



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 2 JUNIE 1972.

[No. 3526.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 919. 2nd June, 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 50 of 1972: Nursing Amendment Act, 1972.

No. 919. 2 Junie 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:

No. 50 van 1972: Wysigingswet op Verpleging, 1972.

WET

Tot wysiging van die Wet op Verpleging, 1957, ten einde voorsiening te maak vir veranderings in die lidmaatskap van die Suid-Afrikaanse Verpleegstersraad; te bepaal dat die president en vise-president van genoemde raad geregistreerde persone moet wees; genoemde raad se bevoegdhede verder te reël; voorsiening te maak vir die opleiding en inskrywing van verpleegassistenten en vir die registrasie as verpleegsters van persone wat sekere kwalifikasies buite die Republiek of die gebied Suidwes-Afrika verwerf het; voorsiening te maak vir die hou van aparte registers ten opsigte van Indiërs; vir die vervanging van sekere uitdrukkings met betrekking tot verpleegsters en vroedvroue en persone wat as sodanig opgelei word; en vir die instelling van 'n adviesraad vir Indiërs; die getal lede van die adviesrade vir gekleurdes en Bantoes te verhoog; sekere aangeleenthede rakende besluite by vergaderings van die verskillende adviesrade verder te reël; die soorte strawwe wat vir onbetaamlike of skandelerike gedrag opgelê kan word, uit te brei; voorsiening te maak vir die uitstel van die oplegging van so 'n straf en die opskorting van die tenuitvoerlegging daarvan; voorsiening daarvoor te maak dat ook 'n klaer en genoemde raad aansoek kan doen om hersiening van 'n beslissing van die Minister; voorsiening daarvoor te maak dat genoemde raad voorwaardes kan op lê by die beëindiging van die skorsing van iemand in sy praktyk; voorsiening te maak vir die verhoging van die getal lede van die Suid-Afrikaanse Verpleegstersvereniging, sy bestuur en adviserende komitees, vir die instelling van 'n adviserende komitee vir Indiërs, vir die hou van afsonderlike vergaderings van genoemde vereniging vir lede daarvan wat Indiërs is, vir die verhoging van die kworum by vergaderings van genoemde bestuur, en vir die stigting van afsonderlike takke van genoemde vereniging vir Indiërs; die benaming „organiserende sekretaris” deur die benaming „uitvoerende direkteur” te vervang; genoemde vereniging die bevoegdheid te verleen om verplegingsagentskappe in te stel en te administreer; voorsiening te maak vir die stuur aan die Suid-Afrikaanse Verpleegstersraad van gewaarmerkte afskrifte van die notule van geregtelike doodsondersoeke in sekere gevalle; verdere voorsiening te maak vir optrede teen persone wie se praktyk teen die openbare welsyn kan wees; sekere boetes te verhoog; en sekere artikels te herroep; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Mei 1972.)

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

Wysiging van
artikel 1 van Wet
69 van 1957.

1. Artikel 1 van die Wet op Verpleging, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „gekleurde” deur die volgende omskrywing te vervang:

NURSING AMENDMENT ACT, 1972.

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ACT

To amend the Nursing Act, 1957, so as to provide for changes in the membership of the South African Nursing Council; to provide that the president and vice-president of the said council shall be registered persons; to further regulate the powers of the said council; to provide for the training and enrolment of nursing assistants and for the registration as nurses of persons who have obtained certain qualifications outside the Republic or the territory of South-West Africa; to provide for the keeping of separate registers in respect of Indians; for the substitution of certain expressions with reference to nurses and midwives and persons being trained as such; and for the establishment of an advisory board for Indians; to increase the number of members of the advisory boards for coloured persons and Bantu; to further regulate certain matters concerning decisions at meetings of the different advisory boards; to extend the kinds of penalties that may be imposed for improper or disgraceful conduct; to provide for the postponement of the imposition of such a penalty and for the suspension of the execution thereof; to make provision for an application also by a complainant and the said council for a review of a decision of the Minister; to make provision for the imposition of conditions by the said council when the suspension of a person from practising is terminated; to provide for an increase in the number of members of the South African Nursing Association, its board and advisory committees, for the establishment of an advisory committee for Indians, for the holding of separate meetings of the said association for members thereof who are Indians, for an increase of the quorum at meetings of the said board, and for the establishment of separate branches of the said association for Indians; to substitute the appellation "executive director" for the appellation "organizing secretary"; to authorize the said association to establish and administer nursing agencies; to provide for the transmission to the South African Nursing Council of certified copies of the records of inquests in certain cases; to make further provision for action against persons whose practice may be contrary to the public welfare; to increase certain fines; and to repeal certain sections; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 19th May, 1972.)*

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

1. Section 1 of the Nursing Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 69 of 1957.

 - (a) by the substitution for the definition of "coloured person" of the following definition:

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- „gekleurde” ’n persoon wat kragtens die Bevolkings-registrasiewet, 1950, geklassifiseer is as ’n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die Groep Ander Gekleurd;”;
- (b) deur die volgende omskrywing na die omskrywing van „hierdie Wet” in te voeg:
„Indiër” ’n persoon wat kragtens die Bevolkings-registrasiewet, 1950, as ’n lid van die Indiërgroep geklassifiseer is;”;
- (c) deur die omskrywing van „opleidingskool” deur die volgende omskrywing te vervang:
„opleidingskool” ’n opleidingskool of inrigting waar studenteverpleegsters of -vroedvroue, leerlingverpleegsters of leerling-verpleegassistenten opgelei word;”;
- (d) deur die omskrywing van „verplegingsagentskap” deur die volgende omskrywing te vervang:
„verplegingsagentskap” ’n agentskap wat verpleegsters, vroedvroue of verpleegassistenten aan ’n persoon, liggaam of inrigting verskaf, hetsy vir wins, al dan nie, of hetsy tesame met ander dienste deur die agentskap gelewer, al dan nie;”.

Wysiging van
artikel 3 van Wet
69 van 1957.

2. Artikel 3 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

- „(1) (a) Vir die tydperk vanaf die inwerkingtreding van die Wysigingswet op Verpleging, 1972, tot die een-en-dertigste Maart 1975 bestaan die raad uit die lede van die raad soos onmiddellik voor dié inwerkingtreding saamgestel.
- (b) Indien so ’n lid sy amp ontruim, bestaan die raad tot genoemde datum uit die oorblywende lede.
- (2) Na die datum in subartikel (1) vermeld, bestaan die raad uit die volgende lede, naamlik—
- (a) die Sekretaris van Gesondheid of ’n ander beampte van die Departement van Gesondheid wat ingevolge hierdie Wet geregistreer is of as geneesheer ingevolge die Wet op Geneeshere geregistreer is, deur die Minister aangestel;
- (b) ’n geneesheer wat ’n beampte van die Departement van Gesondheid is en by die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad as psigiater ingevolge artikel 15 van die Wet op Geneeshere geregistreer is, deur die Minister aangestel;
- (c) ’n offisier van die Suid-Afrikaanse Geneeskundige Diens wat ’n lid van die Staande Mag is en wat ingevolge hierdie Wet geregistreer is of as ’n geneesheer ingevolge die Wet op Geneeshere geregistreer is, deur die Minister na oorlegpleging met die Minister van Verdediging aangestel;
- (d) ’n beampte van die Departement van Nasionale Opvoeding, deur die Minister na oorlegpleging met die Minister van Nasionale Opvoeding aangestel;
- (e) vier persone deur die Minister aangestel, waarvan een ’n persoon is wat ingevolge artikel 12 geregistreer is, een ’n persoon is wat ingevolge die Wet op Geneeshere geregistreer is en spesiale kennis dra of ondervinding het van verloskunde, en die orige twee persone is wat nie ingevolge hierdie Wet of die Wet op Geneeshere geregistreer is nie;
- (f) twee geneeshere (waarvan een spesiale kennis dra of ondervinding het van verloskunde) en een tandarts, wat almal ingevolge die Wet op Geneeshere geregistreer is, en aangestel word deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad ingevolge die Wet op Geneeshere ingestel. Met dien verstande dat

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- “‘coloured person’ means a person who has under the Population Registration Act, 1950, been classified as a member of the Cape Coloured, Malay or Griqua Group or the other Coloured Group;”;
- (b) by the insertion after the definition of “enrolled” of the following definition:
“‘Indian’ means a person who has under the Population Registration Act, 1950, been classified as a member of the Indian Group;”;
- (c) by the substitution for the definition of “nursing agency” of the following definition:
“‘nursing agency’ means an agency which supplies nurses, midwives or nursing assistants to any person, organization or institution, whether or not for gain or whether or not in conjunction with any other services rendered by such agency;” and
- (d) by the substitution for the definition of “training school” of the following definition:
“‘training school’ means a training school or institution where student nurses or midwives, pupil nurses or pupil nursing assistants are trained;”.

2. Section 3 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following sections, respectively: Amendment of section 3 of Act 69 of 1957.

