

BUITENGEWONE



EXTRAORDINARY

# Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

# Government Gazette

[Geregistreer by die Hoofposkantoor as 'n Nausblad.]

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

Prys 10c Price  
Oorsee 15c Overseas  
POSVRY—POST FREE

Vol. 15.]

KAAPSTAD, 15 JANUARIE 1965.  
CAPE TOWN, 15th JANUARY, 1965.

[No. 1001.]

## DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE.

WETSONTWERP TER VERVANGING VAN DIE WET  
OP WELSYNORGANISASIES, 1947 (WET NO. 40 VAN  
1947).

Hierby word vir algemene inligting bekend gemaak dat  
die Minister van Volkswelsyn en Pensioene van voorneme  
is om die onderstaande Wetsontwerp gedurende die eers-  
volgende Sitting van die Parlement in te dien.

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## DEPARTEMENT VAN GESONDHEID.

Die volgende Wetsontwerp wat die Minister van Gesond-  
heid voornemens is om by die volgende Parlementsitting  
in te dien, word vir algemene inligting gepubliseer.

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## DEPARTMENT OF SOCIAL WELFARE AND PENSIONS.

BILL TO REPLACE THE NATIONAL WELFARE  
ORGANISATIONS ACT, 1947 (ACT NO. 40 OF  
1947).

It is hereby notified for general information that the  
Minister of Social Welfare and Pensions intends to intro-  
duce the under-mentioned Bill during the next Session of  
Parliament.

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## DEPARTMENT OF HEALTH.

The following Bill which the Minister of Health proposes  
introducing into Parliament at the next Session of Parlia-  
ment is published for general information.

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# BILL

To provide for the establishment of a National Welfare Board and of certain commissions and regional welfare boards and to define their functions, and to provide for the registration and control of certain welfare organizations and of social workers, for the control of the collection of contributions towards the funds of such organizations and of certain institutions and of the collection of funds in certain circumstances otherwise than by registered welfare organizations for particular purposes, and for other incidental matters.

(To be introduced by the MINISTER OF SOCIAL WELFARE  
AND PENSIONS.)

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

## Definitions.

1. In this Act, unless the context otherwise indicates—
  - (i) “board” means the National Welfare Board established under section *two*; (xii)
  - (ii) “chief social welfare officer” means the officer in charge of a regional office of the Department of Social Welfare and Pensions for any particular area or any person acting in his stead; (iv)
  - (iii) “collect”, in relation to contributions, means collect, accept or solicit money or goods from any member of the public, whether or not such collection, acceptance or solicitation involves or envisages the receipt by the contributor of any material or other return or advantage as a consideration for the money or goods contributed or to be contributed by him; (v)
  - (iv) “commission” means a commission established under section *seven*; (vi)
  - (v) “contributor”, in relation to the collection of contributions, means a person from whom contributions are collected; (ii)
  - (vi) “local authority” means any municipal council, divisional council, borough council, town council, village council, town board, village management board, local board, health board, health committee or other board or committee exercising local government functions; (xi)
  - (vii) “managing committee”, in relation to a welfare organization, means a managing committee referred to in sub-section (1) of section *twenty-six*; (i)
  - (viii) “Minister” means the Minister of Social Welfare and Pensions; (ix)
  - (ix) “prescribed” means prescribed by regulation made under this Act; (xvii)
  - (x) “regional welfare board” means a regional welfare board established under section *ten*; (xvi)
  - (xi) “registrar” means the Registrar of the National Welfare Board appointed under section *six*; (xiii)
  - (xii) “regulation” means a regulation made or in force under this Act; (xiv)
  - (xiii) “Secretary” or other “senior officer” means the Secretary or any other senior officer of the Department of Social Welfare and Pensions; (xv)
  - (xiv) “social work” means one or more of the following activities, namely—
    - (a) individual treatment as a means or form of social assistance;
    - (b) group work as a means or form of social assistance;
    - (c) community organization for the promotion of social assistance;
    - (d) the administration of any or all of the activities referred to in paragraph (a) or (b);

# WETSONTWERP

Om voorsiening te maak vir die instelling van 'n Nasionale Welsynsraad en van sekere kommissies en streekwelsynrade en om hul werksaamhede te omskryf, en om voorsiening te maak vir die registrasie en beheer van sekere welsynsorganisasies en van maatskaplike werkers, vir die beheer van die insameling van bydraes tot die fondse van sodanige organisasies en van sekere inrigtings en van die insameling van fondse onder sekere omstandighede andersins as deur geregistreerde welsynsorganisasies vir bepaalde doeleindes, en vir ander bykomstige aangeleenthede.

(Ingedien te word deur die MINISTER VAN VOLKSWELSYN EN PENSIOENE.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordbepaling.

- (i) „bestuurskomitee”, met betrekking tot 'n welsynsorganisasie, 'n bestuurskomitee in sub-artikel (1) van artikel *ses-en-twintig* bedoel; (vii)
- (ii) „bydraer”, met betrekking tot die insameling van bydraes, iemand van wie bydraes ingesamel word; (v)
- (iii) „hierdie Wet” ook die regulasies; (xvi)
- (iv) „hoofvolkswelsynbeampte” die beampte wat aan die hoof staan van 'n streekkantoor van die Departement van Volkswelsyn en Pensioene vir 'n bepaalde gebied of iemand wat namens hom optree; (ii)
- (v) „insamel”, met betrekking tot bydraes, geld of goedere van 'n lid van die publiek insamel, ontvang of vra, ongeag of die insameling, ontvangs of vra daarvan die ontvangs deur die bydraer van enige stoflike of ander vergoeding of voordeel as teenprestasie vir die geld of goedere deur hom bygedra of bygedra te word, meebring of beoog; (iii)
- (vi) „kommissie” 'n kommissie kragtens artikel *sewe* ingestel; (iv)
- (vii) „maatskaplike werk” een of meer van die volgende werksaamhede, te wete—
  - (a) individuele behandeling as wyse of vorm van maatskaplike hulpbetoon;
  - (b) groepwerk as wyse of vorm van maatskaplike hulpbetoon;
  - (c) gemeenskapsorganisasie ter bevordering van maatskaplike hulpbetoon;
  - (d) die administrasie van enige van of al die werksaamhede in paragraaf (a) of (b) bedoel;
  - (e) navorsing in verband met enige van of al die werksaamhede in paragraaf (a), (b), (c) of (d) bedoel; en
  - (f) beroepsopleiding vir die behartiging van enige van of al die werksaamhede in paragraaf (a), (b), (c), (d) of (e) bedoel; (xiv)
- (viii) „maatskaplike werker” iemand wat kragtens artikel *drie-en-dertig* as 'n maatskaplike werker geregistreer is; (xv)
- (ix) „Minister” die Minister van Volkswelsyn en Pensioene; (viii)
- (x) „oorlogsfonds” 'n fonds waarvan die doelstellings tot een of meer van onderstaande beperk is, te wete—
  - (a) die voorsiening van geskenke of ander voordele aan die lede of oud-lede of die afhanklikes van lede of oud-lede van die land-, vloot- of lugmagte van die Republiek of van 'n land wat in oorlog verkeer met 'n land waarmee die Republiek in oorlog verkeer of vir die lede of oud-lede of die afhanklikes van lede of oud-lede van die handelsvloot van die Republiek of van so 'n land;

- (e) research in connection with any or all of the activities referred to in paragraph (a), (b), (c), (d) or (e); and
- (f) vocational training for the performance of any or all of the activities referred to in paragraph (a), (b), (c), (d) or (e);
- (xv) "social worker" means any person registered as a social worker under section *thirty-three*; (viii)
- (xvi) "this Act" includes the regulations; (iii)
- (xvii) "war fund" means a fund the objects of which are confined to one or more of the following, namely—
  - (a) the provision of gifts or other benefits for the members or ex-members or the dependants of members or ex-members of the land, sea or air forces of the Republic or of a country at war with any country with which the Republic is at war or for the members or ex-members or the dependants of members or ex-members of the mercantile marine of the Republic or of such a country;
  - (b) the relief of suffering or distress brought about by war, among the civilian population of the Republic or of a country at war with any country with which the Republic is at war;
  - (c) the provision of gifts or other benefits for prisoners of war or their dependants;
  - (d) the promotion of the effective prosecution of war by the Republic or any country referred to in paragraph (a);
  - (e) the promotion of any object similar to or connected with any of the objects mentioned in the preceding paragraphs; (x)
- (xviii) "welfare organization" means any association of persons, corporate or unincorporate, or institution the objects of which include one or more of the following, namely—
  - (a) the carrying on of social work by individual treatment, group work or community organization;
  - (b) the provision wholly or in part of any of the material, spiritual or social requirements of persons or families in distress and in need of assistance;
  - (c) the carrying on of charitable activities in relation to persons or families who are in need and require assistance;
  - (d) the prevention of social distress and indigency of persons or families;
  - (e) the rendering of legal assistance and advice as a form of social assistance;
  - (f) the collection of contributions towards any war fund;
  - (g) the prevention of cruelty to animals and the promotion of animal welfare;
  - (h) the collection of funds for any of the objects specified in the preceding paragraphs,
 but does not include any institution maintained and controlled by the State or a local authority nor any hospital board or any trade union registered or deemed to be registered in accordance with the provisions of the Industrial Consolidation Act, 1956 (Act No. 28 of 1956), or any religious body in respect of activities confined to religious work. (xviii)

**Establishment of  
National Welfare  
Board.**

2. (1) The Minister shall establish a board to be known as the National Welfare Board to perform the functions assigned to the board by this Act.

(2) The board shall consist of the following members to be appointed by the Minister, namely—

- (a) one member from every regional welfare board who shall be a person whose name appears on the list referred to in section *fifteen*;
- (b) one member who shall be a professional officer of the Department of Social Welfare and Pensions; and
- (c) one other member.

(3) One of the members of the board shall be designated by the Minister as the chairman of the board and one of such members shall be elected as deputy chairman by the board.

**Calling of, quorum  
for and procedure  
at meetings of  
board.**

3. (1) The board shall meet at least twice in every year at such times and places as may be approved by the Minister after consultation with the chairman of the board.

(2) The quorum for and procedure at meetings of the board shall be as prescribed.

- (b) oorlogsnoodleniging onder die burgerlike bevolking van die Republiek of van 'n land wat in oorlog verkeer met 'n land waarmee die Republiek in oorlog verkeer;
- (c) die voorsiening van geskenke of ander voordele aan krygsgevangenes of hul afhanklikes;
- (d) die bevordering van die doelmatige voortsetting van oorlog deur die Republiek of 'n in paragraaf (a) bedoelde land;
- (e) die bevordering van enige doelstelling wat soortgelyk is aan of in verband staan met enige van die doelstellings in die voorgaande paragrafe genoem; (xvii)
- (xi) „plaaslike bestuur” 'n munisipale raad, afdelingsraad, stadsraad, dorpsraad, dorpsbestuursraad, plaaslike raad, gesondheidsraad, gesondheidskomitee of ander raad of komitee wat plaaslike bestuursbevoegdhede uitoefen; (vi)
- (xii) „raad” die Nasionale Welsynsraad kragtens artikel twee ingestel; (i)
- (xiii) „registrateur” die kragtens artikel ses aangestelde Registrateur van die Nasionale Welsynsraad; (xi)
- (xiv) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig of van krag is; (xii)
- (xv) „sekretaris” of ander „senior beampte” die Sekretaris of 'n ander senior beampte van die Departement van Volkswelsyn en Pensioene; (xiii)
- (xvi) „streekwelsynsraad” 'n streekwelsynsraad ingevolge artikel tien ingestel; (x)
- (xvii) „voorgeskrif” of „voorgeskrewe” voorgeskryf by regulasie kragtens hierdie Wet uitgevaardig; (ix)
- (xviii) „welsynsorganisasie” 'n assosiasie van persone, met of sonder regs persoonlikheid, of inrigting waarvan die doelstellings een of meer van onderstaande behels, te wete—
  - (a) die beoefening van maatskaplike werk deur individuele behandeling, groepwerk of gemeenskapsorganisasie;
  - (b) die voorsiening geheel of gedeeltelik in enige van of al die stoflike, geestelike of maatskaplike behoeftes van persone of gesinne wat in nood verkeer en hulp nodig het;
  - (c) die beoefening van barmhartigheid jeens noodlydende en hulpbehoewende persone of gesinne;
  - (d) die voorkoming van maatskaplike nood en hulpbehoewendheid van persone of gesinne;
  - (e) die verlening van regsbystand en advies as 'n vorm van maatskaplike hulpbetoon;
  - (f) die insameling van bydraes tot 'n oorlogsfonds;
  - (g) die voorkoming van mishandeling en die bevordering van die welsyn van diere;
  - (h) die insameling van bydraes vir enige van die in voorgaande paragrafe genoemde doelstellings, maar nie ook 'n inrigting wat deur die Staat of 'n plaaslike bestuur in stand gehou en beheer word nie en ook nie 'n hospitaalraad of 'n vakvereniging wat geregistreer is of geag word geregistreer te wees ooreenkomstig die bepalinge van die Wet op Nywerheidsversoenig, 1956 (Wet No. 28 van 1956), of 'n godsdienstliggaam ten opsigte van werksaamhede wat tot godsdienstwerk beperk is nie. (xviii)

2. (1) Die Minister stel 'n raad in wat die Nasionale Welsynsraad heet om die werksaamhede te verrig wat by hierdie Wet aan die raad opgedra word. Instelling van Nasionale Welsynsraad.

(2) Die raad bestaan uit die volgende lede wat deur die Minister aangestel word, te wete—

- (a) een lid uit elke streekwelsynsraad wat iemand moet wees van wie die naam op die in artikel vyftien bedoelde lys voorkom;
- (b) een lid wat 'n vakkundige beampte van die Departement van Volkswelsyn en Pensioene moet wees; en
- (c) een ander lid.

(3) Een van die lede van die raad word deur die Minister as voorsitter van die raad aangewys en een van daardie lede word deur die raad as adjunk-voorsitter gekies.

3. (1) Die raad vergader minstens tweemaal in elke jaar en wel op die tye en plekke wat die Minister na oorlegpleging met die voorsitter van die raad goedkeur. Byeenroeping van, kworum en prosedure by vergaderings van raad.

(2) Die kworum vir en prosedure by 'n vergadering van die raad is soos voorgeskryf.

(3) The chairman or, in his absence, the deputy chairman of the board shall preside at all meetings of the board, and whenever both the chairman and the deputy chairman are absent from any meeting, the members present shall elect one of their number to preside thereat.

**Functions of board.**

4. (1) The functions of the board shall be—
- (a) to advise the Minister in regard to matters affecting social care or arising out of the operation of this Act;
  - (b) to keep in touch and consult with the Department of Social Welfare and Pensions in regard to welfare matters arising out of the operation of this Act or affecting the interests of registered welfare organizations;
  - (c) to afford guidance to and exercise control over the activities of commissions and regional welfare boards;
  - (d) to regulate the registration of welfare organizations;
  - (e) to regulate the registration of social workers;
  - (f) to promote and encourage co-ordination of the activities of registered welfare organizations;
  - (g) to provide information and guidance in connection with matters relating to social care.
- (2) The board shall devote attention to social problems and any research undertaken in connection therewith, and may from time to time with the approval of the Minister convene conferences in connection with any such problem or any matter referred to in paragraph (e) or (f) of sub-section (1) as it may deem fit.
- (3) The board may on such conditions and subject to such limitations as it may deem fit, delegate any of its functions—
- (a) in the case of functions relating to any matter in respect of which a commission has been established, to that commission; and
  - (b) in the case of functions relating to an area in respect of which a regional welfare board has been established, to that regional welfare board,
- and may at any time withdraw or amend any such delegation as it may deem fit.

**Reports to be furnished by board.**

5. (1) The board shall before the termination of its period of office and at such other times as it may be required to do so by the Minister, submit to the Minister a report in regard to the operation of this Act, and the performance of its functions by the board.
- (2) Any such report furnished before the termination of the board's period of office shall cover the full period of such office.
- (3) Every report furnished to the Minister under this section shall be laid upon the Table by him in the Senate and in the House of Assembly within fourteen days after receipt thereof if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its first ensuing ordinary session.

**Appointment of registrar of board.**

6. (1) The Secretary shall appoint an officer in the public service as Registrar of the National Welfare Board who shall also perform the secretarial work of the Board.
- (2) The registrar shall perform his functions under the supervision and guidance of the board and shall, subject to the approval of the Secretary, perform such duties as the board may from time to time assign to him in order to give effect to the provisions of this Act.

**Establishment of commissions for specified matters.**

7. (1) The Minister shall appoint—
- (a) a welfare organizations registration commission;
  - (b) a social work commission;
  - (c) a family life commission; and
  - (d) a welfare policy commission,
- and such other commissions as he may deem fit to perform the functions assigned to a commission under this Act.
- (2) (a) Such a commission shall consist of five ordinary and two additional members to be appointed by the Minister.
- (b) Of the ordinary members—
- (i) at least one shall be a member of the board;
  - (ii) at least four shall be persons whose names appear on the list referred to in section *fifteen*; and
  - (iii) in the case of the social work commission, at least four shall be persons registered under section *thirty-three*:

(3) Die voorsitter of, in sy afwesigheid, die adjunk-voorsitter van die raad sit op alle raadsvergaderings voor, en wanneer sowel die adjunk-voorsitter as die voorsitter van 'n vergadering afwesig is, kies die aanwesige lede een uit hul midde om aldaar voor te sit.

4. (1) Die werksaamhede van die raad is—

Werksaamhede van raad.

- (a) om die Minister van advies te dien in verband met aangeleenthede wat maatskaplike sorg raak of wat uit die toepassing van hierdie Wet voortspruit;
- (b) om met die Departement van Volkswelsyn en Pensioene te skakel en oorleg te pleeg oor welsynsake wat uit die toepassing van hierdie Wet voortspruit of die belange van geregistreerde welsynsorganisasies raak;
- (c) om leiding te gee aan en beheer uit te oefen oor die werksaamhede van kommissies en streekwelsynsrade;
- (d) om die registrasie van welsynsorganisasies te reël;
- (e) om die registrasie van maatskaplike werkers te reël;
- (f) om die koördinering van die werksaamhede van geregistreerde welsynsorganisasies te bevorder en aan te moedig;
- (g) om inligting en leiding te verskaf in verband met aangeleenthede wat op maatskaplike sorg betrekking het.

(2) Die raad moet aandag gee aan maatskaplike vraagstukke en navorsing wat in verband daarmee gedoen word, en kan met goedkeuring van die Minister van tyd tot tyd konferensies in verband met so 'n vraagstuk of enige aangeleentheid in paragraaf (c) of (f) van sub-artikel (1) bedoel, reël soos hy goedvind.

(3) Die raad kan op die voorwaardes en onderworpe aan die beperkings wat hy goedvind, van sy werksaamhede deleger—

- (a) in die geval van werksaamhede met betrekking tot 'n aangeleentheid ten opsigte waarvan 'n kommissie ingestel is, aan bedoelde kommissie; en
- (b) in die geval van werksaamhede met betrekking tot 'n gebied ten opsigte waarvan 'n streekwelsynsraad ingestel is, aan bedoelde streekwelsynsraad,

en kan so 'n delegering te eniger tyd intrek of wysig soos hy goedvind.

5. (1) Die raad moet voor die verstryking van sy ampstermyn en op die ander tye waarop hy deur die Minister daartoe aangesê word, aan die Minister 'n verslag voorlê aangaande die toepassing van hierdie Wet en die verrigting van sy werksaamhede deur die raad.

Verslae deur raad verstrekte word.

(2) So 'n verslag wat voor die verstryking van die raad se ampstermyn verstrekte word, moet die hele tydperk van bedoelde ampstermyn dek.

(3) Elke verslag ingevolge hierdie artikel aan die Minister verstrekte, moet deur hom in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na ontvangs daarvan indien die Parlement dan in gewone sitting is of, indien die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

6. (1) Die Sekretaris stel 'n amptenaar in die Staatsdiens aan as Registrateur van die Nasionale Welsynsraad wat ook die sekretariële werk van die raad verrig.

Aanstelling van registrateur van raad.

(2) Die registrateur verrig sy werksaamhede onder die toesig en leiding van die raad en verrig, onderworpe aan die goedkeuring van die Sekretaris, die pligte wat die raad van tyd tot tyd aan hom opdra ten einde aan die bepalings van hierdie Wet gevolg te gee.

7. (1) Die Minister stel—

Instelling van kommissies vir bepaalde aangeleenthede.

- (a) 'n kommissie vir die registrasie van welsynsorganisasies;
- (b) 'n kommissie vir maatskaplike werk;
- (c) 'n kommissie vir die gesinslewe; en
- (d) 'n kommissie vir welsynsbeleid,

en die ander kommissies in wat hy goedvind om die werksaamhede te verrig wat ingevolge hierdie Wet aan 'n kommissie opgedra word.

(2) (a) So 'n kommissie bestaan uit vyf gewone en twee addisionele lede wat deur die Minister aangestel word;

(b) Van die gewone lede moet—

- (i) minstens een 'n lid van die raad wees;
- (ii) minstens vier persone wees wie se name op die in artikel vyftien bedoelde lys voorkom; en
- (iii) in die geval van die kommissie vir maatskaplike werk, minstens vier persone wees wat ingevolge artikel drie-en-dertig geregistreer is:

Provided that for the purposes of the appointment of the first social work commission, any person who in the opinion of the Minister would be capable of being registered under section *thirty-three* shall be deemed to be so registered.

(3) The additional members shall be the chairman of the board or any other member of the board designated by him and an officer in the public service designated by the Secretary.

(4) An additional member of a commission shall have the same rights as an ordinary member, but shall not be capable of being designated as chairman of the commission.

(5) The Minister shall designate one of the members of a commission who is also a member of the board as chairman of the commission: Provided that no person shall be designated as chairman of the social work commission unless he is registered under section *thirty-three* or, in the case of the first such commission, is in the opinion of the Minister capable of being so registered.

