word.
21. In die geval van 'n gewone vergadering moet sodanige kennisgewing en sakelys minstens 14 dae voor die datum waarvoor die vergadering belê is, aan elke lid gestuur word.
22. In die geval van 'n buitengewone vergadering moet sodanige kennisgewing en sakelys gegee word na gelang die voorsitter dit voldoende ag en, indien nodig, kan kennis per faksimileetransmissie, e-pos of telefoon gegee word.
23. Gewone en buitengewone vergaderings van 'n beroepsraad is vir die publiek toeganklik, maar enige lid het die bevoegdheid om te eniger tyd voor te stel dat die beroepsraad in komitee gaan om 'n bepaalde saak op die sakelys te bespreek en, indien sodanige mosie gesekondeer en aangeneem word, moet nielede die vergadering verlaat.
24. Geen ander sake word op 'n vergadering bespreek as dié wat in die kennisgewing en sakelys van daardie vergadering vermeld word nie, behalwe sodanige sake as waarop 'n beroepsraad mag besluit om as 'n saak van dringendheid te behandel.
25. 'n Beroepsraad kan 'n vergadering tot op enige dag of uur verdaag, maar geen sake mag op 'n voortsettingsvergadering behandel word buiten dié uiteengesit in die sakelys van die vergadering waarvan dit 'n voortsetting is nie, met die

uitsondering van sake wat ooreenkomstig regulasie 24 oorgedra word.

26. Die registrateur moet 'n aanwesigheidslys hou waarin hy of sy die name aanteken van al die lede wat elke vergadering bywoon, sowel as die name van lede wat met of sonder verlof afwesig is.
27. Die voorsitter moet op die bepaalde uur die stoel inneem en, indien na verloop van 'n kwartier geen kworum aanwesig is nie, kan hy of sy die vergadering uitgestel verklaar tot op 'n dag en uur wat hy of sy bepaal.
28. 'n Meerderheid van die lede van 'n beroepsraad maak 'n kworum tydens 'n vergadering van die beroepsraad uit.
29. Enige lid wat beoog om 'n saak voor 'n beroepsraad te bring, moet minstens dertig dae voor die datum wat vir 'n vergadering bepaal is, 'n skriftelike kennisgewing van mosie daarvan aan die registrateur rig, welke kennisgewing van mosie in die kennisgewing en sakelys van die vergadering vermeld moet word en saam met die ander sake wat aan die beroepsraad voorgelê word, in behoorlike volgorde oorweeg moet word.
30. Geen saak word oorweeg sonder die kennisgewing bedoel in regulasie 29 nie, tensy verlof van die vergadering verkry is om die saak as 'n mosie in te dien.
31. Indien 'n mosie bedoel in regulasie 30 nie 'n sekondant kry nie, word dit nie verder oorweeg nie.

Notules

32. Die verrigtinge van elke vergadering van 'n beroepsraad en sy komitees word vasgelê in notules wat tydens die volgende vergadering gesertifiseer word ná bekragtiging deur die handtekening van die voorsitter.
33. Behoudens die bepalings van hierdie regulasies moet die notule van elke vergadering van 'n beroepsraad en van sy komitees die besluite bevat wat aanvaar is en, indien aldus deur 'n lid versoek, sodanige mosies en

amendemente as wat voorgestel en aanvaar of verwerp is, maar sonder enige kommentaar of opmerking deur enige lid.

34. Die registrateur moet so gou moontlik na afloop van die vergadering van 'n vaste komitee 'n afskrif van die notule van elke vergadering van 'n vaste komitee van 'n beroepsraad aan alle lede van die beroepsraad stuur.
35. Die notule kan as gelees beskou word: Met dien verstande dat enige lid kan voorstel dat enige gedeelte van die notule gelees moet word ten einde sodanige verbetering daarin of byvoeging daarby aan te bring as wat nodig is.

Volgorde van sake en besprekings

36. Aan die begin van elke vergadering van 'n beroepsraad moet geleentheid aan lede van die beroepsraad gebied word om vrae te stel oor die werk van die beroepsraad, welke vrae, indien moontlik, beantwoord moet word onmiddellik of so nie tydens 'n latere sitting deur die voorsitter of sodanige ampsdraer of beampte as wat die voorsitter gelas. Geen bespreking daaroor word toegelaat nie.
37. 'n Lid van 'n beroepsraad het die bevoegdheid om tydens 'n vergadering voor te stel dat enige saak wat op die sakelys van daardie vergadering verskyn, op die sakelys vorentoe gebring of later tydens dieselfde vergadering oorweeg word.
38. Geen lid mag 'n beroepsraad meer as een keer oor enige item op die sakelys, mosie of amendement toespreek nie, behalwe met die toestemming van die beroepsraad: Met dien verstande dat hierdie beperkings nie op vergaderings van enige komitee van die beroepsraad van toepassing is nie: Met dien verstande voorts dat die voorsteller van 'n oorspronklike mosie repliek mag lewer, maar hy of sy hom of haar streng moet beperk om op vorige sprekers te reageer en mag geen nuwe saak by die debat byvoeg nie en die reg tot repliek sal nie die voorsteller van 'n amendement toekom nie.
39. Die voorsitter moet die beroepsraad se aandag vestig op volgehoue nietersaaklike, voortdurende herhaling, onaanvaarbare taalgebruik of enige