- “(1) (a) For the period from the commencement of the Nursing Amendment Act, 1972, until the thirty-first March, 1975, the council shall consist of the members of the council as constituted immediately prior to such commencement.
- (b) If any such member vacates his office, the council shall, until the said date, consist of the remaining members.
- (2) After the date referred to in subsection (1), the council shall consist of the following members, namely—
- (a) the Secretary for Health or any other officer of the Department of Health registered in terms of this Act or as a medical practitioner in terms of the Medical Act, appointed by the Minister;
- (b) a medical practitioner who is an officer of the Department of Health and registered with the South African Medical and Dental Council as a psychiatrist in terms of section 15 of the Medical Act, appointed by the Minister;
- (c) an officer of the South African Medical Service who is a member of the Permanent Force and who is registered in terms of this Act or as a medical practitioner in terms of the Medical Act, appointed by the Minister after consultation with the Minister of Defence;
- (d) an officer of the Department of National Education, appointed by the Minister after consultation with the Minister of National Education;
- (e) four persons appointed by the Minister, of whom one shall be a person registered in terms of section 12, one shall be a person registered in terms of the Medical Act, who has special knowledge of or experience in obstetrics, and the remaining two shall be persons not registered in terms of this Act or the Medical Act;
- (f) two medical practitioners (of whom one shall have special knowledge of or experience in obstetrics) and one dentist, all of whom shall be registered in terms of the Medical Act, and shall be appointed by the South African Medical and Dental Council established in terms of the Medical Act: Provided that at least one

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- minstens een van die geneeshere en die tandarts lede van genoemde Raad moet wees;
- (g) een persoon, wat ingevolge hierdie Wet geregistreer is of as geneesheer ingevolge die Wet op Geneeshere geregistreer is, ten opsigte van elke provinsie en ten opsigte van die gebied, deur die Uitvoerende Komitee van die betrokke provinsie of van die gebied, na gelang van die geval, aangestel;
 - (h) een geregistreerde algemene verpleegster ten opsigte van elkeen van tien streke waarin die Republiek saam met die gebied op die voorgeskrewe wyse verdeel is, verkies deur geregistreerde algemene verpleegsters wat blankes is in die betrokke streek woonagtig;
 - (i) een geregistreerde vroedvrou ten opsigte van elkeen van drie streke waarin die Republiek saam met die gebied op die voorgeskrewe wyse verdeel is, verkies deur geregistreerde vroedvroue wat blankes is in die betrokke streek woonagtig;
 - (j) twee geregistreerde psigiatrisse verpleegsters verkies deur geregistreerde psigiatrisse verpleegsters, verpleegsters vir sielsiekes en verpleegsters vir swaksinniges, wat blankes is;
 - (k) een geregistreerde persoon verkies deur ingeskrewe verpleegsters en vroedvroue wat blankes is;
 - (l) een geregistreerde persoon verkies deur die adviesraad vir gekleurdes;
 - (m) een geregistreerde persoon verkies deur die adviesraad vir Bantoes;
 - (n) een geregistreerde persoon verkies deur die adviesraad vir Indiërs;
 - (o) een geregistreerde persoon wat 'n lid is van 'n departement van verpleegkunde van 'n universiteit, aangestel deur die Komitee van Universiteitshoofde wat by artikel 6 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), ingestel is."

Wysiging van
artikel 5 van Wet
69 van 1957.

3. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die lede van elke nuutsaamgestelde raad moet op die eerste vergadering van daardie raad, uit hul midde 'n president en 'n vise-president (wat geregistreerde persone moet wees) en 'n tesourier kies, wat elk sy amp beklee vir die ampstermyn van die lede daarvan."

Wysiging van
artikel 8 van Wet
69 van 1957.

4. Artikel 8 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat die raad nie 'n bevoegdheid bedoel in artikel 28 aldus mag delegeer nie."

Wysiging van
artikel 10 van Wet
69 van 1957.

5. Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) 'n geregistreerde of ingeskrewe persoon verplig om die voorgeskrewe gelde jaarliks aan die raad te betaal;" en

(b) deur paragraaf (f) deur die volgende paragraaf te vervang:

„(f) opleidingskole goedkeur op die voorgeskrewe voorwaardes wat die raad goed ag, genoemde skole van tyd tot tyd inspekteer, een of ander aangeleentheid wat na die mening van die raad nadelig vir die opleiding van studenteverpleegsters of -vroedvroue, leerlingverpleegsters of leerlingverpleegassistentie is, onder die aandag bring van die persoon aan die hoof van so 'n skool en die owerheid onder wie se beheer die skool staan, of

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of the medical practitioners and the dentist shall be members of the said council;

- (g) one person registered in terms of this Act or as a medical practitioner under the Medical Act, in respect of each province and in respect of the territory, appointed by the Executive Committee of the province concerned or of the territory, as the case may be;
- (h) one registered general nurse in respect of each of ten areas into which the Republic together with the territory has been divided in the manner prescribed, elected by registered general nurses who are white persons resident in the area concerned;
- (i) one registered midwife in respect of each of three areas into which the Republic together with the territory has been divided in the manner prescribed, elected by registered midwives who are white persons resident in the area concerned;
- (j) two registered psychiatric nurses elected by registered psychiatric nurses, nurses for mentally disordered persons and nurses for mentally defective persons, who are white persons;
- (k) one registered person elected by enrolled nurses and midwives who are white persons;
- (l) one registered person elected by the advisory board for coloured persons;
- (m) one registered person elected by the advisory board for Bantu;
- (n) one registered person elected by the advisory board for Indians;
- (o) one registered person who is a member of a department of nursing of a university, appointed by the Committee of University Principals established by section 6 of the Universities Act, 1955 (Act No. 61 of 1955)."

3. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 5 of Act 69 of 1957.

"(1) The members of every newly constituted council shall at the first meeting of such council elect from among themselves a president and a vice-president (who shall be registered persons) and a treasurer, each of whom shall hold office for the period of office of the members thereof."

4. Section 8 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso: Amendment of section 8 of Act 69 of 1957.

"Provided that the council may not so delegate any power referred to in section 28."

5. Section 10 of the principal Act is hereby amended— Amendment of section 10 of Act 69 of 1957.

(a) by the substitution for paragraph (c) of the following paragraph:

"(c) require any registered or enrolled person to pay the prescribed fee to the council annually;" and

(b) by the substitution for paragraph (f) of the following paragraph:

"(f) approve, on such prescribed conditions as it may deem fit, of training schools, inspect such schools from time to time, bring to the notice of the person in charge of any such school and the authority in control of such school any matter which in the opinion of the council is detrimental to the training of student nurses or midwives, pupil nurses or pupil nursing assistants or withdraw or suspend approval of any such school if the

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goedkeuring van so 'n skool intrek of opskort, indien die opleiding daarin van studenteverpleegsters of -vroedvroue, leerlingverpleegsters of leerling-verpleegassistenten; na die mening van die raad, nie op 'n bevredigende wyse geskied nie, of indien 'n opgelegde voorwaarde nie nagekom is nie: Met dien verstande dat die raad nie sonder die goedkeuring van die Minister weier om so 'n skool goed te keur of goedkeuring daarvan intrek of opskort nie;";

- (c) deur paragraaf (i) deur die volgende paragraaf te vervang:

„(i) die hou van, of prosedure by, vergaderings, met inbegrip van vergaderings van adviesrade, reguleer;";

- (d) deur paragraaf (k) deur die volgende paragraaf te vervang:

„(k) behoudens die regulasies, 'n lisensie om sake te doen as 'n verplegingsagentskap uitreik of hernieu by betaling deur 'n applikant van 'n jaarlikse voorgeskrewe bedrag geld van hoogstens honderd rand, die registers en rekenings van so 'n agentskap nagaan of die bedrywighede daarvan ondersoek, of eis dat 'n persoon wat gelisensieer is om sake te doen as 'n verplegingsagentskap, aan die raad die inligting verstrek wat die raad nodig ag;";

- (e) deur die woord „en” aan die end van paragraaf (o) te skrap; en

- (f) deur die volgende paragraaf na paragraaf (o) in te voeg:

„(p) jaarlikse personeelopgawes van werkgewers van verpleegsters en vroedvroue vra, en”.

Wysiging van
artikel 11 van Wet
69 van 1957.

6. Artikel 11 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:

„(h) die leerplanne vir die opleiding van studenteverpleegsters of -vroedvroue, leerlingverpleegsters of leerlingverpleegassistenten;";

- (b) deur paragraaf (j) van genoemde subartikel deur die volgende paragraaf te vervang:

„(j) die vasstelling van enige bedrag geld wat die raad ingevolge hierdie Wet kan vra of iemand kan verplig om te betaal;";

- (c) deur paragraaf (k) van genoemde subartikel deur die volgende paragraaf te vervang:

„(k) die uniforms, wapens of ander onderskeidings-tekens wat deur persone ingevolge hierdie Wet geregistreer of ingeskryf, gedra kan word of, wanneer aan diens, gedra moet word, en die verbod op die vervaardiging, verkoop of voorsien van daardie uniforms, wapens of ander onderskeidings-tekens deur 'n ander persoon as 'n persoon deur die raad goedgekeur;";

- (d) deur paragraaf (s) van genoemde subartikel deur die volgende paragraaf te vervang:

„(s) die voorwaardes waaronder geregistreerde verpleegsters of vroedvroue of ingeskrewe verpleegsters, vroedvroue of verpleegassistenten hul beroep mag uitoefen;

- (e) deur paragraaf (t) van genoemde subartikel deur die volgende paragraaf te vervang:

„(t) die hoogste vergoeding wat deur geregistreerde verpleegsters of vroedvroue of ingeskrewe verpleegsters, vroedvroue of verpleegassistenten vir professionele dienste deur hulle gelewer, gevra mag word;";

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training threat of student nurses or midwives, pupil nurses or pupil nursing assistants is not, in the opinion of the council, satisfactorily carried out or if any condition imposed has not been complied with: Provided that the council shall not, without the consent of the Minister, refuse to approve of, or withdraw or suspend approval of any such school;”;

- (c) by the substitution for paragraph (i) of the following paragraph:

“(i) regulate the holding of or procedure at meetings, including meetings of advisory boards;”;

- (d) by the substitution for paragraph (k) of the following paragraph:

“(k) subject to the regulations, issue or renew a licence to carry on the business of a nursing agency upon payment by an applicant of an annual prescribed fee not exceeding one hundred rand, inspect the records and accounts or investigate the activities of such an agency, or require any person licensed to carry on the business of a nursing agency, to submit to the council such information as the council may deem necessary;”;

- (e) by the deletion of the word “and” at the end of paragraph (o); and

- (f) by the insertion after paragraph (o) of the following paragraph:

“(p) ask employers of nurses and midwives for annual staff returns, and”.

6. Section 11 of the principal Act is hereby amended—

Amendment of
section 11 of
Act 69 of 1957.

