

EXTRAORDINARY



BITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CLXXXVIII.] PRICE 6d.

CAPE TOWN, 18TH APRIL, 1957.
KAAPSTAD, 18 APRIL 1957.

PRYS 6d. [No. 5856.

HOUSE OF ASSEMBLY.

13th April, 1957.

The following Bill, having been introduced into the
use of Assembly, is published in accordance with
inding Order No. 163 (1).

J. M. HUGO,
Clerk of the House of Assembly.

VOLKSRAAD.

13 April 1957.

Die volgende Wetsontwerp, ingedien in die Volksraad,
word gepubliseer ingevolge artikel 163 (1) van die Regle-
ment van Orde.

J. M. HUGO,
Klerk van die Volksraad.

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BILL

To consolidate and amend the law relating to the exercise of the calling of a nurse or midwife and other incidental matters.

(SELECT COMMITTEE.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "advisory board" means an advisory board established under section *sixteen*; (i) 5
 - (ii) "advisory committee" means an advisory committee established under section *thirty-eight*; (ii)
 - (iii) "approved" means approved under this Act; (ix)
 - (iv) "association" means the South African Nursing Association established under section *thirty*; (xxi) 10
 - (v) "board" means the Board of the Association referred to in section *thirty-four*; (iii)
 - (vi) "coloured person" means "coloured person" as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (vii) 15
 - (vii) "council" means the South African Nursing Council established under section *two*; (xvi)
 - (viii) "enquiry" means an enquiry under section *twenty-two*; (xiv) 20
 - (ix) "enrolled" means enrolled under section *twelve*; (xi)
 - (x) "Minister" means the Minister of Health; (xii)
 - (xi) "native" means "native" as defined in section *one* of the Population Registration Act, 1950; (xiii)
 - (xii) "nurse" includes a male nurse; (xxii) 25
 - (xiii) "nursing agency" means an agency which supplies nurses or midwives, or auxiliary nurses or midwives, to any person, organization or institution, whether or not for gain, or whether or not in conjunction with any other services rendered by such agency; (xxiii) 30
 - (xiv) "prescribed" means prescribed by regulation; (xxiv)
 - (xv) "register" means a register kept by the council under Part I; (xvii)
 - (xvi) "registered" means registered under section *twelve*; (viii) 35
 - (xvii) "registrar" means the registrar of the council; (xviii)
 - (xviii) "regulation" means any regulation made under this Act; (xix)
 - (xix) "roll" means a roll kept by the council under Part I; (xx) 40
 - (xx) "the Medical Act" means the Medical Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (vi)
 - (xxi) "the territory" means the territory of South-West Africa; (v)
 - (xxii) "this Act" includes the regulations; (x) 45
 - (xxiii) "training school" means a training school or other institution where student nurses or midwives, or student auxiliary nurses or midwives are trained; (xv)
 - (xxiv) "white person" means "white person" as defined in section *one* of the Population Registration Act, 1950. (iv) 50

PART I.

SOUTH AFRICAN NURSING COUNCIL.

Establishment of nursing council.

2. (1) There shall be established a council to be known as the South African Nursing Council, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the performance of its functions and the exercise of its powers under this Act.

[A.B. 59—'57.]

WETSONTWERP

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die beoefening van die beroep van verpleegster of vroedvrou en ander aangeleenthede wat daarmee in verband staan.

(GEKOSE KOMITEE.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy dit uit die samehang anders blyk, Woordbepaling.
5 beteken—

- (i) „adviesraad” ’n adviesraad ingevolge artikel *sestien* ingestel; (i)
- (ii) „adviserende komitee” ’n adviserende komitee ingevolge artikel *agt-en-dertig* ingestel; (ii)
- 10 (iii) „bestuur” die Bestuur van die Vereniging in artikel *vier-en-dertig* vermeld; (v)
- (iv) „blanke”, „blanke” soos in artikel *een* van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf; (xxiv)
- 15 (v) „die gebied” die gebied Suidwes-Afrika; (xxi)
- (vi) „die Wet op Geneeshere” die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928); (xx)
- 20 (vii) „gekleurde”, „gekleurde” soos in artikel *een* van die Bevolkingsregistrasiewet, 1950, omskryf; (vi)
- (viii) „geregistreer” ingevolge artikel *twaalf* geregistreer; (xvi)
- (ix) „goedgekeurde” ingevolge hierdie Wet goedgekeurde; (iii)
- 25 (x) „hierdie Wet” ook die regulasies; (xxii)
- (xi) „ingeskryf” ingevolge artikel *twaalf* ingeskryf; (ix)
- (xii) „Minister” die Minister van Gesondheid; (x)
- (xiii) „naturel”, „naturel” soos in artikel *een* van die Bevolkingsregistrasiewet, 1950, omskryf; (xi)
- 30 (xiv) „ondersoek” ’n ondersoek ingevolge artikel *twee-entwintig*; (viii)
- (xv) „opleidingskool” ’n opleidingskool of ander inrigting waar leerlingverpleegsters of -vroedvroue, of leerlinghulpverpleegsters of -hulpvroedvroue opgelei word; (xxiii)
- 35 (xvi) „raad” die Suid-Afrikaanse Verpleegstersraad ingevolge artikel *twee* ingestel; (vii)
- (xvii) „register” ’n register deur die raad ingevolge Deel I gehou; (xv)
- 40 (xviii) „registrateur” die registrator van die raad; (xvii)
- (xix) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xviii)
- (xx) „rol” ’n rol deur die raad ingevolge Deel I gehou; (xix)
- 45 (xxi) „vereniging” die Suid-Afrikaanse Verpleegstersvereniging ingevolge artikel *dertig* ingestel; (iv)
- (xxii) „verpleegster” ook ’n verpleër; (xii)
- (xxiii) „verplegingsagentskap” ’n agentskap wat verpleegsters of vroedvroue, of hulpverpleegsters of -vroedvroue, aan ’n persoon, liggaam of inrigting verskaf, hetsy vir wins, al dan nie, of hetsy tesame met ander dienste deur die agentskap gelewer, al dan nie; (xiii)
- 50 (xxiv) „voorgeskrif” by regulasie voorgeskryf. (xiv)

DEEL I.

55 SUID-AFRIKAANSE VERPLEEGSTERSRAAD.

2. (1) Daar word ’n raad ingestel wat as die Suid-Afrikaanse Instelling van Verpleegstersraad bekend staan, met regspersoonlikheid beklee verpleegstersraad. en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir of in verband staan met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede ingevolge hierdie Wet.

(2) The South African Nursing Council established under the Nursing Act, 1944 (Act No. 45 of 1944), shall be deemed to have been established under sub-section (1).

(3) The head office of the council shall be situated at Pretoria, but may, with the consent of the Minister, be moved to any other place in the Union. 5

Constitution
of council.

3. (1) (a) For the period from the commencement of this Act until a date to be determined by the Governor-General by proclamation in the *Gazette*, the council shall consist of the members of the council as constituted immediately prior to such commencement. 10

(b) If any such member vacates his office, the council shall, until the said date, consist of the remaining members.

(2) After the date referred to in sub-section (1), the council shall consist of the following members, namely— 15

(a) the chief health officer for the Union or any other officer of the Department of Health, appointed by the Minister: Provided that if the person appointed is unable for any reason to attend any meeting of the council or of a committee appointed under section 20 eight of which he is a member, he may designate any officer of the said Department, who is not a member of the council, to represent him at such a meeting;

(b) the commissioner for mental hygiene or the physician superintendent of a State institution for mentally disordered or defective persons, appointed by the Minister; 25

(c) an officer of the South African Medical Corps appointed by the Minister after consultation with the Minister of Defence; 30

(d) an officer of the Department of Education, Arts and Science, appointed by the Minister after consultation with the Minister of Education, Arts and Science;

(e) four persons appointed by the Minister, of whom one shall be a person registered under section *twelve*, one shall be a person registered under the Medical Act, who has special knowledge of or experience in obstetrics, and the remaining two shall be persons not registered under this Act or the Medical Act; 35

(f) two medical practitioners (of whom one shall have special knowledge of or experience in obstetrics) and one dentist, all of whom shall be registered under the Medical Act, and shall be appointed by the South African Medical and Dental Council established under the Medical Act: Provided that at least one of the medical practitioners shall be a member of the said Council; 45

(g) one person in respect of each province and one in respect of the territory, appointed by the Executive Committee of the province concerned or of the territory, as the case may be; 50

(h) one female registered nurse in respect of each of ten areas into which the Union together with the territory has been divided in the manner prescribed, elected by female registered nurses who are white persons resident in the area concerned; 55

(i) one registered midwife in respect of each of three areas into which the Union together with the territory has been divided in the manner prescribed, elected by registered midwives who are white persons resident in the area concerned; 60

(j) one male registered nurse elected by male registered nurses who are white persons;

(k) one person who is registered both as a nurse and as a midwife, elected by student nurses and midwives registered under section *fourteen*, who are white persons. 65

(3) Whenever the persons entitled to elect any member of the council fail to elect any person to fill any vacancy in respect of the office of such a member, the Minister may appoint any person qualified to be elected to fill such vacancy, whereupon the person so appointed shall be deemed to have been elected. 70

(4) The members of the council shall be appointed or elected for five years, but shall be eligible for reappointment or re-election. 75

- (2) Die Suid-Afrikaanse Verpleegstersraad ingevolge die Wet op Verpleegsters, 1944 (Wet No. 45 van 1944), ingestel, word geag ingevolge sub-artikel (1) ingestel te gewees het.
- (3) Die hoofkantoor van die raad is te Pretoria geleë, maar kan, met goedkeuring van die Minister, na 'n ander plek in die Unie verskuif word.

3. (1) (a) Vir die tydperk vanaf die inwerkingtreding van hierdie Wet tot 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, bestaan die raad uit die lede van die raad soos onmiddellik voor die inwerkingtreding saamgestel. Samestelling van raad.
- 10 (b) Indien so 'n lid sy amp ontruim, bestaan die raad tot genoemde datum uit die oorblywende lede.
- (2) Ná die datum in sub-artikel (1) vermeld, bestaan die 15 raad uit die volgende lede, naamlik—
- (a) die hoofgesondheidsbeampte van die Unie of 'n ander beampte van die Departement van Gesondheid, deur die Minister aangestel: Met dien verstande dat indien die persoon wat aangestel is, om een of ander rede 20 nie in staat is om 'n vergadering van die raad of van 'n komitee kragtens artikel *agt* aangestel waarvan hy lid is, by te woon nie, hy 'n beampte van genoemde Departement, wat nie lid van die raad is nie, kan aanwys om hom op so 'n vergadering te verteenwoordig;
- 25 (b) die kommissaris van geesteshigiëne of die geneesheer-superintendent van 'n Staatsinrigting vir geestelik gekrenkte of gebrekkige persone, deur die Minister aangestel;
- 30 (c) 'n beampte van die Suid-Afrikaanse Mediese Korps, deur die Minister na oorlegpleging met die Minister van Verdediging aangestel;
- (d) 'n beampte van die Departement van Onderwys, Kuns en Wetenskap, deur die Minister na oorlegpleging met 35 die Minister van Onderwys, Kuns en Wetenskap aangestel;
- (e) vier persone deur die Minister aangestel, waarvan een 'n persoon is wat ingevolge artikel *twaalf* geregistreer is, een 'n persoon is wat ingevolge die Wet op Genees- 40 here geregistreer is en spesiale kennis dra of ondervinding het van verloskunde, en die orige twee persone is wat nie ingevolge hierdie Wet of die Wet op Genees- here geregistreer is nie;
- (f) twee geneeshere (waarvan een spesiale kennis dra of 45 ondervinding het van verloskunde) en een tandarts, wat almal ingevolge die Wet op Geneeshere geregistreer is, en aangestel word deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad ingevolge die Wet op Geneeshere ingestel: Met dien verstande 50 dat minstens een van die geneeshere lid van genoemde Raad moet wees;
- (g) een persoon ten opsigte van elke provinsie en een ten opsigte van die gebied, deur die Uitvoerende Komitee 55 van die betrokke provinsie of van die gebied, na gelang van die geval, aangestel;
- (h) een vroulike geregistreerde verpleegster ten opsigte van elkeen van tien streke waarin die Unie saam met die gebied op die voorgeskrewe wyse verdeel is, verkies 60 deur vroulike geregistreerde verpleegsters wat blankes is in die betrokke streek woonagtig;
- (i) een geregistreerde vroedvrou ten opsigte van elkeen van drie streke waarin die Unie saam met die gebied 65 op die voorgeskrewe wyse verdeel is, verkies deur geregistreerde vroedvroue wat blankes is in die betrokke streek woonagtig;
- (j) een manlike geregistreerde verpleër verkies deur manlike geregistreerde verpleërs wat blankes is;
- (k) een persoon wat beide as verpleegster en as vroed- 70 vrou geregistreer is, verkies deur leerlingverpleegsters en -vroedvroue ingevolge artikel *veertien* geregistreer, wat blankes is.
- (3) Wanneer die persone wat geregtig is om 'n lid van die raad te verkies, in gebreke bly om 'n persoon te verkies om 'n vakature ten opsigte van die amp van so 'n lid te vul, kan die 75 Minister 'n persoon wat bevoeg is om verkies te word, aanstel om die vakature te vul, en daarna word die persoon aldus aangestel, geag verkies te gewees het.
- (4) Die lede van die raad word vir vyf jaar aangestel of verkies, maar kan weer aangestel of verkies word.

(5) The Minister shall give notice in the *Gazette* of the appointment or election of any member of the council and the date from which his membership commences.

(6) If anything required to be done under this Act in connection with the appointment, nomination or election of any member, is omitted or not done within the time or in the manner required by this Act, the Minister may order all such steps to be taken as may be necessary to rectify the omission or error or may validate anything done in an irregular manner or form, in order to give effect to the objects of this Act.

Disqualification,
vacation of office
and filling of
vacancies.

4. (1) No person shall be appointed or elected as a member of the council—

- (a) who is an unrehabilitated insolvent;
- (b) who has been disqualified under the Medical Act from carrying on his calling, while so disqualified; or
- (c) who is not a South African citizen and a white person permanently resident in the Union or the territory.

(2) A member of the council shall vacate his office—

- (a) if he becomes subject to any disqualification referred to in sub-section (1);
- (b) if he ceases to hold any qualification necessary for his appointment or election;
- (c) if he has been absent from more than two consecutive ordinary meetings of the council without the council's leave; or
- (d) if he resigns.

