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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 578. 7 April 1976.

No. 578.

7 April 1976.

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. 33 of 1976: Medical, Dental and Supplementary Health Service Professions Amendment Act, 1976.

No. 33 van 1976: Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1976.

Wet No. 33, 1976

WYSIGINGSWET OP GENEESHERE, TANDARTSE EN
AANVULLENDE GESONDHEIDSDIENSBEROEPE, 1976.

WET

Tot wysiging van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974, ten einde voorsiening te maak vir die registrasie van sekere interns en studente; die reg van appel na die Hooggeregshof van Suid-Afrika teen besluite of bevindings van, of strawwe opgelê deur, die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad af te skaf; voorsiening te maak vir die registrasie van persone wat opgelei word vir die beoefening van aanvullende gesondheidsdiensberoepe; die bepalinge betreffende misdrywe en tugsappe uit te brei; en die bevoegdheid om regulasies uit te vaardig nader te omskryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1976.)

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 56 van 1974.

1. Artikel 1 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „intern” die volgende omskrywing in te voeg:

„„intern-sielkundige” iemand wat as sondanig kragtens hierdie Wet geregistreer is;”.

Wysiging van
artikel 17 van
Wet 56 van 1974,
soos gewysig deur
artikel 47 van
Wet 57 van 1975.

2. Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) die beroep van ’n geneesheer, tandarts of sielkundige beoefen of as ’n intern of ’n intern-sielkundige praktiseer nie; of”.

Wysiging van
artikel 18 van
Wet 56 van 1974,
soos gewysig deur
artikel 48 van
Wet 57 van 1975.

3. Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die registrateur moet afsonderlike registers ten opsigte van geneeshere, tandartse, interns, studente in geneeskunde, studente in tandheelkunde, sielkundiges, intern-sielkundiges en studente in sielkunde hou en moet, in opdrag van die raad, die naam, adres, kwalifikasies, datum van eerste registrasie en die ander besonderhede (met inbegrip van, in die geval van geneeshere, tandartse en sielkundiges, die naam van hul spesialisiteit, as daar is, en in die geval van sielkundiges ook die naam van hul kategorie) wat die raad bepaal, van elke persoon wie se aansoek om registrasie ingevolge artikel 17 (2) toegestaan is, in die toepaslike register inskryf.”.

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ACT

To amend the Medical, Dental and Supplementary Health Service Professions Act, 1974, so as to provide for the registration of certain interns and students; to abolish the right of appeal to the Supreme Court of South Africa against decisions or findings of, or penalties imposed by, the South African Medical and Dental Council; to provide for the registration of persons being trained for the practising of supplementary health service professions; to extend the provisions regarding offences and disciplinary steps; and further to define the power to make regulations; and to provide for matters connected therewith.

(English text signed by the State President.)

(Assented to 19 March 1976.)

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 Medical, Dental and Supplementary Health Service Professions Act, 1974 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "intern" of the following definition:

Amendment of
section 1 of
Act 56 of 1974.

"intern-psychologist" means a person registered as such under this Act;"

2. Section 17 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of
section 17 of
Act 56 of 1974,
as amended by
section 47 of
Act 57 of 1975.

"(a) the profession of a medical practitioner, dentist, psychologist or as an intern or an intern-psychologist; or"

3. Section 18 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 18 of
Act 56 of 1974,
as amended by
section 48 of
Act 57 of 1975.

"(1) The registrar shall keep separate registers in respect of medical practitioners, dentists, interns, medical students, dental students, psychologists, intern-psychologists and psychology students and shall, on the instructions of the council, enter in the appropriate register the name, address, qualifications, date of initial registration and such other particulars (including, in the case of medical practitioners, dentists and psychologists, name of speciality, if any, and in the case of psychologists also the name of their category) as the council may determine, of every person whose application for registration in terms of section 17 (2) has been granted."

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Herroeping van
artikel 20 van
Wet 56 van 1974.

4. Artikel 20 van die Hoofwet word hierby herroep.

Vervanging van
artikel 32 van
Wet 56 van 1974.

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

„Registrasie van persone wat aanvullende gesondheidsdiensberoep beoefen, of opgelei is of word vir sodanige beoefening, en eksamens.