- (a) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) the curricula for the training of student nurses or midwives, pupil nurses or pupil nursing assistants;”;

- (b) by the substitution for paragraph (j) of the said subsection of the following paragraph:

“(j) fixing any fee which the council may in terms of this Act charge or require any person to pay;”;

- (c) by the substitution for paragraph (k) of the said subsection of the following paragraph:

“(k) the uniforms, badges or other distinguishing devices which may or, when on duty, shall be worn by persons registered or enrolled under this Act, and the prohibition of the manufacture, sale or supply of such uniforms, badges or other distinguishing devices by any person other than a person approved of by the council;”;

- (d) by the substitution for paragraph (s) of the said subsection of the following paragraph:

“(s) the conditions under which registered nurses or midwives or enrolled nurses, midwives or nursing assistants may carry on their profession;”;

- (e) by the substitution for paragraph (t) of the said subsection of the following paragraph:

“(t) the maximum fees that may be charged by registered nurses or midwives or enrolled nurses, midwives or nursing assistants for professional services rendered by them;”;

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(f) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) 'n Regulasie ingevolge hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om dit na te kom, strawwe van 'n boete van hoogstens honderd rand voorskryf;” en

(g) deur subartikel (4) te skrap.

Vervanging van artikel 12 van Wet 69 van 1957.

7. (1) Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

“Registrasie van verpleegsters en vroedvroue, inskrywing van verpleegsters en vroedvroue en verpleeg-assistente, en misdrywe deur of ten opsigte van geregistreerde of ingeskrewe persone en deur persone wat nie geregistreer of ingeskryf is nie.

12. (1) Die raad moet—

(a) as 'n verpleegster of vroedvrou registreer, of as 'n verpleegster, vroedvrou of verpleegassistent inskrywe, 'n persoon wat die toepaslike voorgeskrewe kwalifikasies behaal het, die toepaslike voorgeskrewe voorwaardes nagekom het en die toepaslike voorgeskrewe besonderhede verstrek het;

(b) 'n persoon wat nie ingevolge hierdie artikel as 'n verpleegster geregistreer of as 'n verpleegster of verpleegassistent ingeskrywe is nie en wat binne een jaar na die inwerkingtreding van die Wysigingswet op Verpleging, 1972—

(i) aan die registrateur 'n sertifikaat deur 'n geregistreerde verpleegster of 'n geneesheer geregistreer ingevolge die Wet op Geneeshere verstrek waarin vermeld word dat daardie persoon by genoemde inwerkingtreding in die Republiek of die gebied vir wins as 'n verpleegster gepraktiseer het; en

(ii) die voorgeskrewe voorwaardes nakom en die voorgeskrewe besonderhede verstrek, as 'n verpleegassistent inskrywe;

(c) 'n persoon wat nie ingevolge hierdie artikel as 'n vroedvrou geregistreer of as 'n vroedvrou ingeskrywe is nie en wat binne een jaar na die inwerkingtreding van die Wysigingswet op Verpleging, 1972, die voorgeskrewe voorwaardes nakom en die voorgeskrewe besonderhede verstrek en die raad oortuig dat—

(i) hy by genoemde inwerkingtreding in 'n gebied bestaande uit grond bedoel in artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), bedoel, of in 'n afgesonderde Bantoegebied soos in daardie Wet omskryf, vir wins as 'n vroedvrou gepraktiseer het; of

(ii) by genoemde inwerkingtreding sy naam ingeskryf was op 'n lys wat gehou is ingevolge 'n regulasie wat kragtens artikel 133 (3) (a) van die Volksgezondheidswet, 1919 (Wet No. 36 van 1919), uitgevaardig is,

as 'n vroedvrou inskrywe.

(2) Die raad kan 'n persoon wat—

(a) in 'n land of staat buite die Republiek of die gebied as verpleegster geregistreer is op grond van kwalifikasies deur hom aldaar verwerf nadat hy opleiding ontvang het vir 'n tydperk van minstens die tydperk by regulasie kragtens artikel 11 (1) (e) voorgeskryf;

(b) nie op registrasie as 'n verpleegster ingevolge subartikel (1) (a) geregtig is nie omrede hy nie opleiding vir die tydperk by regulasie kragtens artikel 11 (1) (e) voorgeskryf of van die aldus voorgeskrewe aard, ten opsigte van die een of ander vertakking van verpleging, ontvang het nie; en

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(f) by the substitution for subsection (2) of the following subsection:

"(2) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of one hundred rand;" and

(g) by the deletion of subsection (4).

7. (1) The following section is hereby substituted for section 12 of the principal Act: Substitution of section 12 of Act 69 of 1957.

"Regis-
tration of
nurses and
midwives,
enrolment
of nurses
and mid-
wives and
nursing
assistants,
and
offences by
or in
respect of
registered
or enrolled
persons
and by
persons
not regis-
tered or
enrolled.

12. (1) The Council shall—

- (a) register as a nurse or midwife or enrol as a nurse, midwife or nursing assistant any person holding the appropriate prescribed qualifications, who has complied with the appropriate prescribed conditions and has furnished the appropriate prescribed particulars;
- (b) enrol as a nursing assistant any person who is not under this section registered as a nurse or enrolled as a nurse or a nursing assistant and who within one year after the commencement of the Nursing Amendment Act, 1972—
 - (i) furnishes the registrar with a certificate by a registered nurse or a medical practitioner registered under the Medical Act stating that that person at the said commencement practised for gain as a nurse in the Republic or the territory; and
 - (ii) complies with the prescribed conditions and furnishes the prescribed particulars;
- (c) enrol as a midwife any person who is not under this section registered as a midwife or enrolled as a midwife and who within one year after the commencement of the Nursing Amendment Act, 1972, complies with the prescribed conditions and furnishes the prescribed particulars and satisfies the council that—
 - (i) at the said commencement he practised for gain as a midwife in an area consisting of land referred to in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or in a scheduled Bantu area as defined in that Act; or
 - (ii) at the said commencement his name was entered in a list kept in terms of a regulation made under section 133 (3) (a) of the Public Health Act, 1919 (Act No. 36 of 1919).

(2) The council may register as a nurse for a period not exceeding two years any person who—

- (a) is registered as a nurse in a country or state outside the Republic or the territory by virtue of qualifications obtained there by him after undergoing training for a period of not less than the period prescribed by regulation under section 11 (1) (e);
- (b) is not entitled to registration as a nurse in terms of subsection (1) (a) because he has not undergone training for the period prescribed by regulation under section 11 (1) (e) or of the nature so prescribed in respect of some branch of nursing; and

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(c) verdere opleiding van hoogstens ses maande moet ontvang ten einde aan die aldus voorgeskrewe vereistes ten opsigte van die tydperk of aard van opleiding te voldoen,

as 'n verpleegster vir hoogstens twee jaar registreer: Met dien verstande dat 'n verpleegster aldus geregistreer—

(a) nie sy beroep mag uitoefen nie ten opsigte van die vertakking of vertakkings van verpleging wat die raad bepaal en aandui; en

(b) nie stemgeregtig is nie by 'n verkiesing van lede van die raad of 'n adviesraad.

(3) Vir die doeleindes van subartikels (1) en (2) moet die raad registers en rolle in die voorgeskrewe vorm hou, waarin die name en woonadresse van die persone wat geregistreer of ingeskryf moet word en die ander voorgeskrewe besonderhede opgeteken word.

(4) Die raad moet afsonderlike registers ten opsigte van blankes, gekleurdes en Bantoes hou en moet, vanaf 'n datum wat die Minister na oorlegpleging met die raad en by kennisgewing in die *Staatskoerant* bepaal, so 'n register ook ten opsigte van Indiërs hou.

(5) Die raad moet afsonderlike rolle ten opsigte van blankes, gekleurdes en Bantoes hou en moet, vanaf 'n datum wat die Minister na oorlegpleging met die raad en by kennisgewing in die *Staatskoerant* bepaal, so 'n rol ook ten opsigte van Indiërs hou.

(6) 'n Persoon wat geregistreer of ingeskryf is, mag die titel 'Geregistreerde Verpleegster', 'Geregistreerde Verpleër', 'Geregistreerde Vroedvrou', 'Ingeskrewe Verpleegster', 'Ingeskrewe Verpleër', 'Ingeskrewe Vroedvrou' of 'Ingeskrewe Verpleegassistent', na gelang van die geval, gebruik.

(7) 'n Persoon wat nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—

(a) wat gebruik maak van 'n titel wat 'n in daardie hoedanigheid geregistreerde of ingeskrewe persoon mag gebruik, hetsy hy van die titel alleen of in verbinding met 'n woord of letter gebruik maak; of

(b) wat regstreeks of onregstreeks hom voordoën of toelaat dat hy voorgehou word as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is; of

(c) wat 'n uniform, wapen of ander onderskeidings-teken (of 'n misleidende namaaksel daarvan) dra wat voorgeskryf is ten opsigte van 'n persoon wat in daardie hoedanigheid geregistreer of ingeskryf is,

is aan 'n misdryf skuldig.

(8) Behoudens die bepalinge van subartikel (13), is 'n persoon—

(a) wat nie as 'n verpleegster geregistreer of as 'n verpleegster of 'n verpleegassistent ingeskryf is nie, en wat vir wins as onderskeidelik 'n verpleegster of 'n verpleegassistent praktiseer; of

(b) wat nie as 'n vroedvrou geregistreer of ingeskryf is nie, en wat vir wins as vroedvrou praktiseer; of

(c) wat nie as 'n verpleegster of vroedvrou geregistreer of ingeskryf is nie, en wat, terwyl werksaam as 'n verpleegster of vroedvrou, die geslagsorgane van 'n vrou met betrekking tot die een of ander toestand wat uit of in verband met swangerskap ontstaan, inwendig ondersoek, aan 'n misdryf skuldig.

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- (c) is required to undergo further training not exceeding six months in order to comply with the requirements so prescribed in respect of the period or nature of training:

Provided that a nurse so registered—

- (a) may not exercise his profession in respect of such branch or branches of nursing as may be determined and indicated by the council; and
(b) shall not be entitled to vote at an election of members of the council or an advisory board.