(3) Every vacancy on the council shall be filled by the appointment or election, as the case may be, of another member in the same manner and subject to the same conditions in or on which the member whose office has become vacant, had been appointed or elected: Provided that a member so appointed or elected shall hold office for the unexpired portion of the period for which the member whose office has become vacant, had been appointed or elected.

President,
vice-president
and treasurer.

5. (1) The members of the council as constituted at the date of commencement of this Act shall, at the first meeting after that date, and the members of every newly constituted council shall at the first meeting of such council, elect from among themselves a president, a vice-president and a treasurer who shall hold office, in the case of the first-mentioned council for the unexpired portion of the period of office of the members of such council, and in the case of a newly constituted council, for the period of office of the members thereof.

(2) The president or in his absence, the vice-president, shall preside at any meeting of the council: Provided that if both the president and the vice-president are absent from any meeting of the council, the members present shall elect from among themselves a chairman, who shall preside at such meeting.

(3) If the office of president, vice-president or treasurer becomes vacant, the members of the council shall, at the first meeting after such vacancy occurs, elect from among themselves a new president, vice-president or treasurer, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his predecessor was elected.

Meetings
of council.

6. (1) The council shall hold at least two meetings each year.

(2) Special meetings may be convened by the president and shall be convened by him upon the requisition in writing of at least six members, setting out clearly the purpose for which the meeting is to be convened.

Quorum and
procedure.

7. (1) Eleven members, of whom at least six shall be elected members shall form a quorum at any meeting of the council.

(2) A decision of the majority of the members of the council present at any meeting shall constitute a decision of the council: Provided that in the event of an equality of votes the member presiding shall have a casting vote in addition to a deliberative vote.

Executive and
other committees.

8. (1) Subject to the provisions of sub-section (2), the council may appoint from among its members an executive committee and such other committees as it may deem expedient and may delegate to a committee such of its powers as it may from time to time determine.

(2) No decision by any such committee to impose any penalty referred to in paragraph (b) or (c) of section *twenty-five* shall be of any force or effect unless confirmed by the council.

(5) Die Minister gee in die *Staatskoerant* kennis van die aanstelling of verkiesing van 'n lid van die raad en die datum waarop sy lidmaatskap begin.

- (6) Indien enigiets wat ingevolge hierdie Wet in verband met die aanstelling, nominasie of verkiesing van 'n lid gedoen moet word, versuim word of nie binne die tydperk of op die wyse deur hierdie Wet vereis, gedoen word nie, kan die Minister gelas dat al die nodige stappe gedoen word om die versuim of fout te herstel of kan hy enigiets wat op 'n onreëlmatige wyse of in 'n onreëlmatige vorm gedoen is, geldig verklaar, ten einde aan die oogmerke van hierdie Wet gevolg te gee.

4. (1) Niemand word as lid van die raad aangestel of verkies nie— Onbevoegdheid, ontruiming van amp en die vul van vakatures.

- (a) wat 'n ongerehabiliteerde insolvente persoon is;
 15 (b) wat ingevolge die Wet op Geneeshere onbevoeg geword het om sy beroep te beoefen, terwyl hy aldus onbevoeg is; of
 (c) wat nie 'n Suid-Afrikaanse burger en 'n blanke is wat permanent in die Unie of die gebied woonagtig is nie.
 20 (2) 'n Lid van die raad ontruim sy amp—
 (a) indien hy aan 'n onbevoegdheid in sub-artikel (1) genoem, onderhewig word;
 (b) indien hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling of verkiesing nodig is;
 25 (c) indien hy sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig was; of
 (d) indien hy bedank.

(3) Elke vakature in die raad word gevul deur die aanstelling of verkiesing, na gelang van die geval, van 'n ander lid op dieselfde wyse en op dieselfde voorwaardes waarop die lid wie se amp vakant geword het, aangestel of verkies was: Met dien verstande dat 'n lid aldus aangestel of verkies, sy amp bekleed vir die onverstreke gedeelte van die tydperk waarvoor die lid 35 wie se amp vakant geword het, aangestel of verkies was.

5. (1) Die lede van die raad soos op die datum van inwerking-treding van hierdie Wet saamgestel, moet, op die eerste vergadering ná daardie datum, en die lede van elke nuutsaamgestelde raad moet op die eerste vergadering van daardie raad, 40 uit hul midde 'n president, 'n vise-president en 'n tesourier kies, wat sy amp bekleed, in die geval van die eersgenoemde raad, vir die onverstreke gedeelte van die ampstermyn van die lede van daardie raad, en in die geval van 'n nuutsaamgestelde raad, vir die ampstermyn van die lede daarvan.

(2) Die president of in sy afwesigheid, die vise-president, sit voor op 'n vergadering van die raad: Met dien verstande dat indien die president sowel as die vise-president van 'n vergadering van die raad afwesig is, die aanwesige lede uit hul midde 'n voorsitter kies, wat op die vergadering voorsit.

(3) Indien die amp van president, vise-president of tesourier 50 vakant word, kies die lede van die raad uit hul midde op die eerste vergadering nadat die vakature ontstaan, 'n nuwe president, vise-president of tesourier, na gelang van die geval, en die aldus verkose lid bekleed sy amp vir die onverstreke 55 gedeelte van die tydperk waarvoor sy voorganger verkies was.

6. (1) Die raad hou minstens twee vergaderings per jaar.

Vergaderings van die raad.

(2) Spesiale vergaderings kan deur die president belê word en moet deur hom belê word op skriftelike aansoek van minstens ses lede, waarin die doel waarvoor die vergadering belê moet 60 word, duidelik uiteengesit word.

7. (1) Elf lede, waarvan ten minste ses verkose lede is, maak 'n kworum op 'n vergadering van die raad uit.

Kworum en prosedure.

(2) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die 65 raad uit: Met dien verstande dat by 'n staking van stemme die voorsittende lid, benewens 'n beraadslagende stem, 'n beslissende stem kan uitbring.

8. (1) Behoudens die bepalings van sub-artikel (2), kan die raad 'n uitvoerende komitee en ander komitees wat hy dienstig 70 ag, uit sy lede aanstel, en kan die raad van sy bevoegdhede wat hy van tyd tot tyd bepaal, aan 'n komitee deleger.

Uitvoerende en ander komitees.

(2) 'n Besluit van so 'n komitee om 'n straf in paragraaf (b) of (c) van artikel vyf-en-twintig genoem, op te lê, is van nul en gener waarde tensy dit deur die raad bekragtig is.

Appointment
of registrar.

9. The council shall appoint a registrar who shall be proficient in both official languages.

Powers of council.

10. The council may—

- (a) cause copies of the registers or rolls, or of supplementary lists showing all alterations, to be printed and published;
- (b) issue extracts from the registers or rolls and charge such fees in respect thereof as may be prescribed;
- (c) require any registered or enrolled person to pay to the council such annual contribution, not exceeding five shillings, as may be prescribed;
- (d) in such circumstances as may be prescribed, or where otherwise authorized by this Act, remove from or, upon payment of the prescribed fee, restore to, the registers or rolls any name;
- (e) appoint examiners and moderators, conduct examinations and grant certificates, and charge such fees in respect of such examinations or certificates as may be prescribed;
- (f) approve, on such prescribed conditions as it may deem fit, of training schools, inspect such schools from time to time, bring to the notice of the person in charge of any such school and the authority in control of such school, any matter which in the opinion of the council is detrimental to the training of student nurses or midwives, or student auxiliary nurses or midwives, or withdraw or suspend approval of any such school, if the training of student nurses or midwives, or student auxiliary nurses or midwives is not, in the opinion of the council, satisfactorily carried out thereat, or if any condition imposed has not been complied with;
- (g) charge the prescribed fees in respect of any inspection it may deem necessary to enable it to consider any application for approval of any hospital or institution as a training school or for variation of any condition imposed in respect of an approved training school;
- (h) acquire, hire or dispose of property, borrow money on the security of the assets of the council or accept and administer any trust or donation;
- (i) regulate the holding of or procedure at meetings;
- (j) appoint such officers as may be necessary and regulate their duties and conditions of service: Provided that any officer appointed shall be proficient in both official languages;
- (k) subject to the regulations, issue or renew a licence to carry on the business of a nursing agency upon payment by an applicant of an annual prescribed fee not exceeding five pounds, inspect the records or investigate the activities of such an agency, or require any person licensed to carry on the business of a nursing agency, to submit to the council such information as the council may deem necessary;
- (l) in such circumstances as may be prescribed, suspend or cancel any licence to carry on the business of a nursing agency;
- (m) render financial assistance to advisory boards in order to enable such boards to perform their functions;
- (n) consider any matter affecting the nursing or midwifery profession, and make representations or take such action in connection therewith as the council deems advisable, and

generally, do all such things as the council deems necessary or expedient to achieve the objects of Part I, II or III.

Regulations.

11. (1) The council may, with the approval of the Minister, make regulations not inconsistent with this Act in relation to—

- (a) the election of members of the council or an advisory board: Provided that the regulations made under this paragraph shall—
 - (i) provide for the elections to be conducted by secret ballot;
 - (ii) provide, in respect of the election of the members referred to in paragraph (h) or (i) of sub-section (2) of section three, for the division of the Union together with the territory into ten or three areas, as the case may be, in such a manner that

9. Die raad stel 'n registrateur aan wat in albei offisiële tale bedrewe moet wees. Aanstelling van registrateur.

10. Die raad kan—

Bevoegdhede van raad.

- (a) afskrifte van die registers of rolle, of van supplementêre lyste wat alle veranderings aantoon, laat druk en uitgee;
 - (b) uittreksels uit die registers of rolle uitreik en die voorgeskrewe bedrae geld ten opsigte daarvan vra;
 - (c) 'n geregistreerde of ingeskrewe persoon verplig om die voorgeskrewe jaarlikse bydrae van hoogstens vyf sjielings aan die raad te betaal;
 - (d) onder die voorgeskrewe omstandighede, of waar andersins deur hierdie Wet daartoe gemagtig, 'n naam van die registers of rolle skrap, of, by betaling van die voorgeskrewe bedrag geld, dit daarop terugplaas;
 - (e) eksaminatore en moderators aanstel, eksamens afneem en sertifikate toeken, en die voorgeskrewe bedrae geld ten opsigte van die eksamens of sertifikate vra;
 - (f) opleidingskole op die voorgeskrewe voorwaardes wat die raad goed ag, goedkeur, genoemde skole van tyd tot tyd inspekteer, een of ander aangeleentheid wat na die mening van die raad nadelig vir die opleiding van leerlingverpleegsters of -vroedvroue, of leerling-hulpverpleegsters of -hulpvroedvroue is, onder die aandag bring van die persoon aan die hoof van so 'n skool en die owerheid onder wie se beheer die skool staan, of goedkeuring van so 'n skool terugtrek of opskort, indien die opleiding daarin van leerlingverpleegsters of -vroedvroue of leerling-hulpverpleegsters of -hulpvroedvroue, na die mening van die raad, nie op 'n bevredigende wyse geskied nie, of indien 'n opgelegde voorwaarde nie nagekom is nie;
 - (g) die voorgeskrewe bedrae geld vra ten opsigte van 'n inspeksie wat die raad nodig ag om hom in staat te stel om 'n aansoek om goedkeuring van 'n hospitaal of inrigting as 'n opleidingskool, of om wysiging van 'n opgelegde voorwaarde ten opsigte van 'n goedgekeurde opleidingskool, te oorweeg;
 - (h) eiendom verkry, huur of daaroor beskik, geld op sekuriteit van die bates van die raad leen of 'n trust of skenking aanvaar en administreer;
 - (i) die hou van, of prosedure by, vergaderings reguleer;
 - (j) die nodige amptenare aanstel en hulle pligte en diensvoorwaardes reguleer: Met dien verstande dat 'n beampte wat aangestel word, in albei offisiële tale bedrewe moet wees;
 - (k) behoudens die regulasies, 'n lisensie om sake te doen as 'n verplegingsagentskap uitreik of hernieu by betaling deur 'n applikant van 'n jaarlikse voorgeskrewe bedrag geld van hoogstens vyf pond, die registers van so 'n agentskap nagaan of die bedrywighede daarvan ondersoek, of eis dat 'n persoon wat gelisensieer is om sake te doen as 'n verplegingsagentskap, aan die raad die inligting verstrek wat die raad nodig ag;
 - (l) onder die voorgeskrewe omstandighede, 'n lisensie om sake te doen as 'n verplegingsagentskap, opskort of intrek;
 - (m) geldelike hulp aan adviesrade verleen ten einde die rade in staat te stel om hul werksaamhede te verrig;
 - (n) een of ander aangeleentheid oorweeg wat die verplegings- of verloskundige beroep raak, en in verband daarmee verhoë rig of stappe doen wat die raad raadsaam ag, en
- 65 oor die algemeen, alles doen wat die raad nodig of dienstig ag om die oogmerke van Deel I, II of III te bereik.

11. (1) Die raad kan met goedkeuring van die Minister regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot—

Regulasies.

