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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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ALGEMENE KENNISGEWING

GENERAL NOTICE

DEPARTEMENT VAN GESONDHEID

DEPARTMENT OF HEALTH

Die onderstaande Wetsontwerp word vir algemene inligting gepubliseer. Enigiemand wat kommentaar op die Wetsontwerp wil lewer of vertoë daaromtrent wil rig, moet asseblief sodanige kommentaar of vertoë op of voor 30 November 1977 aan die Sekretaris van Gesondheid, Privaatsak X88, Pretoria, 0001, stuur.

The following Bill is published for general information. Any person desiring to offer any comment on the Bill or to submit representations thereanent should kindly submit such comment or representations to the Secretary for Health, Private Bag X88, Pretoria, 0001, on or before 30 November 1977.

WETSONTWERP

Tot samevatting en wysiging van die wette wat voorsiening maak vir die instelling van die Suid-Afrikaanse Verpleegstersraad en vir beheer oor die opleiding en vir die registrasie of inskrywing, na gelang van die geval, van geregistreerde verpleegkundiges, vroedvroue, ingeskrewe verpleegsters en verpleegassistenten; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Woordomskrywing.

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

- (i) „as geneesmiddel”, „as geneesmiddel” soos in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet 101 van 1965) omskryf;
- (ii) „erkende verpleegskool” ’n verpleegskool waarvan die opleiding ingevolge artikel 15 deur die raad goedgekeur is;
- (iii) „gelyste stof”, „gelyste stof” soos in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet 101 van 1965) omskryf;
- (iv) „geneesheer” iemand wat as sodanig kragtens die Wet op Geneeshere geregistreer is.
- (v) „geregistreerde verpleegkundige” iemand as verpleegkundige kragtens hierdie Wet geregistreer;
- (vi) „hierdie Wet” ook die regulasies;
- (vii) „ingeskrewe verpleegster” iemand as verpleegster kragtens hierdie Wet ingeskryf;
- (viii) „ingeskryf” die inskrywing in ’n rol van ’n klas of ’n lid van ’n klas persone ten opsigte waarvan ’n rol ingevolge die bepalings van hierdie Wet gehou moet word en het die woord „ingeskrewe” ’n ooreenstemmende betekenis;
- (ix) „Leerlingverpleegster” iemand as sodanig kragtens hierdie Wet ingeskryf;
- (x) „Leerlingverpleegassistent” iemand as sodanig kragtens hierdie Wet ingeskryf;
- (xi) „Minister” die Minister van Gesondheid;
- (xii) „ondersoek” ’n ondersoek ingevolge artikel 28;
- (xiii) „raad” die raad bedoel in artikel 2;
- (xiv) „register” ’n register gehou ooreenkomstig die bepalings van hierdie Wet en indien gebruik in verband met ’n klas of ’n lid van ’n klas persone ten opsigte waarvan ’n register gehou word, beteken dit die register wat vir daardie klas gehou word; en „registreer” in ’n register inskryf en het die woorde „registreer”, „registreerbaar”, „registrasie” en alle ander woorde wat met die

BILL

To consolidate and amend the laws providing for the establishment of the South African Nursing Council, for control over the training of and for the registration or enrolment, as the case may be, of registered nurses, midwives, enrolled nurses and nursing assistants; and to provide for matters incidental thereto.

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

1. In this Act, unless the context otherwise indicates—
- Definitions.
- (i) "council" means the council referred to in section 2;
 - (ii) "enrol" means the entry in a roll of a class or a member of a class of persons in respect of which a roll is kept in terms of this Act and all other words formed with or derived from the word "enrol" having a corresponding meaning;
 - (iii) "enrolled nurse" means a person enrolled as a nurse under this Act;
 - (iv) "recognized nursing school" means a nursing school the training of which has been approved by the council in terms of section 15;
 - (v) "inquiry" means an inquiry in terms of section 28;
 - (vi) "Medical Act" means the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974);
 - (vii) "medical practitioner" means a person registered as such in terms of the Medical Act;
 - (viii) "medical purposes" means "medical purposes" as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965);
 - (ix) "midwife" means—
 - (a) an enrolled nurse who obtained an additional qualification and has been registered as a midwife under this Act; or
 - (b) a person enrolled as such under this Act;
 - (x) "Minister" means the Minister of Health;
 - (xi) "nursing agency" means an agency which supplies registered and enrolled persons 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;
 - (xii) "nursing assistant" means a person enrolled as such under this Act;
 - (xiii) "nursing profession" means the profession or class of profession carried on by a person or class of person in terms of the provisions of this Act;
 - (xiv) "Pharmacy Act" means the Pharmacy Act, 1974 (Act 53 of 1974);