(3) For the purposes of subsections (1) and (2) the council shall keep registers and rolls in the prescribed form in which the names and residential addresses of the persons to be registered or enrolled and the other prescribed particulars shall be recorded.

(4) The Council shall keep separate registers in respect of white persons, coloured persons and Bantu and shall from a date fixed by the Minister after consultation with the council and by notice in the *Gazette* keep such a register also in respect of Indians.

(5) The council shall keep separate rolls in respect of white persons, coloured persons and Bantu and shall from a date fixed by the Minister after consultation with the council and by notice in the *Gazette* keep such a roll also in respect of Indians.

(6) Any person who is registered or enrolled may use the title 'Registered Nurse', 'Registered Midwife', 'Enrolled Nurse', 'Enrolled Midwife' or 'Enrolled Nursing Assistant', as the case may be.

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

- (a) who makes use of the title which a person who is registered or enrolled in that capacity may use, whether he makes use of such title alone or in combination with any word or letter; or
(b) who holds himself out or permits himself to be held out, directly or indirectly, as being registered or enrolled in that capacity; or
(c) who wears any uniform, badge or other distinguishing device (or any colourable imitation thereof) prescribed in respect of a person registered or enrolled in that capacity,

shall be guilty of an offence.

(8) Subject to the provisions of subsection (13) any person—

- (a) who is not registered as a nurse or enrolled as a nurse or a nursing assistant and who practises for gain as a nurse or a nursing assistant, respectively; or
(b) who is not registered or enrolled as a midwife and who practises for gain as a midwife; or
(c) who is not registered or enrolled as a nurse or midwife, and who, while acting as a nurse or midwife makes any internal examination of the genitals of any woman in relation to any condition arising out of or in connection with pregnancy,

shall be guilty of an offence.

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(9) 'n Persoon wat, terwyl hy weet dat 'n ander persoon nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—

(a) daardie ander persoon beskryf as die besitter van 'n titel wat 'n in daardie hoedanigheid geregistreerde of ingeskrewe persoon mag gebruik, hetsy hy die ander persoon beskryf deur gebruik te maak van dié titel alleen of in verbinding met 'n woord of letter; of

(b) dié ander persoon regstreeks of onregstreeks voorhou as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is,

is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens tweehonderd rand strafbaar.

(10) 'n Persoon wat vir wins as 'n verpleegster of vroedvrou praktiseer—

(a) indien hy gekwalifiseer is om geregistreer of ingeskryf te word maar nie geregistreer of ingeskryf is nie; of

(b) indien hy ingevolge hierdie Wet geag word nie geregistreer of ingeskryf of ingevolge artikel 14 geregistreer of ingevolge artikel 15 ingeskryf te wees nie,

is aan 'n misdryf skuldig.

(11) Iemand wat kragtens subartikel (2) geregistreer is en vir wins praktiseer in 'n vertakking van verpleging ten opsigte waarvan hy ingevolge daardie subartikel nie sy beroep mag uitoefen nie, is aan 'n misdryf skuldig.

(12) (a) Vanaf 'n datum deur die Minister in die *Staatskoerant* bekend gemaak, is 'n persoon wat nie as 'n verpleegster of vroedvrou geregistreer is nie en wat optree as matrone of verpleegster of vroedvrou aan die hoof van 'n hospitaal of 'n tehuis of ander inrigting vir die opname en behandeling van pasiënte ten opsigte van die een of ander toestand wat uit of in verband met swangerskap ontstaan, of van geneeskundige, chirurgiese, koors-, psigiatryse of geestelike gebrekkige of gekrenkte pasiënte, aan 'n misdryf skuldig.

(b) Die Minister kan by kennisgewing in die *Staatskoerant* enige in die kennisgewing vermelde gebied of enige ander gebied as 'n aldus vermelde gebied van die toepassing van die bepalinge van paragraaf (a) uitsluit, en kan so 'n kennisgewing insgelyks wysig of herroep.

(13) Die bepalinge van paragrafe (a) en (b) van subartikel (8) is nie van toepassing nie—

(a) op 'n lid van die Suid-Afrikaanse Noodhulpiga, die Suid-Afrikaanse Rooikruisvereniging of die 'St. John Ambulance Association', terwyl werksaam binne die bestek van die oogmerke van en onder die regstreekse beheer van die betrokke organisasie;

(b) op studenteverpleegsters of -vroedvroue ingevolge artikel 14 geregistreer, of leerlingverpleegsters of leerlingverpleegassistenten ingevolge artikel 15 ingeskryf, terwyl werksaam in die loop van hul opleiding;

(c) op 'n persoon wat die kragtens artikel 11 (1) (e) voorgeskrewe tydperk van opleiding voltooi het en wat op die eerste beskikbare geleentheid na sodanige voltooiing die indeksamen afgelê het vir 'n kwalifikasie wat, indien dit deur hom verwerf word, hom ingevolge hierdie artikel die reg verleen om geregistreer of ingeskryf te word, na gelang van die geval, tot tyd en wyl hy deur

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(9) Any person who, knowing that any other person is not registered or enrolled in a particular capacity—

- (a) describes such other person as the holder of the title which a person who is registered or enrolled in that capacity may use, whether he describes such other person by making use of such title alone or in combination with any word or letter; or
- (b) holds such other person out, directly or indirectly, as being registered or enrolled in that capacity,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

(10) Any person who practises for gain as a nurse or midwife—

- (a) if he is qualified to be registered or enrolled but is not registered or enrolled; or
- (b) if he is deemed by this Act not to be registered or enrolled or registered under section 14 or enrolled under section 15,

shall be guilty of an offence.

(11) Any person who has been registered under subsection (2) and practises for gain in a branch of nursing in respect of which he may not in terms of that subsection exercise his profession, shall be guilty of an offence.

(12) (a) As from a date to be notified by the Minister in the *Gazette*, any person not registered as a nurse or midwife who acts as matron or nurse or midwife in charge of any hospital or any home or other institution for the reception and treatment of patients in respect of any condition arising out of or in connection with pregnancy or of medical, surgical, fever, psychiatric or mentally defective or disordered patients, shall be guilty of an offence.

- (b) The Minister may by notice in the *Gazette* exclude from the operation of the provisions of paragraph (a) any area specified in the notice or any area other than an area so specified, and may in like manner amend or repeal any such notice.

(13) The provisions of paragraphs (a) and (b) of subsection (8) shall not apply—

- (a) to a member of the 'Suid-Afrikaanse Noodhulppliga', the South African Red Cross Society or the St. John Ambulance Association, while acting within the scope of the objects of and under the direct control of the organization concerned;
- (b) to student nurses or midwives registered under section 14, or pupil nurses or pupil nursing assistants enrolled under section 15 while acting in the course of their training;
- (c) to any person who has completed the period of training prescribed under section 11 (1) (e) and who has at the first available opportunity after such completion sat for the final examination for a qualification which, if obtained by him, would in terms of this section entitle him to be registered or enrolled, as the case may be, until such time as he is advised by the

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die registrateur in kennis gestel is dat hy in bedoelde eksamen gedruip het of dat hy by die raad geregistreer of ingeskryf is; of

(d) op 'n persoon wat in 'n noodgeval hulp verleen.

(14) 'n Persoon bedoel in paragraaf (c) van subartikel (13) word, terwyl daardie subartikel op hom van toepassing is, vir die doeleindes van Deel III geag geregistreer of ingeskryf, na gelang van die geval, te wees."

(2) Paragrafe (a) en (b) van subartikel (8) en paragraaf (c) van subartikel (13) van artikel 12 van die Hoofwet, soos by subartikel (1) van hierdie artikel vervang, tree in werking, en paragrafe (a) en (b) van subartikel (7) van genoemde artikel 12 soos dit bestaan het onmiddellik voor sodanige vervanging, bly in werking vir, 'n jaar na die inwerkingtreding van hierdie Wet.

(3) Subartikel (10) van artikel 12 van die Hoofwet, soos by subartikel (1) van hierdie artikel vervang, vervel by verloop van 'n jaar vanaf die inwerkingtreding van hierdie Wet.

Vervanging van artikel 14 van Wet 69 van 1957.

8. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrasie van studente-verpleegsters of -vroedvroue. 14. (1) Die raad moet as 'n studenteverpleegster of -vroedvrou registreer 'n persoon wat opleiding aan 'n goedgekeurde opleidingskool ontvang, en wat die voorgeskrewe kwalifikasies behaal het, die voorgeskrewe voorwaardes nagekom het en die voorgeskrewe besonderhede verstrek het, en moet vir daardie doel registers hou waarin die name en adresse van die persone wat geregistreer moet word en die ander voorgeskrewe besonderhede opgeteken word.

(2) Die raad moet afsonderlike registers ten opsigte van blankes, gekleurdes en Bantoes hou en moet vanaf 'n datum wat die Minister na oorlegpleging met die raad en by kennisgewing in die *Staatskoerant* bepaal, ook so 'n register ten opsigte van Indiërs hou.

(3) Elke persoon moet aan die begin van sy opleiding as 'n studenteverpleegster of -vroedvrou aan 'n goedgekeurde opleidingskool, aansoek doen om registrasie by die raad.

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

Vervanging van artikel 15 van Wet 69 van 1957.

9. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inskrywing van leerlingverpleegsters en leerling-verpleeg-assistente. 15. (1) Die raad moet as 'n leerlingverpleegster of 'n leerlingverpleegassistent 'n persoon inskrywe wat opleiding aan 'n goedgekeurde opleidingskool ontvang, en wat die voorgeskrewe kwalifikasies behaal het, die voorgeskrewe voorwaardes nagekom het en die voorgeskrewe besonderhede verstrek het, en moet vir daardie doel rolle hou waarin die name en adresse van die persone wat ingeskryf moet word, en die ander voorgeskrewe besonderhede, opgeteken word.