- verbreking van orde deur enige lid en moet die betrokke lid, indien aan die woord, gelas om onverwyld sodanige wyse van woordvoering te staak waarteen beswaar gemaak word of, in die geval van voortgesette minagting van die gesag van die voorsitter, om die vergadering vir die res van die sitting te verlaat.
40. Wanneer die voorsitter 'n beroepsraad toespreek of tydens 'n debat tussenbeide tree, moet enige lid wat aan die woord is, tydelik ophou om te praat.
41. Enige lid, hetsy hy of sy reeds oor 'n aangeleentheid onder bespreking gepraat het of nie, kan 'n punt van orde of punt ter verduideliking stel, maar so 'n verduideliking sal beperk wees tot 'n wesentlike gedeelte van 'n toespraak of stelling waaroor daar 'n misverstand bestaan. 'n Lid wat 'n punt van orde of verduideliking stel, het die reg om onmiddellik aangehoor te word.
42. (1) Alle mosies ingevolge regulasies 29 en 30 en amendemente daarop moet, tensy anders deur die voorsitter toegelaat, op skrif gestel word en deur die voorsteller geteken word en moet, voordat enige ander lede daaroor praat, gelees word vanaf die stoel of deur die registrateur op gesag van die stoel, en gesecondeer word. Alle formele amendemente moet so opgestel word dat dit as onafhanklike mosies gelees kan word.
- (2) 'n Amendement bedoel in subregulasie (1) moet ter sake wees vir die mosie wat dit beoog om te wysig en moet nie die oorspronklike mosie in so 'n mate wysig dat dit wesentlik 'n nuwe mosie uitmaak nie. Sodanige amendement moet so geformuleer wees dat dit -
- (a) bepaalde woorde byvoeg of invoeg;
- (b) bepaalde woorde skrap; of
- (c) bepaalde woorde skrap en ander byvoeg of invoeg.
43. Geen mosie of amendement mag teruggetrek word nadat dit deur die voorsitter of op sy of haar gesag gelees is nie, behalwe met die toestemming van die beroepsraad.

44. Die sekondant van 'n mosie of amendement kan sy of haar rede daarvoor vir enige stadium van die bespreking voorbehou.
45. Indien 'n amendement voorgestel is, kan dit deur ander amendemente gevolg word en die laaste amendement sal eerste oorweeg word.
46. Indien elke amendement teengestaan word, moet die oorspronklike mosie tot stemming gebring word.
47. Indien 'n amendement aanvaar word, moet dit as 'n substantiewe mosie beskou word en word dit die besluit van die beroepsraad.
48. Wanneer 'n mosie onder bespreking is, word geen verdere mosie toegelaat nie, behalwe een van die volgende:
 - (a) 'n Amendement, te wete: "Dat die mosie soos volg gewysig word:.....".
 - (b) Die uitstel van oorweging van die aangeleentheid onder bespreking, te wete: "Dat die vergadering voortgaan met die volgende item op die sakelys".
 - (c) Die afsluiting van die bespreking, te wete: "Dat die aangeleentheid tot stemming gebring word".
 - (d) Die verdaging van die bespreking, te wete: "Dat die bespreking oor die mosie verdaag word".
 - (e) Die vergadering van die beroepsraad, te wete: "Dat die beroepsraad nou verdaag".
49. Wanneer 'n amendement onder bespreking is, word geen verdere mosie toegelaat nie, behalwe een van die volgende:
 - (a) 'n Amendement, te wete: "Dat die mosie soos volg gewysig word:".