- woord „register” gevorm of daaruit afgelei is, ’n ooreenstemmende betekenis;
- (xv) „registrateur” die registrateur aangestel kragtens artikel 12 of iemand wat wettiglik in daardie hoedanigheid waarneem;
 - (xvi) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig;
 - (xvii) „Republiek” die Republiek van Suid-Afrika;
 - (xviii) „rol” ’n rol gehou ooreenkomstig die bepalings van hierdie Wet en indien gebruik in verband met ’n klas of ’n lid van ’n klas persone ten opsigte waarvan ’n rol gehou word, beteken dit die rol wat vir daardie klas gehou word;
 - (xix) „studentverpleegkundige” iemand as sodanig kragtens hierdie Wet geregistreer;
 - (xx) „studentvrou” ’n ingeskrewe verpleegster wat vir ’n addisionele kwalifikasie studeer en wat as studentvrou kragtens hierdie Wet geregistreer is;
 - (xxi) „verpleegassistent” iemand as sodanig kragtens hierdie Wet ingeskryf;
 - (xxii) „verplegingsagentskap” ’n agentskap wat geregistreerde en ingeskrewe persone 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;
 - (xxiii) „verplegingsberoep” die beroep of klas van beroep wat beoefen word deur ’n persoon of klas van ’n persoon kragtens die bepalings van hierdie Wet;
 - (xxiv) „voorgeskryf” by regulasie voorgeskryf;
 - (xxv) „vrou” —
 - (a) ’n verpleegster wat ’n addisionele kwalifikasie verwerf het en as vrou kragtens hierdie Wet geregistreer is; of
 - (b) iemand as sodanig kragtens hierdie Wet ingeskryf;
 - (xxvi) „Wet op Aptekers” die Wet op Aptekers, 1974 (Wet 53 van 1974);
 - (xxvii) „Wet op Geneeshere” die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet 56 van 1974).

HOOFSTUK I

VOORTBESTAAN EN OOGMERKE, WERKSAAMHEDE EN BEVOEGDHEDE VAN DIE SUID-AFRIKAANSE RAAD OP VERPLEGING

Voortbestaan van
Suid-Afrikaanse
Verpleegstersraad.

2. (1) Die Suid-Afrikaanse Verpleegstersraad ingestel by artikel 2 van die Wet op Verpleging, 1957 (Wet 69 van 1957) bly, ondanks die bepalings van artikel 46 (1) van hierdie Wet onder die naam van die Suid-Afrikaanse Raad op Verpleging voortbestaan en bly ’n regs persoon.

(2) Die hoofkantoor van die raad is in Pretoria geleë.

Oogmerke van die
raad.

3. Die oogmerke van die raad is—

- (a) om behulpsaam te wees by die bevordering van die gesondheid van die bevolking van die Republiek;
- (b) om, behoudens die bepalings van die Wet op Chiropraktisyne, 1974, die Wet op Homeopate, Naturopate, Osteopate en Kruie kundiges, 1974, die Wet op Aptekers, 1974, die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, alle aangeleenthede rakende die opleiding en wyse van uitoefening van praktyk van geregistreerde verpleegkundiges, vroue, ingeskrewe verpleegsters en verpleegassistent te beheer en gesag ten opsigte daarvan uit te oefen;
- (c) om skakeling op die gebied van opleiding bedoel in paragraaf (b), in die Republiek sowel as elders, en die standaarde van sodanige opleiding in die Republiek te bevorder;
- (d) om die Minister van advies te dien aangaande enige aangeleentheid wat binne die bestek van hierdie Wet val;

- (xv) "prescribed" means prescribed by regulation;
- (xvi) "pupil nurse" means a person enrolled as such under this Act;
- (xvii) "pupil nursing assistant" means a person enrolled as such under this Act;
- (xviii) "register" when used as a noun, means a register kept in accordance with the provisions of this Act, and when used in relation to any class or a member of any class of persons in respect of which a register is kept, means the register kept for that class; when used as a verb, means to enter in a register, the words "registered", "registrable", "registration" and all other words formed with or derived from the word "register" having a corresponding meaning;
- (xix) "registered nurse" means a person registered as a nurse under this Act;
- (xx) "registrar" means the registrar appointed under section 12 or a person lawfully acting in that capacity;
- (xxi) "regulation" means any regulation made in terms of this Act;
- (xxii) "Republic" means the Republic of South Africa;
- (xxiii) "roll" means a roll kept in accordance with the provisions of this Act, and when used in relation to any class or a member of any class of persons in respect of which a roll is kept, means the roll kept for that class;
- (xxiv) "scheduled substance" means "scheduled substance" as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965);
- (xxv) "student midwife" means an enrolled nurse studying for an additional qualification and registered as a student midwife under this Act;
- (xxvi) "student nurse" means a person registered as such under this Act;
- (xxvii) "this Act" includes the regulations and rules.

CHAPTER I

CONTINUED EXISTENCE AND OBJECTS, FUNCTIONS AND POWERS OF THE SOUTH AFRICAN NURSING COUNCIL

2. (1) The South African Nursing Council established by section 2 of the Nursing Act, 1957 (Act 69 of 1957), shall, notwithstanding the provisions of section 46 (1) of this Act, continue to exist and to be a corporate body.