(2) Afsonderlike rolle moet ten opsigte van blankes, gekleurdes en Bantoes gehou word, en vanaf 'n datum wat die Minister na oorlegpleging met die raad en by kennisgewing in die *Staatskoerant* bepaal, ook ten opsigte van Indiërs.

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

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registrar that he has failed the said examination or that he has been registered or enrolled with the council; or

(d) to any person rendering assistance in case of emergency.

(14) Any person referred to in paragraph (c) of subsection (13) shall, while that subsection applies to him, be deemed for the purposes of Part III to be registered or enrolled, as the case may be."

(2) Paragraphs (a) and (b) of subsection (8) and paragraph (c) of subsection (13) of section 12 of the principal Act, as substituted by subsection (1) of this section, shall come into operation, and paragraphs (a) and (b) of subsection (7) of the said section 12 as it existed immediately prior to such substitution, shall remain in force for, one year after the commencement of this Act.

(3) Subsection (10) of section 12 of the principal Act, as substituted by subsection (1) of this section, shall lapse on the expiration of one year from the commencement of this Act.

8. The following section is hereby substituted for section 14 of the principal Act:

Substitution of section 14 of Act 69 of 1957.

"Regis-
tration of
student
nurses or
midwives.

14. (1) The council shall register as a student nurse or midwife any person undergoing training at an approved training school, who holds the prescribed qualifications, has complied with the prescribed conditions and has furnished the prescribed particulars, and shall for that purpose keep registers in which shall be entered the names and addresses of the persons to be registered and such other particulars as may be prescribed.

(2) The council shall keep separate registers in respect of white persons, coloured persons and Bantu and shall, from a date fixed by the Minister after consultation with the council and by notice in the *Gazette*, also keep such a register in respect of Indians.

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

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

9. The following section is hereby substituted for section 15 of the principal Act:

Substitution of section 15 of Act 69 of 1957.

"Enrol-
ment of
pupil
nurses
and pupil
nursing
assistants.

15. (1) The council shall enrol as a pupil nurse or a pupil nursing assistant any person undergoing training at an approved training school, who holds the prescribed qualifications, has complied with the prescribed conditions and has furnished the prescribed particulars, and shall for that purpose keep rolls in which shall be entered the names and addresses of the persons to be enrolled and such other particulars as may be prescribed.

(2) Separate rolls shall be kept in respect of white persons, coloured persons and Bantu and as from a date fixed by the Minister after consultation with the council and by notice in the *Gazette* also in respect of Indians.

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

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(4) Die persoon aan die hoof van 'n goedgekeurde opleidingskool moet onverwyld die raad in kennis stel van die beëindiging van die opleiding van 'n leerlingverpleegster of leerlingverpleegassistent, hetsy weens staking of voltooiing van opleiding, of weens 'n oorplasing of om 'n ander rede."

Invoeging van artikel 15A in Wet 69 van 1957.

10. Die volgende artikel word hierby in die Hoofwet na artikel 15 ingevoeg:

„Raad kan registrasie of inskrywing weier.

15A. Ondanks die ander bepalings van hierdie Wet kan die raad weier om 'n persoon ingevolge artikel 12, 14 of 15 te registreer of in te skryf indien volgens die oordeel van die raad die persoon op grond van 'n skuldigbevinding aan 'n voorgeskrewe misdryf ongeskik is om, na gelang van die geval, as 'n verpleegster, vroedvrou of verpleegassistent te praktiseer."

Vervanging van artikel 16 van Wet 69 van 1957.

11. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

„Instelling van adviesrade vir gekleurdes, Bantoes en Indiërs.

16. Daar word 'n adviesraad vir gekleurdes en 'n adviesraad vir Bantoes asook, met ingang van 1 Maart 1975, 'n adviesraad vir Indiërs ingestel, om die raad van advies te dien ten opsigte van die aangeleenthede wat in verband staan met verpleegsters of vroedvroue wat gekleurdes of Bantoes of Indiërs is, wat deur die raad na so 'n adviesraad verwys word, of wat so 'n adviesraad onder die aandag van die raad wil bring."

Wysiging van artikel 17 van Wet 69 van 1957.

12. Artikel 17 van die Hoofwet word hierby gewysig—

(a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

„(1) Die adviesraad vir gekleurdes bestaan uit sewe lede wat gekleurdes is, van wie—

- (a) vier geregistreerde verpleegsters is, verkies deur geregistreerde verpleegsters wat gekleurdes is;
- (b) twee geregistreerde vroedvroue is, verkies deur geregistreerde vroedvroue wat gekleurdes is; en
- (c) een 'n geregistreerde persoon is, verkies deur ingeskrewe verpleegsters en vroedvroue wat gekleurdes is."

(2) Die adviesraad vir Bantoes bestaan uit sewe lede wat Bantoes is, van wie—

- (a) vier geregistreerde verpleegsters is, verkies deur geregistreerde verpleegsters wat Bantoes is;
- (b) twee geregistreerde vroedvroue is, verkies deur geregistreerde vroedvroue wat Bantoes is; en
- (c) een 'n geregistreerde persoon is, verkies deur ingeskrewe verpleegsters en vroedvroue wat Bantoes is."

(b) deur die volgende subartikel na subartikel (2) in te voeg:

„(2A) Die adviesraad vir Indiërs bestaan uit sewe lede wat Indiërs is, van wie—

- (a) vier geregistreerde verpleegsters is, verkies deur geregistreerde verpleegsters wat Indiërs is;
- (b) twee geregistreerde vroedvroue is, verkies deur geregistreerde vroedvroue wat Indiërs is; en
- (c) een 'n geregistreerde persoon is, verkies deur ingeskrewe verpleegsters en vroedvroue wat Indiërs is."

(c) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) (a) Vir die tydperk vanaf die inwerkingtreding van die Wysigingswet op Verpleging, 1972, tot die agt-en-twintigste Februarie 1975, bestaan die adviesrade vir gekleurdes en vir Bantoes onder-

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

10. The following section is hereby inserted in the principal Act after section 15:

Insertion of section 15A in Act 69 of 1957.

"Council may refuse registration or enrolment.

15A. Notwithstanding the other provisions of this Act the council may refuse to register or enrol a person under section 12, 14 or 15 if in the opinion of the council such person is on the grounds of a conviction of a prescribed offence unfit to practise as a nurse, midwife or assistant nurse, as the case may be."

11. The following section is hereby substituted for section 16 of the principal Act:

Substitution of section 16 of Act 69 of 1957.

"Establishment of advisory boards for coloured persons, Bantu and Indians.

16. There shall be established an advisory board for coloured persons and an advisory board for Bantu as well as, with effect from the first March, 1975, an advisory board for Indians, to advise the council on such matters relating to nurses or midwives who are coloured persons or Bantu or Indians, as may be referred to such a board by the council, or upon which any such board may wish to report to the council."

12. Section 17 of the principal Act is hereby amended—

Amendment of section 17 of Act 69 of 1957.

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) The advisory board for coloured persons shall consist of seven members who are coloured persons, of whom—

- (a) four shall be registered nurses elected by registered nurses who are coloured persons;
- (b) two shall be registered midwives elected by registered midwives who are coloured persons; and
- (c) one shall be a registered person elected by enrolled nurses and midwives who are coloured persons.

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

- (a) four shall be registered nurses elected by registered nurses who are Bantu;
- (b) two shall be registered midwives elected by registered midwives who are Bantu; and
- (c) one shall be a registered person elected by enrolled nurses and midwives who are Bantu."

(b) by the insertion after subsection (2) of the following subsection:

"(2A) The advisory board for Indians shall consist of seven members who are Indians, of whom—

- (a) four shall be registered nurses elected by registered nurses who are Indians;
- (b) two shall be registered midwives elected by registered midwives who are Indians; and
- (c) one shall be a registered person elected by enrolled nurses and midwives who are Indians."

(c) by the substitution for subsection (5) of the following subsection:

"(5) (a) For the period from the commencement of the Nursing Amendment Act, 1972, until the twenty-eighth of February, 1975, the advisory board for coloureds and for Bantu shall respectively

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skeidelik uit die lede van sodanige adviesrade soos onmiddellik voor dié inwerkingtreeding saamgestel.

- (b) Indien so 'n lid sy amp ontruim, bestaan die adviesraad waarvan hy lid is, tot bedoelde datum uit die oorblywende lede.”.

Wysiging van artikel 20 van Wet 69 van 1957.

13. Artikel 20 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(4) 'n Besluit van die meerderheid van die lede van 'n adviesraad wat op 'n vergadering van dié adviesraad aanwesig is, maak 'n besluit van daardie adviesraad uit: Met dien verstande dat by 'n staking van stemme die voorsittende lid, benewens 'n beraadslagende stem, ook 'n beslissende stem kan uitbring.”.

Herroeping van artikel 21 van Wet 69 van 1957.

14. Artikel 21 van die Hoofwet word hierby herroep.

Vervanging van artikel 22 van Wet 69 van 1957.

15. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ondersoek deur raad van beskuldigings van wangedrag.

22. Die Raad kan, op die voorgeskrewe wyse, ondersoek instel na 'n klagte, beskuldiging of bewering van onbetaamlike of skandelijke gedrag teen 'n geregistreerde of ingeskrewe persoon, of 'n ingevolge artikel 14 geregistreerde of ingevolge artikel 15 ingeskrewe persoon, hetsy met betrekking tot die persoon se beroep al dan nie, of hetsy voorgeskryf as gedrag wat onbetaamlike of skandelijke gedrag uitmaak, al dan nie, en kan by skuldigbevinding die by artikel 25 voorgeskrewe strawwe ople.”.

Wysiging van artikel 23 van Wet 69 van 1957.

