



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

*Regulation Gazette*

**No. 11527**

*Regulasiekoerant*

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No. 47798



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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**IMPORTANT NOTICE:**

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**No** FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)



# Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2023**

*The closing time is **15:00** sharp on the following days:*

- **22 December 2022**, Thursday for the issue of Friday **30 December 2022**
- **29 December 2022**, Thursday for the issue of Friday **06 January 2023**
- **06 January 2023**, Friday for the issue of Friday **13 January 2023**
- **13 January 2023**, Friday for the issue of Friday **20 January 2023**
- **20 January 2023**, Friday for the issue of Friday **27 January 2023**
- **27 January 2023**, Friday for the issue of Friday **03 February 2023**
- **03 February 2023**, Friday for the issue of Friday **10 February 2023**
- **10 February 2023**, Friday for the issue of Friday **17 February 2023**
- **17 February 2023**, Friday for the issue of Friday **24 February 2023**
- **24 February 2023**, Friday for the issue of Friday **03 March 2023**
- **03 March 2023**, Friday for the issue of Friday **10 March 2023**
- **10 March 2023**, Friday for the issue of Friday **17 March 2023**
- **16 March 2023**, Thursday for the issue of Friday **24 March 2023**
- **24 March 2023**, Friday for the issue of Friday **31 March 2023**
- **30 March 2023**, Thursday for the issue of Thursday **06 April 2023**
- **05 April 2023**, Wednesday for the issue of Friday **14 April 2023**
- **14 April 2023**, Friday for the issue of Friday **21 April 2023**
- **20 April 2023**, Thursday for the issue of Friday **28 April 2023**
- **26 April 2023**, Wednesday for the issue of Friday **05 May 2023**
- **05 May 2023**, Friday for the issue of Friday **12 May 2023**
- **12 May 2023**, Friday for the issue of Friday **19 May 2023**
- **19 May 2023**, Friday for the issue of Friday **26 May 2023**
- **26 May 2023**, Friday for the issue of Friday **02 June 2023**
- **02 June 2023**, Friday for the issue of Friday **09 June 2023**
- **08 June 2023**, Thursday for the issue of Thursday **15 June 2023**
- **15 June 2023**, Thursday for the issue of Friday **23 June 2023**
- **23 June 2023**, Friday for the issue of Friday **30 June 2023**
- **30 June 2023**, Friday for the issue of Friday **07 July 2023**
- **07 July 2023**, Friday for the issue of Friday **14 July 2023**
- **14 July 2023**, Friday for the issue of Friday **21 July 2023**
- **21 July 2023**, Friday for the issue of Friday **28 July 2023**
- **28 July 2023**, Friday for the issue of Friday **04 August 2023**
- **03 August 2023**, Thursday for the issue of Friday **11 August 2023**
- **11 August 2023**, Friday for the issue of Friday **18 August 2023**
- **18 August 2023**, Friday for the issue of Friday **25 August 2023**
- **25 August 2023**, Friday for the issue of Friday **01 September 2023**
- **01 September 2023**, Friday for the issue of Friday **08 September 2023**
- **08 September 2023**, Friday for the issue of Friday **15 September 2023**
- **15 September 2023**, Friday for the issue of Friday **22 September 2023**
- **21 September 2023**, Thursday for the issue of Friday **29 September 2023**
- **29 September 2023**, Friday for the issue of Friday **06 October 2023**
- **06 October 2023**, Friday for the issue of Friday **13 October 2023**
- **13 October 2023**, Friday for the issue of Friday **20 October 2023**
- **20 October 2023**, Friday for the issue of Friday **27 October 2023**
- **27 October 2023**, Friday for the issue of Friday **03 November 2023**
- **03 November 2023**, Friday for the issue of Friday **10 November 2023**
- **10 November 2023**, Friday for the issue of Friday **17 November 2023**
- **17 November 2023**, Friday for the issue of Friday **24 November 2023**
- **24 November 2023**, Friday for the issue of Friday **01 December 2023**
- **01 December 2023**, Friday for the issue of Friday **08 December 2023**
- **08 December 2023**, Friday for the issue of Friday **15 December 2023**
- **15 December 2023**, Friday for the issue of Friday **22 December 2023**
- **20 December 2023**, Wednesday for the issue of Friday **29 December 2023**

## LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

### NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

### EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

### GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

### QUOTATIONS

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.



## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

#### Physical Address:

**Government Printing Works**  
149 Bosman Street  
Pretoria

#### Postal Address:

Private Bag X85  
Pretoria  
0001

#### GPW Banking Details:

**Bank:** ABSA Bosman Street  
**Account No.:** 405 7114 016  
**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)

**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)

**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574



## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF HEALTH

NO. R. 2915

30 December 2022

## ALLIED HEALTH PROFESSIONS ACT, 1982

REGULATIONS RELATING TO DISCIPLINARY INQUIRIES UNDER THE ALLIED  
HEALTH PROFESSIONS ACT

The Minister of Health intends, under section 23(1A) read with section 38(1)(s) and (4) of the Allied Health Professions Act, 1982 (Act No. 63 of 1982), on the recommendation of the Allied Health Professions Council, to make the regulations as set out in the Schedule.

Any person wishing to comment on or make representations with regard to the proposed amendments to the Regulations is hereby invited to do so within one month of the date of publication of this notice. All such comments and representations must be submitted in writing By post to: The Director-General, Department of Health, Private Bag X828, Pretoria, ,0001, and to Director Public Entities: MushwM@health.gov.za.

  
Dr MJ PHAAHLA

MINISTER OF HEALTH, MP

DATE

14/11/2022

## SCHEDULE

### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

**"accused"** means a person registered under the Act against whom a complaint has been made;

**"address"** means the postal address, residential address, business or practice address, or fax number or electronic email address of a practitioner or student as recorded in the register;

**"complaint"** means any information in writing regarding alleged unprofessional conduct by a person registered under the Act that comes to the attention of the registrar or the council or a professional board or an ombudsman, or a complaint, charge or allegation of unprofessional conduct against such person;

**"complainant"** means any natural or juristic person, group or professional body, including a professional association or society, a teaching or training institution, or any health care or related facility that lodges a complaint against a person registered under the Act relating to unprofessional conduct;

**"inquiring body"** means the council, the professional board, a committee of the council or a committee appointed by a professional board, which is conducting an inquiry contemplated in either section 23(1) or 23(1A) of the Act;

**"pro forma complainant"** means a person appointed by the council or the professional board to represent the complainant and to present the complaint to an inquiring body;

**"Regulations of 1982"** means the regulations made under section 38 of the Act, as published under Government Notice No. R.2610 of 03 December 1982 and amended by Government Notice Nos. R. 870 of 29 April 1983, Government Notice No. R. 1196 of 10 June 1983, Government Notice No. R. 1745 of 12 August 1983, Government Notice No. R. 2322 of 26 October 1984, Government Notice No. R. 2712 of 14 December 1984, Government Notice No. R. 1083 of 18 May 1985, Government Notice No. R. 2394 of 21 November 1986, Government Notice No. R. 1622 of 31 July 1987, Government Notice No. R. 2366 of 23 October 1987, Government Notice No. R. 629 of 31 March 1988, Government Notice No. R. 2439 of 2 December 1988, Government Notice No. R. 2855 of 07 December 1990, Government Notice No. R. 3089 of 20 December 1991, Government Notice No. R. 2900 of 16 October 1992, Government Notice No. R. 203 of 04 February 1994, Government Notice No. R. 1700 of 25 October 1996; and as repealed in part (Chapters 1,2,3,4,5,6,7,9,10,12 and 15) by Government Notice No. R. 127 of 12 February 2001;

**"the Act"** means the Allied Health Professions Act, 1982 (Act No. 63 of 1982).

## **Purpose and Application**

2. (a) The purpose of these regulations is to provide for the institution of and procedure at a disciplinary inquiry contemplated in section 23 of the Act.
- (b) These regulations apply to an inquiry into unprofessional conduct under the Act.