Continued Existence
of South African
Nursing Council.

(2) The head office of the council shall be situated in Pretoria.

3. The objects of the council are—

- (a) to assist in the promotion of the health of the population of the Republic;
- (b) subject to the provisions of the Chiropractors Act, 1974, the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974, the Pharmacy Act, 1974 and the Medical, Dental and Supplementary Health Service Professions Act, 1974, to control, and to exercise authority in respect of, all matters affecting the training of and the manner of the exercise of the practices pursued by registered nurses, midwives, enrolled nurses, and nursing assistants;
- (c) to promote liaison in the field of the training referred to in paragraph (b), both in the Republic and elsewhere, and to promote the standards of such training in the Republic;
- (d) to advise the Minister on any matter falling within the scope of this Act;

Objects of the
council.

- (e) om inligting aangaande aangeleenthede van openbare belang wat deur die raad in die loop van die verrigtinge van sy werksaamhede kragtens hierdie Wet ingewin word, aan die Minister oor te dra.

Bevoegdhede van die Raad.

4. Die raad kan—

- (a) afskrifte van die registers en rolle, of aanvullende lyste wat alle veranderings aantoon, laat druk en uitgee;
- (b) uittreksels uit die registers en rolle uitreik en die voorgeskrewe gelde ten opsigte daarvan vra;
- (c) onder die voorgeskrewe omstandighede, of waar deur hierdie Wet daartoe gemagtig, 'n naam uit 'n register of rol skrap, of, by betaling van die voorgeskrewe gelde dit daarop terugplaas;
- (d) eksaminatore en moderatore aanstel, eksamens afneem en diplomas en sertifikate toeken, en die voorgeskrewe gelde ten opsigte van sodanige eksamens en die uitreiking van sodanige diplomas en sertifikate vra;
- (e) verpleegskole op die voorgeskrewe voorwaardes goedkeur, genoemde skole van tyd tot tyd inspekteer, een of ander aangeleentheid wat na die mening van die raad nadelig vir die opleiding van studente vir addisionele kwalifikasies, of studentverpleegkundiges of studentvroedvroue, of leerlingverpleegsters of leerlingverpleegassistente is, onder die aandag bring van die persoon in beheer van so 'n skool en die owerheid onder wie se beheer die skool staan, of erkenning van so 'n skool intrek of opskort indien die opleiding daarin, 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 te erken of om erkenning daarvan intrek of opskort nie;
- (f) die voorgeskrewe gelde vra ten opsigte van 'n inspeksie wat die raad nodig ag om hom in staat te stel om 'n aansoek om erkenning van 'n verpleegskool, of 'n wysiging van 'n opgelegde voorwaarde ten opsigte van 'n erkende verpleegskool, te oorweeg;
- (g) eiendom verkry, huur of daarvoor beskik, geld op sekuriteit van die bates van die raad leen, of 'n trust of skenking aanvaar en administreer;
- (h) onderhewig aan die voorgeskrewe voorwaardes 'n lisensie om sake te doen as 'n verplegingsagentskap uitreik of hernieu, die rekords en rekenings van 'n verplegingsagentskap nagaan en die bedrywighede daarvan ondersoek, 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 en, onder die voorgeskrewe omstandighede, 'n lisensie om sake as 'n verplegingsagentskap te doen, opskort of intrek;
- (i) een of ander aangeleentheid oorweeg wat die verplegingsberoep raak en in verband daarmee vertoë rig of stappe doen wat die raad raadsaam ag;
- (j) op aansoek van iemand kwalifikasies wat deur hom besit word (hetsy die kwalifikasie in die Republiek of elders behaal is), erken as gelykstaande, hetsy in die geheel of gedeeltelik, met voorgeskrewe kwalifikasie, waarna dit geag word dat daardie persoon, in die mate waarin die kwalifikasie aldus erken is, die voorgeskrewe kwalifikasie besit;
- (k) vereis dat erkende verpleegskole jaarliks opgawes van studente wat ingevolge artikel 24 geregistreer is, en leerlinge wat ingevolge artikel 25 ingeskryf is, en ander inligting wat op enige tydstip nodig geag word, indien;
- (l) eis dat werkgewers jaarliks opgawes van geregistreerde en ingeskrewe persone wat in hulle diens is, en ander inligting wat op enige tydstip nodig geag word, indien;

- (e) to communicate to the Minister information on matters of public importance acquired by the council in the course of the performance of its functions under this Act.

4. The council may—

Powers of the council.