16. Artikel 23 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

„(c) 'n Persoon wat sonder voldoende rede in gebreke bly om op die tyd en plek vermeld in die dagvaarding te verskyn en getuienis af te lê wat op die ondersoek betrekking het, of wat weier om die eed of 'n plegtige verklaring af te lê, of om 'n boek, register, dokument of voorwerp oor te lê wat hy deur 'n dagvaarding gelas is om oor te lê, of om 'n vraag wat regmatiglik aan hom gestel is ten volle en bevredigend volgens sy eerlike oortuiging te beantwoord, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand: Met dien verstande dat 'n aldus gedagvaarde persoon op al die voorregte geregtig is waarop 'n getuie wat voor 'n hooggeregshof getuienis aflê, geregtig is.”.

Vervanging van artikel 24 van Wet 69 van 1957.

17. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

„Wanneer onbetaamlike of skandelijke gedrag die pleeg van 'n misdryf is.

24. Indien die onbetaamlike of skandelijke gedrag wat die onderwerp is van 'n klagte, beskuldiging of bewering teen 'n persoon bedoel in artikel 22, die pleeg van 'n misdryf is waaraan dié persoon deur 'n geregshof skuldig bevind is, is die notule van die betrokke hofverrigtinge *prima facie*-bewys van die pleeg van daardie misdryf.”.

Vervanging van artikel 25 van Wet 69 van 1957.

18. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strawwe.

25. 'n Persoon wat by 'n ondersoek skuldig bevind is, is met een of ander van die volgende strawwe strafbaar, naamlik—

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consist of the members of such advisory boards as constituted immediately prior to the said commencement.

- (b) If such a member vacates his office the advisory board of which he is a member shall until the said date consist of the remaining members.”.

13. Section 20 of the principal Act is hereby amended by the addition of the following subsection: Amendment of section 20 of Act 69 of 1957.

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

14. Section 21 of the principal Act is hereby repealed.

Repeal of section 21 of Act 69 of 1957.

15. The following section is hereby substituted for section 22 of the principal Act: Substitution of section 22 of Act 69 of 1957.

“Enquiry by council into charges of misconduct.

22. The council may, in the manner prescribed, enquire into any complaint, charge or allegation against any registered or enrolled person, or any person registered under section 14 or enrolled under section 15, of improper or disgraceful conduct, whether or not with regard to such person's profession, or whether or not prescribed as constituting improper or disgraceful conduct, and may on conviction impose the penalties prescribed by section 25.”.

16. Section 23 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph: Amendment of section 23 of Act 69 of 1957.

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

17. The following section is hereby substituted for section 24 of the principal Act: Substitution of section 24 of Act 69 of 1957.

“When improper or disgraceful conduct is the commission of an offence.

24. If the improper or disgraceful conduct forming the subject of a complaint, charge or allegation against a person referred to in section 22 is the commission of an offence of which that person has been convicted by a court of law, the record of the relevant court proceedings shall be *prima facie* proof of the commission of that offence.”.

18. The following section is hereby substituted for section 25 of the principal Act: Substitution of section 25 of Act 69 of 1957.

“Penalties.

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

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- (a) 'n waarskuwing of 'n berisping of 'n waarskuwing en 'n berisping; of
- (b) skorsing uit sy praktyk binne die Republiek en die gebied vir 'n vasgestelde tydperk in enige hoedanigheid waarin hy geregistreer of ingeskryf is; of
- (c) skrapping van sy naam van enige register of rol; of
- (d) in die geval van 'n studenteverpleegster of -vroedvrou, leerlingverpleegster of leerling-verpleegassistent, verlenging van die voorgeskrewe tydperk waarvoor hy opleiding moet ondergaan."

Invoeging van
artikel 25A in
Wet 69 van 1957.

19. Die volgende artikel word hierby in die Hoofwet na artikel 25 ingevoeg:

„Uitstel van oplegging van straf en opskorting van tenuitvoerlegging van straf.

- 25A. (1) Indien 'n persoon by 'n ondersoek skuldig bevind is, kan die raad—
- (a) die oplegging van straf vir die tydperk en op die voorwaardes wat hy bepaal, uitstel; of
 - (b) 'n straf vermeld in artikel 25 (b), (c) of (d) oplê, maar beveel dat die tenuitvoerlegging van die straf opgeskort word vir die tydperk en op die voorwaardes wat hy bepaal.
- (2) (a) Indien die raad oortuig is, na afloop van die tydperk waarvoor die oplegging van 'n straf kragtens subartikel (1) (a) uitgestel is, dat die betrokke persoon al die toepaslike voorwaardes nagekom het, moet die raad dié persoon meedeel dat geen straf opgelê gaan word nie.
- (b) Indien die tenuitvoerlegging van 'n straf kragtens subartikel (1) (b) opgeskort is, en die raad oortuig is dat die betrokke persoon gedurende die hele tydperk waarvoor die tenuitvoerlegging van die straf aldus opgeskort is, al die toepaslike voorwaardes nagekom het, deel die raad dié persoon mee dat daardie straf nie ten uitvoer gelê gaan word nie.
- (c) Indien die oplegging van straf kragtens subartikel (1) (a) uitgestel is en die betrokke persoon versuim om 'n voorwaarde waarop die oplegging van straf aldus uitgestel is, na te kom, moet die raad 'n straf bedoel in artikel 25 oplê, tensy dié persoon die raad oortuig dat die nie-nakoming van die betrokke voorwaarde te wyte is aan omstandighede buite sy beheer.
- (d) Indien die tenuitvoerlegging van 'n straf kragtens subartikel (1) (b) opgeskort is en die betrokke persoon versuim om 'n voorwaarde waarop die tenuitvoerlegging van die straf aldus opgeskort is, na te kom, moet die raad die betrokke straf ten uitvoer lê, tensy dié persoon die raad oortuig dat die nie-nakoming van die betrokke voorwaarde te wyte is aan omstandighede buite sy beheer."

Wysiging van
artikel 27 van Wet
69 van 1957.

20. Artikel 27 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

„(3) Indien die betrokke klaer of die raad hom veronreg voel deur die beslissing van die Minister kragtens artikel 26, kan hy binne twee maande na die datum van daardie beslissing aansoek om hersiening doen by die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid uitoefen in die gebied waarin

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- (a) a caution or a reprimand or a caution and a reprimand; or
- (b) suspension for a specified period from practising in the Republic and the territory in any capacity in which he is registered or enrolled; or
- (c) removal of his name from any register or roll; or
- (d) in the case of a student nurse or midwife, pupil nurse or pupil nursing assistant, extension of the prescribed period for which he is required to undergo training."

19. The following section is hereby inserted in the principal Act after section 25:

Insertion of section 25A in Act 69 of 1957.

"Post-ponement of imposition of penalty and suspension of operation of penalty.

25A. (1) If any person has been convicted at an enquiry, the council may—

- (a) postpone the imposition of a penalty for such period and on such conditions as it may determine; or
- (b) impose any penalty referred to in section 25 (b), (c) or (d), but order the operation thereof to be suspended for such period and on such conditions as it may determine.
- (2) (a) If the council is satisfied, after expiry of the period for which the imposition of a penalty has been postponed under subsection (1) (a), that the person concerned has complied with all the appropriate conditions, the council shall inform such person that no penalty will be imposed.
- (b) If the operation of a penalty has been suspended under subsection (1) (b) and the council is satisfied that the person concerned has during the whole period for which the operation of the penalty has been so suspended, complied with all the appropriate conditions, the council shall inform such person that that penalty will not be enforced.
- (c) If the imposition of a penalty has been postponed under subsection (1) (a) and the person concerned fails to comply with a condition subject to which the imposition of a penalty has been so postponed, the council shall impose a penalty referred to in section 25, unless such person satisfies the council that the failure to comply with the condition in question is due to circumstances beyond his control.
- (d) If the operation of a penalty has been suspended under subsection (1) (b) and the person concerned fails to comply with a condition subject to which the operation of the penalty has been so suspended, the council shall enforce the relevant penalty, unless such person satisfies the council that the failure to comply with the condition in question is due to circumstances beyond his control."

20. Section 27 of the principal Act is hereby amended by the addition of the following subsections:

Amendment of section 27 of Act 69 of 1957.

"(3) If the complainant in question or the council is aggrieved by the decision of the Minister under section 26, he or it, as the case may be, may within two months after the date of such decision, make an application for review to the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area in

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die klaer gewoonlik woonagtig is of waarin die raad se hoofkantoor geleë is, na gelang van die geval.

(4) Die hof wat 'n aansoek kragtens subartikel (3) aanhoor, kan die aansoek van die hand wys of die beslissing van die Minister tersyde stel of die saak na die Minister terugverwys vir verdere oorweging.”.

Vervanging van artikel 28 van Wet 69 van 1957.

21. Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beëindiging van skorsing en terugplasing van naam op register of rol. **28.** Die raad kan na goeë dunde en op die voorwaardes (as daar is) wat hy bepaal, 'n skorsing kragtens artikel 25 voor die verstryking van die vasgestelde tydperk beëindig, of 'n naam wat van 'n register of rol geskrap is, daarop terugplaas.”.

Wysiging van artikel 32 van Wet 69 van 1957.

22. Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur na paragraaf (b) die volgende paragrafe in te voeg:

„(bA) alle praktiserende ingeskrewe verpleegsters, vroedvroue en verpleegassistentes, wat „junior lede” genoem word;

(bB) alle verpleegsters, vroedvroue en verpleegassistentes wat nie praktiseer nie en ingeskryf is of bevoeg is om ingeskryf te word en wat ingevolge die regulasies as junior lede toegelaat is;”;

(b) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) alle studenteverpleegsters en -vroedvroue ingevolge artikel 14 geregistreer, wat „junior lede” genoem word;”;

(c) deur na paragraaf (c) die volgende paragraaf in te voeg:

„(cA) alle leerlingverpleegsters ingevolge artikel 15 ingeskryf, wat „junior lede” genoem word;”.

Wysiging van artikel 33 van Wet 69 van 1957.