## **Manner in which complaint may be lodged against accused**

3. (1) A complaint against an accused must be in writing, and where possible in the form of an affidavit, and addressed to the registrar.
- (2) A complaint must describe the conduct in question, and the complainant must, if so requested, give oral evidence in support of his or her complaint at a disciplinary inquiry before the inquiring body.
- (3) The registrar must—
  - (a) peruse and analyse all complaints received;
  - (b) categorise complaints according to their significance and seriousness;
  - (c) record each complaint against the name of the accused as it appears in the register;
  - (d) investigate the complaints and where appropriate, refer them to the council's duly appointed external legal

counsel for advice or a recommendation in respect of such transgression and/or investigate further and/or appoint an investigating person to investigate the complaint;

- (e) inform the accused of the advice, investigation or recommendation contemplated in paragraph (d) and, on the basis of such advice or recommendation, issue a request or directive to the accused;
- (f) in the event that an accused refuses to accede to or comply with the request or directive of the registrar contemplated in paragraph (e) or the complaint is of such a nature that it cannot be resolved, refer the matter to the chairperson of the council for consideration.

- (4) Subject to subregulation (3)(d), (e) and (f), the complaint together with any accompanying documentation must be submitted by the registrar to the chairperson of the council, who must direct the registrar, as he or she sees fit—

- (a) to call for further information from the complainant if necessary;
- (b) to forward to the accused copies of the documents received from the complainant or to inform the accused of the nature of such complaint, calling upon him or her for a written explanation with regard thereto and warning him



- or her that such explanation may be used in evidence against him or her during a disciplinary inquiry; or
- (c) to refer the complaint to the relevant professional board and delegate to the professional board the power the investigate such complaint further.
- (5) The accused (who may be legally represented) must, within 15 days from the date that a copy of the complaint was sent to his address (which address may include an email address) as reflected in the council's records, provide—
- (a) a written explanation concerning the complaint; or
- (b) a written confirmation that he or she does not want to provide any explanation with regard to the complaint at this time; or
- (c) a written admission of guilt with regard to the complaint.
- (6) On receipt of the response contemplated in subregulation 5, the registrar must submit such a response to the chairperson of the council or, if no response is received, the registrar must report such fact to the chairperson of the council.
- (7) The chairperson of the council must, taking into consideration the response of the accused contemplated in subregulation 5, together with the results of any investigation by the professional

board if applicable, and make his or her recommendation regarding the complaint.

- (8) If so instructed by the chairperson of the council, the registrar must refer to the council or the relevant professional board for consideration the chairperson's recommendation contemplated in subregulation (7) regarding the complaint together with all other documents concerning the case.
- (9) If the council or a professional board, on the strength of the information submitted to it by the registrar, resolves that the conduct forming the subject of the complaint does not constitute unprofessional conduct or for any other reason should not be subjected to an inquiry, it must inform the chairperson of the council accordingly and take such action as it deems fit.
- (10) If a professional board resolves that information submitted to it by the registrar in terms of subregulation 8, constitutes *prima facie* evidence of unprofessional conduct, it must—
  - (a) advise the council accordingly so that the council may conduct an inquiry contemplated in section 23(1) of the Act; or
  - (b) where the council has in terms of section 23(1A) of the Act delegated to the professional board the power to conduct the inquiry, arrange for such inquiry to be held.
- (11) If a disciplinary inquiry is to be held—
  - (a) the council or the professional board, as the case may be, must with due regard to the provisions of section

24(5) of the Act, appoint a *pro forma* complainant to act at such inquiry: Provided that no member of a professional board may be so appointed; and

(b) the chairperson of the council or the chairperson of the professional board, or the registrar on behalf of the council or the professional board, must with due regard to the provisions of section 24(9) of the Act, issue a summons in the form of Annexure A to these regulations, addressed to the accused and informing him or her—

- (i) of the date, time and venue of such inquiry;
- (ii) of the particulars of the complaint or charge or allegation; and
- (iii) that he or she may answer in writing to the complaint set forth in the summons, but warning him or her at the same time that any such answer may be used in evidence against him or her.

(12) The summons referred to in suregulation (11)(b) must be served on the accused at his or her registered address as reflected in the council's records or forwarded through the post to him or her at the registered address by registered letter or emailed to him or her at the email address that he or she has provided to the council.