- (a) cause copies of the registers and rolls, or of supplementary lists showing all alterations, to be printed and published;
- (b) issue extracts from the registers and rolls and charge the prescribed fees in respect thereof;
- (c) in the circumstances prescribed, or where authorized by this Act, remove from or, upon payment of the prescribed fee, restore to a register or roll any name;
- (d) appoint examiners and moderators, conduct examinations and grant diplomas and certificates, and charge the prescribed fees in respect of such examinations and the issue of such diplomas and certificates;
- (e) approve, on the prescribed conditions, of nursing 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 students for additional qualifications, or student nurses or midwives, or pupil nurses or pupil nursing assistants, or withdraw or suspend approval of any such school if the training thereat 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 recognize, or withdraw or suspend recognition of any such school;
- (f) charge the prescribed fees in respect of an inspection it may deem necessary to enable it to consider an application for recognition of a nursing school, or for variation of a condition imposed in respect of a recognized nursing school;
- (g) acquire, hire or dispose of property, borrow money on the security of the assets of the council, accept and administer any trust or donation;
- (h) subject to the prescribed conditions, issue or renew a licence to carry on the business of a nursing agency, inspect the records and accounts and investigate the activities of a nursing agency, require a person licensed to carry on the business of a nursing agency to submit to the council such information as may be deemed necessary, and, in the prescribed circumstances, suspend or cancel a licence to carry on the business of a nursing agency;
- (i) consider any matter affecting the nursing profession, and make representations or take such action in connection therewith as the council deems advisable;
- (j) upon application of any person, recognize a qualification held by him (whether such qualification has been obtained in the Republic or elsewhere), as being equal, either wholly or in part, to any prescribed qualification, whereupon such person shall, to the extent to which the qualification has so been recognized, be deemed to hold such prescribed qualification;
- (k) require recognized nursing schools to submit annual returns of students registered under section 24 and pupils enrolled under section 25, and such other information as may be deemed necessary at any time;
- (l) require employers to submit annual returns of registered and enrolled persons in their employ and such other information as may be deemed necessary at any time;

die ander werksaamhede verrig wat voorgeskryf word, en oor die algemeen, alles doen wat die raad nodig of dienstig ag om die oogmerke van hierdie Wet te bereik.

Samestelling van die raad.

5. (1) Na die datum vermeld in artikel 46 (1) bestaan die raad uit die volgende lede, naamlik—

- (a) nege persone deur die Minister aangestel, van wie—
 - (i) een 'n beamppte van die Departement van Gesondheid, wat 'n geneesheer of geregistreerde verpleegkundige is, moet wees;
 - (ii) drie persone moet wees van wie minstens een nie kragtens hierdie Wet geregistreer of ingeskryf of kragtens die Wet op Geneeshere geregistreer is nie; en
 - (iii) vyf geregistreerde verpleegkundiges moet wees;
- (b) die Direkteur van Hospitaaldienste van elke provinsie, of 'n persoon, wat 'n geneesheer of geregistreerde verpleegkundige is, in diens van 'n provinsie wat deur die Administrateur van daardie provinsie aangewys word;
- (c) een geregistreerde verpleegkundige wat die universiteite waar departemente van verpleegkunde ingestel is, verteenwoordig, deur die prinsipale of rektore, na gelang van die geval, van die universiteite aangewys uit die lede van die personele van daardie universiteite; en een geregistreerde verpleegkundige wat opleidingskole wat verpleegsters oplei, verteenwoordig, deur die Administrateurs van die provinsies aangewys uit die lede van die personele van daardie opleidingskole;
- (d) een persoon aangewys deur die Suid-Afrikaanse Aptekersraad bedoel in artikel 2 van die Wet op Aptekers, 1974, wat 'n lid van daardie raad is en kragtens daardie Wet as apteker geregistreer is;
- (e) die Geneesheer-generaal van die Suid-Afrikaanse Weermag of 'n lid van sy personeel wat die Minister op sy aanbeveling aanstel en wat 'n geneesheer of geregistreerde verpleegkundige moet wees;
- (f) tien geregistreerde verpleegkundiges, van wie—
 - (i) vyf Blanke geregistreerde verpleegkundiges is;
 - (ii) drie Bantoe geregistreerde verpleegkundiges is;
 - (iii) een 'n Kleurling geregistreerde verpleegkundige is; en
 - (iv) een 'n Indiër geregistreerde verpleegkundige is; wat Suid-Afrikaanse burgers is, in die Republiek woonagtig is en deur—
 - (iA) Blanke, in die geval van subparagraaf (i) bedoelde lede;
 - (iiA) Bantoe, in die geval van subparagraaf (ii) bedoelde lede;
 - (iiiA) Kleurling, in die geval van subparagraaf (iii) bedoelde lede; en
 - (ivA) Indiër, in die geval van subparagraaf (iv) bedoelde lede,

geregistreerde verpleegkundiges gekies word ooreenkomstig die voorgeskrewe wyse en prosedure: Met dien verstande dat in die geval van die in paragraaf (f) (i) bedoelde lede in elke provinsie minstens een verpleegkundige wat aldus verkies is woonagtig moet wees en in die geval van die in paragraaf (f) (ii) bedoelde lede nie meer as een verpleegkundige wat aldus verkies is, gewoonlik in dieselfde provinsie woonagtig mag wees nie.

