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GOVERNMENT GAZETTE

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[No. 3835.

KAAPSTAD, 4 APRIL 1973.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 551. 4th April, 1973.

No. 551. 4 April 1973.

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

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

No. 16 of 1973: Medical, Dental and Pharmacy Amendment Act, 1973.

No. 16 van 1973: Wysigingswet op Geneeshere, Tandartse en Aptekers, 1973.

Act No. 16, 1973

MEDICAL, DENTAL AND PHARMACY AMENDMENT ACT,
1973.

ACT

To amend the Medical, Dental and Pharmacy Act, 1928, in order to provide for the appointment of the Secretary for Health to the South African Medical and Dental Council; to provide for the establishment of additional registers; to empower the State President to prescribe additional degrees, diplomas and certificates which entitle the holders thereof to registration as chemists and druggists, and in this regard to place certain restrictions on the registration of such holders and on their right to practise as chemists and druggists; to provide for the exemption of certain persons from the payment of certain prescribed fees; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 26th March, 1973.)*

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

Amendment of section 2 of Act 13 of 1928, as amended by section 2 of Act 41 of 1944, section 22 of Act 45 of 1944, section 1 of Act 14 of 1946, section 1 of Act 13 of 1950, section 2 of Act 29 of 1954 and section 1 of Act 69 of 1961.

1. Section 2 of the Medical, Dental and Pharmacy Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) One of the members of the council so appointed shall be the Secretary for Health or the chief health officer or deputy chief health officer of the Department of Health and one shall be the commissioner of mental health or the physician superintendent of a State mental hospital.”.

Amendment of section 15 of Act 13 of 1928, as amended by section 2 of Act 13 of 1950 and section 4 of Act 29 of 1954.

2. Section 15 of the principal Act is hereby amended—

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

“(h) dental students,”; and

(b) by the addition after paragraph (i) of subsection (1) of the following paragraphs:

“(iA) unqualified assistants,

(iB) trainee chemists and druggists.”.

Amendment of section 22 of Act 13 of 1928, as amended by section 3 of Act 2 of 1935, section 4 of Act 14 of 1946, section 3 of Act 13 of 1950, section 1 of Act 23 of 1951, section 6 of Act 29 of 1954,

3. Section 22 of the principal Act is hereby amended—

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

“(b) on the recommendation of the council or the board it may be provided, in relation to any degree, diploma or certificate of a university, medical school or pharmacy school or other examining authority outside the Republic, that registration under this Act shall be limited to a particular category of holders of such degree, diploma or certificate or to a specified number of holders of

Wet No. 16, 1973

WYSIGINGSWET OP GENEESHERE, TANDARTSE EN
APTEKERS, 1973.

WET

Tot wysiging van die Wet op Geneeshere, Tandartse en Aptekers, 1928, ten einde voorsiening te maak vir die aanstelling van die Sekretaris van Gesondheid in die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad; om voorsiening te maak vir die instelling van bykomende registers; om die Staatspresident te magtig om bykomende grade, diplomas en sertifikate voor te skryf wat die houters daarvan geregtig maak op registrasie as aptekers, en om in hierdie verband sekere beperkings te plaas op die registrasie van sodanige houters en op hul reg om as aptekers te praktiseer; om voorsiening te maak vir die vrystelling van sekere persone van die betaling van sekere voorgeskrewe gelde; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Maart 1973.)

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

1. Artikel 2 van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

„(b) Een van die aldus benoemde lede van die raad moet die Sekretaris van Gesondheid of die hoofgesondheidsbeampte of adjunk-hoofgesondheidsbeampte van die Departement van Gesondheid wees en een moet die kommissaris van geestesgesondheid of die geneesheerbestuurder van 'n staatshospitaal vir sielsiekes wees.”.

Wysiging van artikel 2 van Wet 13 van 1928, soos gewysig deur artikel 2 van Wet 41 van 1944, artikel 22 van Wet 45 van 1944, artikel 1 van Wet 14 van 1946, artikel 1 van Wet 13 van 1950, artikel 2 van Wet 29 van 1954 en artikel 1 van Wet 69 van 1961.