- (13) A person who has been duly summoned in terms of these regulations must appear in person at the time and place specified in the summons, unless before the inquiry he or she informs the registrar in writing personally signed by him or her, that he or she admits guilt in respect of the complaint.
- (14) A person who has been duly summoned in terms of these regulations and who fails or refuses without cause acceptable to the inquiring body to appear at the time and place specified in the summons is guilty of an offence and liable to a fine as prescribed in the regulations and determined by the Inquiring body.
- (15) (a) In the event that the accused provides an admission of guilt as contemplated in subregulation (5)(c) or (13), the inquiring body, if satisfied that the accused is guilty of the offence to which he or she admitted guilt, may proceed with or without a hearing and invite the accused and the *pro forma* complainant to make written submissions, within such time limits as may be imposed by the inquiring body, regarding a suitable sanction to be imposed.
- (b) In the event that the *pro forma* complainant or the accused does not comply with the time limits contemplated in paragraph (a), the inquiring body must deal with the matter as if such accused elected not to make a submission in respect of a suitable sanction;

- (c) The sanction recommended by the inquiring body must be communicated in writing to the *pro forma* complainant and the accused.
- (16) The fees payable to witnesses subpoenaed by the inquiring body to give evidence at a disciplinary inquiry must be in accordance with the tariff applicable to witnesses giving evidence before a division of the High Court.
- (17) A summons for attendance as a witness at a disciplinary inquiry in terms of this Act, or for the production of any book, record, document or thing at such disciplinary inquiry must be substantially in the form of Annexure B hereto.

#### **Procedure at a disciplinary inquiry**

- 4. (1) Subject to the provisions of section 24 of the Act, the procedure at a disciplinary inquiry must be as follows:
  - (a) The inquiry must be conducted by the council or the professional board, or a committee of the council or professional board, as the case may be, in terms of the powers delegated by the council to such professional board or committee.
  - (b) Where a professional board or the council appoints a committee to conduct the inquiry, such committee must be composed of at least—

- (i) two public representatives, one of whom must be the chairperson of the inquiring body;
  - (ii) two persons registered in the profession and in the same discipline in which the accused is registered;
  - (iii) one member of the council; and
  - (iv) one assessor appointed in terms of section 24(4) of the Act.
- (c) If the summons contemplated in regulation 3(11)(b) has been served on or forwarded to the accused as contemplated in regulation 3(12) and the accused fails to attend the disciplinary inquiry, the inquiring body may—
  - (i) proceed with the disciplinary inquiry even if the accused is not present if there is no good cause shown for the accused's absence; or
  - (ii) postpone the hearing and, if it deems fit, summarily suspend the accused from practising until the finalisation of the matter.
- (d) If a summons is found to be defective, the inquiring body may allow the *pro-forma* complainant to amend the summons at the inquiry so that the inquiry may proceed, subject to the accused having the right to respond or modify his or her response to the summons as amended if necessary.

- (e) The failure of an accused, or a witness who is a member of a profession regulated by the Act, to attend a disciplinary inquiry constitutes unprofessional conduct.
  - (f) If the accused is present, the *pro-forma* complainant must read out such complaint as is contained in the summons addressed to the accused.
  - (g) If an inquiring body has been established specifically to deal with a complaint, the accused may be held liable for payment of the costs associated with the establishment and procedures of such inquiring body.
- (2)
- (a) Except where the accused has already provided to the registrar a personally signed letter before the hearing admitting guilt concerning the complaint, the chairperson of the inquiring body must ask the accused to plead guilty or not guilty to the complaint against him or her.
  - (b) If the accused refuses or fails to plead directly to the complaint, or if the accused is absent and if a summons has been served on or forwarded to him as contemplated in regulation 3(12) and he or she has not notified the registrar in writing of his or her admission of guilt as contemplated in regulation 3(5)(c), the chairperson of the inquiring body must make a note of such fact and enter a plea of not guilty on behalf of the accused, and a plea so entered has the same result as if it had in fact been so pleaded.

- (c) Subject to the provisions of section 24(1) of the Act, if the accused pleads guilty, the inquiring body may decide whether or not to hear evidence regarding the complaint.
- (3)
  - (a) Where evidence pertaining to any complaint needs to be adduced either because the accused has pleaded not guilty or because the inquiring body has decided that evidence should be adduced, the *pro-forma* complainant must be given the opportunity of stating his or her case and thereafter of leading evidence in support thereof.
  - (b) The accused must be allowed to cross-examine every witness giving evidence on behalf of the *pro forma* complainant provided that questions addressed to the *pro forma* complainant are relevant to the complaint.
  - (c) The *pro forma* complainant may re-examine the witness, if necessary, after the cross-examination provided that the questions addressed are relevant clarity and not to introduce new evidence.
  - (d) Upon conclusion of the giving of evidence, cross-examination and re-examination of the witnesses called by the *pro forma* complainant, the *pro forma* complainant's statement of his or her case shall be closed.
- (4)
  - (a) If the accused is present or is represented by a legal