(2) Behoudens die bepalings van artikel 6 beklee die lede van die raad hul amp vir 'n tydperk van vyf jaar, maar kan hul weer aangestel, verkies of aangewys word, na gelang van die geval.

(3) Die Administrateurs van die provinsies bedoel in subartikels (1) (b) en (c), die prinsipale of rektore van die universiteite bedoel in subartikel (1) (c) en die Suid-Afrikaanse Aptekersraad bedoel in subartikel (1) (d) moet nie later nie as drie maande voor die datum van verstryking van die ampstermyn van die lede van die raad die registrateur skriftelik in kennis stel van die name van die persone wat kragtens die bepalings van subartikel (1) deur hulle aangewys is.

perform such other functions as may be prescribed and generally, do all such things as the council deems necessary or expedient to achieve the objects of this Act.

5. (1) After the date referred to in section 46 (1), the council shall consist of the following members, namely—

Constitution of council.

- (a) nine persons appointed by the Minister of whom—
 - (i) one shall be an officer of the Department of Health who shall be a medical practitioner or a registered nurse;
 - (ii) three shall be persons of whom at least one shall not be registered or enrolled in terms of this Act or registered in terms of the Medical Act; and
 - (iii) five shall be registered nurses;
- (b) the Director of Hospital Services of each province, or a person, who shall be a medical practitioner or registered nurse, in the employ of a province designated by the Administrator of that province;
- (c) one registered nurse representing the universities at which departments of nursing have been established designated from the staffs of such universities by the principals or rectors, as the case may be, of such universities; and one registered nurse representing nursing schools at which nurses are trained, designated from the staffs of such training schools by the Administrators of the provinces;
- (d) one person designated by the South African Pharmacy Board referred to in section 2 of the Pharmacy Act, 1974, who is a member of that board and is registered under that Act as a pharmacist;
- (e) the surgeon-general of the South African Defence Force or a member of his staff, who shall be a medical practitioner or a registered nurse, appointed on his recommendation by the Minister;
- (f) ten registered nurses, of whom—
 - (i) five shall be White registered nurses;
 - (ii) three shall be Bantu registered nurses;
 - (iii) one shall be a Coloured registered nurse; and
 - (iv) one shall be an Indian registered nurse, who are South African citizens, resident in the Republic, and elected by—
 - (iA) White, in the case of members referred to in subparagraph (i);
 - (iiA) Bantu, in the case of members referred to in subparagraph (ii);
 - (iiiA) Coloured, in the case of members referred to in subparagraph (iii); and
 - (ivA) Indian, in the case of members referred to in subparagraph (iv);

registered nurses in accordance with the prescribed manner and procedure: Provided that in the case of members referred to in paragraph (f) (i), in each province at least one nurse so elected shall be resident, and, in the case of members referred to in paragraph (f) (ii) not more than one nurse so elected shall be ordinarily resident in any one province.

(2) Subject to the provisions of section 6, the members of the council shall hold office for a period of five years, but shall be eligible for reappointment, re-election or redesignation, as the case may be.

(3) Not less than three months prior to the date of expiry of the term of office of the members of the council, the Administrators of the provinces referred to in subsections (1) (b) and (c), the principals or rectors of the universities referred to in subsection (1) (c) and the South African Pharmacy Board referred to in subsection (1) (d) shall inform the registrar in writing of the names of the persons designated by them in terms of the provisions of subsection (1).

(4) (a) Indien die in paragraaf (f) van subartikel (1) bedoelde persone versuim om iemand vir verkiesing te nomineer of die in subartikel (3) bedoelde Administrateurs van die provinsies, die prinsipale of rektore van universiteite of die Suid-Afrikaanse Aptekersraad, versuim om 'n aanwysing ingevolge die bepalings van subartikel (1) te doen of om, soos vereis in subartikel (3), die registrateur in kennis te stel van die name van die persone wat deur hulle aangewys is, na gelang van die geval, word, in die geval van 'n in subartikel (1) (b) bedoelde lid die Direkteur van Hospitaaldienste vir daardie provinsie as aangewys beskou, en word die nodige aanwysing in die geval van 'n in paragraaf (f) van 'n in subartikel (1) bedoelde lid en van die ander liggame deur die Minister gedoen en 'n aanwysing wat aldus deur die Minister gedoen is, word geag behoorlik gedoen te gewees het of word 'n lid geag behoorlik verkies te gewees het, na gelang van die geval, ingevolge die toepaslike paragraaf van subartikel (1).

(b) In die geval van 'n in paragraaf (a) bedoelde versuim, stel die registrateur die Minister onmiddellik skriftelik daarvan in kennis.