- (a) die verkiesing van lede van die raad of 'n adviesraad: Met dien verstande dat regulasies kragtens hierdie paragraaf uitvaardig—
 - (i) voorsiening maak vir die hou van verkiesings deur geheime stemming;
 - (ii) ten opsigte van die verkiesing van die lede in paragraaf (h) of (i) van sub-artikel (2) van artikel drie vermeld, voorsiening maak vir die verdeling van die Unie saam met die gebied in tien of drie streke, na gelang van die geval, op so 'n

- the number of nurses or midwives, as the case may be, who are qualified to vote in each area is approximately the same;
- (iii) provide for the establishment of polling stations and for voting by persons who are unable to attend at any polling station; 5
- (b) the form of the registers or rolls kept by the council;
- (c) the conditions under which extracts from the registers or rolls may be issued;
- (d) the particulars to be furnished to the council to enable it to keep the separate registers or rolls referred to in section *twelve*, *fourteen* or *fifteen*; 10
- (e) the qualifications to be held, or the conditions to be complied with, entitling any person to be registered or enrolled, including the period or nature of training required, the examinations to be passed, qualifications obtained outside the Union or the territory, and the payment of specified fees in respect of registration or enrolment: Provided that the council may prescribe different qualifications or conditions in respect of different classes of persons or different branches of nursing; 15 20
- (f) the manner in which student nurses or midwives, or student auxiliary nurses or midwives shall apply for registration under section *fourteen* or enrolment under section *fifteen*; 25
- (g) the circumstances, in addition to those specifically mentioned in this Act, in which any name may be removed from, or restored to, the registers or rolls;
- (h) the curricula for the training of student nurses or midwives, or student auxiliary nurses or midwives; 30
- (i) the conditions which the council may impose in approving of training schools;
- (j) fixing any fee or contribution which the council may, under this Act, charge or require any person to pay; 35
- (k) the uniforms, badges or other distinguishing devices which may or when on duty, shall be worn by persons registered or enrolled under this Act, and the prohibition of the manufacture, sale or supply of such uniforms, badges or other distinguishing devices by any person other than a person approved of by the council: Provided that different uniforms, badges or other distinguishing devices may be prescribed in respect of white persons, coloured persons and natives; 40
- (l) conduct on the part of any registered or enrolled person, which shall constitute improper or disgraceful conduct; 45
- (m) the manner in which complaints or charges brought against a person registered or enrolled under this Act shall be lodged; 50
- (n) the method of summoning an accused person to attend an enquiry and the penalties for failure or refusal on the part of such person to attend when summoned or for obstructing or interrupting the proceedings;
- (o) the form of summons for the attendance of any witness at an enquiry or for the production of any book, record, document or thing thereat; 55
- (p) the manner of holding or the procedure to be followed at an enquiry, or any other matter incidental to the holding thereof; 60
- (q) the form of a licence to carry on the business of a nursing agency, the circumstances in which such a licence may be issued, suspended or cancelled, the conditions subject to which business may be carried on, including the records and accounts to be kept, the manner of advertising, and the maximum fees that may be charged for services rendered by or on behalf of such agency; 65
- (r) the allowances which may be paid to members of the council when engaged on the service of the council, or to members of an advisory board attending any meeting of such a board: Provided that the allowances which may be paid to any such member who is in the full-time employment of the State, shall not exceed 70

wyse dat die aantal stemgeregtigde verpleegsters of vroedvroue, na gelang van die geval, in elke streek ongeveer dieselfde is;

- (iii) voorsiening maak vir die instelling van stemburo's en vir stemming deur persone wat nie in staat is om 'n stemburo te besoek nie;
- (b) die vorm van registers of rolle wat deur die raad gehou word;
- (c) die voorwaardes waarop uittreksels uit die registers of rolle uitgereik mag word;
- (d) die besonderhede wat aan die raad verstrekk moet word om die raad in staat te stel om die afsonderlike registers of rolle in artikel *twalf*, *veertien* of *vyftien* genoem, te hou;
- (e) die kwalifikasies wat behaal moet word, of die voorwaardes wat nagekom moet word, wat 'n persoon die reg gee om geregistreer of ingeskryf te word, met inbegrip van die tydperk of aard van opleiding verlang, die eksamens waarin geslaag moet word, kwalifikasies buite die Unie of die gebied verkry, en die betaling van bepaalde bedrae geld ten opsigte van registrasie of inskrywing: Met dien verstande dat die raad verskillende kwalifikasies of voorwaardes ten opsigte van verskillende klasse van persone of verskillende vertakkinge van verpleging kan voorskryf;
- (f) die wyse waarop leerlingverpleegsters of -vroedvroue of leerling-hulpverpleegsters of -hulpvroedvroue aansoek moet doen om registrasie ingevolge artikel *veertien* of inskrywing ingevolge artikel *vyftien*;
- (g) die omstandighede, benewens die bepaalde omstandighede in hierdie Wet vermeld, waaronder 'n naam van die registers of rolle geskrap, of daarop teruggeplaas kan word;
- (h) die leerplanne vir die opleiding van leerling-verpleegsters of -vroedvroue, of leerling-hulpverpleegsters of -hulpvroedvroue;
- (i) die voorwaardes wat die raad kan oplê by die goedkeuring van opleidingskole;
- (j) die vasstelling van enige bedrag geld of bydrae wat die raad ingevolge hierdie Wet kan vra of iemand kan verplig om te betaal;
- (k) die uniforms, wapens of ander onderskeidingstekens wat deur persone ingevolge hierdie Wet geregistreer of ingeskryf, gedra kan word of, wanneer aan diens, gedra moet word, en die verbod op die vervaardiging, verkoop of voorsien van daardie uniforms, wapens of ander onderskeidingstekens deur 'n ander persoon as 'n persoon deur die raad goedgekeur: Met dien verstande dat verskillende uniforms, wapens of ander onderskeidingstekens ten opsigte van blankes, gekleurdes en natuurlike voorgeskryf kan word;
- (l) gedrag deur 'n geregistreerde of ingeskrewe persoon, wat onbetaamlike of skandelijke gedrag uitmaak;
- (m) die wyse waarop klagtes of beskuldigings teen 'n ingevolge hierdie Wet geregistreerde of ingeskrewe persoon ingedien moet word;
- (n) die wyse waarop 'n beskuldigde gedagvaar moet word om by 'n ondersoek te verskyn en die strawwe weens versuim of weiering deur die beskuldigde om te verskyn wanneer hy gedagvaar is, of weens belemmering of steuring van die verrigtinge;
- (o) die vorm van dagvaarding vir die verskyning van 'n getuie by 'n ondersoek of vir die oorlegging van 'n boek, register, dokument of voorwerp daarby;
- (p) die wyse waarop 'n ondersoek ingestel moet word of die prosedure wat daarby gevolg moet word, of 'n ander aangeleentheid wat met die instel daarvan in verband staan;
- (q) die vorm van 'n lisensie om sake te doen as 'n verplegingsagentskap, die omstandighede waaronder so 'n lisensie uitgereik, opgeskort of ingetrek kan word, die voorwaardes waarop sake gedoen mag word, met inbegrip van die registers en rekeninge wat gehou moet word, die wyse van adverteer, en die hoogste vergoeding wat gevra mag word vir dienste deur of namens die agentskap gelewer;
- (r) die toelaes wat aan lede van die raad wanneer hulle in die diens van die raad werksaam is, of aan lede van 'n adviesraad wat 'n vergadering van 'n adviesraad bywoon, betaal mag word: Met dien verstande dat die toelaes wat aan so 'n lid wat in die voltydse

the allowances to which he would be entitled under the laws governing the public service: Provided further that no such member shall be required to pay into the Consolidated Revenue Fund any allowances which may be paid to him by the council in terms of any regulation made under this paragraph; 5

(s) the conditions under which registered nurses or midwives, or enrolled auxiliary nurses or midwives may carry on their calling;

(t) the maximum fees that may be charged by registered nurses or midwives, or enrolled auxiliary nurses or midwives for professional services rendered by them, and generally, with regard to all matters which under Part I, II or III are required or permitted to be prescribed or which the council considers necessary or expedient to prescribe in order to enable it to carry out its powers and functions under this Act. 10 15

(2) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of twenty-five pounds. 20

(3) Whenever the council recommends a regulation which in the opinion of the Minister affects the medical or dental profession, the Minister shall not approve of such regulation unless he has consulted the South African Medical and Dental Council established under the Medical Act. 25

(4) Within six months after the date of commencement of regulations prescribing different badges or other distinguishing devices in respect of white persons, coloured persons and natives, any person to whom the council has issued any badge or other distinguishing device which such person, in accordance with such regulations, may not wear, may surrender such badge or distinguishing device to the council, who shall refund to such person the amount paid to it for such badge or distinguishing device. 30

Registration of nurses and midwives, enrolment of auxiliary nurses and midwives and offences by or in respect of registered or enrolled persons and by persons not registered or enrolled.

12. (1) The council shall register any nurse or midwife and enrol any auxiliary nurse or midwife holding the prescribed qualifications, who has complied with the prescribed conditions and has furnished the prescribed particulars, and shall for those purposes keep registers and rolls in the prescribed form, in which shall be entered the names and residential addresses of the persons to be registered or enrolled and such other particulars as may be prescribed. 35 40

(2) As from a date to be fixed by the Minister by notice in the *Gazette*, the council shall keep separate registers in respect of white persons, coloured persons and natives. 45

(3) Any person registered prior to the date fixed under subsection (2), who has not furnished the registrar with the prescribed particulars enabling the council to keep separate registers, shall not be entitled to vote at an election of members of the council, an advisory board, the board or an advisory committee, and any such person who has not within one year after the said date furnished the registrar with the said particulars, shall be deemed not to be registered. 50

(4) The council shall keep separate rolls in respect of white persons, coloured persons and natives. 55

(5) Any person who is registered or enrolled may use the title "Registered Nurse", "Registered Midwife", "Enrolled Auxiliary Nurse", or "Enrolled Auxiliary Midwife", as the case may be.

(6) Any person who is not registered or enrolled in a particular capacity— 60

(a) who makes use of the title which a person who is registered or enrolled in that capacity may use, whether he makes use of such title alone or in combination with any word or letter; or 65

(b) who holds himself out or permits himself to be held out, directly or indirectly, as being registered or enrolled in that capacity; or

(c) who wears any uniform, badge or other distinguishing device (or any colourable imitation thereof) prescribed in respect of a person registered or enrolled in that capacity, 70

shall be guilty of an offence.

(7) Subject to the provisions of sub-section (11) any person—

(a) who is not registered as a nurse or enrolled as an auxiliary nurse, and who practises for gain as a nurse within any area declared a prescribed area under 75

- diens van die Staat is, betaal mag word, nie die toelaes waarop hy ingevolge die wette op die staatsdiens geregtig sou wees, oorskry nie: Met dien verstande voorts dat so 'n lid nie verplig is om een of ander toelaes wat ingevolge 'n regulasie kragtens hierdie paragraaf uitgevaardig, aan hom deur die raad betaal word, in die Gekonsolideerde Inkomstefonds te stort nie;
- (s) die voorwaardes waaronder geregistreerde verpleegsters of vroedvroue, of ingeskrewe hulpverpleegsters of -vroedvroue hul beroep mag uitoefen;
- (t) die hoogste vergoeding wat deur geregistreerde verpleegsters of vroedvroue, of ingeskrewe hulpverpleegsters of -vroedvroue vir professionele dienste deur hulle gelewer, gevra mag word,
- en oor die algemeen met betrekking tot alle aangeleenthede wat ingevolge Deel I, II of III voorgeskryf moet of kan word of wat die raad nodig of dienstig ag om voor te skryf om hom in staat te stel om sy bevoegdheid en werksaamheid ingevolge hierdie Wet uit te oefen of te verrig.
- (2) 'n Regulasie ingevolge hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om dit na te kom, strawwe van 'n boete van hoogstens vyf-en-twintig pond voorskryf.
- (3) Wanneer die raad 'n regulasie aanbeveel wat na die mening van die Minister die geneeskundige of tandheelkundige beroep raak, keur die Minister die regulasie nie goed nie, tensy hy die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad ingevolge die Wet op Geneesherre ingestel, geraadpleeg het.
- (4) Binne ses maande na die datum van inwerkingtreding van regulasies wat verskillende wapens of ander onderskeidingstekens ten opsigte van blankes, gekleurdes en natuurlike voorskryf, kan 'n persoon aan wie die raad 'n wapen of ander onderskeidingsteken uitgereik het, wat daardie persoon, ooreenkomstig genoemde regulasies, nie mag dra nie, die wapen of onderskeidingsteken oorhandig aan die raad, wat die bedrag aan hom vir daardie wapen of onderskeidingsteken betaal, aan daardie persoon moet terugbetaal.

12. (1) Die raad moet 'n verpleegster of vroedvrou registreer en 'n hulpverpleegster of -vroedvrou inskrywe wat die voorgeskrewe kwalifikasies behaal het, die voorgeskrewe voorwaardes nagekom het en die voorgeskrewe besonderhede verstrek het, en moet vir daardie doeleindes registers en rolle in die voorgeskrewe vorm hou, waarin die name en woon-adresse van die persone wat geregistreer of ingeskryf moet word en die ander voorgeskrewe besonderhede opgeteken word.
- (2) Vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, moet die raad afsonderlike registers ten opsigte van blankes, gekleurdes en natuurlike hou.
- (3) 'n Persoon geregistreer voor die datum ingevolge sub-artikel (2) bepaal, wat nie aan die registrateur die voorgeskrewe besonderhede verstrek het om die raad in staat te stel om afsonderlike registers te hou nie, is nie stemgeregtig by 'n verkiesing van lede van die raad, 'n adviesraad, die bestuur of 'n adviserende komitee nie, en so 'n persoon wat nie binne 'n jaar na genoemde datum aan die registrateur genoemde besonderhede verstrek het nie, word geag nie geregistreer te wees nie.
- (4) Die raad moet afsonderlike rolle ten opsigte van blankes, gekleurdes en natuurlike hou.
- (5) 'n Persoon wat geregistreer of ingeskryf is, mag die titel „Geregistreeerde Verpleegster”, „Geregistreeerde Verpleër”, „Geregistreeerde Vroedvrou”, „Ingeskrewe Hulpverpleegster”, „Ingeskrewe Hulpverpleër” of „Ingeskrewe Hulpvroedvrou”, na gelang van die geval, gebruik.
- (6) 'n Persoon wat nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—
- (a) wat gebruik maak van 'n titel wat 'n in daardie hoedanigheid geregistreeerde of ingeskrewe persoon mag gebruik, hetsy hy van die titel alleen of in verbinding met 'n woord of letter gebruik maak; of
- (b) wat regstreeks of onregstreeks hom voordoen of toelaat dat hy voorgedhou word as iemand wat in daardie hoedanigheid geregistreeer of ingeskryf is; of
- (c) wat 'n uniform, wapen of ander onderskeidingsteken (of 'n misleidende namaaksel daarvan) dra wat voorgeskryf is ten opsigte van 'n persoon wat in daardie hoedanigheid geregistreeer of ingeskryf is, is aan 'n misdryf skuldig.
- (7) Behoudens die bepalings van sub-artikel (11), is 'n persoon—
- (a) wat nie as 'n verpleegster geregistreeer of as 'n hulpverpleegster ingeskryf is nie, en wat binne 'n gebied

Registrasie van verpleegsters en vroedvroue, inskrywing van hulpverpleegsters en -vroedvroue en misdrywe deur of ten opsigte van geregistreeerde of ingeskrewe persone en deur persone wat nie geregistreeer of ingeskryf is nie.