- representative, the accused or the legal representative must be given the opportunity of stating his or her case and thereafter of leading evidence in support of it.
- (b) If the accused has already admitted guilt and pleaded guilty, the accused or his or her legal representative may present a written statement to the inquiring body and such statement must be read to the inquiring body and must be received as evidence.
  - (c) The *pro forma* complainant must be allowed to cross-examine every witness giving evidence on behalf of the accused provided that questions addressed to the witnesses are relevant to the complaint, charge or allegation against the accused.
  - (d) The accused or his or her legal representative may re-examine the witness if necessary after the cross-examination provided that the questions addressed are relevant for clarity and not to introduce new evidence.
  - (e) After the accused or his or her legal representative has led evidence in terms of paragraph (a), or has presented and read his or her statement as contemplated in paragraph (b), his or her statement of his or her case shall be closed.
- (5) The chairperson of the inquiring body and the other members of the inquiring body may, through the chairperson, at any time question the *pro-forma* complainant, the accused or his or her

legal representative or witnesses giving evidence at a disciplinary inquiry.

- (6) (a) If the inquiring body deems it necessary for further evidence to be adduced in order to enable it to arrive at a just, reasonable and fair decision, it may allow further evidence to be led by either the *pro forma* complainant or the accused, or his or her legal representative, or by both after their case has been closed.
- (b) Only if exceptional circumstances exist and a written application is made to the inquiring body indicating cogent reasons therefor, may an inquiring body allow a *pro forma* complainant or the accused to reopen the case in order to submit further evidence.
- (7) After all the evidence has been given, the *pro forma* complainant must be allowed to address the inquiring body on the evidence and the relevant law and this must be allowed whether or not the accused has led evidence.
- (8) After the *pro forma* complainant has addressed the inquiring body as contemplated in subregulation (7), the accused or his or her legal representative, if present, must be allowed to make a closing argument in which he or she addresses the inquiring body on the evidence and relevant questions of law, except where the accused has admitted guilt.

- (9) If it sees fit, the inquiring body may allow the *pro forma* complainant to reply to questions of law which the accused or his or her legal representative raises in the address contemplated in subregulation (8).
- (10) If the accused is present and the complainant is not present but has filed an affidavit, the accused or his or her legal representative may answer to the affidavit so as to enable the inquiring body to deal with or to dispose of the matter as necessary.
- (11) All oral evidence must be taken on oath or affirmation and the inquiring body may decline to admit the evidence of any witness or deponent to a document who is not available for cross-examination or declines to submit thereto.
- (12)
  - (a) The statement of a complainant or an accused who is not present in person, or of any witness in support of the complaint or an accused who is not present in person must be in the form of an affidavit.
  - (b) Any party may object to the statement referred to in paragraph (a) if he or she is not given the opportunity to cross-examine the witness.
  - (c) Where the information or complaint is based on records of a lawfully constituted court, such records must be accepted as *prima facie* evidence provided they have been certified as being a true copy of the original or



provided the acceptance thereof is agreed upon by both the complainant and the accused.

- (d) If it is practicable and appears just, the inquiring body may postpone the inquiry in order to subpoena, for the purposes of cross-examination, the witnesses whose evidence appears in the statement contemplated in paragraph (a).
- (13) Upon the conclusion of the hearings, the inquiring body must deliberate thereon in camera and once a decision has been reached, the parties must be recalled and the chairperson of the inquiring body must announce the verdict.
- (14) Where the accused or his or her legal representative is not present at the inquiry, the accused must be notified in writing of the inquiring body's verdict and the reasons thereof as soon as reasonably possible.