- (b) Die afsluiting van die bespreking, te wete: "Dat die aangeleentheid tot stemming gebring word".
 - (c) Die verdaging van die bespreking, te wete: "Dat die bespreking oor die mosie verdaag word".
 - (d) Die verdaging van die beroepsraad, te wete: "Dat die beroepsraad nou verdaag".
50. 'n Mosie vir die verdaging van die bespreking (wat 'n datum vir die verdere oorweging van die aangeleentheid kan vermeld) kan voorgestel en gesekondeer word sonder bespreking en kan te eniger tyd, selfs tydens die bespreking van 'n amendement, voorgestel word. Indien die mosie aanvaar word, word oorweging van die aangeleentheid uitgestel. Indien verslaan, gaan die bespreking voort.
51. 'n Mosie dat 'n aangeleentheid tot stemming gebring word, moet ingedien en gesekondeer word sonder bespreking en moet onverwyld tot stemming gebring word. Indien die mosie aanvaar word, moet die beroepsraad onmiddellik oor die mosie of amendement onder bespreking stem.
52. Indien 'n mosie vir die vergadering van die bespreking aanvaar word, moet die beroepsraad met die volgende item op die sakelys voortgaan en gaan die bespreking tydens die volgende gewone vergadering van die beroepsraad voort. Die voorsteller van die verdaging sal tydens die voortsetting van die bespreking die reg hê om eerste te praat.
53. Indien 'n mosie vir die verdaging van die beroepsraad voorgestel en gesekondeer is, sal dit binne die bevoegdheid van die voorsitter val om, voordat die aangeleentheid tot stemming gebring word, die beroepsraad se mening te vra of hy bereid is om, voordat hy verdaag, voort te gaan om aandag aan onbestrede sake te gee.
54. Buiten soos in regulasie 55 bepaal, moet die voorsitter, wanneer 'n aangeleentheid tot stemming gebring word nadat hy of sy eers die getal

aanwesige lede bepaal het, vra dat lede hulle by wyse van 'n opsteek van hande vir of teen 'n mosie of amendement uitspreek en daarna verklaar dat die stemming na sy of haar mening ten gunste van of teen die mosie of amendement uitgebring is, na gelang van die geval. Enige lid van die beroepsraad kan versoek dat die getalle of die name, of die getalle sowel as die name van die lede wat vir of teen 'n mosie of amendement gestem het, in die notule aangeteken word. Met dien verstande dat 'n lid bevoeg is om te versoek dat 'n stemming per stembrief gehou word, en sodanige versoek word toegestaan indien die meerderheid lede wat aanwesig is, dit ondersteun.

55. (1) 'n Mosie om 'n besluit te herroep wat by 'n vorige vergadering aanvaar is, word slegs oorweeg as kennis daarvan ingevolge regulasie 29 gegee is. Sodanige mosie word aanvaar indien 'n meerderheid van die stemme wat uitgebring word ten gunste daarvan is.

(2) 'n Mosie om 'n besluit te herroep wat gedurende 'n vergadering van 'n beroepsraad aanvaar is, kan ondanks bostaande bepaling oorweeg word gedurende dieselfde vergadering van die beroepsraad. Met dien verstande dat skriftelike kennis gegee word gedurende dieselfde vergadering dat die aangeleentheid oorweeg word. Sodanige mosie word aanvaar slegs indien twee derdes van die stemme wat uitgebring word ten gunste daarvan is.

56. Die registrateur moet in die notule enige beslissings van die voorsitter oor die vertolking van hierdie regulasies beliggaam, indien aldus deur 'n lid ten tyde van die beslissing versoek.

57. Indien enige beslissing van die voorsitter van 'n beroepsraad in twyfel getrek word, moet hy of sy die stoel ontruim terwyl die saak onder bespreking is.

58. Indien enige lid van die mening van die meerderheid verskil, en verlang dat sy of haar teenstem aangeteken word, moet hy of sy sy of haar posisie onmiddellik verklaar, waarna sy of haar teenstem in die notule aangeteken moet word.

59. Enige bepaling betreffende die orde van sake en debat in hierdie regulasies

vervat, kan opgeskort word indien 'n mosie tot daardie effek deur 'n meerderheid stemme aanvaar word.

HOOFSTUK III: AMPSTERMYN VAN 'N LID VAN 'N BEROEPSRAAD

60. Behoudens die bepalings van regulasie 13 beklee lede van 'n beroepsraad hulle amp vir 'n tydperk van vyf jaar, maar is beskikbaar vir herverkiesing, heraanwysing of heraanstelling vir een verdere termyn,

Herroeping

61. Die volgende regulasies word hierby herroep:

- (a) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Arbeidsterapie gepubliseer kragtens Goewermentskennisgewing No. R. 2287 van 3 Desember 1976;
- (b) Regulasies betreffende die Samestelling van die Beroepsraad vir Brilopmakers gepubliseer kragtens Goewermentskennisgewing No. R.816 van 16 April 1981;
- (c) Regulasies betreffende die Samestelling van die Beroepsraad vir Dieëtkunde gepubliseer kragtens Goewermentskennisgewing No. R. 2547 van 12 Desember 1980;
- (d) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Fisioterapie gepubliseer kragtens Goewermentskennisgewing No. R. 2297 van 3 Desember 1976, soos gewysig by Goewermentskennisgewings Nos. R. 2833 van 24 Desember 1987 en R. 2297 van 11 September 1992;
- (e) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Mediese Ortotiste en Protetiste gepubliseer kragtens Goewermentskennisgewing No. R. 2316 van 3 Desember 1976, soos gewysig by Goewermentskennisgewings Nos. R. 1733 van