- paragraph (a) of sub-section (1) of section *forty-five*;
or
- (b) who is not registered as a medical practitioner or intern under the Medical Act or registered as a midwife or enrolled as an auxiliary midwife, and who for gain attends any woman in relation to any condition arising out of or in connection with pregnancy, within any area declared a prescribed area under paragraph (b) of sub-section (1) of section *forty-five*; or
- (c) who is not registered as a nurse or midwife, or enrolled as an auxiliary nurse or midwife, and who, while acting as a nurse or midwife, makes any internal examination of the genitals of any woman in relation to any condition arising out of or in connection with pregnancy,
- shall be guilty of an offence.
- (8) Any person who, knowing that any other person is not registered or enrolled in a particular capacity—
- (a) describes such other person as the holder of the title which a person who is registered or enrolled in that capacity may use, whether he describes such other person by making use of such title alone or in combination with any word or letter; or
- (b) holds such other person out, directly or indirectly, as being registered or enrolled in that capacity,
- shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.
- (9) Any person who practises for gain as a nurse or midwife—
- (a) if he is qualified to be registered or enrolled but is not registered or enrolled; or
- (b) if he is deemed by this Act not to be registered or enrolled,
- shall be guilty of an offence.
- (10) As from a date to be notified by the Minister in the *Gazette*, any person not registered as a nurse or midwife who acts as matron or nurse or midwife in charge of any hospital or any home or other institution for the reception and treatment of patients in respect of any condition arising out of or in connection with pregnancy, or of medical, surgical, fever, psychiatric or mentally defective or disordered patients, shall be guilty of an offence.
- (11) The provisions of paragraphs (a) and (b) of sub-section (7) shall not apply—
- (a) to a member of the “Suid-Afrikaanse Noodhulpiga”, the South African Red Cross Society or the St. John Ambulance Association, while acting within the scope of the objects of and under the direct control of the organization concerned;
- (b) to student nurses or midwives registered under section *fourteen*, or student auxiliary nurses or midwives, enrolled under section *fifteen* while acting in the course of their training; or
- (c) to any person rendering assistance in case of emergency.

Registration
of additional
qualifications.

13. (1) Any person who desires to register a degree, diploma or certificate, other than the degree, diploma or certificate in respect of which he has in the first instance been registered, shall, upon payment of the prescribed fee and subject to the provisions of sub-section (2), be entitled to have such other degree, diploma or certificate entered after his name in the relevant register referred to in section *twelve*, as an additional qualification.

(2) Only such degrees, diplomas or certificates as may be prescribed shall be entered under this section.

(3) No registered person shall take, use or publish any name, title, description or symbol indicating, or calculated to lead persons to infer, that he possesses any such additional qualification which is not shown in the register after his name.

(4) The council may erase from the register any degree, diploma or certificate entered in terms of sub-section (1), if in respect of such degree, diploma or certificate the name of the holder thereof has been removed from the roll, register or record of the university, hospital, college, society or other body from which that person received such degree, diploma or certificate.

Registration of
student nurses
or midwives.

14. (1) The council shall register any student nurse or midwife undergoing training at an approved training school, who has applied for registration in the manner prescribed and has furnished the prescribed particulars, and shall for that purpose

- wat ingevolge paragraaf (a) van sub-artikel (1) van artikel vyf-en-veertig 'n voorgeskrewe gebied verklaar is, vir wins as 'n verpleegster praktiseer; of
- 5 (b) wat nie as 'n geneesheer of intern ingevolge die Wet op Geneeshere geregistreer of as 'n vroedvrou geregistreer of as 'n hulpvroedvrou ingeskryf is nie, en wat binne 'n gebied wat ingevolge paragraaf (b) van sub-artikel (1) van artikel vyf-en-veertig 'n voorgeskrewe gebied
- 10 verklaar is, 'n vrou vir wins behandel met betrekking tot een of ander toestand wat uit of in verband met swangerskap ontstaan; of
- (c) wat nie as 'n verpleegster of vroedvrou geregistreer of as 'n hulpverpleegster of vroedvrou ingeskryf is nie, en wat, terwyl werksaam as 'n verpleegster of vroed-
- 15 vrou, die geslagsorgane van 'n vrou met betrekking tot een of ander toestand wat uit of in verband met swangerskap ontstaan, inwendig ondersoek, aan 'n misdryf skuldig.
- (8) 'n Persoon wat, terwyl hy weet dat 'n ander persoon nie
- 20 in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—
- (a) daardie ander persoon beskryf as die besitter van 'n titel wat 'n in daardie hoedanigheid geregistreerde of ingeskrewe persoon mag gebruik, hetsy hy die ander persoon beskryf deur gebruik te maak van die titel
- 25 alleen of in verbinding met 'n woord of letter; of
- (b) dié ander persoon regstreeks of onregstreeks voorhou as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is,
- is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete
- 30 van hoogstens honderd pond strafbaar.
- (9) 'n Persoon wat vir wins as 'n verpleegster of vroedvrou praktiseer—
- (a) indien hy gekwalifiseer is om geregistreer of ingeskryf te word maar nie geregistreer of ingeskryf is nie; of
- 35 (b) indien hy ingevolge hierdie Wet geag word nie geregistreer of ingeskryf te wees nie,
- is aan 'n misdryf skuldig.
- (10) Vanaf 'n datum deur die Minister in die *Staatkoerant* bekend gemaak, is 'n persoon wat nie as 'n verpleegster of
- 40 vroedvrou geregistreer is nie en wat optree as matrone of verpleegster of vroedvrou aan die hoof van 'n hospitaal of 'n tehuis of ander inrigting vir die opname en behandeling van pasiënte ten opsigte van een of ander toestand wat uit of in verband met swangerskap ontstaan, of van geneeskundige,
- 45 chirurgiese, koors-, psigiatrisie of geestelik gebrekkige o gekrenkte pasiënte, aan 'n misdryf skuldig.
- (11) Die bepalings van paragrafe (a) en (b) van sub-artikel (7) is nie van toepassing nie—
- (a) op 'n lid van die Suid-Afrikaanse Noodhulpliga, die
- 50 Suid-Afrikaanse Rooikruisvereniging of die „St. John Ambulance Association”, terwyl werksaam binne die bestek van die oogmerke van en onder die regstreekse beheer van die betrokke organisasie;
- (b) op leerlingverpleegsters of -vroedvroue ingevolge artikel
- 55 *veertien* geregistreer, of leerling-hulpverpleegsters of -hulpvroedvroue ingevolge artikel *vyftien* ingeskryf, terwyl werksaam in die loop van hul opleiding; of
- (c) op 'n persoon wat in 'n noodgeval hulp verleen.
13. (1) Iemand wat 'n ander graad, diploma of sertifikaat
- 60 as die graad, diploma of sertifikaat ten opsigte waarvan hy in die eerste plek geregistreer is, wil registreer, het die reg om by betaling van die voorgeskrewe bedrag en behoudens die bepalings van sub-artikel (2), die ander graad, diploma of sertifikaat ná sy naam in die betrokke register in artikel *twaalf* genoem, as 'n
- 65 addisionele kwalifikasie te laat inskryf.
- (2) Slegs die voorgeskrewe grade, diplomas of sertifikate word ingevolge hierdie artikel ingeskryf.
- (3) Geen geregistreerde persoon mag 'n naam, titel, beskrywing of teken aanneem, gebruik of bekend maak, wat aandui of
- 70 persone sou kan laat aflei dat hy so 'n addisionele kwalifikasie besit wat nie ná sy naam in die register voorkom nie.
- (4) Die raad kan 'n graad, diploma of sertifikaat ingevolge sub-artikel (1) ingeskryf, van die register skrap, indien die naam van die besitter daarvan ten opsigte van daardie graad, diploma
- 75 of sertifikaat geskrap is van die rol, register of stukke van die universiteit, hospitaal, kollege, genootskap of ander liggaam waarvan daardie persoon daardie graad, diploma of sertifikaat ontvang het.
14. (1) Die raad moet 'n leerlingverpleegster of -vroedvrou
- 80 registreer wat opleiding aan 'n goedgekeurde opleidingskool ontvang, op die voorgeskrewe wyse aansoek om registrasie gedoen het en die voorgeskrewe besonderhede verstrek het,

Registrasie van
addisionele
kwalifikasies.

Registrasie
van leerling-
verpleegsters
of -vroedvroue

keep registers in which shall be entered the names and residential addresses of the persons to be registered and such other particulars as may be prescribed.

(2) As from a date to be fixed by the Minister by notice in the *Gazette*, the council shall keep separate registers in respect of white persons, coloured persons and natives. 5

(3) Any person registered as a student nurse or midwife prior to the date fixed under sub-section (2), who has not furnished the registrar with the prescribed particulars enabling the council to keep separate registers, shall not be entitled to vote at an election of members of the council, an advisory board, the board or an advisory committee. 10

(4) Every person on commencing training as a student nurse or midwife at an approved training school, shall apply for registration with the council. 15

(5) The person in charge of an approved training school shall forthwith notify the council of the termination of the training of any student nurse or midwife, whether by reason of abandonment or completion of training, or of a transfer or for any other reason. 20

Enrolment of
student auxiliary
nurses or
midwives.

15. (1) The council shall, as from a date to be notified by the Minister in the *Gazette* after consultation with the council, enrol any student auxiliary nurse or midwife undergoing training at an approved training school, who has applied for enrolment in the manner prescribed and has furnished the prescribed particulars, and shall for that purpose keep rolls in which shall be entered the names and residential addresses of the persons to be enrolled and such other particulars as may be prescribed. 25

(2) Separate rolls shall be kept in respect of white persons, coloured persons and natives. 30

(3) Every person on commencing training as a student auxiliary nurse or midwife at an approved training school, shall apply for enrolment with the council.

(4) The person in charge of an approved training school shall forthwith notify the council of the termination of the training of any student auxiliary nurse or midwife, whether by reason of abandonment or completion of training, or of a transfer or for any other reason. 35

PART II

ADVISORY BOARDS FOR COLOURED PERSONS AND NATIVES. 40

Establishment
of advisory boards
for coloured
persons and
natives.

16. As from a date to be fixed by the Minister by notice in the *Gazette*, there shall be established an advisory board for coloured persons and an advisory board for natives, to advise the council on such matters relating to nurses or midwives who are coloured persons or natives, as may be referred to such a board by the council, or upon which any such board may wish to report to the council. 45

Constitution of
advisory boards.

17. (1) The advisory board for coloured persons shall consist of five members who are coloured persons, of whom—
(a) three shall be registered nurses elected by registered nurses who are coloured persons; 50
(b) one shall be a registered midwife elected by registered midwives who are coloured persons; and
(c) one shall be a person registered both as a nurse and as a midwife, elected by student nurses and midwives registered under section *fourteen*, who are coloured persons. 55

(2) The advisory board for natives shall consist of nine members who are natives, of whom—

(a) five shall be registered nurses elected by registered nurses who are natives; 60

(b) two shall be registered midwives elected by registered midwives who are natives; and

(c) two shall be persons registered both as a nurse and as a midwife, elected by student nurses and midwives registered under section *fourteen*, who are natives. 65

(3) The provisions of sub-sections (3), (4) and (6) of section *three* and sub-section (3) of section *four* shall apply *mutatis mutandis* in respect of the election, nomination or tenure of office, as the case may be, of members of an advisory board. 70

(4) The council shall take the necessary steps to hold an election whenever any member of an advisory board has to be elected.

(5) The first election of members of any advisory board may be held before the date fixed under section *sixteen*. 75

en moet vir daardie doel registers hou waarin die name en woonadresse van die persone wat geregistreer moet word en die ander voorgeskrewe besonderhede opgeteken word.

(2) Vanaf 'n datum wat die Minister by kennisgewing in die 5 *Staatskoerant* bepaal, moet die raad afsonderlike registers ten opsigte van blankes, gekleurdes en naturelle hou.

(3) 'n Persoon wat voor die datum ingevolge sub-artikel (2) bepaal, as 'n leerlingverpleegster of -vroedvrou geregistreer is en nie aan die registrateur die voorgeskrewe besonderhede 10 verstrek het om die raad in staat te stel om afsonderlike registers te hou nie, is nie stemgeregtig by 'n verkiesing van lede van die raad, 'n adviesraad, die bestuur of 'n adviserende komitee nie.

(4) Elke persoon moet aan die begin van sy opleiding as 'n leerlingverpleegster of -vroedvrou aan 'n goedgekeurde oplei- 15 dingskool, aansoek doen om registrasie by die raad.

(5) Die persoon aan die hoof van 'n goedgekeurde opleiding- skool moet onverwyld die raad in kennis stel van die be- eindiging van die opleiding van 'n leerlingverpleegster of -vroedvrou, hetsy weens staking of voltooiing van opleiding, of 20 weens 'n oorplasing of om 'n ander rede.

15. (1) Die raad moet, vanaf 'n datum deur die Minister in die *Staatskoerant* bekend gemaak na oorlegpleging met die raad, 'n leerling-hulpverpleegster of -hulpvroedvrou inskrywe wat opleiding aan 'n goedgekeurde opleidingskool ontvang, op die 25 voorgeskrewe wyse aansoek om inskrywing gedoen het en die voorgeskrewe besonderhede verstrek het, en moet vir daardie doel rolle hou waarin die name en woonadresse van die persone wat ingeskryf moet word, en die ander voorgeskrewe besonder- hede, opgeteken word.

Inskrywing
van leerling-
hulpverpleegsters
of -hulpvroedvroue.

(2) Afsonderlike rolle moet ten opsigte van blankes, ge- 30 kleurdes en naturelle gehou word.

(3) Elke persoon moet aan die begin van sy opleiding as 'n leerling-hulpverpleegster of -hulpvroedvrou aan 'n goedgekeurde opleidingskool, aansoek doen om inskrywing by die raad.

(4) Die persoon aan die hoof van 'n goedgekeurde opleiding- 35 skool moet onverwyld die raad in kennis stel van die beëindiging van die opleiding van 'n leerling-hulpverpleegster of -hulp- vroedvrou, hetsy weens staking of voltooiing van opleiding, of weens 'n oorplasing of om 'n ander rede.

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DEEL II.

ADVIESRADE VIR GEKLEURDES EN NATURELLE.

16. Vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, word daar 'n adviesraad vir gekleurdes en 'n adviesraad vir naturelle ingestel, om die raad van advies te 45 dien ten opsigte van die aangeleenthede wat in verband staan met verpleegsters of vroedvroue wat gekleurdes of naturelle is, wat deur die raad na so 'n adviesraad verwys word, of wat so 'n adviesraad onder die aandag van die raad wil bring.

Instelling van
adviesrade vir
gekleurdes en
naturelle.

17. (1) Die adviesraad vir gekleurdes bestaan uit vyf lede 50 wat gekleurdes is, van wie— Samestelling
van adviesrade.

(a) drie geregistreerde verpleegsters is, verkies deur geregistreerde verpleegsters wat gekleurdes is;

(b) een 'n geregistreerde vroedvrou is, verkies deur geregis- treerde vroedvroue wat gekleurdes is; en

(c) een 'n persoon is wat as verpleegster sowel as vroed- 55 vrou geregistreer is, verkies deur leerlingverpleegsters en -vroedvroue ingevolge artikel *veertien* geregistreer, wat gekleurdes is.