(5) So gou doenlik na die verkiesing van lede bedoel in subartikel (1) (f) moet die Minister die registrateur in kennis stel van die name van die persone wat ingevolge paragraaf (a) van daardie subartikel deur hom aangestel is.

(6) Die name van lede van die raad en die datum van aanvang van hul ampstermyn word so spoedig doenlik na die samestelling van die raad deur die registrateur in die *Staatskoerant* bekend gemaak.

Ontruiming van amp
en die vul van
vakatures.

6. (1) 'n Lid van die raad ontruim sy amp indien—

(a) sy boedel gesekwestreer word of hy met sy skuldeisers 'n akkoord aangaan;

(b) hy sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig was;

(c) hy kragtens Wet onbevoeg is of word om sy beroep te beoefen;

(d) hy ophou om 'n Suid-Afrikaanse burger te wees of nie permanent in die Republiek woonagtig is nie;

(e) hy aan 'n misdryf skuldig bevind word ten opsigte waarvan hy gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete;

(f) hy 'n pasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973;

(g) hy—

(i) as hy 'n verkose lid is, skriftelik sy bedanking by die registrateur indien;

(ii) as hy 'n deur die Minister aangestelde lid is, ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is of skriftelik sy bedanking by die Minister indien en die Minister sy bedanking aanvaar;

(iii) as hy 'n lid is wat deur 'n Administrateur van 'n provinsie, deur die prinsipale of rektore van die universiteite bedoel in artikel 5 (1) (c) of deur die Suid-Afrikaanse Aptekersraad bedoel in artikel 5 (1) (d) aangewys is, ophou om 'n bevoegdheid te besit wat vir sy aanwysing nodig is of skriftelik sy bedanking by die persone of instansie deur wie hy aangewys is, en indien sy bedanking aanvaar word deur die betrokke persone of instansie;

(h) die Staatspresident in openbare belang sy lidmaatskap beëindig.

(2) Elke vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (1) bedoel en elke vakature wat veroorsaak word deur die dood van 'n lid, word gevul by wyse van aanstelling, aanwysing of verkiesing, na gelang van die geval, deur die persoon of instansie deur wie en op die wyse waarop die uitgetrede lid aangestel, aangewys of verkies moes word, en elke

(4) (a) If the persons referred to in paragraph (f) of subsection (1) fail to nominate a person for election, or if the Administrators of the provinces or the principals or rectors of the universities referred to in subsection (3) fail or the South African Pharmacy Board referred to in that subsection fails to make a designation in terms of the provisions of subsection (1), or to inform the registrar as required in subsection (3) of the names of the persons designated by them, as the case may be, the Director of Hospital Services for that province shall be deemed to have been designated in the case of a member referred to in subsection (1) (b), and the Minister shall make the necessary designation in the case of a member referred to in paragraph (f) of subsection (1) and of the other bodies, and any designation so made by the Minister shall be deemed to have been properly made or a member shall be deemed to have been properly elected, as the case may be, in terms of the appropriate paragraph of subsection (1).

(b) The registrar shall, in the case of a failure referred to in paragraph (a), immediately inform the Minister thereof in writing.

(5) As soon as possible after the election of the members referred to in subsection (1) (f), the Minister shall inform the registrar of the names of the persons appointed by him in terms of paragraph (a) of that subsection.

(6) The names of the members of the council and the date of commencement of their term of office shall be published by the registrar in the *Gazette* as soon as possible after the constitution of the council.

6. (1) A member of the council shall vacate his office if—

Vacation of office and filling of vacancies.

- (a) his estate is sequestrated or he has entered into a composition with the creditors of his estate;
- (b) he has been absent from more than two consecutive ordinary meetings of the council without the council's leave;
- (c) he is or becomes disqualified under an Act from practising his profession;
- (d) he ceases to be a South African citizen or to be permanently resident in the Republic;
- (e) he is convicted of an offence in respect whereof he is sentenced to imprisonment without the option of a fine;
- (f) he becomes a patient as defined in section 1 of the Mental Health Act, 1973;
- (g)
 - (i) being an elected member, he tenders his resignation in writing to the registrar;
 - (ii) being a member appointed by the Minister, he ceases to hold any qualification necessary for his appointment or tenders his resignation in writing to the Minister and the Minister accepts his resignation;
 - (iii) being a member designated by the Administrators of the provinces, by the principals or rectors of the universities referred to in section 5 (1) (c) or by the South African Pharmacy Board referred to in section 5 (1) (d), he ceases to hold any qualification necessary for his designation or tenders his resignation in writing to the persons or body by whom he was designated and his resignation is accepted by the persons or body concerned;
- (h) the State President, in the public interest, terminates his membership.

(2) Every vacancy on the council arising from a circumstance referred to in subsection (1) and every vacancy caused by the death of a member, shall be filled by appointment, designation or election, as the case may be, by the person or body by whom and in the manner in which the vacating member was required to be appointed, designated or elected, and every member so appointed,

lid wat aldus aangestel, aangewys of verkies word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede lid aangestel, aangewys of verkies was.