2. Artikel 15 van die Hoofwet word hierby gewysig—

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

„(h) studente in tandheelkunde,”; en

(b) deur die byvoeging na paragraaf (i) van subartikel (1) van die volgende paragrawe:

„(iA) ongekwalifiseerde assistente,
(iB) kwekeling-aptekars.”.

Wysiging van artikel 15 van Wet 13 van 1928, soos gewysig deur artikel 2 van Wet 13 van 1950 en artikel 4 van Wet 29 van 1954.

3. Artikel 22 van die Hoofwet word hierby gewysig—

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

„(b) op aanbeveling van die raad of die kommissie daar met betrekking tot 'n graad, diploma of sertifikaat van 'n universiteit, mediese skool of farmaseutiese skool of ander eksaminerende outoriteit buite die Republiek bepaal kan word dat registrasie ingevolge hierdie Wet beperk word tot 'n besondere kategorie van besitters van so 'n graad, diploma of sertifikaat of tot 'n bepaalde getal besitters van daardie kategorie, en dat die

Wysiging van artikel 22 van Wet 13 van 1928, soos gewysig deur artikel 3 van Wet 2 van 1935, artikel 4 van Wet 14 van 1946, artikel 3 van Wet 13 van 1950, artikel 1 van Wet 23 van 1951, artikel 6 van Wet 29 van 1954, artikel 3 van Wet 69 van 1961,

Act No. 16, 1973

MEDICAL, DENTAL AND PHARMACY AMENDMENT ACT,
1973.

section 3 of
Act 69 of 1961,
section 2 of
Act 34 of 1962
and section 3 of
Act 44 of 1969.

that category and that the particular holders to be registered shall be selected in accordance with a specified procedure;"; and

(b) by the addition of the following subsections:

"(4) The State President may, after considering any recommendation of the board, prescribe by regulation the several degrees, diplomas and certificates granted after examination by a university, pharmacy school or other examining authority outside the Republic which, in addition to the degrees, diplomas or certificates prescribed under subsection (1) or granted under section 27 (1), entitle the holders thereof to registration under this Act as chemists and druggists, whereupon the board may in its discretion, subject to any regulations which the State President may make, register any such person as a chemist and druggist: Provided that a person registered in terms of this subsection shall be entitled to practise as a chemist and druggist—

- (i) for an initial period of not more than five years, and thereafter for such period or periods as the board may determine;
- (ii) only in respect of such area or areas as the board may determine; and
- (iii) subject to such restrictions in respect of his professional activities as the board may determine.

(5) No person who has obtained in the Republic a degree, diploma or certificate referred to in subsection (1) shall be registered as a chemist and druggist under this Act unless he has, to the satisfaction of the board, completed practical training for a continuous period of not less than one year with a chemist and druggist in the Republic or in the territory in a pharmacy approved by the board by virtue of a contract of training lodged with the registrar and approved by the board prior to the commencement of such training."

Amendment of
section 25 of
Act 13 of 1928,
as amended by
section 4 of
Act 13 of 1950,
section 8 of
Act 29 of 1954
and section 5 of
Act 44 of 1969.

4. Section 25 of the principal Act is hereby amended by the substitution for paragraph (hA) of the following paragraph:

"(hA) the nature and duration of the practical training to be undergone by persons who have obtained a degree, diploma or certificate in pharmacy prescribed under section 22 or paragraph (c) of section 27 (1) before they may be registered as chemists and druggists;".

Amendment of
section 27 of
Act 13 of 1928,
as amended by
section 1 of
Act 5 of 1937,
section 10 of
Act 29 of 1954
and section 6 of
Act 44 of 1969.

5. Section 27 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) has undergone a prescribed course of study of not less than four years at an institution recognized by the board and has passed an examination or examinations to the satisfaction of, and before examiners appointed by, the board: Provided that no person who has obtained a diploma under this paragraph shall be registered under this Act unless he has, to the satisfaction of the board, completed practical training for a continuous period of not less than one year with a chemist and druggist in the Republic or in the territory in a pharmacy approved by the board by virtue of a contract of training lodged with the registrar and approved by the board prior to the commencement of such training."