Calling of and quorum for and procedure at meetings of commissions.

8. (1) The meetings of a commission shall be held at such times and places as may be determined in accordance with the regulations.

(2) The quorum for and procedure at any such meeting shall be as prescribed.

(3) Whenever the chairman of a commission is absent from any meeting, the members present shall elect another member of the commission to preside at the meeting.

Functions of commissions.

9. (1) A commission shall advise the board in connection with any matter which may be referred to it by the board or in regard to which it considers it necessary to advise the board, and shall perform such other functions as may be delegated to it by the board.

(2) A commission shall report to the board annually in regard to its activities.

Establishment of regional welfare boards.

10. (1) The Minister shall establish in respect of every area for which a regional office of the Department of Social Welfare and Pensions exists, a regional welfare board to perform the functions assigned to a regional welfare board under this Act.

(2) Any such regional welfare board shall consist of the chief social welfare officer for the area in respect of which such board is established as *ex officio* member and not less than eight or more than sixteen other members to be appointed by the Minister and of whom not less than three-fourths shall be persons whose names appear on the list referred to in section *fifteen*.

(3) The chairman of the regional welfare board shall be elected by that board from among its members.

Calling of, quorum for and procedure at meetings of regional welfare board.

11. (1) A regional welfare board shall meet at such times and places as may be determined in accordance with the regulations.

(2) The quorum for and procedure at meetings of such a board shall be as prescribed.

(3) The chairman of a regional welfare board shall preside at all meetings at which he is present, and in his absence from a meeting the members present shall elect one of their members to preside thereat.

Functions of regional welfare board.

12. (1) The functions of a regional welfare board shall be—

(a) to exercise the powers and perform the duties which may be delegated to it by the board or which are required to be exercised or performed by it under this Act;

(b) to make recommendations to the board or a commission in regard to matters which the board or such commission may refer to it or in regard to which it may consider it necessary to make recommendations;

(c) to advise the board or a commission in connection with—

(i) family and welfare policy; and

(ii) all matters relating to social welfare;

(d) to promote the planning and co-ordination of social welfare services in its area; and

(e) to provide guidance and information to welfare organizations.

(2) A regional welfare board may with the approval of the Secretary arrange discussions and conferences in connection with matters falling within its functions, and shall report annually to the board in regard to its activities.

Met dien verstande dat vir die doeleindes van die aanstelling van die eerste kommissie vir maatskaplike werk, enige persoon wat volgens die Minister se oordeel ingevolge artikel *drie-en-dertig* geregistreer sou kon word, geag word aldus geregistreer te wees.

(3) Die addisionele lede is die voorsitter van die raad of 'n ander raadslid deur hom aangewys en 'n beamppte in die Staatsdiens deur die Sekretaris aangewys.

(4) 'n Addisionele lid van 'n kommissie het dieselfde regte as 'n gewone lid, maar kan nie as voorsitter van die kommissie aangewys word nie.

(5) Die Minister wys een van die lede van 'n kommissie wat ook 'n raadslid is aan as die voorsitter van die kommissie: Met dien verstande dat niemand as voorsitter van die kommissie vir maatskaplike werk aangewys word nie, tensy hy ingevolge artikel *drie-en-dertig* geregistreer is of, in die geval van die eerste sodanige kommissie, volgens die Minister se oordeel aldus geregistreer sou kon word.

8. (1) Die vergaderings van 'n kommissie word gehou op die tye en plekke wat volgens voorskrif van die regulasies bepaal word. Byeenroeping van en kworum vir en prosedure by vergaderings van kommissies.

(2) Die kworum vir en prosedure by so 'n vergadering is soos voorgeskryf.

(3) Wanneer die voorsitter van 'n kommissie van 'n vergadering afwesig is, kies die aanwesige lede 'n ander lid van die kommissie om by die vergadering voor te sit.

9. (1) 'n Kommissie moet die raad van advies dien in verband met enige aangeleentheid wat die raad na hom verwys of waaromtrent hy dit nodig ag om die raad te adviseer, en die ander werksaamhede verrig wat die raad aan hom delegeer. Werksaamhede van kommissies.

(2) 'n Kommissie moet jaarliks oor sy werksaamhede aan die raad verslag doen.

10. (1) Die Minister stel vir elke gebied waarvoor 'n streekkantoor van die Departement van Volkswelsyn en Pensioene bestaan, 'n streekwelsynsraad in om die werksaamhede te verrig wat ingevolge hierdie Wet aan 'n streekwelsynsraad opgedra word. Instelling van streekwelsynsrade.

(2) So 'n streekwelsynsraad bestaan uit die hoofvolkswelsynbeamppte vir die gebied waarvoor dié raad ingestel word as *ex officio*-lid, en minstens agt en hoogstens sestiën ander lede wat deur die Minister aangestel word en van wie minstens drie-vierdes persone moet wees wie se name op die in artikel *vyftien* bedoelde lys voorkom.

(3) Die voorsitter van 'n streekwelsynsraad word deur dié raad uit sy lede gekies.

11. (1) 'n Streekwelsynsraad vergader op die tye en plekke wat volgens voorskrif van regulasies bepaal word. Byeenroeping van en kworum vir en prosedure by vergaderings van streekwelsynsraad.

(2) Die kworum vir en prosedure by vergaderings van so 'n raad is soos voorgeskryf.

(3) Die voorsitter van 'n streekwelsynsraad sit voor op alle vergaderings waarop hy aanwesig is, en by sy afwesigheid van 'n vergadering kies die aanwesige lede een uit hulle midde om aldaar voor te sit.

12. (1) Die werksaamhede van 'n streekwelsynsraad is— Werksaamhede van streekwelsynsraad.

(a) om die bevoegdheid uit te oefen en die pligte te verrig wat deur die raad aan hom gedelegeer word of wat ingevolge hierdie Wet deur hom uitgeoefen of verrig moet word;

(b) om aan die raad of 'n kommissie aanbevelings te doen oor aangeleenthede wat die raad of so 'n kommissie na hom verwys of waaromtrent hy dit raadsaam ag om aanbevelings te doen;

(c) om die raad of 'n kommissie van advies te dien in verband met—

(i) gesins- en welsynsbeleid; en

(ii) alle aangeleenthede met betrekking tot maatskaplike welsyn;

(d) om die beplanning en koördinering van maatskaplike welsynsdienste in sy gebied te bevorder; en

(e) om aan welsynsorganisasies leiding te gee en inligting te verskaf.

(2) 'n Streekwelsynsraad kan met goedkeuring van die Sekretaris samesprekings en konferensies reël in verband met aangeleenthede wat binne sy werksaamhede val, en moet jaarliks oor sy werksaamhede aan die raad verslag doen.

- (3) (a) A regional welfare board may appoint an executive committee consisting of the chief social welfare officer concerned as *ex officio* member and three other members of such board, and may in respect of each of such other members designate a member of such board as an alternate member.
- (b) Any such executive committee shall perform such functions as may be assigned to it by the regional welfare board.
- (4) The secretarial staff of a regional welfare board shall be appointed by the Secretary.

Period of office of members of board, commissions and regional welfare boards.

13. (1) A member of the board or of a commission or regional welfare board shall hold office for a period of five years subject to such conditions as may be determined by the Minister at the time of his appointment.

(2) If a member of the board or of a commission or a regional welfare board dies or vacates his office before the termination of the period for which he has been appointed, the Minister shall with due regard to the provisions of this Act fill the vacancy by the appointment of some other person who shall hold office for the unexpired portion of the period for which his predecessor was appointed.

(3) A member of the board or a commission or regional welfare board whose period of office has expired shall be eligible for reappointment.

Allowances to members and payment of expenditure incurred by board, commissions and regional welfare boards.

14. (1) There may be paid to a member of the board or a commission or regional welfare board who is not in the full-time service of the State, while he is engaged on work connected with the business of the board or such commission or regional welfare board, such fees and travelling and subsistence allowances as may be determined by the Minister in consultation with the Minister of Finance.

(2) The expenditure incurred by the board or a commission or regional welfare board in the performance of its functions shall be paid by the Minister in consultation with the Minister of Finance out of moneys appropriated by Parliament for the purpose.

Preparation of nomination lists.

15. (1) As soon as practicable after the commencement of this section the Minister shall cause to be prepared in respect of every regional welfare board area a list of persons nominated under sub-section (2) to serve on the board or a commission or regional welfare board.

(2) For the purposes of sub-section (1) the Minister shall cause every registered welfare organization, every branch of such an organization holding a letter of delegation, every institution for the training of persons who in the opinion of the Minister will after their training be capable of being registered under section *thirty-three* and every association of persons engaged in social work as a vocation, to be called upon by public notice to submit to the Minister the names of not more than four persons who are competent and willing to serve on the board or a commission or such regional welfare board, and every name so submitted shall be placed on the nomination list for the area in question.

(3) Nomination lists shall be revised by regional welfare boards every twelve months from the date of the notice referred to in sub-section (2), and any such board may recommend to the Minister that the names of persons who are no longer available or competent to serve on the board or a commission or such regional welfare board be removed from the list and submit to the Minister the names of other persons in substitution for the names so removed.

(4) Any person who voluntarily takes part in social work or who is a paid worker of a registered welfare organization or of a branch thereof holding a letter of delegation or who is engaged in the training of persons in the social sciences of a university or who is a member of an association recognized by the Minister and consisting of persons engaged in social work as a vocation, may be nominated under sub-section (2).

(5) Nomination lists shall, subject to the provisions of sub-section (3), remain in force for a period of five years from the date of the notice referred to in sub-section (2), or for such shorter period as may be determined by the Minister, after which fresh lists shall be prepared in accordance with the provisions of sub-section (1).

Certain welfare organizations to be registered.

16. (1) No welfare organization shall after the commencement of this Act—

- (3) (a) 'n Streekwelsynsraad kan 'n uitvoerende komitee aanstel wat bestaan uit die betrokke hoofvolks-welsynbeampte as *ex officio*-lid en drie ander lede van die bedoelde raad, en kan vir elk van dié ander lede 'n lid van bedoelde raad as plaasvervangende lid aanwys.
- (b) So 'n uitvoerende komitee verrig die werksaamhede wat die streekwelsynsraad aan hom opdra.
- (4) Die sekretariaat van 'n streekwelsynsraad word deur die Sekretaris aangestel.

13. (1) 'n Lid van die raad of 'n kommissie of streekwelsynsraad beklee sy amp vir 'n termyn van vyf jaar onderworpe aan die voorwaardes wat die Minister ten tyde van sy aanstelling bepaal.

Ampsdur van lede van raad, kommissies en streekwelsynsraade.

(2) Indien 'n raadslid of kommissielid of lid van 'n streekwelsynsraad te sterwe kom of sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, vul die Minister die vakature met inagneming van die bepalings van hierdie Wet aan deur die aanstelling van 'n ander persoon wat die amp beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.

(3) 'n Lid van die raad of 'n kommissie of streekwelsynsraad wie se ampstermyn verstryk het, kan weer aangestel word.

14. (1) Daar kan aan 'n lid van die raad of 'n kommissie of streekwelsynsraad wat nie in die voltydse diens van die Staat is nie, terwyl hy werk in verband met die sake van die raad of bedoelde kommissie of streekwelsynsraad verrig, die gelde en reis- en onderhoudstoelaes betaal word wat die Minister in oorleg met die Minister van Finansies bepaal.

Toelaes aan lede en betaling van koste aangegaan deur raad, kommissies en streekwelsynsraade.

(2) Die uitgawes deur die raad of 'n kommissie of streekwelsynsraad by die verrigting van sy werksaamhede aangegaan, word deur die Minister in oorleg met die Minister van Finansies betaal uit gelde wat die Parlement vir die doel bewillig het.

15. (1) So spoedig doenlik na die inwerkingtreding van hierdie artikel laat die Minister vir die gebied van elke streekwelsynsraad 'n lys opstel van persone wat ingevolge sub-artikel (2) genomineer is om op die raad of 'n kommissie of streekwelsynsraad te dien.

Opstel van nominasielyste.

(2) Vir die doeleindes van sub-artikel (1) laat die Minister elke geregistreerde welsynsorganisasie, elke gevolmagtigde tak van so 'n organisasie, elke inrigting vir die opleiding van persone wat volgens die Minister se oordeel na hul opleiding ingevolge artikel drie-en-dertig geregistreer sou kan word, en elke beroepsvereniging van persone wat hulle op maatskaplike werk toelê, by openbare kennisgewing aansê om die name van hoogstens vier persone wat bevoeg en bereid is om op die raad of 'n kommissie of daardie streekwelsynsraad te dien, aan die Minister voor te lê, en elke naam aldus voorgelê, word op die nominasielyste vir die betrokke gebied geplaas.

(3) Nominasielyste word elke twaalf maande vanaf die datum van die in sub-artikel (2) bedoelde kennisgewing deur streekwelsynsraade hersien, en so 'n raad kan by die Minister aanbeveel dat die name van persone wat nie meer beskikbaar of bevoeg is om op die raad of 'n kommissie of daardie streekwelsynsraad te dien nie, van die lys verwyder en name van ander persone ter vervanging van die aldus verwyderde name aan die Minister voorlê.

(4) Enige persoon wat in vrywillige hoedanigheid aan maatskaplike werk deelneem of wat 'n besoldigde werker van 'n geregistreerde welsynsorganisasie of 'n gevolmagtigde tak daarvan is of wat opleiding van persone in die sosiale wetenskappe aan 'n universiteit behartig of wat lid is van 'n deur die Minister erkende beroepsvereniging van persone wat hulle op maatskaplike werk toelê, kan kragtens sub-artikel (2) genomineer word.

(5) Nominasielyste bly, behoudens die bepalings van sub-artikel (3), van krag vir 'n tydperk van vyf jaar vanaf die in sub-artikel (2) bedoelde kennisgewing of vir so 'n korter tydperk as wat die Minister bepaal, waarna nuwe lyste ooreenkomstig die bepalings van sub-artikel (1) opgestel word.

16. (1) Geen welsynsorganisasie mag na die inwerking-treding van hierdie Wet—

Sekere welsynsorganisasies moet geregistreer word.

- (a) if its funds are derived wholly or partly from the State or from a local authority or from contributions collected from the public, continue to carry on its activities; or
  - (b) receive financial assistance from the State or from a local authority; or
  - (c) collect contributions from the public,
- unless such organization is registered under section *nineteen* in respect of the particular objects or objects in furtherance of which it is being conducted.

(2) Any organization which immediately prior to the commencement of this Act was registered as a welfare organization under the Welfare Organizations Act, 1947, shall be deemed to be registered as a welfare organization under this Act.

(3) Any person who in any manner whatsoever takes part in the management or control of a welfare organization which contravenes or fails to comply with the provisions of sub-section (1), shall be guilty of an offence.

Exemption of welfare organization from provisions of Act.

17. (1) The board may on application made in the prescribed manner by a registered welfare organization, grant to such organization a certificate exempting it for a stated period and subject to such conditions as may be prescribed, from the operation of any of the provisions of this Act other than section *sixteen*.

(2) The board may at any time, provided it has complied with the provision *mutatis mutandis* of sub-section (3) of section *twenty-one*, withdraw or amend any certificate of exemption granted under sub-section (1).

(3) The provisions of sub-section (5) of section *twenty-one* shall *mutatis mutandis* apply to persons charged with the management and control of a welfare organization, which has been exempted from any of the provisions of this Act, in relation to a certificate of exemption granted in respect of that organization.

Temporary authority to collect contributions.

18. (1) Notwithstanding anything to the contrary contained in this Act, an officer in the public service designated for the purpose by the Minister may after consultation with the chairman of the regional welfare board concerned, if he is available, grant written authority—

- (a) to any person or group of persons; or
- (b) to any welfare organization not registered under section *nineteen*,

to collect within the area for which such officer has been designated, or any part thereof, contributions for any object mentioned in the definition of "welfare organization" in section *one*, if the said officer is satisfied that the circumstances giving rise to the proposed collection of contributions are merely of a transitory nature and that the delay likely to occur in connection with the registration of a welfare organization for the purpose of making such collection will probably lead to the frustration or partial frustration of the objects for which such contributions are to be collected.

(2) An authority under sub-section (1) shall be granted—

- (a) with due regard to the directions of the Minister;
- (b) for a period stated in the authority, but not exceeding ninety days: Provided that such period may thereafter be extended for a further period not exceeding ninety days;
- (c) subject to the prescribed conditions and such other conditions as the officer concerned may impose.

(3) (a) The officer may, after consultation with the chairman of the regional welfare board, withdraw any authority granted under this section, if after enquiry (during which the person or group of persons or welfare organization concerned shall be entitled to be heard as provided in paragraph (b) of this sub-section) he is of the opinion that any of the conditions referred to in paragraph (c) of sub-section (2) have not been observed or that a material irregularity has been or is being committed in connection with the authority.

- (b) The person or group of persons or welfare organization contemplated in paragraph (a), shall be given at least fourteen days' prior notice of the enquiry referred to in that paragraph, and shall be heard either orally or by way of written representations as in the opinion of the said officer may in the circumstances of the case be adequate.

- (a) indien sy fondse geheel en al of ten dele verkry word van die Staat of van 'n plaaslike bestuur of uit bydraes van die publiek ingesamel, sy bedrywighede voortsit nie; of
  - (b) geldelike steun van die Staat of van 'n plaaslike bestuur ontvang nie; of
  - (c) bydraes van die publiek insamel nie,
- tensy daardie organisasie kragtens artikel *negentien* geregistreer is ten opsigte van die bepaalde doelstelling of doelstellings ter bevordering waarvan hy fungeer.
- (2) 'n Organisasie wat onmiddellik voor die inwerking-treding van hierdie Wet ingevolge die Wet op Welsynsorganisasies, 1947, as 'n welsynsorganisasie geregistreer was, word geag kragtens hierdie Wet as 'n welsynsorganisasie geregistreer te wees.
- (3) Iemand wat op watter wyse ook al deelneem aan die bestuur of beheer van 'n welsynsorganisasie wat die bepaling van sub-artikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

17. (1) Die raad kan op aansoek deur 'n geregistreerde welsynsorganisasie op die voorgeskrewe wyse gedoen, aan daardie organisasie 'n sertifikaat verleen waarby hy vir 'n bepaalde tydperk, en onderworpe aan die voorgeskrewe voorwaardes, van die toepassing van enige van die bepalinge van hierdie Wet behalwe artikel *sestien* vrygestel word.

Vrystelling van welsynsorganisasie van bepalinge van Wet.

(2) Die raad kan te eniger tyd, mits hy aan die bepalinge *mutatis mutandis* van sub-artikel (3) van artikel *een-en-twintig* voldoen het, 'n kragtens sub-artikel (1) verleende vrystellingsertifikaat intrek of wysig.

(3) Die bepalinge van sub-artikel (5) van artikel *een-en-twintig* is *mutatis mutandis* op die persone belas met die bestuur en beheer van 'n welsynsorganisasie wat van die toepassing van enige van die bepalinge van hierdie Wet vrygestel is, van toepassing met betrekking tot 'n vrystellingsertifikaat ten opsigte van daardie organisasie verleen.

18. (1) Ondanks andersluidende bepalinge van hierdie Wet, kan 'n beampte in die Staatsdiens deur die Minister vir die doel aangewys, na oorlegpleging met die voorsitter van die betrokke streekwelsynsraad, indien hy gereedlik beskikbaar is—

Tydlike magtiging om bydraes in te samel.

(a) aan enige persoon of groep persone; of

(b) aan enige welsynsorganisasie wat nie kragtens artikel *negentien* geregistreer is nie,

skriftelike magtiging verleen om binne die gebied waarvoor bedoelde beampte aangewys is, of enige gedeelte daarvan, bydraes in te samel vir enige doelstelling in die omskrywing van „welsynsorganisasie” in artikel *een* vermeld, indien bedoelde beampte oortuig is dat die omstandighede wat tot die voorgestelde insameling van bydraes aanleiding gee, van 'n bloot verbygaande aard is en dat die vertraging wat waarskynlik sal ontstaan deur die registrasie van 'n welsynsorganisasie met die doel om sodanige insameling te verkry, waarskynlik die verdeling of gedeeltelike verdeling van die oogmerke waarvoor sodanige bydraes ingesamel gaan word, tot gevolg sal hê.

(2) 'n Magtiging ingevolge sub-artikel (1) word verleen—

(a) met inagneming van die voorskrifte van die Minister;

(b) vir 'n tydperk in die magtiging bepaal, maar hoogstens negentig dae: Met dien verstande dat bedoelde tydperk daarna vir 'n verdere tydperk van hoogstens negentig dae verleng kan word;

(c) onderworpe aan die voorgeskrewe voorwaardes en die ander voorwaardes wat bedoelde beampte ople.

(3) (a) Die beampte kan, na oorlegpleging met die voorsitter van die streekwelsynsraad, 'n kragtens hierdie artikel verleende magtiging intrek indien hy na ondersoek (waartydens die betrokke persoon of groep persone of welsynsorganisasie geregtig is om aangehoor te word soos in paragraaf (b) van hierdie sub-artikel bepaal) van oordeel is dat enige van die in paragraaf (c) van sub-artikel (2) bedoelde voorwaardes nie nagekom is nie of dat 'n wesenlike onreëlmatigheid in verband met die magtiging gepleeg is of word.

(b) Die in paragraaf (a) beoogde persoon of groep persone of welsynsorganisasie moet minstens veertien dae vooruit skriftelik van die in daardie paragraaf bedoelde ondersoek in kennis gestel word en word aangehoor of mondelings of by wyse van skriftelike vertoë al na volgens die oordeel van bedoelde beampte onder die omstandighede van die bepaalde geval voldoende is.