23. Artikel 33 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Afsonderlike vergaderings word minstens een keer elke drie jaar gehou op die plek en datum wat die bestuur bepaal, deur elkeen van die volgende klasse van lede van die vereniging, naamlik, blankes, gekleurdes, Bantoes en Indiërs.”; en

(b) deur subartikels (4) en (5) deur onderskeidelik die volgende subartikels te vervang:

„(4) Die president of vise-president van die bestuur of 'n ander lid daarvan deur die bestuur aangewys, kan as 'n waarnemer en raadgewer 'n vergadering ingevolge hierdie Wet gehou deur lede van die vereniging wat gekleurdes of Bantoes of Indiërs is, bywoon, maar is nie stemberegtig nie.

(5) 'n Besluit op 'n vergadering van lede van die vereniging wat gekleurdes is of op 'n vergadering van sodanige lede wat Bantoes is of op 'n vergadering van sodanige lede wat Indiërs is, moet oorweeg word deur die adviserende komitee vir gekleurdes of die adviserende komitee vir Bantoes of die adviserende komitee vir Indiërs, na gelang van die geval, wat die besluit saam met sy aanbeveling aan die bestuur moet oordra.”.

Wysiging van artikel 35 van Wet 69 van 1957.

24. (1) Artikel 35 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

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which the complainant normally resides or in which the head office of the council is situated, as the case may be.

(4) The court hearing an application under subsection (3) may dismiss the application or set aside the decision of the Minister or remit the matter to the Minister for further consideration.”.

21. The following section is hereby substituted for section 28 of the principal Act: Substitution of section 28 of Act 69 of 1957.

“Termination of suspension and restoration of name to register or roll. 28. The council may, if it thinks fit, and subject to such conditions (if any) as it may determine, terminate any suspension under section 25 before the expiry of the specified period, or restore to a register or roll any name which has been removed therefrom.”.

22. Section 32 of the principal Act is hereby amended— Amendment of section 32 of Act 69 of 1957.

(a) by the insertion after paragraph (b) of the following paragraphs:

“(bA) all practising enrolled nurses, midwives and nursing assistants who shall be called ‘junior members’;

(bB) all non-practising nurses, midwives and nursing assistants who are enrolled or qualified to be enrolled and who in terms of the regulations have been admitted as junior members;”;

(b) by the substitution for paragraph (c) of the Afrikaans text of the following paragraph:

“(c) alle studenteverpleegsters en -vroedvroue ingevolge artikel 14 geregistreer, wat ‘junior lede’ genoem word;”;

(c) by the insertion after paragraph (c) of the following paragraph:

“(cA) all pupil nurses enrolled in terms of section 15, who shall be called ‘junior members’;”.

23. Section 33 of the principal Act is hereby amended— Amendment of section 33 of Act 69 of 1957

(a) by the substitution for subsection (1) of the following subsection:

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

(b) by the substitution for subsections (4) and (5) of the following subsections, respectively:

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

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

24. (1) Section 35 of the principal Act is hereby amended— Amendment of section 35 of Act 69 of 1957.

(a) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

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„(d) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur junior lede van die vereniging wat studenteverpleegsters of -vroedvroue is wat ingevolge artikel 14 geregistreer en blankes is;”;

(b) deur na genoemde paragraaf (d) die volgende paragraaf in te voeg:

(dA) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur junior lede van die vereniging wat ingeskrewe verpleegsters of vroedvroue of verpleegassistenten en blankes is;” en

(c) deur die volgende paragraaf by genoemde subartikel (2) te voeg:

„(g) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur die adviserende komitee vir Indiërs.”.

(2) Paragraaf (b) van subartikel (1) tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en paragraaf (c) van genoemde subartikel op die datum beoog in artikel 38 (1) van die Hoofwet.

Wysiging van
artikel 36 van Wet
69 van 1957.

25. Artikel 36 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Tien lede maak 'n kworum uit op 'n vergadering van die bestuur.”.

Wysiging van
artikel 38 van Wet
69 van 1957.

26. Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Daar word 'n adviserende komitee vir gekleurdes en 'n adviserende komitee vir Bantoes en, vanaf 'n datum wat die Minister na oorlegpleging met die vereniging en by kennisgewing in die *Staatskoerant* bepaal, 'n adviserende komitee vir Indiërs ingestel om die bestuur van advies te dien ten opsigte van aangeleenthede wat in verband staan met verpleegsters of vroedvroue wat gekleurdes, Bantoes of Indiërs is, wat deur die bestuur na so 'n komitee verwys word, of wat so 'n komitee onder die aandag van die bestuur wil bring.”.

Wysiging van
artikel 39 van Wet
69 van 1957.

27. Artikel 39 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) die vereniging in streektakke of groepe binne daardie takke verdeel, en die takke of groepe reguleer: Met dien verstande dat daar afsonderlike takke of groepe ten opsigte van blankes, gekleurdes, Bantoes en Indiërs moet wees;”;

(b) deur paragrawe (e), (f) en (g) deur onderskeidelik die volgende paragrawe te vervang:

„(e) 'n uitvoerende direkteur en die ander amptenare wat nodig is, aanstel en hul pligte en diensvoorwaardes reël: Met dien verstande dat die uitvoerende direkteur of 'n ander beaampte wat aangestel word, in albei offisiële tale bedrewe moet wees;

(f) siekte- of voorsorgs- of pensioenfondse vir verpleegsters of vroedvroue of verpleegassistenten instel en administreer;

(g) stappe doen wat die vereniging nodig ag ter beveiliging of verbetering van die diensvoorwaardes van verpleegsters, vroedvroue, verpleegassistenten, studenteverpleegsters of -vroedvroue of

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“(d) one person who is registered both as a nurse and as a midwife, elected by junior members of the association, who are student nurses or midwives who have been registered in terms of section 14 and are white persons;”;

(b) by the insertion after the said paragraph (d) of the following paragraph:

“(dA) one person who is registered both as a nurse and as a midwife, elected by junior members of the association, who are enrolled nurses or midwives or nursing assistants and are white persons;”;

(c) by the addition of the following paragraph to the said subsection (2):

“(g) one person who is registered both as a nurse and as a midwife, elected by the advisory committee for Indians.”

(2) Paragraph (b) of subsection (1) shall come into operation on a date fixed by the State President by proclamation in the *Gazette*, and paragraph (c) of the said subsection on the date referred to in section 38 (1) of the principal Act.

25. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 36 of Act 69 of 1957.

“(1) Ten members shall form a quorum at any meeting of the board.”

26. Section 38 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 38 of Act 69 of 1957.

“(1) There shall be established an advisory committee for coloured persons and an advisory committee for Bantu and, from a date fixed by the Minister after consultation with the association and by notice in the *Gazette*, an advisory committee for Indians, to advise the board on such matters relating to nurses or midwives who are coloured persons or Bantu or Indians, as may be referred to such committee by the board, or upon which any such committee may wish to report to the board.”

27. Section 39 of the principal Act is hereby amended— Amendment of section 39 of Act 69 of 1957.

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) divide the association into regional branches or groups within such branches, and regulate such branches or groups: Provided that there shall be separate branches or groups in respect of white persons, coloured persons, Bantu and Indians;”;

(b) by the substitution for paragraphs (e), (f) and (g) of the following paragraphs, respectively:

“(e) appoint an executive director and such other officers as may be necessary and regulate their duties and conditions of service: Provided that the executive director or any other officer appointed shall be proficient in both official languages;

(f) establish and administer sick or provident or pension funds for nurses or midwives or nursing assistants;

(g) take such steps as it deems necessary to safeguard or improve the conditions of service of nurses, midwives, nursing assistants, student nurses or midwives or pupil nurses, and make

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- leerlingverpleegsters, en namens hulle vertoë rig wanneer die vereniging dit nodig of dienstig ag;";
- (c) deur die woord „en” aan die end van paragraaf (i) te skrap; en
- (d) deur die volgende paragraaf na paragraaf (i) in te voeg: „(j) verplegingsagentskappe instel en administreer, en”.

Wysiging van artikel 40 van Wet 69 van 1957.

28. Artikel 40 van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang: „(c) die toelating van lede of junior lede van die vereniging in paragraaf (b), (bB) of (d) van artikel 32 vermeld;”.

Herroeping van artikel 42 van Wet 69 van 1957.

29. Artikel 42 van die Hoofwet word hierby herroep.

Vervanging van artikel 43 van Wet 69 van 1957.

30. Artikel 43 van die Hoofwet word hierby deur die volgende artikel vervang:

„Stuur van afskrifte van geregtelike notule van verhoor of van notule van geregtelike doodsonderseke aan raad.

43. Wanneer 'n hofgeding of 'n geregtelike doodsonderzoek *prima facie*-getuienis van onbetaamlike of skandelijke gedrag deur 'n geregistreerde of ingeskrewe persoon of deur 'n ingevolge artikel 14 geregistreerde of ingevolge artikel 15 ingeskrewe persoon openbaar, hetsy met betrekking tot sy beroep, al dan nie, moet die hof of die landdros, na gelang van die geval, gelas dat 'n gewaarmerkte afskrif van die notule van die verhoor van die geding of van die geregtelike doodsonderzoek, na gelang van die geval, of die gedeelte daarvan wat op die aangeleentheid betrekking het, aan die raad gestuur word.”.

Herroeping van artikels 44, 45 en 46 van Wet 69 van 1957.

31. (1) Artikels 44, 45 en 46 van die Hoofwet word hierby herroep.

(2) Vir sover subartikel (1) betrekking het op die herroeping van artikels 45 en 46 van die Hoofwet, tree dit in werking een jaar na die inwerkingtreding van hierdie Wet.

Vervanging van artikel 47 van Wet 69 van 1957.

32. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperking van die praktyk of skorsing van geregistreerde of ingeskrewe persoon.