WYSIGINGSWET OP GENEESHERE, TANDARTSE EN
APTEKERS, 1973.

Wet No. 16, 1973

besondere besitters wat geregistreer moet word, ooreenkomstig 'n bepaalde prosedure uitgesoek moet word;"; en

artikel 2 van
Wet 34 van 1962
en artikel 3 van
Wet 44 van 1969.

(b) deur die volgende subartikels by te voeg:

„(4) Die Staatspresident kan, na oorweging van 'n aanbeveling van die kommissie, by regulasie die verskillende grade, diplomas en sertifikate voorskryf wat na eksamen deur 'n universiteit, farmaseutiese skool of ander eksaminerende outoriteit buite die Republiek verleen word en wat, benewens die grade, diplomas of sertifikate ingevolge subartikel (1) voorgeskryf of ingevolge artikel 27 (1) verleen, die besitters daarvan die reg gee om as aptekers kragtens hierdie Wet geregistreer te word, waarna die kommissie na goeë dunde, behoudens enige regulasies wat die Staatspresident uitvaardig, so iemand as 'n apteker kan registreer: Met dien verstande dat iemand wat ingevolge hierdie subartikel geregistreer is, geregtig is om as 'n apteker te praktiseer—

- (i) vir 'n aanvanklike tydperk van hoogstens vyf jaar, en daarna vir die tydperk of tydperke wat die kommissie bepaal;
- (ii) slegs ten opsigte van die gebied of gebiede wat die kommissie bepaal; en
- (iii) onderhewig aan die beperkings ten opsigte van sy professionele bedrywighede wat die kommissie bepaal.

(5) Niemand wat in die Republiek 'n in subartikel (1) bedoelde graad, diploma of sertifikaat verwerf het, word as 'n apteker ingevolge hierdie Wet geregistreer nie tensy hy, tot bevrediging van die kommissie, praktiese opleiding vir 'n aaneenlopende tydperk van minstens een jaar by 'n apteker in die Republiek of in die gebied in 'n deur die kommissie goedgekeurde apteek voltooi het uit hoofde van 'n opleidingskontrak wat voor die aanvang van bedoelde opleiding by die registrateur ingedien en deur die kommissie goedgekeur is.”.

4. Artikel 25 van die Hoofwet word hierby gewysig deur paragraaf (hA) deur die volgende paragraaf te vervang:

„(hA) die aard en duur van die praktiese opleiding wat deur persone wat 'n kragtens artikel 22 of paragraaf (c) van artikel 27 (1) voorgeskrewe graad, diploma of sertifikaat in artsnykunde verkry het, ondergaan moet word voordat hulle as aptekers geregistreer kan word;”.

Wysiging van
artikel 25 van
Wet 13 van 1928,
soos gewysig deur
artikel 4 van
Wet 13 van 1950,
artikel 8 van
Wet 29 van 1954
en artikel 5 van
Wet 44 van 1969.

5. Artikel 27 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) 'n voorgeskrewe studiekursus van minstens vier jaar aan 'n inrigting wat deur die kommissie erken word, gevolg het en by aflegging van 'n eksamen of eksamens voor eksaminatore benoem deur die kommissie laasgenoemde tevrede gestel het: Met dien verstande dat niemand wat 'n diploma ingevolge hierdie paragraaf verwerf het kragtens hierdie Wet geregistreer word nie tensy hy, tot bevrediging van die kommissie, praktiese opleiding vir 'n aaneenlopende tydperk van minstens een jaar by 'n apteker in die Republiek of in die gebied voltooi het in 'n deur die kommissie goedgekeurde apteek en uit hoofde van 'n opleidingskontrak wat by die registrateur ingedien is en deur die kommissie goedgekeur is voor die aanvang van sodanige opleiding.”.

Wysiging van
artikel 27 van
Wet 13 van 1928,
soos gewysig deur
artikel 1 van
Wet 5 van 1937,
artikel 10 van
Wet 29 van 1954
en artikel 6 van
Wet 44 van 1969.