(4) The officer referred to in sub-section (1) shall—

- (a) in the case of an authority granted for the area of more than one regional welfare board, or of the withdrawal of any such authority, without delay advise the board of the grant or withdrawal, and, in the case of a withdrawal, also of the reasons for such withdrawal; or
- (b) in the case of an authority granted for the area or part of a particular regional welfare board, or of the withdrawal of any such authority, without delay advise the regional welfare board concerned of the grant or withdrawal, and, in the case of a withdrawal, of the reasons for such withdrawal, and the said regional board shall transmit the advice to the board together with any observations it may consider necessary.

(5) The board may, after the object for which an authority was granted has been achieved, in its discretion dispose of any surplus money, securities or other property obtained under such authority.

(6) If an authority is withdrawn under sub-section (3) or (7), the Minister may deal in accordance with section *thirty-one* with any money, securities or other property obtained under such authority.

(7) (a) Notwithstanding the provisions of this section, any authority granted thereunder shall, subject to the maximum period permissible under paragraph (b) of sub-section (2), be in force during the Minister's pleasure, and the Minister may at any time or ground direct the officer referred to in sub-section (1) to withdraw such an authority.

(b) If the Minister directs under paragraph (a) that an authority be withdrawn, the provisions of sub-section (3) shall not apply with reference to such withdrawal.

Procedure in connection with application for registration of welfare organization.

19. (1) (a) A welfare organization which is required to be registered under this Act, shall in the prescribed manner, through the person or persons having the management and control thereof, lodge an application for such registration with the regional welfare board for the area in which such organization carries on or proposes to carry on its activities.

(b) The regional welfare board shall, after the requirements prescribed in sub-section (2) have been complied with, cause any such application to be investigated by the chief social welfare officer for the area in question, and shall thereafter transmit it to the board for consideration, together with any objections lodged thereto, the report of the chief social welfare officer and the recommendations of the regional welfare board.

(2) (a) A welfare organization which lodges an application for registration under sub-section (1) shall in the prescribed manner cause to be published a notice, setting out the objects of that welfare organization, to the effect that such an application has been lodged, and shall submit proof that such a notice has been published in the prescribed manner.

(b) Any person or group of persons may within the prescribed period lodge with the board or the regional welfare board concerned an objection setting out the grounds on which objection is made to the grant of the application.

(3) The board or the regional welfare board may require any welfare organization which has applied for registration in terms of sub-section (1), to furnish such further information in connection with the application as it may consider necessary.

(4) On consideration of any such application, and of any objections which may have been lodged against the grant thereof and any further information furnished under sub-section (3), the board may—

(a) grant the application and issue to the managing committee of the organization concerned a certificate of registration in respect of the organization in the prescribed form and subject to any of the prescribed conditions as the board may deem necessary; or

(b) reject the application if it appears to the board—

- (i) that the organization is not *bona fide* operating in furtherance of the objects mentioned in its application for registration; or
- (ii) that the organization has adopted a name which is likely to mislead the public; or

- (4) Die in sub-artikel (1) bedoelde beampte moet—
- (a) in die geval van 'n magtiging vir die gebied van meer as een streekwelsynsraad verleen, of van die intrekking van so 'n magtiging, die raad onverwyld van die verlenging of intrekking en, in die geval van 'n intrekking, ook van die redes vir die intrekking in kennis stel; of
  - (b) in die geval van 'n mang vir dgtiig gebied of 'n gedeelte van die gebied van 'n bepaalde streekwelsynsraad verleen, of van die intrekking van so 'n magtiging, die betrokke streekwelsynsraad onverwyld van die verlening of intrekking en, in die geval van 'n intrekking, van die redes vir die intrekking in kennis stel, en bedoelde streekwelsynsraad moet die kennisgewing tesame met enige opmerkings wat hy nodig ag, aan die raad stuur.
- (5) Die raad kan, nadat die doel verwesenlik is waarvoor 'n magtiging verleen is, na goeddunke oor enige oorskot geld, sekuriteite of ander goedere beskik wat kragtens die magtiging verkry is.
- (6) Indien 'n magtiging ingevolge sub-artikel (3) of (7) ingetrek word, kan die Minister ooreenkomstig artikel *een-en-dertig* handel met enige geld, sekuriteite of ander goedere wat kragtens die magtiging verkry is.
- (7) (a) Ondanks die bepalings van hierdie artikel, is 'n daarkragtens verleende magtiging, behoudens die maksimum tydperk kragtens paragraaf (b) van sub-artikel (2) toelaatbaar, van krag vir so lank dit die Minister behaag, en kan die Minister te eniger tyd op enige grond die in sub-artikel (1) bedoelde beampte gelas om so 'n magtiging in te trek.
  - (b) Indien die Minister ingevolge paragraaf (a) gelas dat 'n magtiging ingetrek word, is die bepalings van sub-artikel (3) nie met betrekking tot so 'n intrekking van toepassing nie.
19. (1) (a) 'n Welsynsorganisasie wat kragtens hierdie Wet geregistreer moet word, moet deur bemiddeling van die persoon of persone wat met die bestuur en beheer daarvan belas is, 'n aansoek om sodanige registrasie op die voorgeskrewe wyse indien by die streekwelsynsraad van die gebied waarin die organisasie sy werksaamhede voortsit of voornemens is om dit voort te sit.
- (b) Die streekwelsynsraad moet so 'n aansoek, nadat aan die in sub-artikel (2) genoemde vereistes voldoen is, deur die hoofvolkwelsynbeampte vir die betrokke gebied laat ondersoek en dit vervolgens tesame met enige besware daarteen ingedien, die verslag van die hoofvolkwelsynbeampte en die aanbevelings van die streekwelsynsraad, aan die raad vir oorweging stuur.
- (2) (a) 'n Welsynsorganisasie wat ingevolge sub-artikel (1) 'n aansoek om registrasie indien, moet op die voorgeskrewe wyse 'n kennisgewing, waarin die doelstellings van daardie welsynsorganisasie vermeld word, laat publiseer ten effekte dat so 'n aansoek ingedien is, en moet bewys voorlê dat so 'n kennisgewing op die voorgeskrewe wyse gepubliseer is.
- (b) Enige persoon of groep persone kan binne die voorgeskrewe tydperk by die raad of die betrokke streekwelsynsraad beswaar indien waarin die gronde uiteengesit word waarom beswaar teen die toestaan van die aansoek aangeteken word.
- (3) Die raad of die streekwelsynsraad kan enige welsynsorganisasie wat ooreenkomstig sub-artikel (1) om registrasie aansoek gedoen het, aansê om enige verdere gegewens in verband met die aansoek wat hy nodig ag, aan hom te verstrek.
- (4) By oorweging van so 'n aansoek en van enige besware wat teen die toestaan daarvan ingedien is en enige verdere gegewens ooreenkomstig sub-artikel (3) verstrek, kan die raad—
- (a) die aansoek toestaan en aan die bestuurskomitee van die betrokke organisasie 'n registrasiesertifikaat ten opsigte van die organisasie in die voorgeskrewe vorm en onderworpe aan enige van die voorgeskrewe voorwaardes wat die raad nodig ag, verleen; of
  - (b) die aansoek afwys indien dit die raad blyk—
    - (i) dat die organisasie nie *bona fide* ter bevordering van die doelstellings wat in sy aansoek om registrasie vermeld word, fungeer nie; of
    - (ii) dat die organisasie 'n naam aangeneem het wat waarskynlik die publiek sal mislei; of

Prosedure in verband met aansoek om registrasie van welsynsorganisasie.

- (iii) that the organization does not as regards its constitution or management comply with the provisions of this Act; or
- (iv) that the objects and area of operation of the organization as stated in its application are substantially the same as the objects and area of operation of any welfare organization already registered which is functioning effectively; or
- (v) that the objects of the organization, in so far as it is a welfare organization, are ancillary or incidental to its other objects; or
- (c) grant the application in respect of one or more of the objects of the organization and reject it on any ground mentioned in paragraph (b) in respect of the remaining objects and issue to the managing committee a certificate of registration in respect of the organization *mutatis mutandis* in accordance with the provisions of paragraph (a):

Provided that the board may before granting an application require the removal from the constitution of the organization concerned of the objects in respect of which the application has been rejected.

- (5) (a) The board shall not grant an application by a welfare organization to be registered in respect of an object mentioned in paragraph (e) of the definition of "welfare organization" in section one, save with the consent of the law society of the province in which the organization operates or proposes to operate in furtherance of that object, and subject to such conditions (in addition to any conditions which the board is by paragraph (a) of sub-section (4) empowered to impose) as such law society may determine.
- (b) Where an objection has been lodged to the grant of an application by a welfare organization, the board shall not grant the application without the consent of the Minister.
- (6) If the board rejects an application for registration wholly or in part, it shall, when informing the organization concerned of the rejection, also advise it of the grounds on which the rejection is based.
- (7) The registration of an organization under this section and the objects in respect of which it has been registered, and the rejection of an application for such registration, shall be notified in the *Gazette*.

Validity of  
registration  
certificate

20. A certificate of registration granted under section *nineteen* shall remain in force so long as it has not been cancelled or substituted in terms of section *twenty-one* or surrendered in terms of section *twenty-three*.

Cancellation or  
amendment of  
registration  
certificate.

21. (1) The board may after consultation with the regional welfare board in whose areas a welfare organization operates, and, in the case of a welfare organization referred to in paragraph (a) of sub-section (5) of section *nineteen*, also with the law society concerned, and after a report has been obtained from the chief social welfare officer for that area, cancel the registration certificate of such organization—

- (a) on any ground on which an application for registration could have been rejected;
- (b) on the ground that remuneration or reward which in the opinion of the board is excessive in relation to the total value of the contributions received by the organization, has been or is being retained or received by any person;
- (c) if the organization has failed to comply with a condition of registration;
- (d) if the organization has not functioned for a continuous period of two years;
- (e) if the organization has (except where a certificate of exemption has been granted to it under section *seventeen*) failed to submit to the board the prescribed returns within a period of twelve months after the close of its financial year as determined by its constitution, or, where its financial year has been changed, after the termination of the period between the close of its previous financial year and the commencement of its new financial year; or
- (f) if the organization has collected contributions from the public and has in connection with the collection failed to make its full name, as it appears on its registration certificate, known to the public.

- (iii) dat die organisasie ten opsigte van sy konstitusie of bestuur nie aan die bepalings van hierdie Wet voldoen nie; of
- (iv) dat die doelstellings en die werksgebied van die organisasie soos in sy aansoek vermeld, wesenlik dieselfde is as die doelstellings en die werksgebied van enige welsynsorganisasie wat reeds geregistreer is en wat doeltreffend funksioneer; of
- (v) dat die doelstellings van die organisasie vir sover dit 'n welsynsorganisasie is, ondergeskik is aan of bykomstig is by sy ander doelstellings; of
- (c) die aansoek ten opsigte van een of meer van die doelstellings van die organisasie toestaan en dit op enige in paragraaf (b) vermelde grond ten opsigte van die res afwys, en aan die bestuurskomitee 'n registrasiesertifikaat ten opsigte van die organisasie *mutatis mutandis* ooreenkomstig die bepalings van paragraaf (a) verleen:

Met dien verstande dat die raad voordat hy 'n aansoek toestaan, kan eis dat die doelstellings ten opsigte waarvan die aansoek afgewys is, uit die konstitusie van die betrokke organisasie geskrap word.

- (5) (a) Die raad staan nie 'n aansoek deur 'n welsynsorganisasie om geregistreer te word ten opsigte van 'n doelstelling in paragraaf (e) van die omskrywing van „welsynsorganisasie” in artikel een vermeld, toe nie, behalwe met toestemming van die prokureursorde vir die provinsie waarin die organisasie fungeer of voornemens is om te fungeer ter verwesenliking van daardie doelstelling, en onderworpe aan die voorwaardes (benewens enige voorwaardes tot oplegging waarvan die raad deur paragraaf (a) van sub-artikel (4) gemagtig word) wat dié prokureursorde bepaal.
- (b) Waar 'n beswaar teen die toestaan van 'n aansoek van 'n welsynsorganisasie ingedien is, staan die raad die aansoek nie sonder toestemming van die Minister toe nie.
- (6) Indien die raad 'n aansoek om registrasie in sy geheel of ten dele afwys, moet hy, wanneer hy die betrokke organisasie van die afwysing in kennis stel, hom ook verwittig van die gronde waarop die afwysing berus.
- (7) Die registrasie van 'n organisasie kragtens hierdie artikel, en die doelstellings ten opsigte waarvan dit geregistreer is, asook die afwysing van 'n aansoek om sodanige registrasie, word in die *Staatskoerant* aangekondig.

20. 'n Kragtens artikel *negentien* verleende registrasiesertifikaat is geldig solank dit nie kragtens artikel *een-en-twintig* ingetrek of vervang of kragtens artikel *drie-en-twintig* teruggegee is nie.

Geldigheid van registrasiesertifikaat.

21. (1) Die raad kan na oorlegpleging met die streekwelsynsraad in wie se gebied 'n welsynsorganisasie fungeer, en in die geval van 'n in paragraaf (a) van sub-artikel (5) van artikel *negentien* bedoelde welsynsorganisasie, ook met die betrokke prokureursorde, en nadat 'n verslag van die hoofvolkwelssynbeampste vir daardie gebied verkry is, die registrasiesertifikaat van bedoelde organisasie intrek—

Intrekking of wysiging van registrasiesertifikaat.

- (a) op enige grond waarop 'n aansoek om registrasie afgewys sou kon word;
- (b) op grond dat besoldiging of beloning wat volgens die raad se oordeel buitensporig is vergeleke met die totale waarde van die bydraes deur die organisasie ontvang, deur iemand behou of ontvang is of word;
- (c) indien die organisasie versuim het om aan 'n voorwaarde van registrasie te voldoen;
- (d) indien die organisasie vir 'n deurlopende tydperk van twee jaar nie gefunksioneer het nie;
- (e) indien die organisasie (behalwe waar 'n sertifikaat van vrystelling kragtens artikel *sewentien* aan hom verleen is) versuim het om die voorgeskrewe opgawes binne 'n tydperk van twaalf maande na verstryking van sy boekjaar soos deur sy konstitusie bepaal, of waar sy boekjaar verander is, na verstryking van die tydperk tussen die einde van sy vorige boekjaar en die begin van sy nuwe boekjaar aan die raad voor te lê; of
- (f) indien die organisasie bydraes van die publiek ingesamel het en versuim het om in verband met die insameling sy volledige naam, soos dit op sy registrasiesertifikaat voorkom, aan die publiek te kenne te gee.

(2) The board may amend a registration certificate—

- (a) in order to correct any error therein or by varying the conditions attached thereto;
- (b) by the deletion or amendment of any of the objects in respect of which the welfare organization concerned is registered, if the board is of the opinion that the organization is no longer *bona fide* operating in furtherance of such objects; or
- (c) by changing the name of the organization, if any of the objects of the organization have been deleted or amended under paragraph (b) and the board is of the opinion that the public may be misled by the name of the organization,

and the board may in the event of any such amendment issue to the managing committee of the organization a fresh certificate of registration in respect of the organization in substitution for the certificate originally issued.

(3) The board shall before cancelling or amending any certificate of registration under sub-section (1) or (2), in writing advise the managing committee of the organization concerned of its intention, and afford that managing committee a reasonable opportunity to show cause why the cancellation or amendment should not be effected.

(4) (a) The Minister may after consultation with the board cancel any certificate of registration granted to a welfare organization by the board.

(b) The provisions of sub-sections (5) and (6) of this section shall, in so far as they relate to the cancellation of any certificate of registration, apply also with reference to a cancellation under paragraph (a) of this sub-section.

(5) A managing committee which, having received a written request from the board to lodge with it for cancellation or amendment any registration certificate issued to that managing committee, without reasonable excuse fails to comply with such request within ninety days after the receipt thereof, shall be guilty of an offence.

(6) The cancellation of a certificate of registration or the deletion or amendment of any of the objects in respect of which the organization concerned is registered or the alteration of the name of the organization shall be notified in the *Gazette* and shall take effect from the date mentioned in the notification, whether or not the certificate has in terms of a request under sub-section (5) been lodged with the board.

Change of name and objects of registered welfare organization.

22. (1) The board may at the request of the managing committee of a registered welfare organization consent to the change of the name of the organization or the amendment of any of the objects for the furtherance of which it is conducted.

(2) (a) An application under sub-section (1) shall be lodged with the regional welfare board for the area in which the welfare organization is conducted and shall be accompanied by the certificate of registration originally issued.

(b) The regional welfare board shall after the requirements specified in sub-section (3) have been complied with, cause the application to be investigated by the chief social welfare officer for the area in question and thereafter transmit it to the board for consideration together with any objections lodged thereto, the report of the chief social welfare officer and the recommendations of the regional welfare board.

(3) (a) A welfare organization which lodges an application in terms of sub-section (1) shall cause to be published in the prescribed manner a notice indicating the contemplated change of its name or amendment of its objects and shall submit proof that such a notice has been published.

(b) Any person or group of persons may within the prescribed period lodge with the board or the regional welfare board concerned an objection to any such change or amendment setting forth the grounds on which objection is made to the grant of the application.

Surrender of registration certificate by welfare organization.

23. The managing committee of a registered welfare organization may after giving ninety days notice of its intention to do so, surrender to the board the registration certificate issued in respect of that organization, and thereupon the board may accept the surrender subject to such conditions as it may deem fit.

- (2) Die raad kan 'n registrasiesertifikaat wysig—
- (a) ten einde 'n fout wat daarin voorkom te verbeter of deur die voorwaardes wat daaraan verbonde is te verander;
  - (b) deur enige van die doelstellings ten opsigte waarvan die betrokke welsynsorganisasie geregistreer is, te skrap of te wysig, indien die raad van oordeel is dat die organisasie nie meer *bona fide* ter bevordering van daardie doelstellings fungeer nie; of
  - (c) deur die naam van die betrokke welsynsorganisasie te verander, indien enige van die doelstellings van die organisasie kragtens paragraaf (b) geskrap of gewysig is en die raad van oordeel is dat die publiek deur die naam van die organisasie mislei kan word, en die raad kan in geval van so 'n wysiging aan die bestuurskomitee van die organisasie 'n nuwe registrasiesertifikaat ten opsigte van die organisasie gee in plaas van die oorspronklik verleende sertifikaat.

(3) Die raad moet voordat hy 'n registrasiesertifikaat ooreenkomstig sub-artikel (1) of (2) intrek of wysig, die bestuurskomitee van die betrokke organisasie skriftelik van sy voorneme in kennis stel, en aan daardie bestuurskomitee 'n redelike geleentheid gee om gronde teen die intrekking of wysiging daarvan aan te voer.

(4) (a) Die Minister kan na oorlegpleging met die raad 'n registrasiesertifikaat intrek wat deur die raad aan 'n welsynsorganisasie verleen is.

(b) Die bepalings van sub-artikels (5) en (6) van hierdie artikel, vir sover daardie bepalings betrekking het op die intrekking van 'n registrasiesertifikaat, is van toepassing ook met betrekking tot 'n intrekking kragtens paragraaf (a) van hierdie sub-artikel.

(5) 'n Bestuurskomitee wat 'n skriftelike versoek van die raad ontvang het om 'n aan daardie bestuurskomitee verleende registrasiesertifikaat vir intrekking of wysiging by die raad in te dien, en wat sonder redelike verontskuldiging versuim om binne negentig dae na die ontvangs van so 'n versoek daaraan te voldoen, is aan 'n misdryf skuldig.

(6) Die intrekking van 'n registrasiesertifikaat of die skapping of wysiging van enige van die doelstellings ten opsigte waarvan die betrokke organisasie geregistreer is of die naamsverandering van die organisasie word in die *Staatkoerant* aangekondig en tree in werking vanaf die in die aankondiging vermelde datum, ongeag of die sertifikaat ooreenkomstig 'n versoek kragtens sub-artikel (5) by die raad ingedien is al dan nie.

22. (1) Die raad kan op aansoek van die bestuurskomitee van 'n geregistreerde welsynsorganisasie toestemming verleen tot die verandering van die naam van die organisasie of die wysiging van enige van die doelstellings ter bevordering waarvan die organisasie fungeer.

Verandering van naam en doelstellings van geregistreerde welsynsorganisasie.

(2) (a) 'n Aansoek kragtens sub-artikel (1) moet ingedien word by die streekwelsynsraad van die gebied waarin die welsynsorganisasie fungeer en moet van die oorspronklike verleende registrasiesertifikaat vergesel gaan.

(b) Die streekwelsynsraad moet so 'n aansoek, nadat aan die in sub-artikel (3) genoemde vereistes voldoen is, deur die hoofvolkswelsynbeampte vir die betrokke gebied laat ondersoek en dit daarna tesame met enige besware daarteen ingedien, die verslag van die hoofvolkswelsynbeampte en die aanbevelings van die streekwelsynsraad aan die raad vir oorweging stuur.

(3) (a) 'n Welsynsorganisasie wat 'n aansoek kragtens sub-artikel (1) indien, moet op die voorgeskrewe wyse 'n kennisgewing waarin die beoogde verandering van sy naam of wysiging van sy doelstellings vermeld word, laat publiseer en moet bewys voorlê dat so 'n kennisgewing gepubliseer is.

(b) Enige persoon of groep persone kan binne die voorgeskrewe tydperk by die raad of die betrokke streekwelsynsraad teen so 'n verandering of wysiging beswaar indien waarin die gronde uiteengesit word waarop beswaar teen die toestaan van die aansoek aangeteken word.

23. Die bestuurskomitee van 'n geregistreerde welsynsorganisasie kan, nadat hy negentig dae kennis van sy voorneme gegee het, die registrasiesertifikaat ten opsigte van daardie organisasie verleen aan die raad teruggee, en die raad kan daarop die teruggawe aanvaar, onderworpe aan die voorwaardes wat die raad goedvind.

Teruggawe van registrasiesertifikaat deur welsynsorganisasie.