Ampsdraers.

7. (1) Die lede van elke nuutsaamgestelde raad moet op sy eerste vergadering van daardie raad 'n president en vise-president, wat verpleegkundiges moet wees en 'n tesourier uit hul midde kies.

(2) Die president, vise-president en tesourier beklee hul amp vir die duur van die ampstermyn van die lede van die raad tensy die president, vise-president of tesourier eerder bedank of ophou om 'n lid van die raad te wees.

(3) Die vise-president kan, indien die president afwesig is of om die een of ander rede nie as president kan optree nie, al die werksaamhede verrig en al die bevoegdhede uitoefen van die president.

(4) Indien die president sowel as die vise-president van 'n vergadering afwesig is, moet die aanwesige lede iemand uit hul midde kies om op daardie vergadering voor te sit en die persoon wat aldus voorsit kan gedurende daardie vergadering en totdat die president of vise-president sy pligte hervat, al die werksaamhede verrig en al die bevoegdhede uitoefen van die president.

(5) Indien aan die president sowel as die vise-president afwesigheidsverlof toegestaan is, moet die lede van die raad iemand uit hul midde kies of die uitvoerende komitee, indien die raad nie in sitting is nie, 'n lid van die raad aanwys om as president waar te neem totdat die president of die vise-president sy pligte hervat of sy amp ontruim.

(6) Indien die amp van president, vise-president of tesourier vakant word, moet die lede van die raad op die eerste vergadering nadat die vakature ontstaan, of so spoedig daarna as wat gerieflik mag wees, uit hul midde 'n nuwe president, vise-president of tesourier, na gelang van die geval, kies en die aldus verkose lid beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

(7) 'n President, vise-president of tesourier kan sy amp as sodanig ontruim sonder dat sodanige ontruiming op sigself sy lidmaatskap van die raad beëindig.

Vergaderings van die raad.

8. (1) Die raad moet minstens twee vergaderings per jaar hou op die plekke wat die raad bepaal en kan daarbenewens die verdere vergaderings hou wat die raad van tyd tot tyd bepaal.

(2) Die president kan te eniger tyd 'n spesiale vergadering van die raad belê wat gehou moet word op die datum en plek wat hy bepaal en hy moet, op skriftelike versoek van die Minister of 'n skriftelike versoek wat deur minstens ses lede onderteken is, 'n spesiale vergadering belê wat binne dertig dae na die datum van ontvangs van die versoek gehou moet word op die datum en plek wat hy bepaal. Met dien verstande dat bedoelde skriftelike versoek die doel waarvoor die vergadering belê moet word, duidelik moet vermeld.

Kworum en prosedure by vergaderings.

9. (1) Twaalf lede van wie nie minder nie as ses verpleegkundiges en ten minste een 'n geneesheer moet wees, maak 'n kworum op 'n vergadering van die raad uit.

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

(3) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die raad of vanweë die feit dat iemand wat nie geregtig is nie om as 'n lid van die raad sitting te neem, as 'n lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

designated or elected shall hold office for the unexpired portion of the period for which the vacating member was appointed, designated or elected.

7. (1) At the first meeting of every newly constituted council the members of the council shall elect a president and vice-president, who shall be nurses, and a treasurer from among themselves. Office-bearers

(2) The president, vice-president and treasurer shall hold office during the term of office of the members of the council, unless the president, vice-president or treasurer shall sooner resign or cease to be a member of the council.

(3) The vice-president may, if the president is absent or for any reason unable to act as president, perform all the functions and exercise all the powers of the president.

(4) If both the president and vice-president are absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so presiding may, during that meeting and until the president or the vice-president resumes duty, perform all the functions and exercise all the powers of the president.

(5) If both the president and vice-president have been given leave of absence, the members of the council shall elect one of their number or, if the council is not in session, the executive committee shall designate a member of the council to act as president until the president or vice-president resumes duty or vacates office.

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

(7) A president or vice-president or a treasurer may vacate office as such without such vacation by itself terminating his membership of the council.

8. (1) The council shall hold at least two meetings in each year at venues to be determined by the council, and may in addition hold such further meetings as the council may from time to time determine. Meetings of the council.

(2) The president may at any time convene a special meeting of the council, to be held on such date and at such place as he may determine and he shall, upon a written request by the Minister or a written request signed by at least six members, convene a special meeting to be held, within thirty days after the date of receipt of the request, on such date and at such place as he may determine: Provided that such written request shall state clearly the purpose for which the meeting is to be convened.

9. (1) Twelve members, of whom not less than six shall be nurses and at least one shall be a medical practitioner, shall constitute a quorum at any meeting of the council. Quorum and procedure at meetings.

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

(3) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of an interim vacancy on the council or of the fact that a person who is not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

Uitvoerende komitee.