Act No. 16, 1973

MEDICAL, DENTAL AND PHARMACY AMENDMENT ACT,
1973.

Amendment of section 32 of Act 13 of 1928, as amended by section 35 of Act 30 of 1945, section 5 of Act 13 of 1950, section 3 of Act 34 of 1962 and section 4 of Act 43 of 1971.

6. Section 32 of the principal Act is hereby amended by the substitution for subsection (1)*bis* of the following subsection:

“(1)*bis* The board may establish and keep registers in which shall be entered particulars of pharmaceutical technicians who have passed examinations or undergone training to the satisfaction of the board, and may hold examinations for such persons and make rules prescribing the fees for registration and providing for the recognition by the board of diplomas or certificates which may be accepted for registration in lieu of the passing of any examination prescribed by the board, and the conditions of acceptance.”.

Amendment of section 95A of Act 13 of 1928, as inserted by section 19 of Act 43 of 1971.

7. Section 95A of the principal Act is hereby amended—

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

“(1) The State President may on the recommendation of the council at any time by proclamation in the *Gazette* authorize the council to prescribe a fee to be paid annually to the council by all persons registered in respect of any profession referred to in section 32 and specified in the proclamation: Provided that where a professional board has been established in respect of a profession referred to in section 32, the council shall make such recommendation only after consultation with the professional board established in respect of the profession to which such proclamation will relate: Provided further that in specifying such fee, the council may differentiate between persons according to whether they were so registered before or after a date specified in the proclamation.”; and

(b) by the addition of the following subsection:

“(3) The council may by resolution exempt for an indefinite or definite period any person specified in the resolution and registered in respect of a profession referred to in section 32, from payment of the fee prescribed under subsection (1): Provided that where a professional board has been established in respect of a profession referred to in section 32, the council shall adopt such resolution only after consultation with the professional board established in respect of the profession with regard to which the person so specified has been registered.”.

Amendment of section 96 of Act 13 of 1928, as amended by section 35 of Act 30 of 1945, section 9 of Act 14 of 1946, section 13 of Act 13 of 1950, section 12 of Act 11 of 1957, section 10 of Act 34 of 1962, section 26 of Act 44 of 1969 and section 5 of Act 95 of 1971.

8. Section 96 of the principal Act is hereby amended by the substitution for the definition of “unqualified assistant” of the following definition:

“‘unqualified assistant’, for the purposes of sections 11, 15, 37, 50, 55 and 87, means a person who has obtained credit for the first and second years of study for a degree or diploma in pharmacy at an institution approved by the board and who is registered as a pharmacy student, or a person who has completed a period of apprenticeship with a chemist and druggist referred to in section 27 and who has been registered as such under this Act.”.

Amendment of section 96A of Act 13 of 1928, as inserted by section 6 of Act 95 of 1971.

9. Section 96A of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A notice issued under this section shall lapse after the expiry of a period of three years after the commencement of section 3 of the Abuse of Dependence-

WYSIGINGSWET OP GENEESHERE, TANDARTSE EN
APTEKERS, 1973.

Wet No. 16, 1973

6. Artikel 32 van die Hoofwet word hierby gewysig deur subartikel (1)*bis* deur die volgende subartikel te vervang:

„(1)*bis* Die kommissie kan registers aanlê en hou waarin ingeskrywe moet word besonderhede van farmaseutiese tegnikusse wat eksamens afgelê het of opgelei is tot bevrediging van die kommissie en kan eksamens aan sulke persone afneem en reëls vasstel wat die gelde vir registrasie voorskryf en voorsiening maak vir die erkenning deur die kommissie van diplomas of sertifikate wat erken mag word vir registrasie in plaas van aflegging van 'n deur die kommissie voorgeskrewe eksamen en die voorwaardes van erkenning.”

Wysiging van artikel 32 van Wet 13 van 1928, soos gewysig deur artikel 35 van Wet 30 van 1945, artikel 5 van Wet 13 van 1950, artikel 3 van Wet 34 van 1962 en artikel 4 van Wet 43 van 1971.