32. (1) Die registrateur moet, soos van tyd tot tyd deur die raad gelas, registers aanlê en hou waarin, behoudens die bepalings van artikel 33 (2), ingeskryf moet word besonderhede ten opsigte van kategorieë persone wat, ten genoeë van die raad, opgelei word met die doel om hul te bekwaam vir die beoefening van, of opgelei is en eksamens met goeie gevolg afgelê het met die doel om hul te bekwaam vir die beoefening van 'n beroep wat hom ten doel stel die behandeling, voorkoming of leniging van liggaamlike of geestesgebreke, ongesteldhede of tekortkominge by die mens, of persone wat so 'n beroep beoefen, uitgesonderd die beroep van 'n geneesheer, tandarts, intern, sielkundige, intern-sielkundige of 'n beroep waarop die bepalings van die Wet op Verpleging, 1957, of the Wet op Aptekers, 1974, van toepassing is, en die raad kan eksamens van sodanige persone afneem en kan reëls uitvaardig wat die gelde vir registrasie voorskryf en voorsiening maak vir die erkenning deur die raad van kwalifikasies wat aanvaar kan word vir registrasie in plaas van die aflegging met goeie gevolg van 'n deur die raad voorgeskrewe eksamen, en die voorwaardes vir aanvaarding.

(2) Die raad kan om gegronde en voldoende redes 'n sertifikaat, uitgereik aan iemand wat ingevolge hierdie artikel geregistreer is, kanselleer of sy naam uit die register skrap.

(3) Die raad skrap nie kragtens die bepalings van hierdie artikel die naam van 'n persoon uit 'n register wat kragtens hierdie artikel ten opsigte van 'n beroep gehou word nie, tensy die raad oorleg gepleeg het met die beroepsraad wat ten opsigte van daardie beroep ingestel is, indien 'n beroepsraad ten opsigte van daardie beroep ingestel is.”

Vervanging van
artikel 37 van
Wet 56 van 1974.

6. Artikel 37 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strawwe vir praktiseer as 'n sielkundige of as 'n intern-sielkundige, of vir die verrigting van sekere ander handelinge, terwyl onge-registreerd.

37. (1) Behoudens die bepalings van subartikels (4) en (6) van hierdie artikel en artikel 36 is iemand wat nie as 'n sielkundige of as 'n intern-sielkundige geregistreer is nie en wat—

(a) vir wins as 'n sielkundige praktiseer (hetsy hy voorgee geregistreer te wees al dan nie);

(b) vir wins—

(i) iemand geestelik ondersoek;

(ii) 'n handeling van diagnosering, behandeling of voorkoming van 'n geestesgebrek, geestesongesteldheid of geestelike tekortkoming ten opsigte van enige persoon verrig;

(iii) iemand adviseer aangaande sy geestestoestand;

(iv) op grond van inligting wat deur iemand verskaf is of wat op enige wyse hoege-naamd van hom verkry is—

(aa) so iemand se geestestoestand diagnoseer;

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4. Section 20 of the principal Act is hereby repealed.

Repeal of
section 20 of
Act 56 of 1974.

5. The following section is hereby substituted for section 32 of the principal Act:

Substitution of
section 32 of
Act 56 of 1974.

"Registration of persons practising supplementary health service professions, or having been or being trained for such practising, and examinations.

32. (1) The registrar shall, as from time to time directed by the council, establish and keep registers in which shall, subject to the provisions of section 33 (2), be entered particulars in respect of categories of persons who, to the satisfaction of the council, are being trained with a view to qualifying them for the practising of, or have been trained and have passed examinations with a view to qualifying them for the practising of, or of persons who are practising, any profession, other than the profession of a medical practitioner, dentist, intern, psychologist, intern-psychologist or any profession to which the provisions of the Nursing Act, 1957, or the Pharmacy Act, 1974, are applicable, which has as its object the treatment, prevention or relief of physical or mental defects, illnesses or deficiencies in man, and the council may conduct examinations for such persons and may make rules prescribing the fee for registration and providing for the recognition by the council of qualifications which may be accepted for registration in lieu of the passing of any examination prescribed by the council, and the conditions of acceptance.