Organization whose certificate has been cancelled or surrendered may again be registered.

24. The Board may upon application by the managing committee of a welfare organization whose certificate of registration has been cancelled or surrendered under this Act, issue to that managing committee a fresh certificate of registration in respect of the organization, and the provisions of section *nineteen* shall *mutatis mutandis* apply with reference to an application for and the issue of such a certificate of registration.

Appeal against decisions of board.

25. (1) A welfare organization which is aggrieved by a decision of the board relating to the rejection, wholly or in part, of an application for registration or exemption or to the cancellation, amendment, surrender or reissue of any certificate of registration or exemption, may appeal against that decision to an appeal committee to be constituted by the Minister for the particular case: Provided that there shall be no right of appeal against—

- (a) the refusal of the board to register a welfare organization in respect of an object referred to in paragraph (e) of the definition of "welfare organization" in section *one*, on the ground that the law society concerned has not in terms of paragraph (a) of sub-section (5) of section *nineteen* consented to the registration in respect of the said object;
- (b) the refusal of the Minister to consent to the grant of an application under paragraph (b) of sub-section (5) of section *nineteen*; or
- (c) the cancellation by the Minister of any certificate of registration under sub-section (4) of section *twenty-one*.

(2) Any such appeal committee shall consist of—

- (a) a magistrate with not less than ten years' experience as a magistrate who shall be the chairman; and
- (b) two persons with experience in or knowledge of welfare organization who are not members of the board or a commission or regional welfare board or of the appellant or officers in the public service.

(3) The appellant shall have the right if it so desires to appear before the appeal committee by counsel or other representative or to submit written statements or arguments in support of the appeal.

(4) The procedure to be followed in connection with the constitution of an appeal committee and the lodging and prosecution of an appeal under this section shall be prescribed.

(5) The appeal committee may confirm the decision of the board or may, with due regard to the provisions of this Act, give such other decision as the board should in its opinion have given, and may direct the board to do everything that may be necessary to give effect to the decision of the committee.

(6) A member of an appeal committee who is not in the full-time service of the State may be paid such fees and travelling and subsistence allowances as may be determined by the Minister in consultation with the Minister of Finance.

Conditions relating to management of welfare organizations.

26. (1) No welfare organization shall be or remain registered under this Act unless it is governed in accordance with a written constitution not in conflict with the provisions of this Act, providing *inter alia* for a managing committee of not less than seven members.

(2) (a) The responsibility for the observance by a welfare organization of the provisions of this Act shall devolve upon its managing committee, and such committee shall keep such books, accounts and registers and from time to time furnish such reports and returns as may be prescribed.

(b) The reports and returns referred to in paragraph (a) shall be furnished to the regional welfare board for the area in which the welfare organization concerned carries on its operations, and the regional welfare board shall deal therewith in such manner as may be prescribed.

Certain registered welfare organizations to establish branch committees.

27. (1) Every registered welfare organization which conducts its activities wholly or partly through branches operating under the guidance and control of the managing committee shall in respect of each such branch establish a committee consisting of not less than five members (hereinafter referred to as a branch committee), and such managing committee shall grant to every branch committee a letter of delegation in the prescribed form and subject to the prescribed conditions.

(2) Upon the cancellation or surrender of a certificate of registration granted to any managing committee in respect of any welfare organization, any letter of delegation granted to a branch committee by such managing committee shall lapse.

24. Op aansoek van die bestuurskomitee van 'n welsyns-organisatie waarvan die registrasiesertifikaat kragtens hierdie Wet ingetrek of teruggegee is, kan die raad aan daardie komitee 'n nuwe registrasiesertifikaat ten opsigte van die organisasie verleen, en die bepalings van artikel *negentien* is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om en die verlening van 'n registrasiesertifikaat.

Organisasie waarvan sertifikaat ingetrek of teruggegee is, kan weer geregistreer word.

25. (1) 'n Welsynsorganisasie wat hom deur 'n beslissing van die raad met betrekking tot die algehele of gedeeltelike afwysing van 'n aansoek om registrasie of vrystelling of tot die intrekking, wysiging, teruggewe of herverlening van 'n registrasie- of vrystellingsertifikaat veronreg ag, kan teen daardie beslissing appelleer na 'n appèlkomitee wat vir die bepaalde geval deur die Minister saamgestel word: Met dien verstande dat daar geen reg van appèl bestaan nie teen—

Appèl teen beslissings van raad.

- (a) die weiering van die raad om 'n welsynsorganisasie ten opsigte van 'n doelstelling in paragraaf (e) van die omskrywing van „welsynsorganisasie” in artikel *een* vermeld, te registreer, op grond daarvan dat die betrokke prokureursorde nie kragtens paragraaf (a) van sub-artikel (5) van artikel *negentien* toestemming tot registrasie ten opsigte van bedoelde doelstelling verleen het nie;
- (b) die weiering van die Minister om kragtens paragraaf (b) van sub-artikel (5) van artikel *negentien* toestemming tot die bestaan van 'n aansoek te verleen; of
- (c) die intrekking deur die Minister kragtens sub-artikel (4) van artikel *een-en-twintig* van 'n sertifikaat van registrasie.

(2) So 'n appèlkomitee bestaan uit—

- (a) 'n landdros met minstens tien jaar ondervinding as landdros, wat die voorsitter is; en
- (b) twee persone met ondervinding of kennis van welsynsorganisasie wat nie lede van die raad of 'n kommissie of streekwelsynsraad of van die appellant of beamptes in die Staatsdiens is nie.

(3) Die appellant het die reg, indien hy dit verlang, om by monde van 'n advokaat of ander verteenwoordiger voor die appèlkomitee te verskyn, of om skriftelik verklarings of argumente ter stawing van die appèl voor te lê.

(4) Die prosedure wat gevolg moet word in verband met die samestelling van 'n appèlkomitee en die aantekening en voortsetting van 'n appèl kragtens hierdie artikel, word voorgeskryf.

(5) Die appèlkomitee kan die beslissing van die raad bekrachtig of kan, met inagneming van die bepalings van hierdie Wet, die ander beslissing gee wat die raad volgens sy oordeel behoort te gee het, en kan die raad gelas om alles te doen wat nodig is om aan die beslissing van die komitee gevolg te gee.

(6) Aan 'n lid van 'n appèlkomitee wat nie in die voltydse diens van die Staat is nie, kan die honoraria en reis- en verblyf-toelaes betaal word wat die Minister in oorleg met die Minister van Finansies bepaal.

26. (1) Geen welsynsorganisasie word of bly kragtens hierdie Wet geregistreer nie tensy dit bestuur word volgens 'n skriftelike konstitusie wat nie in stryd met die bepalings van hierdie Wet is nie en waarin onder meer vir 'n bestuurskomitee van minstens sewe lede voorsiening gemaak word.

Voorwaardes met betrekking tot bestuur van welsyns-organisasies.

- (2) (a) Die verantwoordelikheid vir die nakoming van die bepalings van hierdie Wet deur 'n welsynsorganisasie berus by sy bestuurskomitee, en so 'n komitee moet die boeke, rekenings en registers hou en van tyd tot tyd die verslae en opgawes verstrek wat voorgeskryf word.
- (b) Die in paragraaf (a) bedoelde verslae en opgawes word verstrek aan die streekwelsynsraad van die gebied waarin die betrokke welsynsorganisasie fungeer en die streekwelsynsraad moet op die voorgeskrewe wyse daarmee handel.

27. (1) Elke geregistreerde welsynsorganisasie wat sy werksaamhede in die geheel of ten dele voortsit deur middel van takke wat onder die beheer en leiding van die bestuurskomitee fungeer, moet vir elke sodanige tak 'n komitee bestaan uit minstens vyf lede instel (hieronder 'n takkomitee genoem), en bedoelde bestuurskomitee moet aan elke takkomitee 'n volmag in die voorgeskrewe vorm en onderworpe aan die voorgeskrewe voorwaardes verleen.

Sekere geregi-streerde welsyns-organisasies moet takkomitees instel.

(2) By die intrekking of teruggewe van 'n registrasiesertifikaat ten opsigte van 'n welsynsorganisasie aan 'n bestuurskomitee verleen vervall 'n volmag wat deur daardie bestuurskomitee aan 'n takkomitee verleen is.

Branches not under control of managing committee to be regarded as separate organizations.

28. Every branch of a welfare organization which is not under the control and guidance of the managing committee of that organization shall for the purposes of this Act be deemed to be an independent and separate welfare organization.

Persons collecting contributions to have proof of authority.

29. (1) Subject to the provisions of sub-section (2), every person who collects contributions for a registered welfare organization shall have in his possession and shall produce for inspection at the request of any person specially authorized thereto by a local authority or by the registrar or of any person from whom he collects contributions, a document of authority in the prescribed form, granted to him by such person or body as may be prescribed in relation to the particular type of organization, or a distinctive badge approved by the board, and shall further in connection with the collection of such contributions comply with the provisions of the regulations relating thereto.

(2) The provisions of sub-section (1) shall not apply in respect of the collection of contributions—

- (a) by means of a street collection conducted in accordance with the by-laws of a local authority;
- (b) at a divine service; or
- (c) on the premises on which any bazaar, sale, competition, entertainment, exhibition or other function is being held, for the purpose of collecting such contributions, provided the person or body under whose auspices such bazaar, sale, competition, entertainment, exhibition or other function is being held is in possession of a document of authority referred to in sub-section (1) authorizing the collection of contributions thereat.

Inspection of welfare organizations and audit of books and accounts.

30. (1) The Minister may appoint an officer in the public service (hereinafter referred to as an inspecting officer) who may generally or in respect of any particular case and in consultation with the regional welfare board for the area in which any welfare organization carries on its activities—

- (a) inspect any aspect of the affairs or activities of such welfare organization and examine all documents relating thereto; and
- (b) examine and audit the books, accounts and other documents relating to the financial affairs of such welfare organization.

(2) An inspecting officer who holds a general appointment as such shall not carry out any inspection, examination or audit under sub-section (1) unless he has been specially authorized thereto by the Registrar or the Secretary.

(3) For the purposes of any inspection, examination or audit under sub-section (1) an inspecting officer may—

- (a) by notice under his hand delivered to person concerned personally or sent to him by post, require any person who such officer has reason to believe may be able to produce any book or other document having any bearing on the matter to appear personally before such officer at a time and place stated in the notice and produce any such book or document which he may be able to produce;
- (b) retain for a reasonable period any book or document produced to him by any person in pursuance of a notice under this sub-section or voluntarily.

(5) Any person who, having received notice under sub-section (4), without lawful excuse fails to produce any book or document referred to in that sub-section which he is able to produce, shall be guilty of an offence: Provided that in connection with the production of any such book or document the law relating to privilege, as applicable to a witness sub-poenaed to produce any book or document before a court of law shall apply.

(6) Any person who—

- (a) wilfully hinders or obstructs an inspecting officer in the performance of his functions; or
- (b) falsely holds himself out as an inspecting officer, shall be guilty of an offence.

Manner of dealing with contributions unlawfully collected.

31. (1) The Minister may, after consultation with the board, by order in writing under his hand—

- (a) direct any person holding or having the control of any money, securities or other property representing contributions collected contrary to the provisions of this Act, to retain possession or control thereof until

28. Elke tak van 'n welsynsorganisasie wat nie onder die beheer en leiding van die bestuurskomitee van daardie organisasie staan nie, word by die toepassing van hierdie Wet geag 'n onafhanklike en afsonderlike welsynsorganisasie te wees.

Takke wat nie onder beheer van bestuurskomitee staan nie, word as afsonderlike organisasies beskou.

29. (1) Behoudens die bepalings van sub-artikel (2), moet iedereen wat bydraes vir 'n geregistreerde welsynsorganisasie insamel, 'n magtigingsbewys in die voorgeskrewe vorm, aan hom verleen deur die persoon of liggaam wat met betrekking tot die bepaalde soort organisasie voorgeskryf word, of 'n deur die raad goedgekeurde onderskeidingskenteken in sy besit hê en op versoek van iemand wat spesiaal deur 'n plaaslike bestuur of deur die registrateur daartoe gemagtig is, of van iemand van wie hy bydraes insamel, ter insae toon, en moet hy verder in verband met die insameling van sulke bydraes voldoen aan die bepalings van die regulasies wat daarop betrekking het.

Persone wat bydraes insamel moet nodige magtigingsbewyse hê.

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie ten opsigte van die insameling van bydraes—

- (a) deur middel van 'n straatkollekte wat ooreenkomstig die verordeninge van 'n plaaslike bestuur gehou word; of
- (b) by geleentheid van 'n godsdiensoefening; of
- (c) op die perseel waarop 'n basaar, verkoping, vermaaklikheid, vertoning of ander funksie gehou word met die doel om sodanige bydraes in te samel, mits die persoon of liggaam onder beskerming van wie so 'n basaar, verkoping, kompetisie, vermaaklikheid, vertoning of ander funksie gehou word, in besit is van 'n in sub-artikel (1) bedoelde magtigingsbewys wat vir die insameling van bydraes aldaar magtiging verleen.

30. (1) Die Minister kan 'n beampte in die Staatsdiens (hieronder 'n inspeksiebeampte genoem) aanstel wat in die algemeen of met betrekking tot 'n bepaalde geval en in oorleg met die streekwelsynsraad van die gebied waarin 'n welsynsorganisasie fungeer—

Inspeksie van welsynsorganisasies en ouditering van boeke en rekenings.

- (a) enige aspek van die sake of bedrywighede van dié welsynsorganisasie kan inspekteer en alle dokumente wat daarop betrekking het, kan ondersoek; en
- (b) die boeke, rekenings en ander dokumente wat op die geldsake van dié welsynsorganisasie betrekking het, kan ondersoek en ouditeer.

(2) 'n Inspeksie beampte wat 'n algemene aanstelling as sodanig het, mag nie 'n inspeksie, ondersoek of ouditering ingevolge sub-artikel (1) uitvoer nie tensy hy bepaaldelik deur die registrateur of die Sekretaris daartoe gemagtig is.

(3) Vir die doeleindes van 'n inspeksie, ondersoek of ouditering ingevolge sub-artikel (1), kan 'n inspeksiebeampte—

- (a) deur middel van 'n deur hom ondertekende kennisgewing aan die betrokke persoon persoonlik afgegee of deur die pos aan hom gestuur, iemand wat volgens dié beampte se vermoede in staat is om enige boek of ander dokument oor te lê wat op bedoelde onderwerp betrekking het, aansê om op 'n in die kennisgewing bepaalde tyd en plek persoonlik voor die beampte te verskyn en so 'n boek of dokument tot oorlegging waarvan hy in staat mag wees, oor te lê;
- (b) enige boek of dokument wat uit hoofde van 'n kennisgewing kragtens hierdie sub-artikel of vrywillig deur iemand aan hom oorgelê is, vir 'n redelike tydperk hou.

(5) Iemand wat, nadat hy kragtens sub-artikel (4) kennis ontvang het, sonder wettige verontskuldiging versuim om enige in daardie sub-artikel bedoelde boek of dokument tot die oorlegging waarvan hy in staat is, oor te lê, is aan 'n misdryf skuldig. Met dien verstande dat die regsreëls met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om 'n boek of dokument aan 'n geregshof oor te lê, in verband met die oorlegging van so 'n boek of dokument van toepassing is.

(6) Iemand wat—

- (a) 'n inspeksiebeampte opsetlik by die verrigting van sy werksaamhede hinder of belemmer; of
- (b) hom valslik as 'n inspeksiebeampte voordoen, is aan 'n misdryf skuldig.

31. (1) Die Minister kan na oorlegpleging met die raad, by bevelskrif deur hom onderteken—

Hoe met onwettig ingesamelde bydraes gehandel word.

- (a) iemand wat geld, sekuriteite of ander goedere synde in stryd met die bepalings van hierdie Wet ingesamel, in hande of onder sy beheer het, gelas om die besit of

the Minister has made a further order in regard thereto;

(b) direct any person holding or having control of any money, securities or property referred to in paragraph (a)—

(i) to return to every contributor who is known, the money, securities or property contributed by him, and to transfer or deliver the balance thereof, if any, to the Minister; or

(ii) to transfer or deliver such money, securities or property to the Minister, who shall thereupon return to every contributor who is known, the money, securities or property contributed by him.

(2) Any money, securities or property which cannot be returned to the contributor concerned in accordance with sub-section (1) shall be disposed of as the Minister may determine.

Board may dissolve certain organizations.

32. If a welfare organization ceases to function and its managing committee is not or cannot be constituted in accordance with its constitution in order that the organization may be dissolved, the board may, after consultation with the regional welfare board for the area in which the organization carried on its activities, dissolve the organization, and for that purpose the board shall have all the powers of such a managing committee and shall dispose of the assets of the organization in accordance with the constitution of the organization.

Registration of social workers.

33. (1) Any person who holds the prescribed qualifications may in the prescribed manner apply to the board for registration as a social worker, and the board may so register any such person who has complied with the prescribed conditions and furnished the prescribed particulars.

(2) If an applicant for registration does not comply with the prescribed requirements, but has in the opinion of the board successfully performed social work or undergone instruction in subjects related thereto, the board may register him provisionally on such conditions as may be prescribed.

(3) The registrar shall issue to any person registered under sub-section (1) or (2) a certificate of registration in the prescribed form and subject to the prescribed conditions, and shall in writing advise every person whose application for registration is rejected of the reason for the rejection.

Circumstances under which registration shall be refused.

34. The board shall not register an applicant as a social worker if he has been trained at an institution where any person (not being a person appointed before the expiration of a period of five years after the commencement of this Act, who is not so registered takes part in a full-time capacity in the training of persons in any aspect of social work which falls within the definition of "social work" in section one.

Improper conduct of social worker.

35. (1) The board shall have power to enquire into any case of alleged improper conduct on the part of any social worker, whether in relation to his occupation or otherwise, and whether or not such conduct constitutes improper conduct in terms of the regulations, and may where a social worker is found guilty of improper conduct—

(a) warn such person that he is liable to removal of his name from the register and cancellation of his certificate of registration; or

(b) suspend his registration for a period determined by the board; or

(c) remove his name from the register and cancel his certificate of registration.

(2) Any person whose registration has been suspended shall for the period of the suspension be deemed not to be registered as a social worker.

(3) (a) Where the registration of a social worker is suspended or his name is removed from the register—

(i) he shall lodge his certificate of registration with the registrar within fourteen days after having been informed of the suspension or cancellation;

(ii) the registrar shall forthwith inform such social worker's employer of the suspension or cancellation.

beheer daarvan te behou totdat die Minister 'n verdere bevel in verband daarmee uitgevaardig het;

(b) iemand wat enige in paragraaf (a) bedoelde geld, sekuriteite of goedere in hande of onder sy beheer het, gelas—

- (i) om aan elke bydraer wat bekend is, die geld, sekuriteite of goedere deur hom bygedra, terug te gee en die balans daarvan (indien daar is) aan die Minister oor te dra of te oorhandig; of
- (ii) om daardie geld, sekuriteite of goedere oor te dra of te oorhandig aan die Minister wat daarop aan elke bydraer wat bekend is die geld, sekuriteite of goedere deur hom bygedra, teruggee.

(2) Daar word oor enige geld, sekuriteite of goedere wat nie ooreenkomstig sub-artikel (1) aan die betrokke bydraer terug gegee kan word nie, beskik soos die Minister bepaal.

32. Indien 'n welsynsorganisasie ophou om te funksioneer en sy bestuurskomitee nie ooreenkomstig sy konstitusie saamgestel is of kan word sodat die organisasie ontbind kan word nie, kan die raad, na oorlegpleging met die streekwelsynsraad van die gebied waarin die organisasie fungeer het, die organisasie ontbind, en vir dié doel word die raad beklee met al die bevoegdhede van so 'n bestuurskomitee en moet hy ooreenkomstig die konstitusie van die organisasie oor die bates van die organisasie beskik.

Raad kan sekere organisasies ontbind.

33. (1) Enige persoon wat die voorgeskrewe kwalifikasies besit, kan op die voorgeskrewe wyse by die raad om registrasie as 'n maatskaplike werker aansoek doen, en die raad kan so 'n persoon wat die voorgeskrewe voorwaardes nagekom het en die voorgeskrewe besonderhede verstrek het, aldus registreer.

Registrasie van maatskaplike werkers.

(2) Indien 'n aansoeker om registrasie nie aan die voorgeskrewe vereistes voldoen nie, maar volgens die raad se oordeel met welslae maatskaplike werk verrig het of opleiding in vakke wat daarmee in verband staan, ondergaan het, kan die raad hom voorwaardelik registreer, en wel op die voorwaardes wat voorgeskryf word.

(3) Die registrateur moet aan elke persoon wat ingevolge sub-artikel (1) of (2) geregistreer word, 'n registrasiesertifikaat in die voorgeskrewe vorm en onderworpe aan die voorgeskrewe voorwaardes uitreik, en elke persoon wie se aansoek om registrasie afgewys word, van die redes vir die afwysing skriftelik in kennis stel.

34. Die raad registreer nie 'n aansoeker as 'n maatskaplike werker nie indien hy opgelei is aan 'n inrigting waar enige persoon (behalwe 'n persoon voor die verstryking van 'n tydperk van vyf jaar na die inwerkingtreding van hierdie Wet aangestel) wat nie aldus geregistreer is nie, in voltydse hoedanigheid aan die opleiding van persone in enige aspek van die vak maatskaplike werk wat binne die omskrywing van „maatskaplike werk” in artikel een val, deel het nie.

Omstandighede waaronder registrasie geweier moet word.

35. (1) Die raad is bevoeg om ondersoek in te stel in verband met enige geval van beweerde onbehoorlike gedrag deur 'n maatskaplike werker, hetsy met betrekking tot sy beroep of andersins, en ongeag of sodanige gedrag volgens voorskrif van die regulasies onbehoorlike gedrag uitmaak al dan nie, en kan waar 'n maatskaplike werker aan onbehoorlike gedrag skuldig bevind word—

Onbehoorlike gedrag van maatskaplike werker.