(2) Die adviesraad vir naturelle bestaan uit nege lede wat 60 naturelle is, van wie—

(a) vyf geregistreerde verpleegsters is, verkies deur geregis- treerde verpleegsters wat naturelle is;

(b) twee geregistreerde vroedvroue is, verkies deur geregis- treerde vroedvroue wat naturelle is; en

(c) twee persone is wat as verpleegster sowel as vroed- 65 vrou geregistreer is, verkies deur leerlingverpleeg- sters en -vroedvroue ingevolge artikel *veertien* ge- registreer, wat naturelle is.

(3) Die bepalinge van sub-artikels (3), (4) en (6) van artikel 70 drie en sub-artikel (3) van artikel vier is *mutatis mutandis* ten opsigte van die verkiesing, nominasie of ampstermyn, na gelang van die geval, van lede van 'n adviesraad van toepassing.

(4) Die raad moet die nodige stappe doen om 'n verkiesing te 75 hou wanneer 'n lid van 'n adviesraad verkies moet word.

(5) Die eerste verkiesing van lede van 'n adviesraad kan plaasvind voor die datum ingevolge artikel *sestien* bepaal.

Disqualification
and vacation
of office.

18. (1) No person shall be elected as a member of an advisory board—

- (a) who is an unrehabilitated insolvent; or
- (b) who is not a South African Citizen permanently resident in the Union or the territory. 5
- (2) A member of an advisory board shall vacate his office—
- (a) if he becomes subject to any disqualification referred to in sub-section (1);
- (b) if he ceases to hold any qualification necessary for his election; 10
- (c) if he has been absent from more than two consecutive meetings of the advisory board without its leave; or
- (d) if he resigns.

Chairman and
vice-chairman.

19. (1) The members of every newly constituted advisory board shall, at the first meeting of such advisory board, 15 elect from among themselves a chairman and a vice-chairman who shall hold office for the period of office of the members of the advisory board.

(2) The chairman or in his absence, the vice-chairman, shall preside at any meeting of an advisory board: Provided that if 20 both the chairman and the vice-chairman are absent from any meeting of an advisory board, the members present shall elect from among themselves an acting chairman, who shall preside at such meeting.

(3) If the office of chairman or vice-chairman becomes 25 vacant, the members of an advisory board, shall, at the first meeting after such vacancy occurs, elect from among themselves a new chairman or vice-chairman, as the case may be, who shall hold office for the unexpired portion of the period for which his predecessor was elected. 30

Meetings of
advisory boards
and quorum.

20. (1) An advisory board shall hold at least one meeting each year at such place and at such time as the council may determine.

(2) The president or vice-president of the council or any other member thereof designated by the council may attend 35 any meeting of an advisory board as an observer and adviser but shall have no vote.

(3) Three members, in the case of the advisory board for coloured persons and five members, in the case of the advisory board for natives, shall form a quorum at any meeting of an 40 advisory board.

Remuneration of
members of an
advisory board.

21. The members of an advisory board shall receive no remuneration in respect of their services on such a board, but may be paid out of the funds of the council such allowances to cover reasonable expenses incurred by them in respect of 45 their attendance of meetings of such a board, as the council may prescribe.

PART III.

DISCIPLINARY POWERS OF THE COUNCIL.

Enquiry by council
into charges of
misconduct.

22. The council may, in the manner prescribed, enquire into 50 any complaint, charge or allegation against any registered or enrolled person, or any person registered under section *fourteen* or enrolled under section *fifteen*, of improper or disgraceful conduct, whether or not in regard to such person's profession or calling, or whether or not prescribed as constituting improper 55 or disgraceful conduct, and may on conviction impose the penalties prescribed by section *twenty-five*.

Procedure in
respect of and
offences relating
to enquiries.

23. (1) Any person in respect of whose conduct an enquiry is held, shall be afforded an opportunity, by himself or his counsel or attorney, of answering the charge and of being 60 heard in his defence.

(2) (a) For the purposes of an enquiry the council may take evidence and may, under the hand of the president or the registrar summon witnesses and require the production of any book, record, document or thing, and 65 may through the president administer an oath to any witness or require him to make an affirmation, and may examine any book, record, document or thing, which any witness has been required to produce.

(b) A summons for the attendance of a witness before the 70 council or for the production to it of any book, record, document, or thing, shall be in the prescribed form, and shall be served by post or in the same manner as it would be served if it were a subpoena issued by a magistrate's court.

18. (1) Niemand word as lid van 'n adviesraad verkies nie— Onbevoegdheid en ontruiming van amp.
 (a) wat 'n ongerehabiliteerde insolvente persoon is; of
 (b) wat nie 'n Suid-Afrikaanse burger is wat permanent in die Unie of die gebied woonagtig is nie.
- 5 (2) 'n Lid van 'n adviesraad ontruim sy amp—
 (a) indien hy aan 'n onbevoegdheid in sub-artikel (1) genoem, onderhewig word;
 (b) indien hy ophou om 'n bevoegdheid te besit wat vir sy verkiesing nodig is;
- 10 (c) indien hy sonder verlof van die adviesraad van meer as twee agtereenvolgende vergaderings van die adviesraad afwesig is; of
 (d) indien hy bedank.
19. (1) Die lede van elke nuutsaamgestelde adviesraad moet Voorsitter en vise-voorsitter.
 15 op die eerste vergadering van so 'n adviesraad, uit hul midde 'n voorsitter en 'n vise-voorsitter kies, wat sy amp beklee vir die ampstermyn van die lede van die adviesraad.
 (2) Die voorsitter of in sy afwesigheid, die vise-voorsitter, sit voor op 'n vergadering van 'n adviesraad: Met dien verstande
 20 dat indien die voorsitter sowel as die vise-voorsitter van 'n vergadering van 'n adviesraad afwesig is, kies die aanwesige lede uit hul midde 'n waarnemende voorsitter, wat op die vergadering voorsit.
 (3) Indien die amp van voorsitter of vise-voorsitter vakant
 25 word, kies die lede van 'n adviesraad uit hul midde op die eerste vergadering nadat die vakature ontstaan, 'n nuwe voorsitter of vise-voorsitter, na gelang van die geval, wat sy amp beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.
- 30 20. (1) 'n Adviesraad hou minstens een vergadering per jaar op die plek en op die tyd wat die raad bepaal. Vergaderings van adviesrade en kworum.
 (2) Die president of vise-president van die raad of 'n ander lid daarvan deur die raad aangewys, kan 'n vergadering van 'n adviesraad as 'n raadgewer en waarnemer bywoon, maar is nie
 35 stemgeregtig nie.
 (3) Drie lede, in die geval van die adviesraad vir gekleurdes, en vyf lede, in die geval van die adviesraad vir natuurle, maak 'n kworum uit op 'n vergadering van 'n adviesraad.
21. Die lede van 'n adviesraad ontvang geen besoldiging ten Besoldiging van lede van 'n adviesraad.
 40 opsigte van hul dienste in so 'n raad nie, maar daar kan aan hulle uit die fondse van die raad die toelaes betaal word wat die raad voorskryf, tot dekking van die uitgawes redelikerwys deur hulle aangeaan ten opsigte van hul bywoning van die vergaderings van 'n adviesraad.

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DEEL III.

BEVOEGDHEDE VAN DIE RAAD OM TUG UIT TE OEFEN.

22. Die raad kan, op die voorgeskrewe wyse, ondersoek Onderzoek deur raad van beskuldigings van wangedrag.
 instel na 'n klagte, beskuldiging of bewering van onbetaamlike of skandelijke gedrag teen 'n geregistreerde of ingeskrewe
 50 persoon, of 'n ingevolge artikel *veertien* geregistreerde of ingevolge artikel *vyftien* ingeskrewe persoon, hetsy met betrekking tot die persoon se professie of beroep, al dan nie, of hetsy voorgeskryf as gedrag wat onbetaamlike of skandelijke gedrag uitmaak, al dan nie, en kan by skuldigbevinding die by artikel
 55 *vyf-en-twintig* voorgeskrewe strawwe oplê.
23. (1) Aan 'n persoon ten opsigte van wie se gedrag 'n Prosedure ten opsigte van en misdrywe met betrekking tot ondersoek.
 ondersoek ingestel word, moet 'n geleentheid verleen word om self of deur sy advokaat of prokureur op die beskuldiging te antwoord en om sy verdediging voor te dra.
- 60 (2) (a) Vir die doeleindes van 'n ondersoek kan die raad getuienis afneem en onder handtekening van die president of die registrateur getuies dagvaar en die oorlegging van een of ander boek, register, dokument of voorwerp gelas en deur die president die eed van 'n
 65 getuie afneem of eis dat hy 'n plegtige verklaring aflê, en 'n boek, register, dokument of voorwerp wat 'n getuie gelas is om oor te lê, ondersoek.
 (b) 'n Dagvaarding aan 'n getuie om voor die raad te verskyn of om aan die raad 'n boek, register, dokument of voorwerp oor te lê, moet in die voorgeskrewe vorm geskied, en moet bestel word per pos of op dieselfde wyse waarop dit bestel sou word as dit 'n getuiedagvaarding was wat deur 'n magistraatshof uitgereik is.
- 70

- (c) Any person who fails, without sufficient cause, to attend and give evidence relevant to the enquiry, at the time and place specified in the summons, or who refuses to be sworn or to make an affirmation, or to produce any book, record, document or thing, which he has been required by summons to produce, or to answer fully and satisfactorily, to the best of his knowledge and belief, any question lawfully put to him, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds: Provided that any person so summoned shall be entitled to all the privileges to which a witness giving evidence before a superior court is entitled.

(3) Any person who after having been sworn or having made affirmation, gives false evidence at an enquiry, knowing such evidence to be false or not believing it to be true, shall be guilty of an offence and liable on conviction to the penalties which may be imposed for the crime of perjury.

(4) In the case of any charge the evidence in support whereof is documentary, or in such other cases as the council may think fit, the registrar acting as *pro forma* complainant may institute proceedings under this Part.

(5) The council may appoint a legal assessor to be present at any enquiry to advise it on matters of law, procedure and evidence.

Conviction of certain offences to be *prima facie* evidence of improper or disgraceful conduct.

24. The conviction whether before or after registration or enrolment, of any registered or enrolled person by a court of law of an offence the commission whereof, in the opinion of the council, constitutes improper or disgraceful conduct, shall for the purposes of an enquiry, be *prima facie* proof of improper or disgraceful conduct by such person.

Penalties.

25. Any person who has been convicted at an enquiry shall be liable to one or other of the following penalties, namely—

- (a) a caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from practising in the Union and the territory in the capacity in which he is registered or enrolled; or
- (c) cancellation of his registration or enrolment under this Act, and the removal of his name from the register or roll concerned; or
- (d) a fine not exceeding five pounds.

Appeal to Minister against decision of council.

26. Any person aggrieved by the finding of the council or the penalty imposed by it at an enquiry, may within thirty days after the date of the decision of the council, appeal to the Minister.

Review of decision of Minister.

27. (1) Any person aggrieved by the decision of the Minister under section *twenty-six*, may, after notice to the council and within two months after the date of such decision, make an application for review to the provincial or local division of the Supreme Court of South Africa or to the High Court of South-West Africa, as the case may be, having jurisdiction in the area wherein the applicant normally practises in the capacity in which he is registered or enrolled.

(2) The court hearing such application may dismiss the application, or if it is of opinion that the council has not acted in accordance with the provisions of this Act, set aside the decision of the Minister, or remit the matter to the Minister or the council for further consideration, or make such order (including an order as to costs) as may to it seem just: Provided that no decision shall be set aside by reason only of an irregularity which did not embarrass or prejudice the applicant in answering the charge or in the conduct of his defence.

Termination of suspension and restoration of name to register or roll.

28. The council may, if it thinks fit, terminate any suspension under section *twenty-five* before the expiry of the specified period, or restore to a register or roll any name which has been removed therefrom.

Privileges of council.

29. Save as is provided in this Act, no legal proceedings, whether criminal or civil, shall lie against the council or any member or officer thereof in respect of any act or duty performed in accordance with this Part or section *forty-seven*.

- (c) 'n Persoon wat sonder voldoende rede in gebreke bly om op die tyd en plek vermeld in die dagvaarding te verskyn en getuienis af te lê wat op die ondersoek betrekking het, of wat weier om die eed of 'n plegtige verklaring af te lê, of om 'n boek, register, dokument of voorwerp oor te lê wat hy deur 'n dagvaarding gelas is om oor te lê, of om 'n vraag wat regmatiglik aan hom gestel is ten volle en bevredigend volgens sy eerlike oortuiging te beantwoord, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond: Met dien verstande dat 'n aldus gedagvaarde persoon op al die voorregte geregtig is waarop 'n getuie wat voor 'n hooggeregshof getuienis aflê, geregtig is.
- (3) 'n Persoon wat, nadat hy die eed of 'n plegtige verklaring afgelê het, valse getuienis by 'n ondersoek aflê met die wete dat daardie getuienis vals is, of terwyl hy nie glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat vir die misdaad van meened opgelê kan word.
- (4) In die geval van 'n beskuldiging waar die getuienis ter stawing daarvan dokumentêr is, of in daardie ander gevalle wat die raad goed ag, kan die registrateur *pro forma* as klaer optree en 'n saak ingevolge hierdie Deel aanhangig maak.
- (5) Die raad kan 'n regskundige assessor aanstel om 'n ondersoek by te woon ten einde die raad met betrekking tot regsvraagstukke, prosedure en bewyslewering van advies te dien.
24. Die skuldigbevinding, hetsy vóór of ná registrasie of inskrywing, van 'n geregistreerde of ingeskrewe persoon deur 'n geregshof weens 'n misdryf, waarvan die pleeg, na die mening van die raad, onbetaamlike of skandelijke gedrag uitmaak, is vir die doeleindes van 'n ondersoek *prima facie*-bewys van onbetaamlike of skandelijke gedrag deur daardie persoon.
25. 'n Persoon wat by 'n ondersoek skuldig bevind is, is met een of ander van die volgende strawwe strafbaar, naamlik—
- 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing; of
 - skorsing binne die Unie en die gebied vir 'n vasgestelde tydperk in die hoedanigheid waarin hy geregistreer of ingeskryf is; of
 - intrekking van sy registrasie of inskrywing ingevolge hierdie Wet en die skraping van sy naam van die betrokke register of rol; of
 - 'n boete van hoogstens vyf pond.
26. 'n Persoon wat hom veronreg voel deur die bevinding van die raad of die straf deur die raad by 'n ondersoek opgelê, kan binne dertig dae ná die datum van die beslissing van die raad, na die Minister appelleer.
27. (1) 'n Persoon wat hom veronreg voel deur die beslissing van die Minister kragtens artikel *ses-en-twintig*, kan, na kennisgewing aan die raad en binne twee maande na die datum van daardie beslissing, aansoek om hersiening doen by die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika of by die Hoë Hof van Suidwes-Afrika, na gelang van die geval, wat regsbevoegdheid uitoefen in die gebied waarin die applikant gewoonlik in die hoedanigheid waarin hy geregistreer of ingeskryf is, praktiseer.
- (2) Die hof wat die aansoek aanhoor kan die aansoek van die hand wys, of, indien die raad na die mening van die hof nie ooreenkomstig die bepalings van hierdie Wet gehandel het nie, die beslissing van die Minister tersyde stel, of die saak na die Minister of die raad terugverwys vir verdere oorweging, of kan 'n bevel (met inbegrip van 'n bevel met betrekking tot koste) gee wat vir die hof regverdig blyk: Met dien verstande dat geen beslissing tersyde gestel word nie slegs vanweë 'n onreëlmatigheid wat die applikant by die beantwoording van die beskuldiging of by sy verdediging nie belemmer of benadeel het nie.
28. Die raad kan na goeddunke 'n skorsing kragtens artikel *vyf-en-twintig* vóór die verstryking van die vasgestelde tydperk beëindig, of 'n naam wat van 'n register of rol geskrap is, daarop terugplaas.
29. Behoudens die bepalings van hierdie Wet, kan geen regsgeding, hetsy straf- of privaatregtelik, teen die raad of 'n lid of beampte daarvan ten opsigte van 'n handeling of plig ooreenkomstig hierdie Deel of artikel *sewe-en-veertig* verrig, ingestel word nie.