(2) The council may, for good and sufficient reason, cancel any certificate issued to, or remove from the register the name of, any person registered under this section.

(3) The council shall not under the provisions of this section remove the name of any person from any register kept under this section in respect of any profession, unless the council has consulted with the professional board established in respect of such profession, if a professional board has been established in respect of such profession."

6. The following section is hereby substituted for section 37 of the principal Act:

Substitution of
section 37 of
Act 56 of 1974.

"Penalties for practising as a psychologist or as an intern-psychologist, or for performing certain other acts, while unregistered.

37. (1) Subject to the provisions of subsections (4) and (6) of this section and section 36, any person, not registered as a psychologist or as an intern-psychologist, who—

(a) for gain, practises as a psychologist (whether or not purporting to be registered);

(b) for gain—

(i) mentally examines any person;

(ii) performs any act of diagnosing, treating or preventing any mental defect, illness or deficiency in respect of any person;

(iii) advises any person on his mental state;

(iv) on the ground of information provided by any person or obtained from him in any manner whatsoever—

(aa) diagnoses such person's mental state;

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- (bb) so iemand aangaande sy geestestoe-stand adviseer;
 - (cc) enige medisyne of behandeling aan so iemand verskaf of verkoop of dit vir hom voorskryf;
 - (v) enige medisyne, stof of ding voorskryf of verskaf; of
 - (vi) enige ander handeling verrig wat by uitstek by die beroep van 'n sielkundige tuishoort;
 - (c) behalwe ooreenkomstig die bepalinge van die Wet op Verpleging, 1957 (Wet No. 69 van 1957), en artikels 32, 33, 34 en 39 van hierdie Wet, enige handeling hoegenaamd verrig wat ten doel het—
 - (i) die diagnosering, behandeling of voorkoming van 'n geestesgebrek, geestesongesteldheid of geestelike tekortkoming by enige persoon; en
 - (ii) uit hoofde van die verrigting van so 'n handeling, die verkryging, hetsy vir homself of vir iemand anders, van enige voordeel by wyse van 'n profyt uit die verkoop of vervreemding van enige medisyne, voedsel of stof of by wyse van 'n donasie of geskenk of by wyse van die verskaffing van akkommodasie, of die verkryging, hetsy vir homself of vir iemand anders, van enige ander wins hoegenaamd;
 - (d) voorgee dat hy 'n sielkundige of intern-sielkundige is of op enige wyse hoegenaamd homself as sulks voordoen (hetsy hy voorgee geregistreer te wees al dan nie), of wat voorgee dat hy 'n geneser, van watter aard ook al, van geestesgebreke, geestesongesteldhede of geestelike tekortkominge by die mens is of op enige wyse hoegenaamd homself as sulks voordoen;
 - (e) gebruik maak van die naam van sielkundige, intern-sielkundige of dokter of enige naam, titel, beskrywing of teken wat aandui, of daarop gemik is om persone te laat aflei, dat hy die besitter is van 'n kwalifikasie as 'n sielkundige of as 'n intern-sielkundige of van enige ander kwalifikasie wat aan hom die bevoegdheid verleen om geestesgebreke, geestesongesteldhede of geestelike tekortkominge by die mens op enige wyse hoegenaamd te diagnoseer, te behandel of te voorkom, of dat hy kragtens hierdie Wet as 'n sielkundige of as 'n intern-sielkundige geregistreer is;
 - (f) behalwe ooreenkomstig die bepalinge van die Wet op Verpleging, 1957, en artikels 32, 33, 34 en 39 van hierdie Wet, deur woord, daad of gedrag homself voordoen as in staat, gekwalifiseer of bevoeg om geestesgebreke, geestesongesteldhede of geestelike tekortkominge by die mens te diagnoseer, te behandel of te voorkom of om enige medisyne, stof of ding ten opsigte van sodanige gebreke, ongesteldhede of tekortkominge voor te skryf of te verskaf,
- aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met daardie boete sowel as daardie gevangenisstraf.