- (a) so 'n persoon waarsku dat sy naam in die register geskrap en sy registrasiesertifikaat ingetrek kan word; of
- (b) sy registrasie vir 'n deur die raad bepaalde tydperk opskort; of
- (c) sy naam van die register skrap en sy registrasiesertifikaat intrek.

(2) 'n Persoon wie se registrasie opgeskort is, word vir die tydperk van die opskorting geag nie as maatskaplike werker geregistreer te wees nie.

(3) (a) Wanneer die registrasie van 'n maatskaplike werker opgeskort of sy naam van die register geskrap word—

- (i) moet hy sy registrasiesertifikaat binne vertien dae nadat hy van die skorsing of skrapping in kennis gestel is, by die registrateur indien;
- (ii) moet die registrateur die maatskaplike werker se werkgever onverwyld van die opskorting of skrapping in kennis stel.

(4) The board may withdraw the suspension of the registration of a social worker at any time before the expiration of the period for which it has been suspended, and may at any time again register a social worker whose name has been removed from the register.

Certain facts constitute *prima facie* proof of improper conduct.

36. (1) The board may without enquiry find a social worker guilty of improper conduct if he has been convicted of an offence by a court of law or has been found guilty of misconduct under any provision of any law relating to his service, provided the behaviour which gave rise to the conviction in the opinion of the board constitutes improper conduct.

(2) Whenever it appears from evidence given before a court of law that any social worker has been guilty of improper conduct, the court may order that a copy of such evidence be transmitted to the board.

Use of title "social worker".

37. (1) No person shall—

- (a) use the title "registered social worker" or directly or indirectly hold himself out as a registered social worker unless he is registered under section *thirty-three*, whether conditionally or otherwise, as a social worker; or
- (b) describe any other person as a registered social worker or give out that any other person is a registered social worker unless he has reason to believe that such person is so registered.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence.

Only registered social workers to be appointed in certain posts.

38. After the expiration of a period of five years from the commencement of this section no person shall be appointed as a professional officer (welfare) in the public service unless he is registered or conditionally registered as a social worker under section *thirty-three*.

Contributions towards remuneration of social workers.

39. The Minister may, in consultation with the Minister of Finance, out of moneys appropriated by Parliament for the purpose, and subject to such conditions as he may determine, contribute towards the remuneration of any person performing social work in the service of any welfare organization, if he is registered as a social worker under section *thirty-three* or entered the service of that organization at any time before the expiration of a period of five years from the commencement of this section.

Appeal.

40. (1) Any person who is aggrieved by a decision of the board relating to his application for registration as a social worker or relating to the suspension or cancellation of his registration or a warning that it may be cancelled, may within ninety days after the date of receipt by him of notice of the decision appeal to the Minister who shall thereupon appoint an appeal committee for the hearing of that particular appeal.

(2) Any such appeal committee shall consist of—

- (a) a magistrate with not less than ten years' experience as a magistrate, who shall be the chairman;
- (b) an officer in the public service engaged in social work;
- (c) a person engaged in a full-time capacity in the training of persons for social work at a recognized training institution;
- (d) a person, not being an officer in the public service, who is a member of a managing committee of a registered welfare organization; and
- (e) a person, not being an officer in the public service, engaged in social work:

Provided that no member of an appeal committee shall be a member of the board, a commission or a regional welfare board.

(3) An appeal committee may confirm the decision of the board or may, with due regard to the provisions of this Act, give such other decision as in its opinion ought to have been given by the board, and may direct the board to do everything necessary to give effect to the decision of the appeal committee.

(4) A member of an appeal committee who is not in the full-time service of the State may be paid such fees and travelling and subsistence allowances as may be determined by the Minister in consultation with the Minister of Finance.

(4) Die raad kan die opskorting van die registrasie van 'n maatskaplike werker intrek te eniger tyd voor die verstryking van die tydperk waarvoor dit opgeskort is, en kan 'n maatskaplike werker wie se naam uit die register geskrap is te eniger tyd weer registreer.

36. (1) Die raad kan 'n maatskaplike werker sonder ondersoek aan onbehoorlike gedrag skuldig bevind, indien hy deur 'n geregshof weens 'n misdryf skuldig bevind is of ingevolge 'n wetsbepaling wat op sy diens betrekking het aan wangedrag skuldig bevind is, mits die optrede wat tot die skuldigbevinding aanleiding gegee het volgens die raad se oordeel onbehoorlike gedrag uitmaak.

Sekere feite  
prima facie—  
bewys van  
onbehoorlike  
gedrag.

(2) Wanneer dit uit getuienis voor 'n geregshof afgelê, blyk dat 'n maatskaplike werker hom aan onbehoorlike gedrag skuldig gemaak het, kan die hof beveel dat 'n afskrif van daardie getuienis aan die raad gestuur word.

37. (1) Niemand mag—

- (a) die titel „geregistreerde maatskaplike werker” gebruik of hom regstreeks of onregstreeks as 'n geregistreerde maatskaplike werker voordoen nie, tensy hy ingevolge artikel drie-en-dertig as 'n maatskaplike werker geregistreer is, hetsy voorwaardelik of andersins; of
- (b) iemand anders as 'n geregistreerde maatskaplike werker beskryf of voorgee dat iemand anders 'n geregistreerde maatskaplike werker is nie, tensy hy rede het om te vermoed dat so iemand aldus geregistreer is.

Gebruik van titel  
„maatskaplike  
werker”.

(2) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig.

38. Na verstryking van 'n tydperk van vyf jaar vanaf die inwerkingtreding van hierdie Wet word niemand as 'n vak-kundige beamppte (welsyn) in die Staatsdiens aangestel nie tensy hy ingevolge artikel drie-en-dertig as 'n maatskaplike werker geregistreer of voorwaardelik geregistreer is.

Slegs geregistreerde  
maatskaplike  
werkers word in  
sekere poste  
aangestel.

39. Die Minister kan, in oorleg met die Minister van Finansies, uit gelde deur die Parlement vir die doel bewillig, en onderworpe aan die voorwaardes wat hy bepaal, bydra tot die besoldiging van enige persoon wat maatskaplike werk in diens van 'n welsynsorganisasie verrig, indien hy ingevolge artikel drie-en-dertig as 'n maatskaplike werker geregistreer is of te eniger tyd voor die verstryding van 'n tydperk van vyf jaar vanaf die inwerkingtreding van hierdie artikel sodanige diens by daardie organisasie aanvaar het.

Bydraes tot  
besoldiging van  
maatskaplike  
werkers.

40. (1) 'n Persoon wat hom veronreg ag deur 'n beslissing van die raad met betrekking tot sy aansoek om registrasie as maatskaplike werker of met betrekking tot die opskorting of intrekking van sy registrasie of 'n waarskuwing dat dit intrek kan word, kan binne negentig dae na die datum van ontvangs deur hom van kennisgewing van die beslissing appèl aanteken by die Minister wat daarop 'n appèlkomitee vir die verhoor van die bepaalde appèl moet aanstel.

Appèl.

(2) So 'n appèlkomitee bestaan uit—

- (a) 'n landdros met minstens tien jaar ondervinding as landdros, wat ook die voorsitter is;
- (b) 'n beamppte in die Staatsdiens wat maatskaplike werk doen;
- (c) iemand wat hom voltyds met die opleiding van persone vir maatskaplike werk aan 'n erkende opleidings-inrigting besig hou;
- (d) 'n persoon wat lid is van 'n bestuurskomitee van 'n geregistreerde welsynsorganisasie, maar nie 'n beamppte in die Staatsdiens is nie; en
- (e) 'n persoon wat maatskaplike werk doen, maar nie 'n beamppte in die Staatsdiens is nie;

Met dien verstande dat geen lid van 'n appèlkomitee 'n lid van die raad of van 'n kommissie of 'n streekwelsynsraad mag wees nie.

(3) 'n Appèlkomitee kan die beslissing van die raad bekrachtig of kan, met inagneming van die bepalings van hierdie Wet, die ander beslissing gee wat die raad na sy oordeel behoort te gegee het, en kan die raad gelas om alles te doen wat nodig is om aan die beslissing van die appèlkomitee gevolg te gee.

(4) Aan 'n lid van 'n appèlkomitee wat nie in die voltydse diens van die Staat is nie, kan die honoraria en reis- en verblyftoelae betaal word wat die Minister in oorleg met die Minister van Finansies bepaal.

(5) The appellant shall have the right, if he so desires, to appear before the appeal committee in person or by counsel or other representative, or to submit written arguments in support of his appeal.

Offences and penalties.

41. (1) Any person who—

- (a) collects or attempts to collect contributions for a welfare organization not registered under this Act;
- (b) collects or attempts to collect, otherwise than in the circumstances set out in sub-section (2) of section *twenty-nine*, contributions for any organization referred to in sub-section (1) of that section, without being in possession of such evidence of authority as is referred to in that sub-section; or
- (c) in connection with the collection of contributions for any organization referred to in sub-section (1) of section *twenty-nine*, fails to comply with the provisions of any regulation relating thereto; or
- (d) fails to comply with any lawful request under sub-section (1) of section *twenty-nine*; or
- (e) falsely represents to a member of the public that he is duly authorized under this Act to collect contributions for any organization referred to in sub-section (1) of section *twenty-nine*; or
- (f) falsely represents to a member of the public that he is associated with any welfare organization, whether or not such organization is actually in existence; or
- (g) collect contributions from the public for any object set out in the definition of "welfare organization" in section *one*, except in circumstances under which such collection is permitted by virtue of any provision of this Act; or
- (h) in or in connection with—
  - (i) an application for registration of a welfare organization in terms of section *nineteen*, or the exemption of such an organization under section *seventeen*; or
  - (ii) a notification under section *twenty-two* of a change in the name or objects of a registered welfare organization; or
  - (iii) an application to any organization referred to in sub-section (1) of section *twenty-nine* for authority to collect contributions for its benefit, wilfully makes any false or misleading statement or furnishes any false or misleading information; or
  - (i) fails to comply to the best of his ability with any order of the Minister under section *thirty one*,

shall be guilty of an offence.

(2) Any person convicted of an offence under any provision of this Act shall be liable—

- (a) in the case of an offence referred to in paragraph (a), (b), (c), (d) or (g) of sub-section (1) of this section, to a fine not exceeding fifty rand or imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
- (b) in the case of an offence referred to in sub-section (3) of section *sixteen*, sub-section (5) or (6) of section *thirty* or paragraph (e), (f) or (h) of sub-section (1) of this section, to a fine not exceeding four hundred rand or imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and
- (c) in the case of an offence referred to in sub-section (2) of section *thirty-seven*, to a fine not exceeding fifty rand or imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(3) If a charge against any person for a contravention of paragraph (f) of sub-section (1) it is alleged that the organization with which the accused held himself out to be associated, did not in fact exist at the time when the offence is alleged to have been committed, and it is proved that no such welfare organization had at that time applied for registration under this Act, it shall be presumed, until the contrary is proved, that such organization was not actually in existence at that time.

(5) Die appellant het die reg, indien hy dit verlang, om self of by monde van 'n advokaat of ander verteenwoordiger voor die appèlkomitee te verskyn, of om skriftelik verklarings of argumente ter staving van sy appèl voor te lê.

41. (1) Iemand wat—

Oortredings en  
strawwe.

- (a) bydraes insamel of probeer insamel vir 'n welsyns-organisatie wat nie kragtens hierdie Wet geregistreer is nie; of
- (b) Anders dan onder die omstandighede in sub-artikel (2) van artikel *nege-en-twintig* vermeld, bydraes insamel of probeer insamel vir 'n in sub-artikel (1) van daardie artikel bedoelde organisatie sonder dat hy in besit is van 'n magtigingsbewys in daardie sub-artikel bedoel; of
- (c) in verband met die insameling van bydraes vir 'n in sub-artikel (1) van artikel *nege-en-twintig* bedoelde organisatie versuim om aan die bepalings van 'n regulasie wat daarop betrekking het, te voldoen; of
- (d) versuim om aan 'n wettige versoek kragtens sub-artikel (1) van artikel *nege-en-twintig* te voldoen; of
- (e) valslik aan 'n lid van die publiek voorgee dat hy behoorlik ingevolge hierdie Wet gemagtig is om bydraes vir 'n in sub-artikel (1) van artikel *nege-en-twintig* bedoelde organisatie in te samel; of
- (f) valslik aan 'n lid van die publiek voorgee dat hy aan 'n welsynsorganisasie verbonde is, ongeag of so 'n organisasie werklik bestaan al dan nie; of
- (g) bydraes van die publiek insamel vir enige doelstelling in die omskrywing van "welsynsorganisasie" in artikel *een* vermeld, behalwe onder omstandighede waaronder sodanige insameling ingevolge 'n bepaling van hierdie Wet geoorloof is; of
- (h) in of in verband met—
  - (i) 'n aansoek om registrasie van 'n welsynsorganisasie kragtens artikel *negentien* of die vrystelling van so 'n organisasie kragtens artikel *sewentien*; of
  - (ii) 'n kennisgewing kragtens artikel *twee-en-twintig* van 'n verandering in die naam of doelstellings van 'n geregistreeerde welsynsorganisasie; of
  - (iii) 'n aansoek aan 'n in sub-artikel (1) van artikel *nege-en-twintig* bedoelde organisatie gerig om magtiging om bydraes ten bate van hom in te samel,
- (i) opsetlik 'n valse of misleidende verklaring doen of valse of misleidende inligting verstrek; of
- (i) versuim om na die beste van sy vermoë aan 'n bevel van die Minister kragtens artikel *een-en-dertig* te voldoen,

is aan 'n misdryf skuldig.

(2) Iemand wat weens 'n misdryf ingevolge een of ander bepaling van hierdie Wet skuldig bevind word, is strafbaar—

- (a) in die geval van 'n in paragraaf (a), (b), (c), (d) of (g) van sub-artikel (1) van hierdie artikel bedoelde misdryf, met 'n boete van hoogstens vyftig rand of gevangenisstraf vir 'n tydperk van hoogstens drie maande of met daardie boete sowel as daardie gevangenisstraf;
- (b) in die geval van 'n in sub-artikel (3) van artikel *sestien*, sub-artikel (5) of (6) van artikel *dertig* of paragraaf (e) (f), of (h) van sub-artikel (1) van hierdie artikel bedoelde misdryf, met 'n boete van hoogstens vierhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf; en
- (c) in die geval van 'n in sub-artikel (2) van artikel *sewen-dertig* bedoelde misdryf, met 'n boete van hoogstens vyftig rand of gevangenisstraf vir 'n tydperk van hoogstens drie maande of met daardie boete sowel as daardie gevangenisstraf.

(3) Indien in 'n aanklag teen iemand weens 'n oortreding van paragraaf (f) van sub-artikel (1) beweer word dat die organisasie waaraan die beskuldigde voorgegee het dat hy verbonde is, nie werklik bestaan het op die tydstip toe die misdryf volgens bewering gepleeg is nie, en bewys word dat geen sodanige welsynsorganisasie op daardie tydstip om registrasie kragtens hierdie Wet aansoek gedoen het nie, word vermoed, totdat die teendeel bewys word, dat bedoelde organisasie op daardie tydstip nie werklik bestaan het nie.

## Regulations.

42. The Minister may, after consultation with the board, make regulations with regard to—

- (a) the form of any application, authority, certificate, consent, notice, order, process, register or summons to be made, granted, given issued or kept under this Act, and any other form required in carrying out the provisions of this Act;
- (b) the conditions which may be imposed in connection with—
  - (i) the registration of any welfare organization or the exemption of any such organization from the operation of any provision of this Act;
  - (ii) the registration or conditional registration of social workers;
  - (iii) the grant of any authority under section eighteen;
  - (iv) the surrender of any certificate of registration under section *twenty-three*;
- (c) the books, accounts and registers to be kept by registered or exempted welfare organizations, or any person or group of persons to whom or unregistered welfare organization to which any authority has been granted under section *eighteen*, the manner in which such books, accounts and registers shall be kept and shall be dealt with, and the returns and reports that shall be furnished;
- (d) the conditions to be complied with by any person in connection with the collection of contributions for any organization referred to in sub-section (1) of section *twenty-nine*;
- (e) the procedure to be followed in connection with the constitution of any appeal committee and the lodging and prosecution of any appeal in terms of section *twenty-five* or *forty*, and the fees and allowances to be paid to the members of any such committee;
- (f) the circumstances under which, the purposes for which and the conditions on which the expenditure referred to in sub-section (2) of section *fourteen* shall be paid and the manner in which the amounts paid shall be accounted for;
- (g) the functions which may be performed by the executive committee of a regional welfare board;
- (h) the calling of meetings of the board, commissions, regional welfare boards and executing committees of regional welfare boards and the quorum for and procedure at any such meeting, and, generally, the performance by the board, commissions, regional welfare boards and such executive committees of their functions;
- (i) the manner in which application for registration as a social worker shall be made, and the particulars to be furnished to the board in order to enable it to maintain the register referred to in section *thirty-three*;
- (j) the qualifications to be obtained and the conditions to be complied with in order to be able to claim to be registered or conditionally registered as a social worker, including the period or nature of the training or experience required and the examinations to be passed: Provided that different qualifications or conditions may be prescribed in respect of persons of different classes or races;
- (k) the conditions on which extracts from the register of social workers may be furnished, and the fees, if any, payable in respect of such extracts;
- (l) the circumstances, in addition to the circumstances mentioned in this Act, under which a name may be removed from or restored to the register of social workers;
- (m) conduct by a person registered under section *thirty-three* which shall constitute improper conduct;
- (n) the manner in which complaints or charges against any person registered under section *thirty-three* shall be lodged;
- (o) the manner in which any enquiry under the provisions of section *thirty-five* shall be instituted, the procedure to be followed in connection therewith and any other matter incidental to the institution thereof;

42. (1) Die Minister kan na oorlegpleging met die raad Regulasies. regulasies uitvaardig met betrekking tot—

- (a) die vorm van enige aansoek, magtiging, sertifikaat, toestemming, kennisgewing, bevel, prosesusstuk, register of dagvaarding wat kragtens hierdie Wet gedoen, verleen, gegee, uitgereik of gehou moet word, en enige ander vorm wat by die uitvoering van die bepalings van hierdie Wet benodig mag word;
- (b) die voorwaardes wat opgelê kan word in verband met—
  - (i) die registrasie van 'n welsynsorganisasie of die vrystelling van so 'n organisasie van die toepassing van 'n bepaling van hierdie Wet;
  - (ii) die registrasie of voorwaardelike registrasie van maatskaplike werkers;
  - (iii) die verlening van 'n magtiging ingevolge artikel agtien;
  - (iv) die teruggawe van 'n registrasiesertifikaat kragtens artikel drie-en-twintig;
- (c) die boeke, rekenings en registers wat deur geregistreerde of vrygestelde welsynsorganisasies, of 'n persoon of groep persone of ongeregistreerde welsynsorganisasie aan wie 'n magtiging ingevolge artikel agtien verleen is, gehou moet word, die wyse waarop bedoelde boeke, rekenings en registers gehou en daarmee gehandel moet word, en die opgawes en rapporte wat verstrekk moet word;
- (d) die voorwaardes waaraan iedereen moet voldoen in verband met die insameling van bydraes vir 'n in sub-artikel (1) van artikel nege-en-twintig bedoelde organisasie;
- (e) die prosedure wat in verband met die samestelling van 'n appèlkomitee en die aantekening en voortsetting van 'n appèl kragtens artikel vyf-en-twintig of veertig gevolg moet word, en die honoraria en toelaes wat aan lede van so 'n komitee betaal moet word;
- (f) die omstandighede waaronder, die doeleindes waarvoor en die voorwaardes waarop die in sub-artikel (2) van artikel veertien bedoelde uitgawes betaal moet word, en die wyse waarop die betaalde bedrae verantwoord moet word;
- (g) die werksaamhede wat deur die uitvoerende komitee van 'n streekwelsynsraad verrig kan word;
- (h) die belegging van vergaderings van die raad, kommissies, streekwelsynsrade en uitvoerende komitees van streekwelsynsrade en die kworum vir en prosedure by so 'n vergadering en, oor die algemeen, die verrigting deur die raad, kommissies, streekwelsynsrade en sodanige uitvoerende komitees van hul werksaamhede;
- (i) die wyse waarop aansoek om registrasie as 'n maatskaplike werker gedoen moet word, en die besonderhede wat aan die raad verstrekk moet word ten einde hom in staat te stel om die register in artikel drie-en-dertig genoem, te hou;
- (j) die kwalifikasies wat behaal moet word en die voorwaardes wat nagekom moet word ten einde aanspraak te kan maak om as 'n maatskaplike werker geregistreer of voorwaardelik geregistreer te word, met inbegrip van die tydperk of aard van opleiding of ondervinding wat vereis word en die eksamens waarin geslaag moet word: Met dien verstande dat verskillende kwalifikasies of voorwaardes ten opsigte van verskillende klasse van persone of rasse voorgeskryf kan word;
- (k) die voorwaardes waarop uittreksels uit die register van maatskaplike werkers verstrekk kan word, en die gelde (as daar is) ten opsigte van sodanige uittreksels betaalbaar;
- (l) die omstandighede, benewens die omstandighede in hierdie Wet vermeld, waaronder 'n naam van die register van maatskaplike werkers geskrap of daarop teruggeplaas kan word;
- (m) gedrag deur 'n ingevolge artikel drie-en-dertig geregistreerde persoon wat onbehoorlike gedrag uitmaak;
- (n) die wyse waarop klagte of beskuldigings teen 'n ingevolge artikel drie-en-dertig geregistreerde persoon ingedien moet word;
- (o) die wyse waarop 'n ondersoek kragtens die bepalings van artikel vyf-en-dertig ingestel moet word, die prosedure wat daarby gevolg moet word en enige ander aangeleentheid wat met die instel daarvan in verband staan;

- (p) registration and annual fees, if any, payable by a registered social worker;
- (q) any other matter which may or is required to be prescribed under any provision of this Act or which the Minister considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved.