47. (1) Wanneer dit vir die raad skyn dat 'n ingevolge hierdie Wet geregistreerde of ingeskrewe persoon of 'n ingevolge artikel 14 geregistreerde of ingevolge artikel 15 ingeskrewe persoon—

- (a) verstandelik of liggaamlik in so 'n mate onbekwaam geword het dat dit met die openbare welsyn in stryd sou wees om hom toe te laat om sy praktyk voort te sit;
- (b) om die een of ander rede nie gewoontevormende medisyne of moontlik gevaarlike afhanklikheidsvormende medisyne of gevaarlike afhanklikheidsvormende medisyne behoort te koop, te verkry, te hou, te gebruik, toe te dien, voor te skryf, te bestel, te voorsien of te besit nie;
- (c) medisyne vermeld in paragraaf (b) anders as virgeneeskundige doeleindes gebruik, besit, voorgeskryf, toegedien of voorsien het; of
- (d) aan die gebruik van medisyne vermeld in paragraaf (b) verslaaf geraak het,
- moet die raad, *mutatis mutandis* ooreenkomstig die bepalinge van artikel 23, 'n ondersoek na die aangeleentheid instel.

(2) Indien die raad na 'n ondersoek ingevolge subartikel (1) bevind dat 'n bepaling van paragraaf

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representations on their behalf whenever the association deems it necessary or expedient;”;

(c) by the deletion of the word “and” at the end of paragraph (i); and

(d) by the insertion of the following paragraph after paragraph (i):

“(j) establish and administer nursing agencies, and”.

28. Section 40 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph: Amendment of section 40 of Act 69 of 1957.

“(c) the admission of members or junior members of the association referred to in paragraph (b), (bB) or (d) of section 32;”.

29. Section 42 of the principal Act is hereby repealed.

Repeal of section 42 of Act 69 of 1957.

30. The following section is hereby substituted for section 43 of the principal Act: Substitution of section 43 of Act 69 of 1957.

“Trans-
mission to
council of
copies of
court
records or
records of
inquests.

43. Whenever proceedings before any court of law disclose or an inquest discloses *prima facie* evidence of improper conduct or disgraceful conduct on the part of a registered or enrolled person or of a person registered under section 14 or enrolled under section 15, whether or not in regard to his profession, the court or the magistrate, as the case may be, shall direct that a certified copy of the record in such proceedings or of the inquest, as the case may be, or such portion as is material to the issue, shall be transmitted to the council.”.

31. (1) Sections 44, 45 and 46 of the principal Act are hereby repealed. Repeal of sections 44, 45 and 46 of Act 69 of 1957.

(2) In so far as subsection (1) relates to the repeal of sections 45 and 46 of the principal Act, it shall come into operation one year after the commencement of this Act.

32. The following section is hereby substituted for section 47 of the principal Act: Substitution of section 47 of Act 69 of 1957.

“Limita-
tion of the
practice or
suspension
of regis-
tered or
enrolled
person.

47. (1) Whenever it appears to the council that a person registered or enrolled under this Act or a person registered under section 14 or enrolled under section 15—

(a) has become mentally or physically disabled to such an extent that it would be contrary to the public welfare to allow him to continue to practise;

(b) should for any reason not purchase, acquire, keep, use, administer, prescribe, order, supply or possess habit-forming drugs, potentially dangerous dependence-producing drugs or dangerous dependence producing drugs;

(c) has used, possessed, prescribed, administered or supplied any drugs referred to in paragraph (b), otherwise than for medicinal purposes; or

(d) has become addicted to the use of any drugs referred to in paragraph (b),

the council shall *mutatis mutandis* in accordance with the provisions of section 23, enquire into the matter.

(2) If the council after an inquiry in terms of subsection (1), finds that a provision of paragraph

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(a), (b), (c) of (d) van genoemde subartikel op die persoon ten opsigte van wie die ondersoek gehou is, van toepassing is, kan hy—

(a) in die geval van 'n persoon op wie 'n bepaling van genoemde paragraaf (a) van toepassing is—

(i) gelas dat dié persoon vir 'n bepaalde tydperk nie sy praktyk mag beoefen of 'n handeling mag verrig nie wat spesiaal by sy beroep behoort; of

(ii) bepaal dat dié persoon slegs geregtig is om sy beroep uit te oefen onderworpe aan die voorwaardes wat die raad bepaal; of

(b) in die geval van 'n persoon op wie 'n bepaling van genoemde paragraaf (b), (c) of (d) van toepassing is—

(i) aan dié persoon 'n straf bedoel in artikel 25 oplê;

(ii) dié persoon vir 'n bepaalde tydperk verbied om medisyne vermeld in genoemde paragraaf (b) te koop, te verkry, te hou, te gebruik, toe te dien, voor te skryf, te bestel, te voorsien of te besit; of

(iii) bepaal dat gedurende die tydperk wat die raad bepaal, dié persoon slegs geregtig is om sodanige medisyne te koop, te verkry, te hou, te gebruik, toe te dien, voor te skryf, te bestel, te voorsien of te besit op die voorwaardes wat die raad bepaal.

(3) Die raad kan 'n bepaling, bevel, verbod of straf kragtens subartikel (2) te eniger tyd verleng, wysig of intrek.

(4) Die bepalinge van artikels 26 en 27 is *mutatis mutandis* van toepassing ten opsigte van 'n bepaling, bevel, verbod of straf kragtens hierdie artikel.

(5) 'n Ingevolge hierdie Wet geregistreerde of ingeskrewe persoon of 'n ingevolge artikel 14 geregistreerde of ingevolge artikel 15 ingeskrewe persoon wat 'n bepaling, bevel of verbod kragtens subartikel (2) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Vervanging van artikel 51 van Wet 69 van 1957.

33. Artikel 51 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vergoeding ten opsigte van sekere dienste nie verhaalbaar nie. 51. 'n Persoon wat ingevolge hierdie Wet verbied word om as 'n verpleegster of vroedvrouw of verpleegassistent vir wins te praktiseer kan die vergoeding ten opsigte van dienste deur hom gelewer terwyl hy aldus gepraktiseer het, nie verhaal nie.”

Wysiging van artikel 53 van Wet 69 van 1957.

34. Artikel 53 van die Hoofwet word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:

„(e) hom as 'n bepaalde geregistreerde of ingeskrewe persoon voordoen;”

Vervanging van artikel 54 van Wet 69 van 1957.

35. Artikel 54 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strawwe waar nie uitdruklik bepaal nie. 54. 'n Persoon wat 'n bepaling van hierdie Wet, met uitsondering van Deel IV, oortree of in gebreke bly om dit na te kom, is aan 'n misdryf skuldig en waar geen straf uitdruklik bepaal word nie, by skuldigbevinding met 'n boete van hoogstens driehonderd rand strafbaar.”

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(a), (b), (c) or (d) of the said subsection applies to the person in respect of whom such inquiry was held, it may—

(a) in the case of a person to whom a provision of the said paragraph (a) applies—

- (i) order that such person may not for a specified period exercise his practice or perform an act specially pertaining to his profession; or
- (ii) direct that such person shall only be entitled to exercise his profession subject to such conditions as the council may determine; or

(b) in the case of a person to whom a provision of the said paragraph (b), (c) or (d) applies—

- (i) impose on such person a penalty referred to in section 25;
- (ii) prohibit such person for a specified period from purchasing, acquiring, keeping, using, administering, prescribing, ordering, supplying or possessing any drugs mentioned in the said paragraph (b); or
- (iii) direct that during such period as may be specified by the council, such person shall only be entitled to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any such drugs on such conditions as the council may determine.

(3) The council may at any time extend, modify or rescind any determination, direction, order, prohibition or penalty under subsection (2).

(4) The provisions of sections 26 and 27 shall apply *mutatis mutandis* in respect of a determination, direction, order, prohibition or penalty under this section.

(5) Any person registered or enrolled under this Act or any person registered under section 14 or enrolled under section 15 who contravenes or fails to comply with any determination, direction, order or prohibition under subsection (2) shall be guilty of an offence.”.

33. The following section is hereby substituted for section 51 of the principal Act:

Substitution of section 51 of Act 69 of 1957.

“Remuneration in respect of certain services not recoverable.

51. Any person who under this Act is prohibited from practising as a nurse or midwife or nursing assistant for gain may not recover any remuneration in respect of services rendered by him while so practising.”.

34. Section 53 of the principal Act is hereby amended by the substitution for paragraph (e) of the Afrikaans text of the following paragraph:

Amendment of section 53 of Act 69 of 1957.

“(e) hom as ’n bepaalde geregistreerde of ingeskrewe persoon voordoen;”.

35. The following section is hereby substituted for section 54 of the principal Act:

Substitution of section 54 of Act 69 of 1957.

“Penalties where not specially provided.

54. Any person who contravenes or fails to comply with a provision of this Act, excluding Part IV, shall be guilty of an offence and shall where no penalty is specially provided, be liable on conviction to a fine not exceeding three hundred rand.”.

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Wysiging van
artikel 55 van Wet
69 van 1957.

36. Artikel 55 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) dat 'n persoon as 'n verpleegster of vroedvrou geregistreer, of as 'n verpleegster of vroedvrou of 'n verpleegassistent ingeskryf, of as 'n studenteverpleegster of -vroedvrou ingevolge artikel 14 geregistreer, of as 'n leerlingverpleegster of 'n leerling-verpleegassistent ingevolge artikel 15 ingeskryf is, of nie aldus geregistreer of ingeskryf is nie; of”.

Vervanging van
Engelse teks van
lang titel van Wet
69 van 1957.

37. Die Hoofwet word hierby gewysig deur die Engelse teks van die lang titel deur die volgende te vervang:

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

Kort titel.

38. Hierdie Wet heet die Wysigingswet op Verpleging, 1972.

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36. Section 55 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 55 of Act 69 of 1957.

“(a) that a person is registered as a nurse or midwife or enrolled as a nurse or midwife or a nursing assistant or registered under section 14 as a student nurse or midwife or enrolled under section 15 as a pupil nurse or a pupil nursing assistant or is not so registered or enrolled; or”.

37. The principal Act is hereby amended by the substitution for the English text of the long title of the following: Substitution of English text of long title to Act 69 of 1957.

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

38. This Act shall be called the Nursing Amendment Act, Short title. 1972.

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