14 Augustus 1981, R. 2353 van 23 Oktober 1987, R. 2109 van 7 September 1990 en R. 1701 van 25 Oktober 1996.

- (f) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Geneeskundige Tegnologie gepubliseer kragtens Goewermentskennisgewing No. R. 2303 van 3 Desember 1976, soos gewysig by Goewermentskennisgewing No. R. 1988 van 18 September 1981;
- (g) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Gesondheidsinspekteurs gepubliseer kragtens Goewermentskennisgewing No. R. 2307 van 3 Desember 1976;
- (h) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Kliniese Tegnologie gepubliseer kragtens Goewermentskennisgewing No. R. 1213 van 25 Junie 1982, soos gewysig by Goewermentskennisgewing No. R. 1996 van 24 Augustus 1990;
- (i) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Mediese Wetenskap gepubliseer kragtens Goewermentskennisgewing No. R. 2785 van 13 November 1990;
- (j) Regulasies betreffende die Samestelling van die Beroepsraad vir Mondhigiëne gepubliseer kragtens Goewermentskennisgewing No. R. 2135 van 17 Oktober 1980.
- (k) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Optometrie gepubliseer kragtens Goewermentskennisgewing No. R. 2311 van 3 Desember 1976.
- (l) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Radiografie gepubliseer kragtens Goewermentskennisgewing No. R. 2320 van 3 Desember 1976, soos

gewysig by Goewermentskennisgewings Nos. R. 2297 van 12 Oktober 1979 en R. 1732 van 9 Augustus 1985;

- (m) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Sielkunde gepubliseer kragtens Goewermentskennisgewing No. R. 2327 van 3 Desember 1976, soos gewysig by Goewermentskennisgewings Nos. R. 437 van 9 Maart 1979, R. 333 van 24 Februarie 1984, R. 334 van 24 Februarie 1984, R. 556 van 31 Maart 1989, R. 1389 van 30 Junie 1989 en R. 1095 van 17 Junie 1994;
- (n) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Spraakterapie en Oudiologie gepubliseer kragtens Goewermentskennisgewing No. R. 2332 van 3 Desember 1976, soos gewysig by Goewermentskennisgewings Nos. R. 1360 van 4 Julie 1986 en R. 765 van 21 April 1989;
- (o) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Podiatrie gepubliseer kragtens Goewermentskennisgewing No. R. 2293 van 3 Desember 1976;
- (p) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Noodsorgpersoneel gepubliseer kragtens Goewermentskennisgewing No. R. 173 van 10 Januarie 1992;
- (q) Regulasies betreffende die Samestelling, Werksaamhede, Bevoegdhede en Pligte van die Beroepsraad vir Tandterapie gepubliseer kragtens Goewermentskennisgewing No. R. 362 van 31 Januarie 1992; en
- (r) Regulasies betreffende die verrigting van die werksaamhede van Beroepsrade gepubliseer kragtens Goewermentskennisgewing No. R. 873 van 26 April 1991.

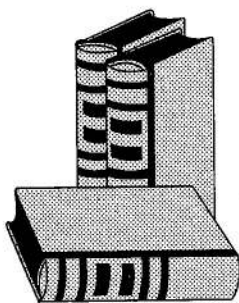
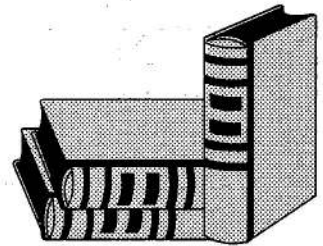
CONTENTS

No.		Page No.	Gazette No.
GOVERNMENT NOTICES			
Health, Department of			
<i>Government Notices</i>			
R. 978	Health Professions Act (56/1974): Health Professions Council of South Africa: Regulations relating to the conduct of inquiries into alleged unprofessional conduct.....	1	20371
R. 979	do.: do.: Regulations relating to the functions and functioning of professional boards	30	20371

INHOUD

No.		Bladsy No.	Koerant No.
GOEWERMENTS KENNISGEWINGS			
Gesondheid, Departement van			
<i>Goewermentskennisgewings</i>			
R. 978	Wet op Gesondheidsberoep (56/1974): Raad vir Gesondheidsberoep van Suid-Afrika: Regulasies betreffende die instelling van ondersoeke na beweerde onprofessionele gedrag.....	16	20371
R. 979	do.: do.: Regulasies betreffende die funksies en werksaamhede van beroepsrade	45	20371

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Department of Environmental Affairs and Tourism
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