(2) Any regulations made under sub-section (1) may prescribe penalties for a contravention thereof not exceeding, in the case of a regulation made under paragraph (a), (b), (c), (d), (e), (f), (g) or (h) of that sub-section, a fine of one hundred rand or imprisonment for a period of three months, or, in any other case, not exceeding a fine of fifty rand or imprisonment for a period of three months.

(3) All regulations made under sub-section (1) shall be laid on the Table in the Senate and in the House of Assembly within fourteen days after publication thereof if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

**Repeal of laws.**

43. Subject to the provisions of sub-section (2), the Welfare Organizations Act, 1947 (Act No. 40 of 1947), the Welfare Organizations Amendment Act, 1949 (Act No. 3 of 1949), sections *ninety-four*, *ninety-five* and *ninety-six* of the Childrens' Act 1960 (Act No. 33 of 1960), the Welfare Organizations Amendment Act, 1961 (Act No. 75 of 1961), and section *thirty* of the General Law Further Amendment Act, 1962 (Act No. 93 of 1962), are hereby repealed.

(2) Any proclamation, regulation, rule, direction, notice, certificate, authority, consent, letter of delegation, evidence of authority, order or appointment issued, made, given, prepared, published or granted and any other action taken under any provision of any law repealed by sub-section (1), shall be deemed to have been issued, made, given, prepared, published, granted or taken under the corresponding provision of this Act.

**Short title and commencement.**

44. (1) This Act shall be called the National Welfare Act, 1965, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed under sub-section (1) in respect of different provisions of this Act.

- (p) registrasie- en jaargelde (as daar is) wat deur 'n geregistreerde maatskaplike werker betaalbaar is;
- (q) enige ander aangeleentheid wat ingevolge 'n bepaling van hierdie Wet voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Regulasies kragtens sub-artikel (1) uitgevaardig kan strawwe vir 'n oortreding daarvan voorskryf wat in die geval van 'n regulasie kragtens paragraaf (a), (b), (c), (d), (e), (f), (g) of (h) van daardie sub-artikel 'n boete van honderd rand of gevangenisstraf vir 'n tydperk van drie maande nie te bowe gaan nie, of in enige ander geval 'n boete van vyftig rand of gevangenisstraf vir 'n tydperk van drie maande nie te bowe gaan nie.

(3) Alle regulasies wat ingevolge sub-artikel (1) uitgevaardig word, moet in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na die afkondiging daarvan in die *Staatskoerant* as die Parlement in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

43. (1) Behoudens die bepalings van sub-artikel (2), word die Wet op Welsynsorganisasies, 1947 (Wet No. 40 van 1947), die Wysigingswet op Welsynsorganisasies, 1949 (Wet No. 3 van 1949), artikels *vier-en-negentig*, *vyf-en-negentig* en *ses-en-negentig* van die Kinderwet, 1960 (Wet No. 33 van 1960), die Wysigingswet op Welsynsorganisasies, 1961 (Wet No. 75 van 1961), en artikel *dertig* van die Verdere Algemene Regswysigingswet, 1962 (Wet No. 93 van 1962), hierby herroep.

Herroeping van wette.

(2) Enige proklamasie, regulasie, reël, voorskrif, kennisgewing, sertifikaat, magtiging, toestemming, volmag, magtigingsbewys, bevelskrif of aanstelling uitgereik, uitgevaardig, opgestel, gepubliseer, verleen of gemaak en enige ander stappe gedoen kragtens 'n bepaling van 'n by sub-artikel (1) herroepde Wet, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, opgestel, gepubliseer, verleen, gemaak of gedoen te gewees het.

44. (1) Hierdie Wet heet die Nasionale Welsynswet, 1965, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

(2) Verskillende datums kan kragtens sub-artikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

# BILL

**To provide for the registration of drugs intended for human use,  
for the establishment of a Drug Control Council and for  
matters incidental thereto.**

(To be introduced by the MINISTER OF HEALTH.)

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

## Definitions.

1. (1) In this Act, unless the context otherwise indicates—
  - (i) “advertisement”, in relation to any drug, means any written, pictorial, visual or other descriptive matter or verbal statement or reference—
    - (a) appearing in any newspaper or other publication; or
    - (b) distributed to members of the public; or
    - (c) brought to the notice of members of the public in any manner whatsoever, which is intended to promote the sale of that drug, and “advertise” has a corresponding meaning; (i)
  - (ii) “analyst” means a person appointed as such under section *twenty-four*; (xii)
  - (iii) “chemist and druggist” means a person registered as such under the Medical Act; (ii)
  - (iv) “council” means the Drug Control Council established under section *two*; (xv)
  - (v) “dental practitioner” means a person registered as a dentist under the Medical Act; (xix)
  - (vi) “drug” means any substance or mixture of substances used in, or purporting to be suitable for use in or manufactured or sold for use in—
    - (a) the diagnosis, treatment, mitigation, modification or prevention of disease, abnormal physical or mental state or the symptoms thereof in man; or
    - (b) restoring, correcting or modifying any somatic or psychic or organic function in man; (x)
  - (vii) “inspector” means a person appointed as such under section *twenty-three*; (ix)
  - (viii) “label”, when used as a verb, means brand, mark or otherwise designate or describe any article, and when used as a noun, means any brand or mark or any written, pictorial or other descriptive matter appearing on or attached to or packed with and referring to any article or the package containing any article; (iv)
  - (ix) “Medical Act” means the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (xxii)
  - (x) “medical practitioner” means a person registered as such under the Medical Act; (vi)
  - (xi) “Minister” means the Minister of Health; (xi)
  - (xii) “package” means anything in or by which any drug is cased, enclosed, covered, contained or packed; (xiii)
  - (xiii) “pathologist” means a person appointed as such under section *twenty-four*; (xiv)
  - (xiv) “pharmacologist” means a person appointed as such under section *twenty-four*; (v)
  - (xv) “prescribed” means prescribed by or under this Act; (xxi)
  - (xvi) “register” when used as a noun means the register referred to in section *eleven*, and when used as a verb means to enter in such register; (xvi)
  - (xvii) “registered” means registered under this Act; (vii)
  - (xviii) “registrar” means the Registrar of Drugs appointed under section *ten*; (xvii)

# WETSONTWERP

Om voorsiening te maak vir die registrasie van medisyne bestem vir menslike gebruik, vir die instelling van 'n Medisyne Beheerraad en vir aangeleenthede wat daarmee in verband staan.

(Deur die MINISTER VAN GESONDHEID ingedien te word.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Tensy uit die samehang anders blyk beteken in hierdie **Woordbepaling.**  
Wet—

- (i) „advertensie”, met betrekking tot enige medisyne, enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring of verwysing—
  - (a) wat in 'n nuusblad of ander publikasie verskyn; of
  - (b) wat onder lede van die publiek versprei word; of
  - (c) wat op enige wyse hoegenaamd onder die aandag van lede van die publiek gebring word, en wat bedoel is om die verkoop van daardie medisyne te bevorder; en „adverteer” het 'n ooreenstemmende betekenis (i)
- (ii) „apteker” iemand wat kragtens die Wet op Geneeshere as sodanig geregistreer is; (iii)
- (iii) „die gebied” die gebied Suidwes-Afrika; (xxii)
- (iv) „etiket” enige kenmerk of merk of enige skriftelike geïllustreerde of ander beskrywende stof wat verskyn op of geheg is aan of verpak is met en betrekking het op enige artikel of die pakket wat enige artikel bevat; en „etiketteer” 'n artikel van 'n kenmerk of merk voorsien of dit op ander wyse onderskei of beskryf; (viii)
- (v) „farmakoloog” iemand wat kragtens artikel vier-entwintig as sodanig aangestel is; (xiv)
- (vi) „geneesheer” iemand wat kragtens die Wet op Geneeshere as sodanig geregistreer is; (x)
- (vii) „geregistreer” kragtens hierdie Wet geregistreer; (xvii)
- (viii) „hierdie Wet” ook enige regulasie daarkragtens uitgevaardig; (xxi)
- (ix) „inspekteur” iemand wat kragtens artikel drie-entwintig as sodanig aangestel is; (vii)
- (x) „medisyne” enige stof of mengsel van stowwe wat gebruik word by of wat geskik heet te wees vir gebruik by of wat vervaardig of verkoop word vir gebruik by—
  - (a) die diagnose, behandeling, leniging, matiging of voorkoming van siektes, abnormale liggaamlike of geestelike toestande of die simptome daarvan by die mens; of
  - (b) genesing, regstelling of magtiging van enige somaties of psigiese of organiese funksie by die mens; (vi)
- (xi) „Minister” die Minister van Gesondheid; (xi)
- (xii) „ontleder” iemand wat kragtens artikel vier-entwintig as sodanig aangestel is; (ii)
- (xiii) „pakket” enigiets waarin of waarmee enige medisyne ingesluit, omhul, bedek, bevat of verpak is; (xii)
- (xiv) „patoloog” iemand wat kragtens artikel vier-entwintig as sodanig aangestel is; (xiii)
- (xv) „raad” die Medisyne Beheerraad kragtens artikel twee ingestel; (iv)
- (xvi) „register” die in artikel elf bedoelde register; en „registreer” om in sodanige register in te skryf; (xvi)
- (xvii) „registrateur” die kragtens artikel tien aangestelde Registrateur van Medisyne; (xviii)
- (xviii) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xix)
- (xix) „tandarts” iemand wat kragtens die Wet op Geneeshere as tandarts geregistreer is; (v)

- (xix) "regulation" means a regulation made and in force under this Act; (xviii)
- (xx) "sell" means sell by wholesale or retail for human use, and includes import, offer, advertise, keep, expose, transmit, consign, convey or deliver for sale, or authorize, direct or allow a sale or prepare or possess for purposes of sale and also barter or exchange or supply or dispose of to any person for any consideration whatsoever; and "sale" and "sold" have corresponding meanings; (xx)
- (xxi) "this Act" includes any regulations made thereunder; (viii)
- (xxii) "the territory" means the territory of South-West Africa. (iii)

(2) Drugs containing identical components produced by different manufacturers, whether within or without the Republic, shall for the purposes of this Act be deemed to be different drugs.

**Establishment,  
powers and  
functions of Drug  
Control Council.**

2. There is hereby established a council to be known as the Drug Control Council which may exercise the powers and shall perform the functions conferred upon or assigned to the council by this Act.

**Constitution  
of Council.**

3. (1) The council shall consist of not less than five or more than eleven members as may from time to time be determined by the State President.

(2) The following persons may be appointed by the State President as members of the council, namely—

- (a) not more than two persons who shall be medical practitioners who have a speciality in medicine entered in the appropriate register contemplated in section *fifteen* of the Medical Act;
- (b) not more than one person who shall be a medical practitioner engaged in general medical practice;
- (c) not more than two persons who shall have special knowledge of the action and application of drugs;
- (d) not more than one person who shall be a chemist and druggist;
- (e) not more than two persons who shall be officers of the Department of Health; and
- (f) not more than three additional persons.

(3) If two persons are appointed in terms of paragraph (c) of sub-section (2) at least one of them shall also be a medical practitioner.

(4) No person shall be appointed in terms of paragraph (f) of sub-section (2) unless he—

- (a) is a medical practitioner who has a speciality in medicine entered in the appropriate register contemplated in section *fifteen* of the Medical Act; or
- (b) has special knowledge of drugs.

**Period of office  
and remuneration  
of members of  
the council.**

4. (1) A member of the council shall be appointed for a period of five years.

(2) Any person whose period of office as a member of the council has expired, shall be eligible for re-appointment.

(3) The Minister shall give notice in the *Gazette* of the appointment of any member of the council and the date from which his membership commences and, in the case of a member appointed to fill a casual vacancy on the council, the period for which he is appointed.

(4) A member of the council (other than a person who is in the full-time employment of the State) shall receive such remuneration and such allowances in respect of his services as a member of the council or of any committee thereof, as the State President may determine.

**Chairman and  
vice-chairman.**

5. (1) One of the members of the council shall be designated by the State President as chairman of the council and another member shall be designated by the State President as vice-chairman to act as chairman during the absence of the chairman.

(2) The deputy chairman, when acting as chairman as provided in sub-section (1), shall have all the powers and discharge all the duties of the chairman.

**Disqualification,  
vacation of office  
and filling of  
vacancies.**

6. (1) No person shall be appointed 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;
- (c) who has a direct or indirect interest in the sale of any drug; or
- (d) who is not a South African citizen permanently resident in the Republic or the territory.

- (xx) „verkoop” by die groot of klein maat verkoop vir menslike gebruik en ook vir verkoop, invoer, aanbied, adverteer, hou, uitstal, versend, stuur, vervoer of lewer, of ’n verkoop magtig, gelas of toelaat, of vir verkoop berei of besit en verder ook ruil of verruil of verskaf of van die hand sit aan enigiemand teen enige teenprestasie hoegenaamd; en „verkoop” as ’n selfstandige naamwoord het ’n ooreenstemmende betekenis; (xx)
- (xxi) „voorgeskrif” by of kragtens hierdie Wet voorgeskryf; (xv)
- (xxii) „Wet op Geneeshere” die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928). (ix)
- (2) Medisyne met dieselfde bestanddele wat deur verskillende vervaardigers geproduseer word, hetsy binne of buite die Republiek, word by die toepassing van hierdie Wet geag verskillende medisyne te wees.

2. Daar word hierby ’n raad ingestel met die naam van die Medisyne Beheerraad wat die bevoegdhede kan uitoefen en die werksaamhede moet verrig wat by hierdie Wet aan die raad verleen of toegewys is.
 Instelling, bevoegdhede en werksaamhede van Medisyne Beheerraad.

3. (1) Die raad bestaan uit minstens vyf en hoogstens elf lede soos van tyd tot tyd deur die Staatspresident bepaal.
 Samestelling van raad.

(2) Die volgende persone kan deur die Staatspresident as lede van die raad aangestel word, naamlik—

- (a) hoogstens twee persone wat geneeshere moet wees wat ’n spesialiteit in geneeskunde besit wat in die gepaste in artikel vyftien van die Wet op Geneeshere beoogde register ingeskryf is;
- (b) hoogstens een persoon wat ’n geneesheer moet wees wat ’n algemene mediese praktyk het;
- (c) hoogstens twee persone wat besondere kennis moet hê van die werking en toediening van medisyne;
- (d) hoogstens een persoon wat ’n apteker moet wees;
- (e) hoogstens twee persone wat beamptes van die Departement van Gesondheid moet wees; en
- (f) hoogstens drie addisionele persone.

(3) Indien twee persone ingevolge paragraaf (c) van sub-artikel (2) aangestel word, moet minstens een van hulle ook ’n geneesheer wees.

(4) Niemand word ingevolge paragraaf (f) van sub-artikel (2) aangestel nie tensy hy—

- (a) ’n geneesheer is wat ’n spesialiteit in geneeskunde besit wat in die gepaste in artikel vyftien van die Wet op Geneeshere beoogde register ingeskryf is; of
- (b) spesiale kennis van medisyne besit.

4. (1) ’n Lid van die raad word vir ’n tydperk van vyf jaar aangestel.
 Ampstermyn en besoldiging van lede van die raad.

(2) Iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word.

(3) Die Minister gee in die *Staatskoerant* kennis van die aanstelling van ’n lid van die raad en die datum vanaf wanneer sy lidmaatskap begin en, in die geval van ’n lid wat aangestel word om ’n toevallige vakature op die raad te vul, die tydperk waarvoor hy aangestel word.

(4) ’n Lid van die raad (behalwe iemand wat voltyds in diens van die Staat is) ontvang die besoldiging en die toelae ten opsigte van sy dienste as ’n lid van die raad of van enige komitee daarvan, wat die Staatspresident bepaal.

5. (1) Een van die lede van die raad word deur die Staatspresident as voorsitter van die raad aangewys en ’n ander lid word deur die Staatspresident as onder-voorsitter aangewys om gedurende die afwesigheid van die voorsitter as voorsitter op te tree.
 Voorsitter en onder-voorsitter.

(2) Terwyl die onder-voorsitter as voorsitter optree soos in sub-artikel (1) bepaal, het hy al die bevoegdhede en vervul hy al die pligte van die voorsitter.

6. (1) Niemand word as lid van die raad aangestel nie—

- (a) wat ’n ongerehabiliteerde insolvente persoon is;
- (b) wat ingevolge die Wet op Geneeshere onbevoeg geword het om sy beroep te beoefen, terwyl hy aldus onbevoeg is;
- (c) wat ’n direkte of indirekte belang by die verkoop van enige medisyne het; of
- (d) wat nie ’n Suid-Afrikaanse burger is wat permanent in die Republiek of die gebied woonagtig is nie.

Onbevoegdhede, ontruiming van amp en die vul van vakatures.

- (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;
  - (c) if he becomes of unsound mind;
  - (d) if he is convicted of an offence and is sentenced to imprisonment without the option of a fine; or
  - (e) if he has been absent from more than two consecutive meetings of the council without the council's leave.

(3) If the office of any member of the council becomes vacant before the expiration of the period for which he was appointed, the State President may, subject to the applicable provisions of section *three*, appoint another person to hold office for the unexpired portion of the period for which his predecessor was appointed.

(4) For the purposes of paragraph (c) of sub-section (1) a medical practitioner or a chemist and druggist shall not be deemed to have an interest in the sale of any drug by reason only of the fact that—

- (a) in the case of a medical practitioner, he sells the drug in question in the course of carrying on his professional activities as a medical practitioner; or
- (b) in the case of a chemist and druggist, he sells the drug in question in the course of any business carried on under a licence referred to in Item 7 of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962).

Meetings of the council.

7. (1) The first meeting of the council shall be held at a time and place to be fixed by the Minister, and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as may be fixed by the council: Provided that the council shall hold at least one meeting in any period of three months and if at the close of any meeting the council has not fixed the time and place for its next meeting, such time and place shall be fixed by the chairman.

(2) The chairman of the council may at any time call a special meeting of the council to be held at such time and place as he may determine, and shall, upon a written request signed by not less than three members of the council, call a special meeting thereof to be held within two weeks after the date of receipt of such request, at such time and place as he may determine.

Quorum, majority decision and chairman's casting vote.

8. (1) A majority of all the members of the council shall form a quorum for any meeting of the council.

(2) At all meetings of the council the chairman, or in his absence the vice-chairman, or in the absence of both the chairman and the vice-chairman, some other member of the council chosen by the members present shall preside.

(3) The decision of a majority of the members of the council present at any meeting thereof shall constitute a decision of the council, and in the event of an equality of votes in regard to any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(4) No decision or act done under the authority of the council shall be invalid by reason only of an interim vacancy on the council or of the fact that a person who is disqualified from being a member of the council, or with respect to whose appointment the provisions of this Act had not been observed, sat or acted as a member at the time when the decision was taken or the act was performed or authorized, if the decision was taken or the act was performed or authorized by a majority of the members of the board present at the time who were entitled to sit and act as members.

Appointment of executive committee and other committees.

9. (1) The council may appoint—

- (a) from among its members an executive committee; and
- (b) subject to the approval of the Minister, such other committees as it may deem necessary to investigate and report to it on any matter within the purview of the council in terms of this Act.

(2) The executive committee may, subject to the directions of the council, exercise all the powers and perform all the functions of the council during periods between meetings of the council, but shall not have the power, save in so far as the council otherwise directs, to set aside or vary any decision of the council, and any action taken or decision made by the

- (2) 'n Lid van die raad ontruim sy amp—
- indien hy aan 'n in sub-artikel (1) bedoelde onbevoegdheid onderhewig word;
  - indien hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is;
  - indien hy kranksinnig word;
  - indien hy weens 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonniss word; of
  - indien hy sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad afwesig was.
- (3) Indien die setel van 'n lid van die raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Staatspresident, met inagneming van die toepaslike bepalings van artikel drie 'n ander persoon aanstel om sy amp te beklee vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel was.
- (4) By die toepassing van paragraaf (c) van sub-artikel (1) word 'n geneesheer of 'n apteker nie geag 'n belang by die verkoop van enige medisyne te hê nie bloot omrede die feit dat hy—
- in die geval van 'n geneesheer, die betrokke medisyne in die loop van die verrigting van sy professionele werksaamhede as 'n geneesheer, verkoop; of
  - in die geval van 'n apteker, die betrokke medisyne in die loop van enige besigheid wat kragtens 'n in Item 7 van die Tweede Bylae by die Wet op Lisensies, 1962 (Wet No. 44 van 1962) bedoelde lisensie gedryf word, verkoop.
7. (1) Die eerste vergadering van die raad word gehou op 'n Vergaderings  
van die raad. tyd en plek wat die Minister vasstel, en alle daaropvolgende vergaderings word, behoudens die bepalings van sub-artikel (2), gehou op die tye en plekke wat die raad bepaal: Met dien verstande dat die raad minstens een vergadering in enige tydperk van drie maande moet hou en indien die raad aan die einde van 'n vergadering nie die tyd en plek vir sy volgende vergadering bepaal het nie, die voorsitter sodanige tyd en plek moet bepaal.
- (2) Die voorsitter van die raad kan te eniger tyd 'n buitengewone vergadering van die raad belê wat gehou word op 'n tyd en plek deur hom vasgestel en moet op skriftelike versoek wat deur minstens drie lede van die raad onderteken is, 'n buitengewone vergadering van die raad belê wat op 'n tyd en plek deur hom bepaal, gehou word binne twee weke vanaf die datum van ontvangs van bedoelde versoek.
8. (1) Die meerderheid van al die lede van die raad maak 'n kworum vir 'n raadsvergadering uit. Kworum, meerderheidsbesluit en voorsitter se beslissende stem.
- (2) By alle vergaderings van die raad moet die voorsitter, of in sy afwesigheid die onder-voorsitter, of in die afwesigheid van sowel die voorsitter as die onder-voorsitter, 'n ander lid van die raad wat gekies word deur die lede wat teenwoordig is, voorsit.
- (3) Die beslissing van 'n meerderheid van die lede van die raad wat op 'n raadsvergadering aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.
- (4) Geen besluit of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die raad of omdat 'n persoon wat onbevoeg is om 'n lid van die raad te wees, of met betrekking tot wie se aanstelling die bepalings van hierdie Wet nie nagekom is nie, as 'n raadslid sitting geneem of opgetree het toe die besluit geneem of die handeling verrig of gemagtig is nie, mits die besluit geneem of die handeling verrig of gemagtig is deur 'n meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem en op te tree.
9. (1) Die raad kan—
- uit sy lede 'n uitvoerende komitee aanstel; en
  - onderworpe aan die goedkeuring van die Minister, die ander komitees aanstel wat hy nodig ag om ondersoek in te stel en verslag aan hom te doen oor enige aangeleentheid wat ingevolge hierdie Wet binne die bestek van die raad val.
- (2) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, gedurende tydperke tussen raadsvergaderings al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig, maar is, behalwe vir sover die raad anders gelas, nie bevoeg om 'n besluit van die raad ter syde te stel of te wysig nie, en enige stappe deur die uitvoerende komitee
- Aanstelling van uitvoerende komitee en ander komitees.

executive committee shall be subject to review at the first ensuing meeting of the council.