#### **Procedure after a finding by an inquiring body**

- 5. (1) After an announcement of a guilty finding has been made, or in the event that the accused has pleaded guilty and the inquiring body has decided that it is not necessary to lead evidence, the chairperson of the inquiring body must afford—
  - (a) the *pro-forma* complainant an opportunity to make a submission regarding a suitable sanction to be imposed; and

- (b) the accused, or the accused's legal representative, as the case may be, an opportunity to make a submission in mitigation of the sanction to be imposed.
- (2) Any submission made by the *pro forma* complainant as contemplated in subregulation (1)(a) in respect of proof of previous convictions under the Act must be adduced by means of a certificate issued under the hand of the registrar: Provided that—
  - (a) such certificate specifies the complaint brought against the accused and the time, the finding, the date thereof and the penalty imposed; and
  - (b) the accused is entitled to challenge the correctness of such certificate in which case a certified copy of the minutes of the previous inquiry must be produced, or if such minutes have been destroyed, the relevant notice published in the *Gazette* in terms of section 24(2) of the Act must be produced.
- (3) After the submissions contemplated in subregulations (1) have been made, the inquiring body must deliberate in camera or by way of electronic communication, as it deems fit, upon the sanction to recommended to be imposed by the council.
- (4) If the inquiring body has determined regarding any complaint that there are in its opinion insufficient facts to support such complaint, it shall make a recommendation of a finding of not guilty.

- (a) A finding of not guilty shall be regarded as a recommendation, which final decision still needs to be made by council.

**Procedure for approval of the recommended sanction**

6. (1) Where a committee of a professional board makes a finding in a disciplinary inquiry, its recommendations regarding such finding and, where applicable, a sanction, must be forwarded to the professional board for consideration and the committee must submit all relevant documents together with the record of the evidence and its findings to the professional board for consideration and subsequent recommendation to the council.
- (2) Where a committee of the council makes a finding in a disciplinary inquiry, its recommendations regarding its findings and, where applicable, a sanction, must be forwarded to the council for consideration and approval.
- (3) Where a professional board makes a finding in a disciplinary inquiry, the recommendations concerning its findings and, where applicable, a sanction must be forwarded to the council for consideration and approval.
- (4) On submission of any recommendation to the council for consideration and approval in terms of subregulation (1), (2) or (3), the relevant committee or the professional board must submit all relevant documents together with the record of the evidence and its findings to the council for consideration and approval.

- (5) The accused must be informed that he or she may make further submissions in respect of mitigation of the sanction for the attention of the council regarding a recommended sanction, within a reasonable time limit set by the relevant committee or the professional board.
- (6) In the event that the accused does not comply with the set time limits, or confirms in writing before the expiration of the set time limit that he or she elects not to make any further submissions, the council must proceed to make a final decision regarding the guilt or innocence of the accused and, where applicable, a suitable sanction.
- (7) The final decision determined by the council as contemplated in subregulation (6) must be communicated in writing to the *pro forma* complainant and the accused.

#### **Costs**

- 7. (1) An inquiring body may make any costs order it deems appropriate in relation to the conduct of a disciplinary inquiry.
- (2) The accused must in his or her submissions to the council regarding a sanction clearly state why he or she should not be liable for any costs associated with the disciplinary inquiry.

#### **Sanctions**

- 8. Sanctions, including orders as to costs, are only final and binding only when approved and confirmed by the council.

**Time limits**

9. (1) The time limits determined under these regulations begin from the day after that on which notification by the inquiring body or professional board is received and public holidays and weekend days are included in the calculation of time limits.
- (2) If a communication required by these regulations is sent before midnight on the day on which a time limit expires, it complies with the time limit: Provided that if the last day of the time limit is a public holiday or a non-business day in the location from which the document is sent, the time limit shall expire at the end of the first subsequent business day.
- (3) The inquiring body or the professional board may, where the time limit initially specified has not already expired, extend the time limits it has set in terms of these regulations as it deems necessary and appropriate in the circumstances.

**Repeal**

10. Regulations 12 through 22 in Chapter 8 of the Regulations of 1982 are hereby repealed.

**Short Title**

11. These regulations are called the Regulations Relating to the Institution of a Disciplinary Inquiry, 2018.



**ANNEXURE A  
FORM OF SUMMONS****SUMMONS**

(Issued in terms of section 24(9) of the Allied Health Professions Act, 1982  
(Act No. 63 of 1982) read with regulation 3(11)(b) to attend a disciplinary  
inquiry)

**TO:****(Full names)**.....**Physical Address**.....**Postal Address** .....**Email address** ..... (if available)

You are hereby summoned to appear in person at an inquiry in connection with a complaint, charge or allegation of unprofessional conduct to be held in terms of the Allied Health Professions of South Africa Act, 1982 (Act No. 63 of 1982) (hereinafter referred to as the "Act") and the regulations thereto on the date and time and at the place specified below:

**DATE:** ..... **PLACE:** ..... **TIME:** .....**NAMES OF ACCUSED:** .....**NAMES OF COMPLAINANT:** .....**PARTICULARS OF COMPLAINT:** .....