Skuldigbevinding weens sekere misdrywe is *prima facie*-bewys van onbetaamlike of skandelijke gedrag.

Strawwe.

Appel na Minister teen bevinding van raad.

Hersiening van beslissing van Minister.

Beëindiging van skorsing en terugplasing van naam op register of rol.

Privilege van raad.

PART IV.

THE SOUTH AFRICAN NURSING ASSOCIATION.

Establishment
of nursing
association.

30. (1) There shall be established an association to be known as the South African Nursing Association, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the performance of its functions and the exercise of its powers under this Act. 5

(2) The South African Nursing Association established under the Nursing Act, 1944, shall be deemed to have been established under sub-section (1). 10

Objects of the
association.

31. The objects of the association are—

- (a) to provide an efficient and adequate nursing and midwifery service for the Union and the territory;
- (b) to raise the status, maintain the integrity and promote the interests of the nursing and midwifery professions; and 15
- (c) to consider and, subject to the provisions of this Act, deal with any matter affecting nurses or midwives, or student nurses or midwives. 20

Constitution of
association.

32. The association shall consist of the following members namely—

- (a) all practising registered nurses and midwives;
- (b) all non-practising nurses or midwives who are registered or qualified to be registered and who in terms of the regulations have been admitted as members; 25
- (c) all student nurses and midwives registered under section *fourteen*, who shall be called "junior members";
- (d) all persons of any other class, who in terms of the regulations have been admitted as members. 30

Meetings of the
association.

33. (1) Separate meetings shall be held at least once every three years at such place and on such date as the board may determine, by each of the following classes of members of the association, namely, white persons, coloured persons and natives.

(2) Special meetings of any of the said classes of members may be convened by the board, and special meetings of members who are white persons shall be convened by the board upon the requisition in writing of at least fifty members who are white persons, setting out clearly the purpose for which the meeting is to be convened. 40

(3) A decision of the majority of the members of the association present at any meeting held under this Act, by members who are white persons, shall constitute a decision of the association.

(4) The president or vice-president of the board or any other member thereof designated by the board may as an observer and adviser attend any meeting held under this Act by members of the association who are coloured persons or natives, but shall have no vote.

(5) Any decision at a meeting of members of the association who are coloured persons or at a meeting of such members who are natives, shall be considered by the advisory committee for coloured persons or the advisory committee for natives, as the case may be, who shall convey such decision together with its recommendation to the board. 55

Control by
the board.

34. The control of the association shall be vested in the Board of the Association, which, subject to the provisions of this Act and to the directions of the association, may exercise all such powers and perform all such acts as may be exercised or performed by the association. 60

Constitution
and meetings
of the board.

35. (1) (a) For the period from the commencement of this Act until a date to be determined by the Governor-General by proclamation in the *Gazette*, the board shall consist of the members of the board as constituted immediately prior to such commencement. 65

(b) If any such member vacates his office, the board shall, until the said date, consist of the remaining members.

(2) After the date referred to in sub-section (1), the board shall consist of the following members of the association, namely— 70

- (a) one female registered nurse, in respect of each of ten areas into which the Union together with the territory

DEEL IV.

DIE SUID-AFRIKAANSE VERPLEEGSTERSVERENIGING.

30. (1) Daar word 'n vereniging ingestel wat as die Suid-Afrikaanse Verpleegstersvereniging bekend staan, met regs-
 5 persoonlikheid beklee en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir of in verband staan met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede ingevolge hierdie Wet.
- 10 (2) Die Suid-Afrikaanse Verpleegstersvereniging ingevolge die Wet op Verpleegsters, 1944, ingestel, word geag ingevolge sub-artikel (1) ingestel te gewees het.
31. Die oogmerke van die vereniging is—
- 15 (a) om 'n doeltreffende en toereikende verplegings- en verloskundige diens vir die Unie en die gebied daar te stel;
- (b) om die status van die verplegings- en verloskundige beroepe te verhoog, die integriteit daarvan te handhaaf en die belange daarvan te bevorder; en
- 20 (c) om enige aangeleentheid wat verpleegsters of vroedvroue, of leerlingverpleegsters of -vroedvroue raak, te oorweeg en, behoudens die bepalings van hierdie Wet, in verband daarmee op te tree.
32. Die vereniging bestaan uit die volgende lede, naamlik—
- 25 (a) alle praktiserende geregistreerde verpleegsters en vroedvroue;
- (b) alle verpleegsters of vroedvroue wat nie praktiseer nie en geregistreer is of bevoeg is om geregistreer te word en wat ingevolge die regulasies as lede toegelaat is;
- 30 (c) alle leerlingverpleegsters en -vroedvroue ingevolge artikel veertien geregistreer, wat „junior lede” genoem word;
- (d) alle persone van 'n ander klas wat ingevolge die regulasies as lede toegelaat is.
- 35 33. (1) Afsonderlike vergaderings word minstens een keer elke drie jaar gehou op die plek en datum wat die bestuur bepaal, deur elkeen van die volgende klasse van lede van die vereniging, naamlik, blankes, gekleurdes en naturelle.
- (2) Spesiale vergaderings van een of ander van genoemde
 40 klasse van lede kan deur die bestuur belê word en spesiale vergaderings van lede wat blankes is, moet deur die raad belê word op skriftelike aansoek van minstens vyftig lede wat blankes is, waarin die doel waarvoor die vergadering belê moet word, duidelik uiteengesit word.
- 45 (3) 'n Besluit van die meerderheid van die lede van die vereniging aanwesig op 'n vergadering ingevolge hierdie Wet gehou deur lede wat blankes is, maak 'n besluit van die vereniging uit.
- (4) Die president of vise-president van die bestuur of 'n
 50 ander lid daarvan deur die bestuur aangewys, kan as 'n waarnemer en raadgewer 'n vergadering ingevolge hierdie Wet gehou deur lede van die vereniging wat gekleurdes of naturelle is, bywoon, maar is nie stemgeregtig nie.
- (5) 'n Besluit op 'n vergadering van lede van die vereniging
 55 wat gekleurdes is of op 'n vergadering van sodanige lede wat naturelle is, moet oorweeg word deur die adviserende komitee vir gekleurdes of die adviserende komitee vir naturelle, na gelang van die geval, wat die besluit saam met sy aanbeveling aan die bestuur moet oordra.
- 60 34. Die beheer van die vereniging berus by die Bestuur van die Vereniging, wat behoudens die bepalings van hierdie Wet en onderworpe aan die voorskrifte van die vereniging, al die bevoegdhede kan uitoefen en die handeling kan verrig wat deur die vereniging uitgeoefen of verrig kan word.
- 65 35. (1) (a) Vir die tydperk vanaf die inwerkingtreding van hierdie Wet tot 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, bestaan die bestuur uit die lede van die bestuur soos saamgestel onmiddellik voor die inwerkingtreding.
- 70 (b) Indien so 'n lid sy amp ontruim, bestaan die bestuur tot genoemde datum uit die oorblywende lede.
- (2) Na die datum in sub-artikel (1) vermeld, bestaan die bestuur uit die volgende lede van die vereniging, naamlik—
- 75 (a) een vroulike geregistreerde verpleegster ten opsigte van elkeen van tien streke waarin die Unie saam met die

Instelling van verpleegstersvereniging.

Oogmerke van die vereniging.

Samestelling van vereniging.

Vergaderings van die vereniging.

Beheer deur die bestuur.

Samestelling en vergaderings van die bestuur.

has been divided in the manner prescribed, elected by female registered nurses who are members of the association and white persons resident in the area concerned;

- (b) one registered midwife, in respect of each of four areas into which the Union together with the territory has been divided in the manner prescribed, elected by registered midwives who are members of the association and white persons resident in the area concerned; 5
 - (c) one male registered nurse elected by male registered nurses who are members of the association and white persons; 10
 - (d) one person who is registered both as a nurse and as a midwife, elected by junior members of the association, who are white persons. 15
- (3) The members of the board shall be elected for three years, but shall be eligible for re-election.
- (4) The provisions of sub-sections (3) and (6) of section *three*, and section *four* shall *mutatis mutandis* apply in respect of the election, nomination or vacation of office, as the case may be, of 20 members of the board.
- (5) The provisions of sections *five* and *six* shall *mutatis mutandis* apply in respect of the election of a president, vice-president, chairman or treasurer of the board, or the holding of meetings of the board. 25

Quorum and procedure.

36. (1) Nine members shall form a quorum at any meeting of the board.

(2) A decision of the majority of the members of the board present at any meeting shall constitute a decision of the board: Provided that in the event of an equality of votes the member presiding shall have a casting vote in addition to a deliberative vote. 30

Executive and other committees of the board.

37. The board may appoint from among its members an executive committee and such other committees as it may deem expedient and may delegate to a committee such of its powers as it may from time to time determine. 35

Establishment of advisory committees for coloured persons and natives.

38. (1) As from a date to be fixed by the Minister by notice in the *Gazette*, there shall be established an advisory committee for coloured persons and an advisory committee for natives, to advise the board on such matters relating to nurses or midwives who are coloured persons or natives, as may be referred to such a committee by the board, or upon which any such committee may wish to report to the board. 40

(2) Subject to the provisions of sub-sections (3) and (4), the provisions of Part II shall *mutatis mutandis* apply in respect of advisory committees, and for the purpose of such application any reference in that Part to an advisory board and the council shall be deemed to be a reference to an advisory committee and the board, respectively.

(3) Only persons who are members of the association shall be entitled to vote at an election of members of an advisory committee. 50

(4) A member of an advisory committee shall be elected for three years.

Powers of the association.

39. The association may— 55

- (a) divide the association into regional branches or groups within such branches, and regulate such branches or groups: Provided that there shall be separate branches or groups in respect of white persons, coloured persons and natives; 60
- (b) regulate the holding of or procedure at meetings of the association, the board or any committee;
- (c) acquire, hire or dispose of property, borrow money on the security of the assets of the council or accept and administer any trust or donation: Provided that the association shall not alienate or mortgage any immovable property without the approval of the provincial or local division of the Supreme Court of South Africa or of the High Court of South-West Africa having jurisdiction in the area in which such property is situated. 65
- (d) undertake, subsidize or otherwise support the publication of a nursing journal;
- (e) appoint an organizing secretary and such other officers as may be necessary and regulate their duties and conditions of service: Provided that the organizing secretary or any other officer appointed shall be proficient in both official languages; 75

- gebied op die voorgeskrewe wyse verdeel is, verkies deur vroulike geregistreerde verpleegsters wat lede van die vereniging en blankes is in die betrokke streek woonagtig;
- 5 (b) een geregistreerde vroedvrou ten opsigte van elkeen van vier streke waarin die Unie saam met die gebied op die voorgeskrewe wyse verdeel is, verkies deur geregistreerde vroedvroue wat lede van die vereniging en blankes is in die betrokke streek woonagtig;
- 10 (c) een manlike geregistreerde verpleër, verkies deur manlike geregistreerde verpleërs wat lede van die vereniging en blankes is;
- (d) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur junior lede van die vereniging wat blankes is.
- 15 (3) Die lede van die bestuur word vir drie jaar verkies, maar kan herkies word.
- (4) Die bepalings van sub-artikels (3) en (6) van artikel drie, en artikel vier is *mutatis mutandis* ten opsigte van die verkiesing, nominasie of ontruiming van 'n amp, na gelang van die geval, van lede van die bestuur van toepassing.
- 20 (5) Die bepalings van artikels vyf en ses is *mutatis mutandis* ten opsigte van die verkiesing van 'n president, vise-president, voorsitter of tesourier van die bestuur of die hou van vergaderings van die bestuur van toepassing.
- 25 36. (1) Nege lede maak 'n kworum uit op 'n vergadering van die bestuur. Kworum en prosedure.
- (2) 'n Besluit van die meerderheid van die aanwesige lede van die bestuur op 'n vergadering maak 'n besluit van die bestuur uit: Met dien verstande dat by 'n staking van stemme die voorsittende lid, benewens 'n beraadslagende stem, 'n beslissende stem kan uitbring.
- 30 37. Die bestuur kan 'n uitvoerende komitee en ander komitees wat hy dienstig ag, uit sy lede aanstel en kan van sy bevoegdhede wat hy van tyd tot tyd bepaal, aan 'n komitee delegeer. Uitvoerende en ander komitees van die bestuur.
38. (1) Vanaf 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, word daar 'n adviserende komitee vir gekleurdes en 'n adviserende komitee vir natuurlike ingestel, om die bestuur van advies te dien ten opsigte van die aangeleenthede wat in verband staan met verpleegsters of vroedvroue wat gekleurdes of natuurlike is, wat deur die bestuur na so 'n komitee verwys word, of wat so 'n komitee onder die aandag van die raad wil bring. Instelling van adviserende komitees vir gekleurdes en natuurlike.
- 40 (2) Behoudens die bepalings van sub-artikels (3) en (4), is die bepalings van Deel II *mutatis mutandis* ten opsigte van adviserende komitees van toepassing, en by die toepassing word 'n verwysing in daardie Deel na 'n adviesraad en die raad geag 'n verwysing na onderskeidelik 'n adviserende komitee en die bestuur te wees.
- 45 (3) Slegs persone wat lede van die vereniging is, is stemgeregtig by 'n verkiesing van lede van 'n adviserende komitee.
- 50 (4) 'n Lid van 'n adviserende komitee word vir drie jaar verkies.
39. Die vereniging kan— Bevoegdhede van vereniging.
- 55 (a) die vereniging in streektakke of groepe binne daardie takke verdeel, en die takke of groepe reguleer: Met dien verstande dat daar afsonderlike takke of groepe ten opsigte van blankes, gekleurdes en natuurlike moet wees;
- 60 (b) die hou van, of prosedure op, vergaderings van die vereniging, die bestuur of 'n komitee reguleer;
- (c) eiendom verkry, huur of daarvoor beskik, geld op sekuriteit van die bates van die vereniging leen of 'n trust of skenking aanvaar en administreer: Met dien verstande dat die vereniging nie onroerende goed vervreem of met verband beswaar nie sonder die goedkeuring van die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika of van die Hoë Hof van Suidwes-Afrika wat in die gebied waarin die goed geleë is, regsbevoegdheid uitoefen;
- 65 (d) die uitgawe van 'n tydskrif vir verpleegsters onderneem, subsidieer of andersins ondersteun;
- 70 (e) 'n organiserende sekretaris en die ander amptenare wat nodig is, aanstel en hul pligte en diensvoorwaardes reël: Met dien verstande dat die organiserende sekretaris of 'n ander beampete wat aangestel word, in albei offisiële tale bedrewe moet wees;
- 75