(3) The council may appoint such persons, including persons other than members of the council, as it may deem fit to be members of any committee appointed in terms of paragraph (b) of sub-section (1).

(4) There shall be payable to a member of a committee of the council (other than a member of the council or a person who is in the full-time employment of the State) such travelling and subsistence allowances, while he is engaged in the carrying out of his duties as a member of such committee, as the Minister may, in consultation with the Minister of Finance, determine.

**Appointment of Registrar of Drugs.**

10. (1) The Minister may, subject to the laws governing the public service and after consultation with the council appoint an officer to be styled the Registrar of Drugs who shall perform the functions and carry out the duties assigned to or imposed upon the registrar by or under this Act and such other functions and duties as may from time to time be assigned to or imposed upon him by the Minister or the Secretary for Health.

(2) The registrar shall also act as secretary of the council.

**Drugs register.**

11. The registrar shall keep in the prescribed form a register to be known as the drugs register, in which he shall register all drugs the registration of which has been approved by the council and in which he shall enter all such particulars in regard to such drugs as are required by this Act to be entered therein.

**Prohibition of sale of drugs which are not registered.**

12. (1) Save as provided in this section or section *nineteen*, no person shall sell any drug unless it is registered.

(2) In the case of any drug which was available for sale in the Republic or the territory immediately prior to the commencement of this Act, the provisions of sub-section (1) shall come into operation—

(a) if no application for the registration of such drug is made within the period of three months immediately succeeding the date of commencement of this Act, on the expiration of such period; or

(b) if application for the registration of such drug is made within the said period, on the date seven days after the date on which a notice in connection with such drug is published in the *Gazette* in terms of sub-section (8) of section *thirteen* or paragraph (a) of section *fifteen*.

(3) The provisions of sub-section (1) shall not apply in respect of the sale of any drug compounded by a medical practitioner or a chemist and druggist for the treatment of a particular person and supplied to or on behalf of such person unless such drug contains any component the sale of which is prohibited by this Act.

**Registration of drugs.**

13. (1) Every application for the registration of a drug shall be submitted to the registrar in the prescribed form and shall be accompanied by the prescribed particulars and samples of the relative drug and by the prescribed registration fee.

(2) The registrar shall submit any such application together with any particulars and samples which accompanied that application to the council for consideration.

(3) (a) If after consideration of any such application and after any investigation or enquiry which it may consider necessary the council is satisfied that the drug in question is suitable for the purpose for which it is intended and complies with the prescribed requirements and that registration of that drug is in the public interest, it shall approve of the registration thereof.

(b) If the council is not so satisfied it shall reject the application.

(4) When the council has approved of the registration of any drug the registrar shall register that drug and shall enter in the register such particulars in regard to the drug as are required by this Act to be so entered and shall issue to the applicant a certificate of registration in the prescribed form in respect of that drug.

(5) Every drug shall be registered under its generic name or under such other name as the council may determine.

gedoen of besluit deur hom geneem, is onderhewig aan hersiening op die eersvolgende vergadering van die raad.

(3) Die raad kan die persone, insluitende persone wat nie lede van die raad is nie, aanstel wat hy goedgevind om lede te wees van 'n komitee wat ingevolge paragraaf (b) van sub-artikel (1) aangestel word.

(4) Daar word aan 'n lid van 'n komitee van die raad (behalwe 'n lid van die raad of iemand wat voltyds in diens van die Staat is) die reis- en verblyftoelae betaal terwyl hy besig is met die uitvoering van sy pligte as lid van sodanige komitee, wat die Minister, in oorleg met die Minister van Finansies, bepaal.

10. (1) Die Minister kan, behoudens die wetsbepalings op die Staatsdiens en na oorlegpleging met die raad, 'n beamppte die Registrateur van Medisyne genoem, aanstel, wat die werksaamhede verrig en die pligte uitvoer wat by of kragtens hierdie Wet aan die registrateur toegewys word of hom opgelê word en die ander werksaamhede en pligte wat van tyd tot tyd deur die Minister of die Sekretaris van Gesondheid aan hom toegewys word of hom opgelê word.

Aanstelling van Registrateur van Medisyne.

(2) Die registrateur tree ook as sekretaris van die raad op.

11. Die registrateur moet in die voorgeskrewe vorm 'n Medisyne register, bekend as die medisyne register, hou, waarin hy alle medisyne, die registrasie waarvan deur die raad goedgekeur is, moet registreer en waarin hy al die besonderhede met betrekking tot sodanige medisyne moet aanteken wat volgens hierdie Wet daarin aangeteken moet word.

Medisyne register.

12. (1) Behoudens die bepalinge van hierdie artikel of artikel negentien, mag niemand enige medisyne verkoop nie tensy dit geregistreer is.

Verbod op verkoop van medisyne wat nie geregistreer is nie.

(2) In die geval van enige medisyne wat vir verkoop beskikbaar was in die Republiek of die gebied onmiddellik voor die inwerkingtreding van hierdie Wet, tree die bepalinge van sub-artikel (1) in werking—

(a) indien geen aansoek om die registrasie van sodanige medisyne gedoen word nie binne die tydperk van drie maande onmiddellik na die datum van inwerkingtreding van hierdie Wet, by die verstryking van sodanige tydperk; of

(b) indien aansoek om die registrasie van sodanige medisyne wel binne genoemde tydperk gedoen word, op die datum sewe dae na die datum waarop 'n kennisgewing in verband met sodanige medisyne ingevolge sub-artikel (8) van artikel dertien of paragraaf (a) van artikel vyftien in die Staatskoerant gepubliseer word.

(3) Die bepalinge van sub-artikel (1) is nie van toepassing nie ten opsigte van die verkoop van enige medisyne wat deur 'n geneesheer of 'n apteker berei word vir die behandeling van 'n besondere persoon en wat aan of ten behoeve van sodanige persoon verskaf word tensy sodanige medisyne 'n bestanddeel bevat waarvan die verkoop deur hierdie Wet verbied word.

13. (1) Elke aansoek om die registrasie van 'n medisyne moet in die voorgeskrewe vorm aan die registrateur voorgelê word en moet vergesel wees van die voorgeskrewe besonderhede en monsters van die betrokke medisyne en die voorgeskrewe registrasiegeld.

Registrasie van medisyne.

(2) Die registrateur moet enige sodanige aansoek, tesame met enige besonderhede en monsters wat daardie aansoek vergesel het, aan die raad vir oorweging voorlê.

(3) (a) Indien die raad, na oorweging van enige sodanige aansoek en na enige ondersoek of navraag wat hy nodig ag, oortuig is dat die betrokke medisyne geskik is vir die doel waarvoor dit bestem is en voldoen aan die voorgeskrewe vereistes en dat registrasie van daardie medisyne in die openbare belang is, moet hy die registrasie daarvan goedkeur.

(b) Indien die raad nie aldus oortuig is nie moet hy die aansoek weier.

(4) Wanneer die raad die registrasie van enige medisyne goedgekeur het, moet die registrateur daardie medisyne registreer en in die register die besonderhede met betrekking tot die medisyne aanteken wat hierdie Wet vereis dat dit aldus aange teken word en moet aan die applikant 'n registrasiesertifikaat in die voorgeskrewe vorm ten opsigte van daardie medisyne uitreik.

(5) Elke medisyne word onder sy soortnaam of onder die ander naam wat die raad bepaal geregistreer.

(6) The registrar shall allocate to every drug registered under this Act a registration number which shall be recorded in the register opposite the name of such drug and which shall be stated in the certificate of registration issued in respect of such drug.

(7) Any registration under this section may be made subject to such conditions as may be determined by the council and shall be valid for such period as may be prescribed.

(8) If the council rejects any application in respect of a drug referred to in sub-section (2) of section *twelve* such rejection shall forthwith be notified by the registrar in the *Gazette*.

Cancellation of registration.

14. If the council—

- (a) is satisfied that any person has failed to comply with any condition subject to which any drug has been registered;
- (b) is satisfied that any drug does not comply with any prescribed requirement; or
- (c) is for any reason of the opinion that it is not in the public interest that any drug shall be available to the public,

the registrar shall, on the directions of the council, cancel the registration of such drug.

Notification of registration, or cancellation of registration in *Gazette*.

15. The registrar shall give notice in the *Gazette* of the registration or cancellation of the registration of any drug in terms of this Act, and shall in such notice specify—

- (a) in the case of a registration of any drug, the name under which such drug is registered, the name of the manufacturer thereof, the number allocated to it in terms of section *thirteen* and the conditions (if any) subject to which it is registered;
- (b) in the case of a cancellation of the registration of any drug, the name under which such drug was registered and the number which was allocated to it in terms of section *thirteen*.

Name under which drug is registered and number to appear on labels.

16. (1) No person shall sell any drug registered under this Act unless the package in which such drug is sold bears a label stating the number allocated to such drug in terms of section *thirteen* followed immediately by the name under which such drug is registered.

(2) No person shall in writing advertise any such drug for sale unless the name under which it is registered and the number allocated to it in terms of section *thirteen* is stated in the advertisement.

(3) No trade name shall appear on the label attached to the package in which any such drug is sold or in any written advertisement relating to any such drug unless it appears immediately after the name under which such drug is registered and in such a manner that it is less conspicuous than the name under which such drug is registered.

Prohibition of sale of drugs which do not comply with prescribed requirements.

17. No person shall sell any drug unless it complies with the prescribed requirements.

Publication or distribution of false advertisements concerning drugs.

18. (1) No person shall publish or distribute or in any other manner whatsoever bring to the notice of the public or cause or permit to be published or distributed or to be so brought to the notice of the public any false or misleading advertisement concerning any drug.

(2) It shall be a sufficient defence in any prosecution for an offence under sub-section (1) if it is proved to the satisfaction of the court that the accused, not being a person selling the drug to which the false or misleading advertisement which is the subject of the prosecution relates, did not know, and could not reasonably be expected to have known, that the advertisement was in any respect false or misleading unless it is proved that the accused failed on demand by the registrar or an inspector or a member of the South African Police to furnish the name and address of the person at whose instance the advertisement was published, distributed or so brought to the notice of the public.

(6) Die registrateur moet aan elke medisyne wat kragtens hierdie Wet geregistreer word 'n registrasienommer toewys wat in die register ingeskryf moet word teenoor die naam van sodanige medisyne en wat vermeld moet word in die registrasiesertifikaat wat ten opsigte van sodanige medisyne uitgereik word.

(7) Enige registrasie kragtens hierdie artikel kan onderworpe gestel word aan die voorwaardes wat die raad bepaal en is geldig vir die tydperk wat voorgeskryf word.

(8) Indien die raad 'n aansoek ten opsigte van 'n in sub-artikel (2) van artikel twaalf bedoelde medisyne weier, moet die weiering onverwyld deur die registrateur in die *Staatskoerant* bekend gemaak word.

14. Indien die raad—

- (a) oortuig is dat iemand versuim het om te voldoen aan 'n voorwaarde waarop 'n medisyne geregistreer is;
- (b) oortuig is dat enige medisyne nie voldoen aan enige voorgeskrewe vereistes; of
- (c) om enige rede van mening is dat dit nie in die openbare belang is dat enige medisyne aan die publiek beskikbaar moet wees nie,

moet die registrateur, op las van die raad, die registrasie van sodanige medisyne, intrek.

Intrekking van registrasie.

15. Die registrateur moet in die *Staatskoerant* kennis gee van die registrasie of intrekking van die registrasie van enige medisyne ingevolge hierdie Wet, en moet in sodanige kennisgewing vermeld—

- (a) in die geval van 'n registrasie van enige medisyne, die naam waaronder sodanige medisyne geregistreer is, die naam van die vervaardiger daarvan, die nommer daarvan toegewys ingevolge artikel dertien en die voorwaardes (as daar is) waaraan die registrasie onderworpe gestel is;
- (b) in die geval van 'n intrekking van die registrasie van enige medisyne, die naam waaronder sodanige medisyne geregistreer was en die nommer wat daaraan toegewys was ingevolge artikel dertien.

Bekendmaking van registrasie of intrekking van registrasie in *Staatskoerant*.

16. (1) Niemand mag enige medisyne wat kragtens hierdie Wet geregistreer is, verkoop nie, tensy die pakket waarin sodanige medisyne verkoop word 'n etiket aan het wat die nommer wat aan sodanige medisyne ingevolge artikel dertien toegewys is, vermeld, gevolg onmiddellik deur die naam waaronder sodanige medisyne geregistreer is.

Naam waaronder medisyne geregistreer is en nommer moet op etikette verskyn.

(2) Niemand mag enige sodanige medisyne skriftelik vir verkoop adverteer nie tensy die naam waaronder dit geregistreer is en die nommer wat ingevolge artikel dertien daarvan toegewys is in die advertensie vermeld word.

(3) Geen handelsnaam mag op die etiket geheg aan die pakket waarin enige sodanige medisyne verkoop word of in enige skriftelike advertensie met betrekking tot enige sodanige medisyne, verskyn nie, tensy dit onmiddellik na die naam waaronder sodanige medisyne geregistreer is, verskyn en op so 'n wyse dat dit minder in die oog lopend is as die naam waaronder sodanige medisyne geregistreer is.

17. Niemand mag enige medisyne verkoop nie tensy dit aan die voorgeskrewe vereistes voldoen.

Verbod op verkoop van medisyne wat nie aan voorgeskrewe vereistes voldoen nie.

18. (1) Niemand mag 'n vals of misleidende advertensie betreffende enige medisyne publiseer of versprei of op enige ander wyse hoegenaamd tot die kennis van die publiek bring nie, of bewerkstellig of toelaat dat so 'n advertensie gepubliseer of versprei of tot die kennis van die publiek gebring word nie.

Publikasie of verspreiding van vals advertensies betreffende medisyne.

(2) Dit is 'n voldoende verdediging by enige vervolging weens 'n misdryf ingevolge sub-artikel (1) as dit tot die oortuiging van die hof bewys word dat die beskuldigde, indien hy nie iemand is nie wat die medisyne verkoop waarop die vals of misleidende advertensie, wat die onderwerp van die vervolging uitmaak, betrekking het, nie geweet het nie, en nie redelikerwys van hom verwag kan word om te geweet het nie, dat die advertensie in enige opsig vals of misleidend was tensy dit bewys word dat die beskuldigde versuim het om op versoek van die registrateur of 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie die naam en adres te verstrek van die persoon op wie se versoek die advertensie gepubliseer, versprei of aldus tot die kennis van die publiek gebring is.

Council may authorize sale of unregistered drug for certain purposes.

19. (1) The council may in writing authorize any person to sell during a specified period to any specified institution a specified quantity of any particular drug which is not registered.
- (2) Any drug sold in pursuance of any authority granted under sub-section (1) may be used in the institution concerned for such purposes and in such manner and during such period as the council may in writing determine.
- (3) The council may at any time by notice in writing withdraw any authority granted in terms of sub-section (1) if effect is not given to any determination made in terms of sub-section (2).

Council to furnish certain information to medical and dental practitioners.

20. The council shall, in such manner as it considers most suitable—
- (a) as soon as practicable after any drug has been registered, inform medical practitioners and dental practitioners—
- of the name and number under which such drug is registered and the conditions, if any, subject to which such drug is registered;
  - of the therapeutic efficacy and effect of such drug;
  - of the purpose for which such drug should be used, the circumstances under which it should be used and the manner in which it should be used; and
  - regarding any other matter concerning such drug which, in the opinion of the council, may be of value to them in connection with their professional activities;
- (b) as soon as practicable after the registration of any drug has been cancelled in terms of section *fourteen*, inform medical practitioners and dental practitioners of the cancellation of such registration.

Council's power to direct destruction of certain drugs.

21. If the council is of the opinion that it is not in the public interest that any drug shall be available to the public, it may—
- (a) by notice in writing transmitted by registered post to any person direct that person; or
- (b) by notice in the *Gazette* direct any person, to destroy any quantity of such drug which he has in his possession or to deal therewith in such manner as may be specified in such notice.

Privileges of council and committees.

22. No legal proceedings shall lie against the council or any committee appointed under sub-section (1) of section *nine* or any member of the council or of any such committee in respect of any act done by the council or any such committee in the exercise of its powers or the performance of its functions under this Act.

Appointment of inspectors.

23. (1) The Minister may, subject to the laws governing the public service, appoint such inspectors, who shall be officers of the Department of Health, as he may deem necessary for the proper enforcement of this Act.
- (2) Every inspector shall be furnished with a certificate signed by the registrar stating that he has been appointed as an inspector under this Act.
- (3) An inspector shall on demand by any person affected by the exercise or the performance by him of any power or function under this Act, exhibit the certificate referred to in sub-section (2).

Appointment of analysts, pharmacologists and pathologists.

24. (1) The Minister may appoint such analysts, pharmacologists and pathologists as he may deem necessary for the proper enforcement of this Act.
- (2) Every appointment made under sub-section (1) shall be notified in the *Gazette*.

Powers of inspectors.

25. (1) An inspector may at all reasonable times—
- enter upon any premises, place, vehicle, vessel or aircraft at or in which there is or is on reasonable grounds suspected to be any drug;
  - inspect any drug, or any book, record or document found in or upon such premises, place, vehicle, vessel or aircraft;
  - seize any such drug, or any books, records or documents found in or upon such premises, place, vehicle, vessel

19. (1) Die raad kan enige persoon skriftelik magtig om gedurende 'n bepaalde tydperk 'n bepaalde hoeveelheid van 'n besondere medisyne wat nie geregistreer is nie aan 'n bepaalde inrigting te verkoop. Raad kan verkoop van ongeregi-streerde medisyne vir sekere doel-eindes magtig.

(2) Enige medisyne wat uit hoofde van 'n kragtens sub-artikel (1) verleende magtiging verkoop word, kan in die betrokke inrigting gebruik word vir die doeleindes en op die wyse en gedurende die tydperk wat die raad skriftelik bepaal.

(3) Die raad kan te eniger tyd by skriftelike kennisgewing enige magtiging wat ingevolge sub-artikel (1) verleen is, intrek, indien daar nie aan enige bepaling wat ingevolge sub-artikel (2) gemaak is, gevolg gegee word nie.

20. Die raad moet, op die wyse wat hy die geskikste ag—

(a) so spoedig doenlik nadat 'n medisyne geregistreer is, geneeshere en tandartse verwittig van— Raad moet sekere inligting aan geneeshere en tandartse verstrek.

(i) die naam en nommer waaronder sodanige medisyne geregistreer is en die voorwaardes (as daar is) waaraan die medisyne se registrasie onderworpe gestel is;

(ii) die terapeutiese doeltreffendheid en effek van sodanige medisyne;

(iii) die doel waarvoor sodanige medisyne gebruik moet word, die omstandighede waaronder dit gebruik moet word en die wyse waarop dit gebruik moet word; en

(iv) enige ander aangeleentheid betreffende sodanige medisyne wat, na die mening van die raad, vir hulle van waarde kan wees in verband met hulle professionele bedrywighede;

(b) so spoedig doenlik nadat die registrasie van 'n medisyne ingevolge artikel veertien ingetrek is geneeshere en tandartse van die intrekking van sodanige registrasie verwittig.

21. Indien die raad van mening is dat dit nie in die openbare belang is dat 'n medisyne aan die publiek beskikbaar moet wees nie, kan hy— Bevoegdheid van raad om vernietiging van sekere medisyne te gelas.

(a) by skriftelike kennisgewing per aangetekende pos aan enige persoon gestuur, daardie persoon gelas; of

(b) by kennisgewing in die *Staatskoerant*, enige persoon gelas,

om enige hoeveelheid van sodanige medisyne wat hy in sy besit het te vernietig of om daarmee te handel op die wyse in sodanige kennisgewing bepaal.

22. Geen regsgeding kan teen die raad of 'n kragtens sub-artikel (1) van artikel nege aangestelde komitee of 'n lid van die raad of van enige sodanige komitee ten opsigte van enige handeling verrig deur die raad of enige sodanige komitee by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede kragtens hierdie Wet, ingestel word nie. Privilege van raad.

23. (1) Die Minister kan, behoudens die wetsbepalings op die Staatsdiens, die inspekteurs, wat amptenare van die Departement van Gesondheid moet wees, aanstel wat hy vir die behoorlike toepassing van hierdie Wet nodig ag. Aanstelling van inspekteurs.