7. Artikel 95A van die Hoofwet word hierby gewysig—

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

„(1) Die Staatspresident kan op aanbeveling van die raad te eniger tyd by proklamasie in die *Staatskoerant* die raad magtig om gelde voor te skryf wat jaarliks aan die raad betaal moet word deur alle persone wat geregistreer is ten opsigte van 'n beroep in artikel 32 vermeld en wat in sodanige proklamasie vermeld word: Met dien verstande dat waar 'n beroepsraad ingestel is ten opsigte van 'n beroep wat in artikel 32 vermeld word, die raad sodanige aanbeveling doen slegs na oorlegpleging met die beroepsraad wat ingestel is ten opsigte van die beroep waarop die proklamasie betrekking sal hê: Met dien verstande voorts dat die raad by die bepaling van sodanige gelde, kan onderskei tussen persone na gelang hulle voor of na 'n datum in die proklamasie vermeld aldus geregistreer is.”; en

Wysiging van artikel 95A van Wet 13 van 1928, soos ingevoeg deur artikel 19 van Wet 43 van 1971.

(b) deur die volgende subartikel by te voeg:

„(3) Die raad kan by besluit vir 'n onbepaalde of bepaalde tyd 'n in die besluit vermelde persoon wat geregistreer is ten aansien van 'n beroep wat in artikel 32 vermeld word, vrystel van betaling van die kragtens subartikel (1) voorgeskrewe gelde: Met dien verstande dat waar 'n beroepsraad ingestel is ten opsigte van 'n beroep wat in artikel 32 vermeld word, die raad bedoelde besluit aanvaar slegs na oorleg met die beroepsraad wat ingestel is ten opsigte van die beroep ten aansien waarvan die aldus vermelde persoon geregistreer is.”.

8. Artikel 96 van die Hoofwet word hierby gewysig deur die omskrywing van „ongekwalifiseerde assistent” deur die volgende omskrywing te vervang:

„„ongekwalifiseerde assistent” by die toepassing van artikels 11, 15, 37, 50, 55 en 87 iemand wat erkenning ontvang het vir die eerste en tweede studiejare vir 'n graad of diploma in artsenykunde by 'n deur die kommissie goedgekeurde inrigting en wat as 'n student in artsenykunde geregistreer is of iemand wat 'n in artikel 27 bedoelde leerlingstydperk by a apteker voltooi het, en wat as sodanig kragtens hierdie Wet geregistreer is;”.

Wysiging van artikel 96 van Wet 13 van 1928, soos gewysig deur artikel 35 van Wet 30 van 1945, artikel 9 van Wet 14 van 1946, artikel 13 van Wet 13 van 1950, artikel 12 van Wet 11 van 1957, artikel 10 van Wet 34 van 1962, artikel 26 van Wet 44 van 1969 en artikel 5 van Wet 95 van 1971.

9. Artikel 96A van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Kennisgewing kragtens hierdie artikel uitgereik, verval na verloop van 'n tydperk van drie jaar na die inwerkingtreding van artikel 3 van die Wet op die Misbruik

Wysiging van artikel 96A van Wet 13 van 1928, soos ingevoeg deur artikel 6 van Wet 95 van 1971.

**Act No. 16, 1973 MEDICAL, DENTAL AND PHARMACY AMENDMENT ACT,
1973.**

producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), unless such notice is repealed earlier.”.

Short title. 10. This Act shall be called the Medical, Dental and Pharmacy Amendment Act, 1973.

**WYSIGINGSWET OP GENEESHERE, TANDARTSE EN
APTEKERS, 1973.****Wet No. 16, 1973**

van Afhanklikheidsvormende Stowwe en Rehabilitasie-
sentrums, 1971 (Wet No. 41 van 1971), tensy sodanige
kennisgewing eerder herroep word.”.

**10. Hierdie Wet heet die Wysigingswet op Geneeshere, Kort titel.
Tandartse en Aptekers, 1973.**

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