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- (bb) advises such person on his mental state;
- (cc) supplies or sells to or prescribes for such person any medicine or treatment;
- (v) prescribes or provides any medicine, substance or thing; or
- (vi) performs any other act specially pertaining to the profession of a psychologist;
- (c) except in accordance with the provisions of the Nursing Act, 1957 (Act No. 69 of 1957), and sections 32, 33, 34 and 39 of this Act, performs any act whatsoever having as its object—
 - (i) the diagnosing, treating or preventing of any mental defect, illness or deficiency in any person; and
 - (ii) by virtue of the performance of such act, the obtaining, either for himself or for any other person, of any benefit by way of any profit from the sale or disposal of any medicine, foodstuff or substance or by way of any donation or gift or by way of the provision of accommodation, or the obtaining, either for himself or for any other person, of any other gain whatsoever;
- (d) pretends, or by any means whatsoever holds himself out, to be a psychologist or intern-psychologist (whether or not purporting to be registered) or a healer, of whatever description, of mental defects, illnesses or deficiencies in man;
- (e) uses the name of psychologist, intern-psychologist or doctor or any name, title, description or symbol indicating, or calculated to lead persons to infer, that he is the holder of any qualification as a psychologist or as an intern-psychologist or of any other qualification enabling him to diagnose, treat or prevent mental defects, illnesses or deficiencies in man in any manner whatsoever, or that he is registered under this Act as a psychologist or as an intern-psychologist;
- (f) except in accordance with the provisions of the Nursing Act, 1957, and sections 32, 33, 34 and 39 of this Act, by words, conduct or demeanour holds himself out to be able, qualified or competent to diagnose, treat or prevent mental defects, illnesses or deficiencies in man or to prescribe or supply any medicine, substance or thing in respect of such defects, illnesses or deficiencies,

shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

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(2) By die toepassing van subartikel (1) word die volgende handeling geag handeling te wees wat by uitstek by die beroep van 'n sielkundige tuisshoort, naamlik—

- (a) die evaluasie van gedrag of bewussynsprosesse of persoonlikheidsaanpassings of aanpassings van individue of van groepe persone, deur middel van die uitleg van toetse vir die bepaling van verstandelike vermoëns, aanleg, belangstellings, persoonlikheidsamestelling of persoonlikheidsfunksionering;
- (b) die gebruikmaking van enige metode of praktyk wat ten doel het om persone of groepe persone te help in die regstelling van persoonlikheids-, emosionele of gedragsprobleme of om positiewe persoonlikheidsverandering, -groei en -ontwikkeling te bevorder;
- (c) die uitoefening van beheer oor 'n voorgeskrewe toets, of oor die gebruik van 'n voorgeskrewe tegniek, apparaat of instrument, vir die bepaling van verstandelike vermoëns, persoonlikheidsamestelling, persoonlikheidsfunksionering, aanleg of belangstellings.

(3) Die bepalings van subartikel (1) belet nie 'n intern-sielkundige om—

- (a) 'n werksaamheid te verrig of 'n sertifikaat of ander dokument uit te reik nie wat ingevolge 'n ander wet as hierdie Wet deur 'n sielkundige, ongeag of hy in daardie ander wet as 'n sielkundige of met 'n ander naam of betiteling beskryf word, verrig of uitgereik kan of moet word; of
- (b) in verband met die verrigting van so 'n werksaamheid of die uitreiking van so 'n sertifikaat of ander dokument homself as 'n sielkundige te beskryf nie,

en 'n verwysing in so 'n ander wet na so 'n sielkundige word geag ook 'n verwysing na 'n intern-sielkundige te wees.

(4) Behoudens die bepalings van subartikel (5) word die bepalings van subartikel (1) nie so uitgelê dat dit die volgende belet nie, naamlik—

- (a) die gebruik van 'n metode of tegniek, bedoel in subartikel (2), deur—
 - (i) 'n opvoedkundige of navorsingsinrigting wat deur die raad erken word;
 - (ii) 'n lid van die akademiese personeel van 'n universiteit of 'n onderwyser verbonde aan die personeel van 'n skool ingestel deur 'n provinsiale administrasie of ingestel kragtens die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), die Wet op Onderwys vir Kleurlinge in Suidwes-Afrika, 1972 (Wet No. 63 van 1972), die Wet op Onderwys vir Basters van Rehoboth, 1972 (Wet No. 85 van 1972), die Wet op Onderwys vir Nama in Suidwes-Afrika, 1972 (Wet No. 86 van 1972), en die Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965),