(2) Elke inspekteur moet van 'n deur die registrateur ondertekende sertifikaat voorsien word waarin verklaar word dat hy kragtens hierdie Wet as 'n inspekteur aangestel is.

(3) 'n Inspekteur moet op versoek van enige persoon wat geraak word deur die uitoefening of die verrigting deur hom van enige bevoegdheid of werksaamheid kragtens hierdie Wet, die in sub-artikel (2) bedoelde sertifikaat vertoon.

24. (1) Die Minister kan die ontleders, farmakoloë en patoloë wat hy vir die behoorlike toepassing van hierdie Wet nodig ag, aanstel. Aanstelling van ontleders, farmakoloë en patoloë.

(2) Elke aanstelling wat kragtens sub-artikel (1) gemaak word, moet in die *Staatskoerant* bekend gemaak word.

25. (1) 'n Inspekteur kan te alle redelike tye—

(a) 'n perseel, plek, voertuig, vaartuig of vliegtuig betree waarin of waarop daar enige medisyne is, of op redelike gronde vermoed word te wees; Bevoegdhede van inspekteurs.

(b) enige medisyne, of enige boek, aantekening of dokument wat in of op sodanige perseel, plek, voertuig, vaartuig of vliegtuig gevind word, inspekteer;

(c) op enige sodanige medisyne, of op enige boeke, aantekeninge of dokumente wat in of op sodanige perseel,

or aircraft which appear to afford evidence of a contravention of any provision of this Act;

- (d) take so many samples of any such drug as he may deem necessary for the purpose of testing, examination or analysis in terms of the provisions of this Act.

(2) Any sample taken in terms of paragraph (d) of sub-section (1) shall be taken in accordance with the prescribed methods and in the presence of the person who is in charge of such drug, or if there is no such person or if he is absent for any reason, in the presence of any other witness, and shall in the presence of such person or such witness be divided into three parts, each of which shall forthwith be fastened up and sealed and suitably labelled or marked in such manner as its nature may permit. One part shall then be transmitted to an analyst, pharmacologist or pathologist together with a certificate in the prescribed form signed by such inspector. The second part, together with a copy of the aforesaid certificate shall be handed or transmitted by registered post to the owner or seller of such drug or his agent. The third part shall be retained by the inspector.

(3) The analyst, pharmacologist or pathologist to whom one part of a sample has been transmitted in terms of the provisions of sub-section (2) shall with all convenient speed test, examine or analyse the sample delivered to him and the result of the test, examination or analysis shall be stated in a certificate in the prescribed form.

(4) The owner of the drug from which the sample was taken may claim from the Secretary for Health an amount equal to the market value thereof.

#### Offences.

#### 26. Any person who—

- (a) obstructs or hinders any inspector in the exercise of his powers or the carrying out of his duties under this Act; or
  - (b) contravenes or fails to comply with the provisions of sub-section (1) of section *twelve*, section *sixteen*, section *seventeen* or sub-section (1) of section *eighteen*; or
  - (c) contravenes or fails to comply with any condition imposed under sub-section (7) of section *thirteen*; or
  - (d) fails to comply with any direction given under section *twenty-one*; or
  - (e) tampers with any sample taken in terms of this Act, with fraudulent intent; or
  - (f) makes any false or misleading statement in connection with any drug—
    - (i) in an application for the registration thereof; or
    - (ii) in the course of the sale thereof; or
  - (g) sells any drug upon the container of which a false or misleading statement in connection with the contents is written; or
  - (h) for purposes of business or trade makes use of any report or certificate made or issued by an inspector, analyst, pharmacologist or pathologist under this Act,
- shall be guilty of an offence.

#### Penalties.

27. (1) Any person who is convicted of an offence referred to in section *twenty-six* shall be liable—

- (a) on a first conviction, to a fine not exceeding five hundred rand or, in default of payment of such fine, imprisonment for a period not exceeding six months; and
- (b) on a second or subsequent conviction, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) The court convicting any person of an offence under this Act may, upon the application of the prosecutor, declare any drug, in respect of which the offence has been committed to be forfeited to the State.

(3) Any drug forfeited under this Act shall be destroyed or otherwise dealt with as the Minister may direct.

#### Procedure and evidence.

#### 28. (1) In any criminal proceedings under this Act—

- (a) any quantity of a drug in or upon any premises, place, vehicle, vessel or aircraft at the time a sample thereof is taken, pursuant to the provisions of this Act shall, unless the contrary is proved, be deemed to possess the same properties as such sample;

plek, voertuig, vaartuig of vliegtuig gevind word, wat bewys skyn te lewer van 'n oortreding van enige bepaling van hierdie Wet, beslag lê;

(d) soveel monsters van enige sodanige medisyne neem as wat hy nodig ag vir die doel van 'n toets, ondersoek of ontleding ingevolge die bepalings van hierdie Wet.

(2) 'n Monster wat ingevolge paragraaf (d) van sub-artikel (1) geneem word, moet ooreenkomsig die voorgeskrewe metodes en in die teenwoordigheid van die persoon wat toesig het oor die medisyne geneem word, of, as daar nie so 'n persoon is nie of as hy om die een of die ander rede afwesig is, in die teenwoordigheid van 'n ander getuie, en word in die teenwoordigheid van sodanige persoon of sodanige getuie in drie dele verdeel, elk waarvan dadelik op die wyse wat die aard daarvan toelaat, verpak en verseël en behoorlik geëtiketteer of gemerk word. Een deel word dan gestuur aan 'n ontleder, farmakoloog of patoloog tesame met 'n sertifikaat in die voorgeskrewe vorm wat deur die inspekteur onderteken is. Die tweede deel, tesame met 'n afskrif van voormelde sertifikaat, word aan die eienaar of verkoper van sodanige medisyne of sy agent oorhandig of per aangetekende pos gestuur. Die derde deel word deur die inspekteur bewaar.

(3) Die ontleder, farmakoloog of patoloog aan wie een deel van 'n monster ooreenkomstig die bepalings van sub-artikel (2) gestuur is, moet die monster wat aan hom gelewer is so spoedig doenlik toets, ondersoek of ontlee en die resultaat van die toets, ondersoek of ontleding word aangeteken op 'n sertifikaat in die voorgeskrewe vorm.

(4) Die eienaar van die medisyne waaruit die monster geneem is, kan 'n bedrag gelykstaande met die markwaarde daarvan van die Sekretaris van Gesondheid eis.

#### 26. Iemand wat—

- (a) 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie Wet belemmer of hinder; of
- (b) die bepalings van sub-artikel (1) van artikel *twaalf*, artikel *sestien*, artikel *sewentien* of sub-artikel (1) van artikel *agtien* oortree of versuim om daaraan te voldoen; of
- (c) 'n voorwaarde opgelê kragtens sub-artikel (7) van artikel *dertien* oortree of versuim om daaraan te voldoen; of
- (d) versuim om aan 'n lasgewing uitgereik kragtens artikel *een-en-twintig* te voldoen; of
- (e) met frauduleuse bedoeling aan 'n monster wat ooreenkomstig hierdie Wet geneem is, peuter; of
- (f) in verband met enige medisyne 'n vals of misleidende verklaring maak—
  - (i) in 'n aansoek om die registrasie daarvan; of
  - (ii) by die verkoop daarvan; of
- (g) enige medisyne, op die houer waarvan 'n vals of misleidende verklaring in verband met die inhoud geskryf is, verkoop; of
- (h) vir besigheids- of handelsdoeleindes gebruik maak van enige verslag of sertifikaat wat kragtens hierdie Wet deur 'n inspekteur, ontleder, farmakoloog of patoloog gedoen of uitgereik is; is aan 'n misdryf skuldig.

27. (1) Iemand wat weens 'n in artikel *ses-en-twintig* bedoelde misdryf skuldig bevind word, is strafbaar—

- (a) by 'n eerste skuldigbevinding, met 'n boete van hoogstens vyfhonderd rand of, by wanbetaling van sodanige boete, gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
- (b) by 'n tweede of latere skuldig bevinding, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf.

(2) Die hof wat iemand weens 'n misdryf ingevolge hierdie Wet skuldig vind, kan op versoek van die vervolger, enige medisyne ten opsigte waarvan die misdryf gepleeg is, aan die Staat verbeurd verklaar.

(3) Enige kragtens hierdie Wet verbeurdverklaarde medisyne word vernietig of andersins mee gehandel soos die Minister gelas.

#### 28. (1) In 'n strafsak ingevolge hierdie Wet—

- (a) word 'n hoeveelheid medisyne wat in of op 'n perseel, plek, voertuig, vaartuig of vliegtuig is wanneer 'n monster daarvan ooreenkomstig die bepalings van hierdie Wet geneem word, tensy die teendeel bewys word, geag dieselfde eienskappe te besit as daardie monster;

Prosedure en  
 bewyslewering.

- (b) any person who is proved to have tampered with any sample shall be deemed to have acted with fraudulent intent unless the contrary is proved;
- (c) a certificate stating the result of a test, examination or analysis carried out in terms of the provisions of section *twenty-five* and purporting to be signed by the analyst, pharmacologist or pathologist who carried out such test, examination or analysis, shall be accepted as *prima facie* proof of the facts stated therein;
- (d) any statement or entry contained in any book or document kept by any owner of a drug, or by the manager, agent or employee of such owner or found upon or in any premises occupied by, or any vehicle used in the business of such owner, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by such owner, or by any manager, agent or employee of such owner in the course of his work as manager, or in the course of his agency or employment.

(2) No prosecution shall be instituted as a result of any test, examination or analysis carried out in terms of the provisions of section *twenty-five* unless a copy of the analyst's, pharmacologist's or pathologist's certificate has, at least twenty-one days before the institution of such prosecution, been handed or transmitted by registered post to the person who is to be the accused.

(3) The court in which any such certificate is adduced in evidence may in its discretion cause the person who signed such certificate to be summoned to give oral evidence in the proceedings in question or may cause written interrogatories to be submitted to him for reply and such interrogatories and any reply thereto, purporting to be a reply from such person, shall likewise be admissible in evidence in such proceedings.

Special defences  
in case of  
prosecutions.

29. It shall be a sufficient defence for a person charged with the sale of any drug in contravention of the provisions of section *seventeen*, if he proves to the satisfaction of the court—

- (a) that he purchased such drug from a person residing in the Republic who had furnished him with a written warranty that such drug complied with the prescribed requirements; and
- (b) that he had no reason to believe that such drug did not so comply.

Act or omission  
by manager,  
agent or employee.

30. (1) Whenever any manager, agent or employee of any person (hereinafter called the employer) does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the employer; and
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts whether lawful or unlawful of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any such employer does or omits to do an act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the employer.

- (b) word dit geag, wanneer daar bewys gelewer is dat iemand aan 'n monster gepeuter het, dat so iemand met frauduleuse bedoeling gehandel het, tensy die teendeel bewys word;
- (c) word 'n sertifikaat waarin die resultaat van 'n toets, ondersoek of ontleding wat ingevolge die bepalings van artikel vyf-en-twintig uitgevoer is, aangeteken is, en wat deur die ontleder, farmakoloog of patoloog wat die toets, ondersoek of ontleding uitgevoer het, onderteken te wees, aangeneem as *prima facie* bewys van die daarin vermelde feite;
- (d) is 'n verklaring of inskrywing wat bevat is in 'n boek of dokument wat deur enige eienaar van 'n medisyne of deur die bestuurder, agent of werknemer van sodanige eienaar gehou word, of wat gevind word op of in 'n perseel wat deur sodanige eienaar ge-okkupeer word, of op 'n voertuig wat in die besigheid van sodanige eienaar gebruik word, toelaatbaar by wyse van getuienis teen hom as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy dit bewys word dat daardie verklaring of inskrywing nie deur sodanige eienaar of deur 'n bestuurder, agent of werknemer van sodanige eienaar in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

(2) Geen vervolging mag ingestel word as gevolg van 'n toets, ondersoek of ontleding wat ingevolge die bepalings van artikel vyf-en-twintig uitgevoer is nie, tensy 'n afskrif van die ontleder, farmakoloog of patoloog se sertifikaat minstens een-en-twintig dae voor die instelling van sodanige vervolging aan die persoon wat die beskuldigde gaan wees oorhandig is of per aangetekende pos aan hom gestuur is.

(3) Die hof waarin so 'n sertifikaat as getuienis voorgelê word, kan na goëddunke die persoon wat die sertifikaat onderteken het, laat dagvaar om mondelinge getuienis in die betrokke saak af te lê of kan skriftelike vraagpunte aan hom vir beantwoording laat voorlê en sulke vraagpunte en enige antwoord daarop wat 'n antwoord van sodanige persoon heet te wees, is insgelyks as getuienis in so 'n saak toelaatbaar.

29. Dit is 'n voldoende verdediging vir iemand wat beskuldig word van die verkoop van 'n medisyne in stryd met die bepalings van artikel sewentien, as hy tot die oortuiging van die hof bewys—

Spesiale verdedigings in geval van vervolgings.

- (a) dat hy sodanige medisyne gekoop het van 'n persoon in die Republiek woonagtig wat aan hom 'n skriftelike waarborg verstrek het dat sodanige medisyne aan die voorgeskrewe vereistes voldoen; en
- (b) dat hy geen rede gehad het om te glo dat bedoelde medisyne nie aldus voldoen nie.

30. (1) Wanneer 'n bestuurder, agent of werknemer van enige persoon (hieronder die werkgewer genoem) enige daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan het, dan, tensy daar bewys word dat—

Daad of versuim van bestuurder, agent of werknemer.

- (a) die werkgewer daardie daad of versuim van die bestuurder, agent of werknemer nie deur die vingers gesien of toegelaat het nie; en
- (b) die werkgewer alle redelike stappe gedoen het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaardes of omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie.

word veronderstel dat die werkgewer self die daad of versuim begaan het, en kan hy ten opsigte daarvan skuldig bevind en gevonniss word; en die feit dat hy 'n daad of versuim van die betrokke soort verbied het, word nie op sigself aanvaar as voldoende bewys dat hy alle redelik stappe gedoen het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van enige sodanige werkgewer 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan, kan hy teen opsigte daarvan skuldig bevind en gevonniss word asof hy die werkgewer is.

(3) Enige sodanige bestuurder, agent of werknemer kan benewens die werkgewer aldus skuldig bevind en gevonniss word.

**Preservation of  
secrecy.**

31. Any person who discloses, except to the Minister or to any other person for the purpose of the carrying out of his duties or the performance of his functions under this Act or when required to do so by any court or under any law, any information acquired by him in the carrying out of any duty or the performance of any function under this Act, in relation to the business or affairs of any other person shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months.

**Regulations.**

32. (1) The council may, with the approval of the Minister, make regulations—

- (a) prescribing the persons by whom application may be made for the registration of any drug;
- (b) prescribing the forms which shall be used for any application for the registration of any drug and the particulars which shall be furnished with any such application (including particulars regarding the method by which the drug in question is manufactured and the premises in which it is manufactured);
- (c) prescribing the samples of any drug and the quantity thereof which shall accompany any application for the registration of a drug;
- (d) prescribing the form in which the drugs register shall be kept and the particulars which shall be entered therein in respect of any registered drug;
- (e) prescribing the form of any certificate of registration and the period of validity of the registration of any drug;
- (f) prescribing the manner in which any package containing any drug shall be labelled, packed or sealed;
- (g) prescribing the particulars in regard to the use thereof which shall be furnished with any drug sold and the manner in which such particulars shall be furnished;
- (h) prescribing the particulars that shall appear in any advertisement relating to any drug;
- (i) prescribing the requirements with which any drug shall comply in regard to composition, therapeutic suitability and effect, purity or any other property; and
- (j) prescribing the procedure at meetings of the council and of any committee appointed under section *nine* (including the quorum in the case of committees) and the manner in which meetings of any such committee shall be called.

(2) The Minister may, after consultation with the council, make regulations—

- (a) prescribing the methods in accordance with which samples may be taken under this Act and the form of the certificates to be issued by inspectors in respect of such samples;
- (b) prescribing the methods to be employed and the form of the certificates to be issued in connection with the testing, examination or analysis of samples taken under this Act;
- (c) prescribing the fee to be paid to the registrar in respect of any application for the registration of a drug; and
- (d) generally for the efficient carrying out of the objects and purposes of this Act.

(3) No regulation shall be made under paragraph (c) of subsection (2) except in consultation with the Minister of Finance.

(4) Different regulations may be made under this section in respect of different drugs or different classes or categories of drugs.

(5) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of two hundred rand or imprisonment for a period of three months.

**Exclusion of any  
drug from operation of Act.**

33. The Minister may, on the recommendation of the council, by notice in the *Gazette* exclude, subject to such conditions as he may determine, any drug from the operation of any or all of the provisions of this Act and may in like manner amend or withdraw any such notice.

31. Iemand wat, behalwe aan die Minister of aan 'n ander persoon vir die doel van die uitvoering van sy pligte of die verrigting van sy werksaamhede ingevolge hierdie Wet, of wanneer dit deur 'n hof of ingevolge 'n wet van hom vereis word, enige inligting aangaande die besigheid of sake van 'n ander persoon wat hy by die uitvoering van 'n plig of verrigting van 'n werksaamheid ingevolge hierdie Wet ingewin het, openbaar maak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande. Geheimhouding.

32. (1) Die raad kan, met die goedkeuring van die Minister, Regulasies.  
regulasies uitvaardig—

- (a) wat die persone voorskryf deur wie aansoek om die registrasie van 'n medisyne gedoen kan word;
- (b) wat die vorms wat by 'n aansoek om die registrasie van 'n medisyne gebruik moet word en die besonderhede wat saam met so 'n aansoek verstrekk moet word (met inbegrip van besonderhede betreffende die metode waarvolgens die betrokke medisyne vervaardig word en die perseel waarop dit vervaardig word), voorskryf;
- (c) wat die monsters van enige medisyne en die hoeveelheid daarvan wat 'n aansoek om die registrasie van 'n medisyne moet vergesel, voorskryf;
- (d) wat die vorm waarin die medisyne register gehou moet word en die besonderhede wat ten opsigte van enige geregistreerde medisyne daarin aangeteken moet word, voorskryf;
- (e) wat die vorm van 'n registrasiesertifikaat en die geldigheidsduur van die registrasie van enige medisyne voorskryf;
- (f) wat die wyse waarop 'n pakket wat enige medisyne bevat geëtiketteer, gepak of verseël moet word, voorskryf;
- (g) wat die besonderhede met betrekking tot die gebruik daarvan wat tesame met enige medisyne wat verkoop word, verstrekk moet word en die wyse waarop sodanige besonderhede verstrekk moet word, voorskryf;
- (h) wat die besonderhede wat in enige advertensie betreffende 'n medisyne moet verskyn, voorskryf;
- (i) wat die vereistes met betrekking tot samestelling, terapeutiese bruikbaarheid en effek, suiwerheid of enige ander eienskap waaraan enige medisyne moet voldoen, voorskryf; en
- (j) wat die prosedure by vergaderings van die raad en van enige kragtens artikel *nege* aangestelde komitee (met inbegrip van die kworum in die geval van komitees) en die wyse waarop vergaderings van enige sodanige komitee belê moet word, voorskryf.

(2) Die Minister kan, na oorlegpleging met die raad, regulasies uitvaardig—

- (a) wat die metodes waarvolgens monsters kragtens hierdie Wet geneem mag word en die vorm van die sertifikate wat deur inspekteurs ten opsigte van sodanige monsters uitgereik moet word, voorskryf;
- (b) wat die metodes wat gevolg moet word en die vorm van die sertifikate wat uitgereik moet word in verband met die toets, ondersoek of ontleding van monsters wat kragtens hierdie Wet geneem word, voorskryf;
- (c) wat die gelde wat aan die registrateur betaal moet word ten opsigte van 'n aansoek om die registrasie van 'n medisyne, voorskryf; en
- (d) oor die algemeen vir die doeltreffende uitvoer van die doelstellings en oogmerke van hierdie Wet.

(3) Geen regulasie word kragtens paragraaf (c) van sub-artikel (2) uitvaardig nie behalwe in oorleg met die Minister van Finansies.

(4) Verskillende regulasies kan kragtens hierdie artikel ten opsigte van verskillende medisyne of verskillende klasse of kategorieë van medisyne uitvaardig word.

(5) Regulasies wat kragtens hierdie artikel uitvaardig word kan vir oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van drie maande, te bowe gaan nie.

33. Die Minister kan, op aanbeveling van die raad, by kennisgewing in die *Staatskoerant* enige medisyne, onderworpe aan die voorwaardes wat hy bepaal, uitsluit van die toepassing van enigeen van of van al die bepalings van hierdie Wet en kan so 'n kennisgewing insgelyks wysig of intrek. Uitsluiting van enige medisyne van toepassing van Wet.

Operation of Act  
in relation to other  
laws.

34. The provisions of this Act shall be in addition to and not in substitution for any other law which is not in conflict with or inconsistent with this Act.

Application of Act  
in South-West  
Africa.

35. This Act and any amendment thereof shall apply also in the territory (including the Eastern Caprivi Zipfel referred to in sub-section (3) of section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)) and in relation to all persons in the portion of the territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the territory.

Short title and  
commencement.

36. This Act shall be called the Drugs Control Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

34. Die bepalings van hierdie Wet geld benewens enige ander wetsbepalings wat nie met hierdie Wet strydig of onbestaanbaar is nie, en dien nie ter vervanging daarvan nie.

Uitwerking van Wet met betrekking tot ander wetsbepalings.

35. Hierdie Wet en enige wysiging daarvan is van toepassing ook in die gebied (met inbegrip van die Oostelike Caprivi Zipfel vermeld in sub-artikel (3) van artikel drie van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951)) en met betrekking tot alle persone in die gedeelte van die gebied bekend as die „Rehoboth Gebied” en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van die gebied.

Toepassing van Wet in Suidwes-Afrika.

36. Hierdie Wet heet die Wet op die Beheer van Medisyne, 1965, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerking-treding.