.....

.....

**NOTE:**

In terms of section 1 of the Act, unprofessional conduct is defined as meaning *“improper, disgraceful, dishonourable or unworthy conduct or conduct which, when regard is had to the profession of a person who is registered in terms of this Act, is improper or disgraceful or dishonourable or unworthy”*.

Should you desire that your written response dated ..... to the complaint, or any other written communication you may wish to make, constitutes your explanation, defence or any preliminary points with regard to the complaint, please notify us to that effect as soon as possible but not later than ..... **(Specify a date at least 10 days from the date on which the summons is served).**

If you intend to raise any point *in limine*, you are requested to advise us of such no later than ..... **(Specify a date at least 10 days from the date on which the summons is served).**

You are hereby advised that any such communication may be used in evidence against you.

You are obliged to appear at the inquiry unless, before the date of the hearing, you plead guilty in a letter signed by you personally and addressed to the registrar or the council. Kindly note that you may still be held liable for costs relating to the inquiry.

If you are unable to attend the inquiry, you are requested to inform us accordingly within 48 hours of receipt of this Summons and to provide reason(s), together with any available documentary proof thereof, for your absence.

If you fail or refuse to attend the inquiry without a cause acceptable to the inquiring body you may be guilty of an offence and on conviction be liable to a fine or to imprisonment not exceeding three (3) months or to both such fine and such imprisonment in terms of regulation 3(14).

If you do not inform us of your inability to attend within 48 hours after receipt hereof and cause any unnecessary delays in the proceedings of the disciplinary inquiry, you may be held liable for the associated costs.

In terms of section 24(6) of the Act you are entitled, either personally or through your legal representative, to answer to the complaint at the inquiry and be heard in your defence.

You are also entitled to call witnesses in your defence but must secure their presence at the inquiry yourself.

**LIST OF DOCUMENTS ATTACHED HERETO (IF ANY):**

.....  
.....  
.....

Given under the hand of.....on  
this.....day of .....20.....

.....Chairperson / Registrar

**Name:**



**ANNEXURE B  
FORM OF SUMMONS**

**SUMMONS**

**(Issued in terms of section 24(3)(a) of the Allied Health Professions Act,  
1982 (Act No. 63 of 1982) read with regulation 3(17) to appear as a witness  
at a disciplinary inquiry)**

To: .....

.....

.....

**(name of person summoned and his or her address)**

You are hereby summoned to appear before an inquiring body established under the Allied Health Professions Act , 1982 (Act No. 63 of 1982), at

.....(place) on the .....day of

..... 20....at .....(time) in respect of a complaint against:

.....(names of  
**accused)**

(a) to give evidence as a witness regarding the said complaint;and

(b) to bring with you the following book, document, record or thing:

.....

.....

**Note:**

In terms of section 24(3)(c) of the Act, if you—

(a) refuse, or without sufficient cause fail, to attend at the time and place specified in this Summons and give evidence relevant to the inquiry;

- (b) refuse to take the oath or to make affirmation when required to do so by the chairperson concerned;
- (c) refuse to produce any book, record, document or article which this Summons requires you to produce; or
- (d) attend before the council or the committee concerned but refuse to answer or to answer fully and satisfactorily and to the best of your knowledge and belief any question lawfully put to you,

you are guilty of an offence and on conviction liable to a fine, or to imprisonment for a period not exceeding three months.

Given under the hand of .....this .....day  
of 20.....

.....  
Chairperson/Registrar\*

---

\* Delete what does not apply

## DEPARTMENT OF HEALTH

NO. R. 2916

30 December 2022

## NURSING ACT, 2005 (ACT NO.33 OF 2005)

## REGULATIONS RELATING TO THE DISTINGUISHING DEVICES FOR NURSES AND MIDWIVES

The Minister of Health, intends, after consultation with the South African Nursing Council, intends, in terms of section 58(1)(h) of the Nursing Act, 2005 (Act No. 33 of 2005), to make 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: Public Entities and Relations Management, ([mihloti.mushwana@health.gov.za](mailto:mihloti.mushwana@health.gov.za) and [paul.tsebe@health.gov.za](mailto:paul.tsebe@health.gov.za) ), within three (3) months of the date of publication of this Notice.