- (f) establish and administer sick or provident or pension funds for nurses or midwives;
 - (g) take such steps as it deems necessary to safeguard or improve the conditions of service of nurses or midwives, or student nurses or midwives, and make representations on their behalf whenever the association deems it necessary or expedient; 5
 - (h) investigate and bring to the notice of the council any complaint of improper or disgraceful conduct on the part of a member of the association; 10
 - (i) render financial assistance to advisory committees in order to enable such committees to perform their functions, and 15
- generally, do all such things as the association deems necessary or expedient in order to achieve its objects.

Regulations.

40. The association may, with the approval of the Minister, make regulations not inconsistent with this Act in relation to—
- (a) the election of members of the board or an advisory committee: Provided that the regulations made under this paragraph shall— 20
 - (i) provide for the elections to be conducted by secret ballot;
 - (ii) provide in respect of the election of members referred to in paragraph (a) or (b) of sub-section (2) of section *thirty-five*, for the division of the Union together with the territory into ten and four areas, as the case may be, in such a manner that the number of nurses or midwives, as the case may be, who are qualified to vote in each area is approximately the same; 25
 - (iii) provide for the establishment of polling stations and for voting by persons who are unable to attend at any polling station; 30
 - (b) the holding of meetings of the association by way of branch representation; 35
 - (c) the admission of members of the association referred to in paragraph (b) or (d) of section *thirty-two*;
 - (d) the circumstances in which the association may terminate the membership of any person;
 - (e) the subscriptions payable by members or classes of members of the association; 40
 - (f) the rights, privileges, duties and liabilities of members or classes of members of the association;
 - (g) the holding of or procedure at meetings of the association, the board or any committee; 45
 - (h) the allowances which may be paid to members of the board when engaged on the service of the board, or to members of an advisory committee attending any meeting of such a committee: Provided that the allowances which may be paid to any such member who is in the full-time employment of the State shall not exceed the allowances to which he would be entitled under the laws governing the public service: Provided further that no such member shall be required to pay into the Consolidated Revenue Fund any allowances which may be paid to him by the board in terms of any regulation made under this paragraph, and 50
- generally, with regard to all matters which under this Part are required or permitted to be prescribed or which the association considers necessary or expedient to prescribe in order to enable it to carry out its powers and functions under this Act. 55 60

PART V.

GENERAL AND SUPPLEMENTARY.

Council or board to advise Minister.

41. The Minister may require the council or the board to advise him on any matter affecting the nursing and midwifery profession or to communicate to him any information acquired by the council or the board in respect of any such matter. 65

Notification of deaths of nurses or midwives, or auxiliary nurses or midwives by district registrar of births and deaths.

42. Every district registrar of births and deaths who receives a death notice showing that the deceased was a nurse or midwife, or an auxiliary nurse or midwife, shall forthwith notify the registrar of the death. 70

- (f) siekte- of voorsorgs- of pensioenfondse vir verpleegsters of vroedvroue instel en administreer;
- (g) stappe doen wat die vereniging nodig ag ter beveiliging of verbetering van die diensvoorwaardes van verpleegsters of vroedvroue of leerlingverpleegsters of -vroedvroue, en namens hulle vertoë rig wanneer die vereniging dit nodig of dienstig ag;
- (h) 'n klagte van onbetaamlike of skandelijke gedrag deur 'n lid van die vereniging, ondersoek en onder die aandag van die raad bring;
- (i) geldelike hulp aan adviserende komitees verleen ten einde die komitees in staat te stel om hul werksaamhede te verrig, en
- oor die algemeen, alles doen wat die vereniging nodig of dienstig ag om sy oogmerke te bereik.

40. Die vereniging kan, met goedkeuring van die Minister, Regulasies. regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot—

- (a) die verkiesing van lede van die bestuur of 'n adviserende komitee: Met dien verstande dat die regulasies kragtens hierdie paragraaf uitgevaardig—
- (i) voorsiening maak vir die hou van verkiesings deur geheime stemming;
- (ii) ten opsigte van die verkiesing van lede in paragraaf (a) of (b) van sub-artikel (2) van artikel vyf-en-dertig vermeld, voorsiening maak vir die verdeling van die Unie saam met die gebied, in tien of vier streke, na gelang van die geval, op so 'n wyse dat die aantal stemgeregtigde verpleegsters of vroedvroue, na gelang van die geval, in elke streek ongeveer dieselfde is;
- (iii) voorsiening maak vir die instelling van stemburo's en vir stemming deur persone wat nie in staat is om 'n stemburo te besoek nie;
- (b) die hou van vergaderings van die vereniging by wyse van takverteenvoording;
- (c) die toelating van lede van die vereniging in paragraaf (b) of (d) van artikel twee-en-dertig vermeld;
- (d) die omstandighede waaronder die vereniging die lidmaatskap van 'n persoon kan beëindig;
- (e) die intekengelde wat deur lede of klasse van lede van die vereniging betaal moet word;
- (f) die regte, voorregte, pligte en verpligtinge van lede of klasse van lede van die vereniging;
- (g) die hou van, of prosedure op, vergaderings van die vereniging, die bestuur of 'n komitee;
- (h) die toelaes wat aan lede van die bestuur wanneer hulle in diens van die raad werksaam is, of aan lede van 'n adviserende komitee wat 'n vergadering van die komitee bywoon, betaal mag word: Met dien verstande dat die toelaes wat aan so 'n lid wat in die voltydse diens van die Staat is, betaal mag word, nie die toelaes waarop hy ingevolge die wette op die staatsdiens geregtig sou wees, oorskry nie: Met dien verstande voorts dat so 'n lid nie verplig is om enige toelaes wat ingevolge 'n regulasie kragtens hierdie paragraaf uitgevaardig, aan hom deur die bestuur betaal word, in die Gekonsolideerde Inkomstefonds te stort nie, en
- oor die algemeen, met betrekking tot alle aangeleenthede wat ingevolge hierdie Deel voorgeskryf moet of kan word of wat die vereniging nodig of dienstig ag om voor te skryf om hom in staat te stel om sy bevoegdhede en werksaamhede ingevolge hierdie Wet uit te oefen of te verrig.

DEEL V.

65 ALGEMENE EN AANVULLENDE BEPALINGS.

41. Die Minister kan van die raad of die bestuur vereis dat die raad of die bestuur hom van advies dien ten opsigte van een of ander aangeleentheid wat die verplegings- of verloskundige beroep raak of dat die raad of die bestuur inligting wat deur die raad of bestuur ten opsigte van so 'n aangeleentheid verkry is, aan hom meedeel.

Raad of bestuur moet die Minister van advies dien.

42. Elke distriksregistrator van geboortes en stergevalle wat 'n sterfkennis ontvang waaruit blyk dat die oorledene 'n verpleegster of vroedvrou, of 'n hulpverpleegster of -vroedvrou was, moet die registrator onverwyld van die sterfgeval in kennis stel.

Kennisgewing van sterfgevalle van verpleegsters of vroedvroue, of hulpverpleegsters of -vroedvroue, deur distriksregistrator van geboortes en stergevalle.

Transmission
to council of copies
of court records.

43. Whenever proceedings before any court of law disclose *prima facie* evidence of improper conduct or disgraceful conduct on the part of a registered or enrolled person, whether or not in regard to his profession or calling, the court shall direct that a certified copy of the record in such proceedings, or such portion as is material to the issue, shall be transmitted to the council. 5

Certificates of
competency in
respect of certain
nurses or
midwives.

44. A certificate of competency entitling the holder to be enrolled as an auxiliary nurse or midwife, as the case may be, shall, in accordance with regulations made by the Minister after consultation with the council, be issued by the registrar to any person, who, within three years after the date of commencement of this Act, proves to the satisfaction of the council that for at least two consecutive years immediately preceding such date such person had been in *bona fide* practice in the Union or the territory as a nurse or midwife, and who is recommended by at least one medical practitioner registered under the Medical Act, under whose supervision such person has worked, as a fit and proper person to practise as a registered auxiliary nurse or midwife, as the case may be. 10 15 20

Prescribed areas
in respect of
practising for gain
as a nurse or
midwife.

45. (1) After considering any recommendation by the council, the Governor-General may, by proclamation in the *Gazette*—
(a) if he is satisfied that in any area the facilities for obtaining attendance by registered nurses or enrolled auxiliary nurses are sufficient for all classes of the population, declare such area, as from a date to be specified in such proclamation, to be a prescribed area within which no person other than a registered nurse or enrolled auxiliary nurse shall practise for gain as a nurse; 25 30
(b) if he is satisfied that in any area the facilities for obtaining attendance by medical practitioners or registered midwives or enrolled auxiliary midwives are sufficient for all classes of the population, declare such area, as from a date to be specified in such proclamation, to be a prescribed area within which no person other than a medical practitioner or intern registered under the Medical Act or a registered midwife or enrolled auxiliary midwife shall for gain attend any woman in relation to any condition arising out of or in connection with pregnancy. 35 40
(2) Any area declared a prescribed area under paragraphs (a) and (b) of section *thirty-nine* of the Medical Act or under those paragraphs as incorporated in the Nursing Act, 1944, shall be deemed to have been declared a prescribed area under paragraphs (a) and (b), respectively, of sub-section (1). 45

Regulations
relating to the
practising of
midwifery for gain
in areas outside
prescribed areas.

46. (1) After considering any recommendation of the council, the Governor-General may, by proclamation in the *Gazette* make regulations defining the conditions under which any person, other than a medical practitioner or intern registered under the Medical Act or a registered midwife or enrolled auxiliary midwife, may practise midwifery for gain outside a prescribed area referred to in paragraph (b) of sub-section (1) of section *forty-five*. 50

(2) Any person who complies with the said conditions may use the title "midwife" without prefix or addition of any word implying registration or enrolment under this Act. 55

(3) Any person, who, except in a case of emergency, contravenes any regulation made under sub-section (1), shall be guilty of an offence. 60

Suspension from
practising of
registered or
enrolled persons
who are mentally
or physically
disabled.

47. (1) Whenever it appears to the council from information on oath that a registered or enrolled person has become mentally or physically disabled to such an extent that it would be contrary to the public welfare to allow him to continue to practise, the council may, if it deems fit, hold an enquiry *mutatis mutandis* in accordance with the provisions of section *twenty-three* in respect of such person. 65

(2) If the council finds that such person has so become mentally or physically disabled, it may order the suspension of such person for a specified period from practising his profession or calling. 70

(3) The council may extend for any period determined by it, the period of operation of, or withdraw any order made under this section.

(4) The provisions of sections *twenty-six* and *twenty-seven* shall *mutatis mutandis* apply in respect of an order made under this section. 75

43. Wanneer 'n hofgeding *prima facie*-getuienis van onbetaamlike of skandelijke gedrag deur 'n geregistreerde of ingeskrewe persoon openbaar, hetsy met betrekking tot sy professie of beroep, al dan nie, moet die hof gelas dat 'n gewaarmerkte afskrif van die notule van verhoor van die geding, of die gedeelte daarvan wat op die aangeleentheid betrekking het, aan die raad gestuur word.

Stuur van afskrifte van geregtelike notule van verhoor aan raad.

44. 'n Bekwaamheidsertifikaat wat die besitter die reg gee om as 'n hulpverpleegster of -vroedvrou, na gelang van die geval, ingeskryf te word, moet, ooreenkomstig regulasies deur die Minister uitgevaardig ná oorlegpleging met die raad, deur die registrateur uitgereik word aan 'n persoon wat, binne drie jaar na die datum van inwerkingtreding van hierdie Wet, die raad tevrede stel dat genoemde persoon vir minstens twee agtereenvolgende jare onmiddellik vóór daardie datum in die Unie of die gebied *bona fide* as 'n verpleegster of vroedvrou gepraktiseer het, en wat deur minstens een ingevolge die Wet op Geneeshere geregistreerde geneesheer onder wie se toesig die persoon gewerk het, aanbeveel word as 'n geskikte persoon om as 'n geregistreerde hulpverpleegster of -vroedvrou, na gelang van die geval, te praktiseer.

Bekwaamheidsertifikate ten opsigte van sekere verpleegsters of vroedvroue.