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(2) The following acts shall, for the purposes of subsection (1), be deemed to be acts specially pertaining to the profession of a psychologist, namely—

- (a) the evaluation of behaviour or mental processes or personality adjustments or adjustments of individuals or of groups of persons, through the interpretation of tests for the determination of intellectual abilities, aptitude, interests, personality make-up or personality functioning;
- (b) the use of any method or practice aimed at aiding persons or groups of persons in the adjustment of personality, emotional or behavioural problems or at the promotion of positive personality change, growth and development;
- (c) the control of a prescribed test, or of the use of a prescribed technique, device or instrument, for the determination of intellectual abilities, personality make-up, personality functioning, aptitude or interests.

(3) The provisions of subsection (1) shall not prohibit an intern-psychologist from—

- (a) performing any function or issuing any certificate or other document which in terms of any law, other than this Act, may be or is required to be performed or issued by a psychologist, whether described in such law as a psychologist or by any other name or designation; or
- (b) describing himself as a psychologist in connection with the performance of any such function or the issuing of any such certificate or other document,

and any reference in any such law to such a psychologist shall be deemed to include a reference to an intern-psychologist.

(4) Subject to the provisions of subsection (5), the provisions of subsection (1) shall not be construed as prohibiting the following, namely—

- (a) the use of a method or technique, referred to in subsection (2), by—
 - (i) an educational or a research institution recognized by the council;
 - (ii) a member of the academic staff of a university or a teacher on the staff of a school established by a provincial administration or established under the Educational Services Act, 1967 (Act No. 41 of 1967), the Bantu Education Act, 1953 (Act No. 47 of 1953), the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), the Coloured Persons in South-West Africa Education Act, 1972 (Act No. 63 of 1972), the Basters of Rehoboth Education Act, 1972 (Act No. 85 of 1972), the Nama in South-West Africa Education Act, 1972 (Act No. 86 of 1972), and the Indians Education Act, 1965 (Act No. 61 of 1965),

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- in die gewone loop van onderwys of navorsing in die onderwys;
- (b) die verrigting van 'n handeling deur 'n geneesheer, mits dit verrig word in die gewone loop van die beoefening van sy beroep;
 - (c) die verrigting van 'n handeling deur 'n verpleegster geregistreer kragtens die Wet op Verpleging, 1957, mits dit verrig word in die gewone loop van die beoefening van die beroep van 'n verpleegster;
 - (d) die verrigting van 'n handeling deur of onder toesig van 'n maatskaplike werker geregistreer kragtens die Nasionale Wetsynswet, 1965 (Wet No. 79 van 1965), of deur of onder toesig van 'n beampte in diens van die Staat wat maatskaplike werk soos omskryf in artikel 1 van bedoelde Wet, verrig, mits dit verrig word in die gewone loop van die beoefening van die beroep van so 'n maatskaplike werker of so 'n beampte of van die opleiding van 'n maatskaplike werker;
 - (e) die verrigting van 'n handeling deur 'n persoon wat 'n amp beklee in 'n kerk wat bestaan vir die doel van die aanbidding van die Almagtige God, mits dit vir daardie doel en ooreenkomstig die normale herderlike praktyk van daardie kerk verrig word;
 - (f) enigiets wat dit vir 'n student nodig is om te doen of wat hy moet doen in die loop van en vir die doeleindes van sy studies aan 'n universiteit of ander voorgeskrewe inrigting, mits dit deur hom gedoen word onder die toesig van 'n sielkundige;
 - (g) enigiets wat op die voorgeskrewe wyse gedoen word—
 - (i) deur iemand onder die toesig van of in opdrag van 'n sielkundige; of
 - (ii) deur 'n deur die raad erkende organisasie wat dienste verrig vir die verlening van hulp aan persone met persoonlike probleme.
- (5) Die bepalinge van subartikel (4) word nie so uitgelê dat dit—
- (a) in die geval van 'n lid van die akademiese personeel of onderwyser bedoel in paragraaf (a) (ii) van daardie subartikel, die behandeling van 'n geestesongesteldheid soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
 - (b) in die geval van 'n maatskaplike werker bedoel in paragraaf (d) van daardie subartikel, die afneem van 'n sielkundige toets of die behandeling van 'n geestesongesteldheid soos omskryf in artikel 1 van bedoelde Wet op Geestesgesondheid; of
 - (c) in die geval van 'n persoon bedoel in paragraaf (e) van daardie subartikel, die afneem van 'n sielkundige toets of die behandeling van 'n geestesongesteldheid soos omskryf in artikel 1 van bedoelde Wet op Geestesgesondheid, magtig nie.
- (6) Die Minister kan, op aanbeveling van die raad wat optree na oorlegpleging met die beroepsraad bedoel in artikel 15 (1), by regulasie—
- (a) bepaal dat 'n handeling bedoel in subartikel (2) en wat in so 'n regulasie vermeld word, verrig mag word deur iemand wat nie kragtens