DR. M.J. PHAAHLA, MP

MINISTER OF HEALTH

DATE: 14/11/2022

## SCHEDULE

### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act bears such meaning and, unless the context otherwise indicates –

**“additional qualification”** means a qualification awarded on or upon successful completion of a post graduate nursing programme that is accredited by the Council;

**“badge”** means the official insignia of the South African Nursing Council as prescribed and supplied by the South African Nursing Council;

**“bars”** means a specifically coloured rectangular metal article as designed, prescribed and supplied by the South African Nursing Council;

**“clinical nurse specialist”** means a professional nurse who has undergone and met the theoretical and practical requirements of a specific postgraduate nursing programme;

**“epaulette”** means an official ornamental shoulder piece as designed and distributed by the South African Nursing Council;

**“general nurse”** means a person educated and competent to practise general nursing in the manner and to the level prescribed, who is capable of assuming responsibility and accountability for such practice and is registered as such in terms of the Act;

**“non- clinical nurse specialist”** means a professional nurse who has undergone and met the theoretical and practical requirements of a nursing education and or nursing management postgraduate programme, and is registered as such by the Council; and

**“the Act”** means the Nursing Act, 2005 (Act No.33 of 2005).

**Distinguishing devices for Professional Nurses**

2. Any Professional Nurse must at all times, when in any area of clinical nursing practice, display on his or her shoulders distinguishing devices consisting of maroon cloth epaulettes to which must be affixed the badge of the Council and described bars.

**Distinguishing devices for Midwives**

3. Any Midwife must at all times, when in any area of clinical nursing practice display distinguishing devices consisting of maroon cloth epaulettes to which must be affixed the badge of the Council and green bars.

**Distinguishing devices for General Nurses**

4. Any general nurse must at all times, when in any area of clinical nursing practice, display distinguishing devices consisting of maroon cloth epaulettes to which must be affixed the badge of the Council.

**Distinguishing Devices for Nurse Specialists**

5. Any Professional Nurse who holds an additional qualification registered with the Council, must in addition to the distinguishing devices as contemplated in regulation 4, display on their epaulets a bar as stipulated below:

(a) Nurse specialist for clinical specialisation programmes: Gold bar with clinical speciality engraved thereto; and

(b) Nurse specialist for non-clinical specialisation programmes:

(i) Nursing Education: White

(ii) Health Services Management: Silver.



**Distinguishing devices for Enrolled Nurses**

6. Any Enrolled Nurse must at all times, when in any area of clinical nursing practice, display on his or her shoulders distinguishing devices consisting of white epaulettes to which must be affixed the badge of the Council.

**Distinguishing devices for Auxiliary Nurses**

7. Any Auxiliary Nurse must at all times, when in any area of clinical nursing practice, display on his or her shoulders distinguishing devices consisting of dark turquoise epaulettes, to which must be affixed the prescribed badge of the Council.

**Identification**

8. Any nurse must at all times, when in any area of clinical nursing practice, wear and display an official, legible identification tag with details determined by the employer.

**Other Provisions**

9. Notwithstanding the provisions of these regulations, a person registered in terms of the Act, who is a member of the South African Military Health Services, or South African Correctional Services; only has to wear the distinguishing devices as prescribed by the primary legislation relating to such organisations.

**Offences**

10. (1) Any person who manufactures, sells or supplies any distinguishing device described in these regulations without the written authority of the Council, is guilty of an offence and liable on conviction to a fine or sentence not exceeding two years.

(2) Any person who contravenes any provision of these regulations is liable on conviction to an imprisonment for a period not exceeding five years or a fine or both a fine and an imprisonment.

### **Wearing of Distinguishing Devices**

11. (1) The epaulettes, badge and the bars must be worn as described in this regulation.

(2) The described bars shall be affixed horizontally on the epaulettes, below the badge of the South African Nursing Council as indicated below:



### **Repeal**

12. Regulations published under Government Notice No. R 1201 of 31 July 1970 is hereby repealed.

### **Short title**

13. These Regulations are called Regulations Regarding Distinguishing Devices for Nurses and Midwives, 2022.

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