45. (1) Na oorweging van 'n aanbeveling deur die raad, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant*—
(a) indien hy oortuig is dat in 'n gebied voldoende fasiliteite bestaan vir alle klasse van die bevolking om behandeling deur geregistreerde verpleegsters of ingeskrewe hulpverpleegsters te verkry, daardie gebied, vanaf 'n datum in die proklamasie vermeld, 'n voorgeskrewe gebied verklaar waarin geen ander persoon as 'n geregistreerde verpleegster of ingeskrewe hulpverpleegster vir wins as 'n verpleegster mag praktiseer nie;
(b) indien hy oortuig is dat in 'n gebied voldoende fasiliteite bestaan vir alle klasse van die bevolking om behandeling deur geneeshere of geregistreerde vroedvroue of ingeskrewe hulpvroedvroue te verkry, daardie gebied, vanaf 'n datum in die proklamasie vermeld, 'n voorgeskrewe gebied verklaar waarin geen ander persoon as 'n ingevolge die Wet op Geneeshere geregistreerde geneesheer of intern of 'n geregistreerde vroedvrou of ingeskrewe hulpvroedvrou, 'n vrou met betrekking tot een of ander toestand wat uit of in verband met swangerskap ontstaan, vir wins mag behandel nie.
(2) 'n Gebied wat ingevolge paragrafe (a) en (b) van artikel nege-en-dertig van die Wet op Geneeshere of ingevolge daardie paragrafe soos in die Wet op Verpleegsters, 1944, ingelyf, 'n „omskrewe gebied” verklaar is, word geag ingevolge onderskeidelik paragrafe (a) en (b) van sub-artikel (1), 'n voorgeskrewe gebied verklaar te gewees het.

Voorgeskrewe gebiede ten opsigte van die praktiseer vir wins as 'n verpleegster of vroedvrou.

46. (1) Na oorweging van 'n aanbeveling van die raad, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* regulasies uitvaardig wat die voorwaardes bepaal waaronder 'n ander persoon as 'n ingevolge die Wet op Geneeshere geregistreerde geneesheer of intern of 'n geregistreerde vroedvrou of ingeskrewe hulpvroedvrou, buite 'n voorgeskrewe gebied in paragraaf (b) van sub-artikel (1) van artikel vyf-en-veertig vermeld, verloskunde vir wins mag beoefen.
(2) 'n Persoon wat aan genoemde voorwaardes voldoen, kan die titel „vroedvrou” gebruik sonder 'n voorvoegsel of die byvoeging van 'n woord wat dui op registrasie of inskrywing ingevolge hierdie Wet.
(3) 'n Persoon wat, behalwe in 'n noodgeval, 'n regulasie ingevolge sub-artikel (1) uitgevaardig, oortree, is aan 'n misdryf skuldig.

Regulasies met betrekking tot die praktiseer vir wins van verloskunde in gebiede buite voorgeskrewe gebiede.

47. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n geregistreerde of ingeskrewe persoon verstandelik of liggaamlik in so 'n mate ongeskik geraak het dat dit in stryd met die openbare welsyn sou wees om hom toe te laat om te praktiseer, kan die raad na goeddunke ten opsigte van so 'n persoon 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalings van artikel drie-en-twintig.

Skorsing van geregistreerde of ingeskrewe persone wat verstandelik of liggaamlik ongeskik is.

(2) Indien die raad bevind dat die persoon aldus verstandelik of liggaamlik ongeskik geraak het, kan die raad vir 'n vasgestelde tydperk die skorsing van daardie persoon in sy professie of beroep beveel.
(3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, vir 'n deur hom bepaalde tydperk verleng, of so 'n bevel intrek.

(4) Die bepalinge van artikels ses-en-twintig en sewe-en-twintig is *mutatis mutandis* ten opsigte van 'n bevel kragtens hierdie artikel uitgereik, van toepassing.

- Nursing agencies. 48. (1) Any person who carries on the business of a nursing agency without holding a licence issued under this Act, shall be guilty of an offence.
- (2) Any current certificate of registration granted to any agency for the supply of nurses or midwives under the provisions of the Nursing Act, 1944, shall be deemed to be a licence to carry on the business of a nursing agency for the period expiring at the end of the year during which this Act comes into force. 5
- Prohibition of control or supervision of registered or enrolled white persons by persons who are not white persons. 49. Any person who causes or permits any white person who is registered or enrolled or who is registered under section *fourteen* or enrolled under section *fifteen*, to be employed under the control or supervision of any person who is not a white person, in any hospital or similar institution or in any training school, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds. 15
- Charges by registered or enrolled persons. 50. (1) Every registered or enrolled person shall, unless the circumstances render it impossible for him to do so, before rendering any professional services inform the person to whom the services are to be rendered or any person responsible for the maintenance of such person, of the fee which he intends to charge for such services—
- (a) when so requested by the person concerned; or
- (b) when such fee exceeds that usually charged for such services, 25
- and shall in a case to which paragraph (b) relates, also inform the person concerned of the usual fee.
- (2) Failure to comply with the provisions of sub-section (1) shall, for the purposes of an enquiry, be deemed to be improper or disgraceful conduct. 30
- Remuneration in respect of certain services not recoverable. 51. Any person who under this Act is prohibited from practising as a nurse for gain or from attending for gain any woman in relation to any condition arising out of or in connection with pregnancy, may not recover any remuneration in respect of services rendered by him while so practising or attending. 35
- Effect of suspension or removal of name from registers or rolls. 52. (1) Any person who has under this Act been suspended from practising shall, during the period of suspension, be deemed not to be registered or enrolled.
- (2) Any person whose name has under this Act been removed from the registers or rolls shall, until his name has been restored to the registers or rolls, be deemed not to be registered or enrolled. 40
- Offences relating to registration or enrolment or to registers, rolls, licences or certificates. 53. Any person who—
- (a) by means of any false representation procures or attempts to procure for himself or any other person, registration or enrolment, or the issue of any licence or certificate under this Act; or
- (b) makes any unauthorized entry or alteration or erasure in any register or roll, or in any certified copy of or extract from any register or roll, or in any certificate or licence issued under this Act; or
- (c) willfully destroys or injures or renders illegible any entry in any register or roll; or
- (d) forges or utters, knowing it to be forged, any certificate or licence referred to in this Act, 55
- shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.
- Penalties where not specially provided. 54. Any person who contravenes or fails to comply with any provision of this Act, excluding Part IV, shall be guilty of an offence and shall, where no penalty is specially provided, be liable on conviction to a fine not exceeding fifty pounds. 60
- Proof of matters relating to registration, enrolment, or licensing. 55. A certificate purporting to be signed by the registrar stating—
- (a) that a person is registered as a nurse or midwife, or enrolled as an auxiliary nurse or midwife, or registered under section *fourteen* as a student nurse or midwife, or enrolled under section *fifteen* as a student auxiliary nurse or midwife, or is not so registered or enrolled; or
- (b) that the name of a person has been removed from a register or roll and has not been restored thereto; or 70

48. (1) 'n Persoon wat sake doen as 'n verplegingsagentskap sonder dat hy 'n ingevolge hierdie Wet uitgereikte lisensie besit, is aan 'n misdryf skuldig. Verplegingsagentskappe.
- (2) 'n Geldige registrasiesertifikaat uitgereik aan 'n agentskap vir die verskaffing van verpleegsters of vroedvroue ingevolge die bepalings van die Wet op Verpleegsters, 1944, word geag 'n lisensie te wees om sake te doen as 'n verplegingsagentskap vir die tydperk wat verstryk aan die end van die jaar waarin hierdie Wet in werking tree.
- 10 49. 'n Persoon wat 'n blanke wat gereistreer of ingeskryf is of wat ingevolge artikel *veertien* gereistreer of ingevolge artikel *vyftien* ingeskryf is, onder die beheer of toesig van 'n persoon wat nie 'n blanke is nie, in 'n hospitaal of soortgelyke inrigting of in 'n opleidingskool laat werk of toelaat om te werk, is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens tweehonderd pond strafbaar. Verbod op beheer van of toesig oor gereistreerde of ingeskrewe blankes deur persone wat nie blankes is nie.
- 20 50. (1) Elke gereistreerde of ingeskrewe persoon moet, tensy die omstandighede dit vir hom onmoontlik maak, voordat hy professionele dienste lewer, die persoon aan wie die dienste gelever word of 'n persoon wat vir die onderhoud van daardie persoon verantwoordelik is, verwittig van die gelde wat hy voornemens is om vir daardie dienste te vorder—
- (a) wanneer daartoe deur die betrokke persoon versoek; of
- (b) wanneer daardie gelde meer is as die gelde wat gewoonlik vir sulke dienste gevorder word,
- 25 en moet in 'n geval waarop paragraaf (b) betrekking het, die betrokke persoon ook van die gewone gelde verwittig.
- (2) Versuim om die bepalings van sub-artikel (1) na te kom, word vir die doeleindes van 'n ondersoek, onbetaamlike of skandelijke gedrag geag.
- 30 51. 'n Persoon wat ingevolge hierdie Wet verbied word om as 'n verpleegster vir wins te praktiseer of om 'n vrou met betrekking tot een of ander toestand wat uit of in verband met swangerskap ontstaan, vir wins te behandel, kan die vergoeding ten opsigte van dienste deur hom gelever terwyl hy aldus gepraktiseer of behandeling gegee het, nie verhaal nie. Vergoeding ten opsigte van sekere dienste nie verhaalbaar nie.
- 40 52. (1) 'n Persoon wat ingevolge hierdie Wet geskors is, word gedurende die tydperk van skorsing geag nie gereistreer of ingeskryf te wees nie. Uitwerking van skorsing of skraping van 'n naam van registers of rolle.
- (2) 'n Persoon wie se naam ingevolge hierdie Wet van die registers of rolle geskrap is, word geag nie gereistreer of ingeskryf te wees nie totdat sy naam op die registers of rolle teruggeplaas is.
53. 'n Persoon wat—
- 45 (a) deur middel van 'n valse voorwendsel registrasie of inskrywing, of die uitreiking van 'n lisensie of sertifikaat, ingevolge hierdie Wet vir homself of 'n ander persoon verkry of poog om te verkry; of
- (b) 'n ongemagtigde inskrywing of verandering of skraping aanbring in 'n register of rol, of in 'n gewaarmerkte afskrif van of uittreksel uit 'n register of rol, of in 'n sertifikaat of lisensie ingevolge hierdie Wet uitgereik; of
- 50 (c) 'n inskrywing in 'n register of rol opsetlik vernietig of beskadig of onleesbaar maak; of
- (d) 'n sertifikaat of lisensie in hierdie Wet vermeld, vervals of uitgee met die wete dat dit vervals is,
- 55 is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens vyfhonderd pond strafbaar. Misdrywe met betrekking tot registrasie of inskrywing, of tot registers, rolle, lisensies of sertifikate.
- 60 54. 'n Persoon wat 'n bepaling van hierdie Wet, met uitsondering van Deel IV, oortree of in gebreke bly om dit na te kom, is aan 'n misdryf skuldig en waar geen straf uitdruklik bepaal word nie, by skuldigbevinding met 'n boete van hoogstens vyftig pond strafbaar. Strawwe waar nie uitdruklik bepaal nie.
- 65 55. 'n Sertifikaat wat deur die registrateur geteken heet te wees en wat vermeld—
- (a) dat 'n persoon as 'n verpleegster of vroedvrou gereistreer, of as 'n hulpverpleegster of -vroedvrou ingeskryf, of as 'n leerlingverpleegster of -vroedvrou ingevolge artikel *veertien* gereistreer, of as 'n leerlinghulpverpleegster of -hulpvroedvrou ingevolge artikel *vyftien* ingeskryf is, of nie aldus gereistreer of ingeskryf is nie; of
- 70 (b) dat die naam van 'n persoon van 'n register of rol geskrap is en nie daarop teruggeplaas is nie; of Bewyslewering by aangeleenthede met betrekking tot registrasie, inskrywing of lisensiering.

- (c) that a person has been suspended for a specified period from practising in the capacity in which he is registered or enrolled; or
- (d) that a person is licensed under this Act or is not so licensed,
- shall for all purposes be *prima facie* proof of the facts so stated. 5

Certain acts deemed to have been performed for gain.

56. In any criminal proceedings against any person upon a charge of having performed an act which constitutes an offence under this Act if performed by him for gain, he shall be deemed to have performed such act for gain if he has accepted any 10 valuable consideration in respect thereof.

Repeal of Act 45 of 1944, Act 12 of 1946, and Act 63 of 1955.

57. (1) Subject to the provisions of sub-section (2), the Nursing Act, 1944, the Nursing Amendment Act, 1946, and the Nursing Council and Board Continuation Act, 1955, are hereby repealed. 15

(2) Any regulation made or anything done under any provision of the Nursing Act, 1944, or of that Act read with the Nursing Council and Board Continuation Act, 1955, or of any law repealed by the Nursing Act, 1944, shall, unless inconsistent with the provisions of this Act, be deemed to have been made or 20 done under the corresponding provision of this Act, and any reference in any such regulation to a chairman or vice-chairman, shall be deemed to be a reference to a president or vice-president.

Application of Act to the territory of South-West Africa.

58. This Act shall apply also in the territory: Provided that only such regulations as are expressly stated to apply in the 25 territory shall apply therein.

Short title.

59. This Act shall be called the Nursing Act, 1957.

- (c) dat 'n persoon vir 'n bepaalde tydperk geskors is in die hoedanigheid waarin hy geregistreer of ingeskryf is; of
 (d) dat 'n persoon ingevolge hierdie Wet gelisensieer is of nie aldus gelisensieer is nie,

5 is vir alle doeleindes *prima facie*-bewys van die feite aldus vermeld.

56. In 'n strafgeding teen 'n persoon weens 'n aanklag dat hy 'n handeling verrig het wat 'n misdryf ingevolge hierdie Wet uitmaak indien dit deur hom vir wins verrig is, word dit geag dat hy die handeling vir wins verrig het indien hy enigiets van waarde daarvoor aangeneem het. Sekere handelinge word geag vir wins verrig te gewees het.

57. (1) Behoudens die bepalings van sub-artikel (2), word die Wet op Verpleegsters, 1944, die Wysigingswet op Verpleegsters, 1946, en die Wet op Voortdoring van die Verpleegstersraad en -bestuur, 1955, hiermee herroep. Herroeping van Wet 45 van 1944, Wet 12 van 1946 en Wet 63 van 1955.

- (2) 'n Regulasie uitgevaardig of enigiets gedoen ingevolge 'n bepaling van die Wet op Verpleegsters, 1944, of van daardie Wet gelees met die Wet op Voortdoring van die Verpleegstersraad en -bestuur, 1955, of van 'n wet deur die Wet op Verpleegsters, 1944, herroep, word, tensy onbestaanbaar met die bepalings van hierdie Wet, geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgevaardig of gedoen te gewees het, en 'n verwysing in so 'n regulasie na 'n voorsitter of vise-voorsitter word geag 'n verwysing na 'n president of vise-president te wees.

58. Hierdie Wet is ook in die gebied van toepassing: Met dien verstande dat slegs die regulasies wat uitdruklik in die gebied van toepassing verklaar word, daarin van toepassing is. Toepassing van Wet op die gebied Suidwes-Afrika.

59. Hierdie Wet heet die Wet op Verpleging, 1957.

Kort titel.