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- in the ordinary course of education or research in education;
- (b) the performance of any act by a medical practitioner, provided it is performed in the ordinary course of the practice of his profession;
 - (c) the performance of any act by a nurse registered under the Nursing Act, 1957, provided it is performed in the ordinary course of the practice of the profession of a nurse;
 - (d) the performance of any act by or under the supervision of a social worker registered under the National Welfare Act, 1965 (Act No. 79 of 1965), or by or under the supervision of an officer in the service of the State performing social work as defined in section 1 of the said Act, provided it is performed in the ordinary course of the practice of the profession of such a social worker or such an officer or of the training of a social worker;
 - (e) the performance of any act by a person holding office in a church which exists for the purpose of the worship of the Almighty God, provided it is performed for that purpose and in accordance with the normal pastoral practice of that church;
 - (f) anything necessary or required to be done by a student in the course of and for the purposes of his studies at a university or other prescribed institution, provided it is done by him under the supervision of a psychologist;
 - (g) anything done in the prescribed manner—
 - (i) by any person under the supervision of or on the instructions of a psychologist; or
 - (ii) by an organization, recognized by the council, which performs services for the aid of persons with personal problems.
- (5) The provisions of subsection (4) shall not be construed as authorizing—
- (a) in the case of a member of the academic staff or teacher referred to in paragraph (a) (ii) of that subsection, the treatment of a mental illness as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (b) in the case of a social worker referred to in paragraph (d) of that subsection, the conduct of a psychological test or the treatment of a mental illness as defined in section 1 of the said Mental Health Act;
 - (c) in the case of a person referred to in paragraph (e) of that subsection, the conduct of a psychological test or the treatment of a mental illness as defined in section 1 of the said Mental Health Act.
- (6) The Minister may, on the recommendation of the council acting after consultation with the professional board referred to in section 15 (1), by regulation—
- (a) provide that any act referred to in subsection (2) and specified in such regulation, may be performed by a person not registered as a

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hierdie Wet as 'n sielkundige of as 'n intern-sielkundige geregistreer is nie; en

- (b) die voorwaardes voorskryf waarop so 'n handeling deur so iemand verrig mag word."

Vervanging van artikel 40 van Wet 56 van 1974.

7. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

„Straf waar iemand voorgee 'n geregi-streerde persoon of die besitter van sekere kwalifikasies te wees.

40. Iemand wat nie kragtens artikel 32 ten opsigte van 'n aanvullende gesondheidsdiensberoep geregistreer is nie, maar wat—

- (a) voorgee aldus geregistreer te wees ten opsigte van sodanige beroep; of
- (b) gebruik maak van enige naam, titel, beskrywing of teken wat aandui, of daarop gemik is om persone te laat aflei, dat hy die besitter is van 'n kwalifikasie wat deur die raad by 'n reël kragtens artikel 32 (1) erken is as aanvaarbaar vir registrasie ten opsigte van sodanige beroep, maar van watter kwalifikasie hy nie die besitter is nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met daardie boete sowel as daardie gevangenisstraf."

Wysiging van artikel 42 van Wet 56 van 1974.

8. Artikel 42 van die Hoofwet word hierby gewysig deur subartikel (6) te skrap.

Wysiging van artikel 50 van Wet 56 van 1974.

9. Artikel 50 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„(1) Die raad kan ten opsigte van persone wat kragtens artikel 18 as sielkundiges of intern-sielkundiges geregistreer is of wat kragtens artikel 32 ten opsigte van enige aanvullende gesondheidsdiensberoep geregistreer is, na oorlegpleging met die betrokke beroepsraad, reëls uitvaardig wat die handeling of versuime uiteensit ten opsigte waarvan tugstappe kragtens artikel 48 gedoen kan word:"

Wysiging van artikel 61 van Wet 56 van 1974.

10. Artikel 61 van die Hoofwet word hierby gewysig—

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

„(i) die aard en duur van die opleiding wat ondergaan moet word deur iemand wat 'n kragtens artikel 24 of 25 voorgeskrewe kwalifikasie in geneeskunde of sielkunde verwerf het, maar wat nog nie as 'n geneesheer of sielkundige, na gelang van die geval, geregistreer is nie, alvorens hy as sodanig geregistreer kan word;"

- (b) deur na subparagraaf (iv) van paragraaf (I) van genoemde subartikel (1) die volgende subparagraaf in te voeg:

„(ivA) die registrasie deur die raad van persone wat sodanige kursusse volg of sodanige opleiding ondergaan en die gelde betaalbaar ten opsigte van sodanige registrasie;"

- (c) deur subparagraaf (i) van paragraaf (n) van genoemde subartikel (1) deur die volgende subparagraaf te vervang:

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psychologist or as an intern-psychologist under this Act; and

- (b) prescribe the conditions on which such act may be performed by such person.”.

7. The following section is hereby substituted for section 40 of the principal Act:

Substitution of section 40 of Act 56 of 1974.

“Penalty for 40. Any person who is not registered under section professing to be a registered person or the holder of certain qualifications, 32 in respect of any supplementary health service profession, but—

- (a) pretends to be so registered in respect of such profession; or
(b) uses any name, title, description or symbol indicating, or calculated to lead persons to infer, that he is the holder of any qualification which by rule under section 32 (1) is recognized by the council as acceptable for registration in respect of such profession, but of which qualification he is not the holder,

shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred rand, or to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.”.

8. Section 42 of the principal Act is hereby amended by the deletion of subsection (6).

Amendment of section 42 of Act 56 of 1974.

9. Section 50 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

Amendment of section 50 of Act 56 of 1974.

“(1) The council may in respect of persons registered under section 18 as psychologists or intern-psychologists or registered under section 32 in respect of any supplementary health service profession, after consultation with the professional board concerned, make rules specifying the acts or omissions in respect of which disciplinary steps may be taken under section 48.”.

10. Section 61 of the principal Act is hereby amended—

Amendment of section 61 of Act 56 of 1974.

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

“(i) the nature and duration of the training to be undergone by any person who has obtained a qualification in medicine or psychology prescribed under section 24 or 25, but who is not yet registered as a medical practitioner or psychologist, as the case may be, before he may be registered as such;”;

- (b) by the insertion after subparagraph (iv) of paragraph (1) of the said subsection (1) of the following subparagraph:

“(ivA) the registration by the council of persons taking or undergoing such courses or training and the fees payable in respect of such registration;”;

- (c) by the substitution for subparagraph (i) of paragraph (n) of the said subsection (1) of the following subparagraph:

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- „(i) die registrasie van interns of intern-sielkundiges, met inbegrip van die aantekening van besonderhede betreffende hul opleiding en bewys van die voltoering daarvan;”; en
- (d) deur subparagraaf (iii) van genoemde paragraaf (n) van genoemde subartikel (1) deur die volgende subparagraaf te vervang:
- „(iii) enige ander aangeleentheid wat in verband staan met die registrasie of opleiding van interns of intern-sielkundiges;”.

Kort titel.

11. Hierdie Wet heet die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1976.

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- “(i) the registration of interns or intern-psychologists, including the recording of particulars of their training and proof of the performance thereof;”;
and
- (d) by the substitution for subparagraph (iii) of the said paragraph (n) of the said subsection (1) of the following subparagraph:
“(iii) any other matter incidental to the registration or training of interns or intern-psychologists;”.

**11. This Act shall be called the Medical, Dental and Supple- Short title.
mentary Health Service Professions Amendment Act, 1976.**