10. (1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die president, vise-president, tesourier, die lid aangestel kragtens artikel 5 (1) (a) (i), een lid aangestel kragtens artikel 5 (1) (a) (ii), een lid aangestel kragtens artikel 5 (1) (b) en die ander lede wat die raad mag aanwys.

(2) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, gedurende tydperke tussen vergaderings van die raad al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig, maar is nie, behalwe vir sover die raad anders gelas, bevoeg om 'n besluit van die raad ter syde te stel of te wysig nie en enige handeling verrig of besluit geneem deur die uitvoerende komitee is van krag tensy dit deur die raad tersyde gestel of gewysig word by sy eersvolgende vergadering.

Ander komitees.

11. (1) Die raad moet 'n onderwyskomitee instel wat bestaan uit soveel persone, deur die raad aangestel, as wat die raad bepaal, maar wat ten minste vier persone van wie drie verpleegkundiges wat aktief gemoeid is met die opleiding van algemene verpleegkundiges, psigiatryse verpleegkundiges en vroedvroue onderskeidelik en een verpleegkundige wat verbonde is aan 'n departement van verpleegkunde wat by 'n universiteit ingestel is, moet insluit: Met dien verstande dat die voorsitter en vise-voorsitter van die komitee, lede van die raad is.

(2) Die komitee ingestel kragtens subartikel (1) moet, behoudens die bepalings van subartikel (5), daardie bevoegdhede van die raad uitoefen en daardie werksaamhede van die raad verrig wat die raad van tyd tot tyd aan hom opdra.

(3) Die raad kan van tyd tot tyd die ander komitees instel wat hy nodig ag, elkeen waarvan bestaan uit soveel persone, deur die raad aangestel, as wat die raad bepaal, maar wat ten minste twee lede van die raad, wat as voorsitter en vise-voorsitter van die komitee dien, moet insluit, om ondersoek in te stel na en aan die raad verslag te doen aangaande enige aangeleentheid wat binne die bestek van die raad se werksaamhede kragtens hierdie Wet val.

(4) Behoudens die bepalings van subartikel (5) kan die raad aan 'n kragtens subartikel (3) ingestelde komitee, benewens die bevoegdhede in subartikel (3) aan sodanige komitee verleen, sodanige van sy bevoegdhede delegeer as wat hy van tyd tot tyd bepaal, maar word nie onthef van 'n bevoegdheid wat aldus gedelegeer is nie.

(5) Geen straf opgelê deur 'n komitee wat ingevolge subartikel (1) of (3) ingestel is, uitgesonderd 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing, is van krag nie totdat die raad die oplegging daarvan bekragtig het: Met dien verstande dat 'n bevel deur so 'n komitee kragtens artikel 36 (2) uitgereik, onmiddellik in werking tree indien die komitee in die openbare belang aldus gelas, maar na die verstryking van 'n tydperk van ses maande verval tensy dit binne daardie tydperk deur die raad bekragtig word.

Aanstelling van
registrateur en
personeel.

12. (1) Behoudens die bepalings van subartikel (4) moet die raad 'n registrateur aanstel en kan hy die ander persone aanstel wat hy nodig ag vir die verrigting van sy werksaamhede kragtens hierdie Wet en kan hy enige van daardie ander persone ontslaan.

(2) Die registrateur dien as sekretaris van die raad en verrig die werksaamhede en kom die pligte na wat kragtens hierdie Wet aan hom toegewys of opgelê is, sowel as die werksaamhede en pligte wat van tyd tot tyd deur die raad aan hom toegewys of opgelê word.

(3) Die aanstelling of ontslag van die registrateur is onderworpe aan die goedkeuring van die Minister.

(4) Geen aanstelling word ingevolge hierdie artikel gedoen nie, tensy die persoon wat aangestel word beide amptelike tale magtig is.

Finansiering van raad.

13. (1) Alle registrasie-, inskrywings- en eksamengelde en ander kragtens hierdie Wet betaalbare gelde moet aan die raad oorbetaal word en maak sy fondse uit en die raad moet sy fondse aanwend

10. (1) There shall be an executive committee of the council Executive committee. consisting of the president, the vice-president, the treasurer, the member appointed in terms of section 5 (1) (a) (i), one member appointed in terms of section 5 (1) (a) (ii), one member appointed in terms of section 5 (1) (b) and the other members of the council designated by the council.

(2) The executive committee may, subject to the directions of the council, exercise all the powers and perform all the functions of the council during periods between meetings of the council but shall not have the power, save in so far as the council otherwise directs, to set aside or amend any decision of the council, and any act performed or decision taken by the executive committee shall be of force and effect unless it is set aside or amended by the council at its next ensuing meeting.

11. (1) The council shall establish an education committee Other committees. which shall consist of so many persons, appointed by the council, as the council may determine but which shall include at least four persons of whom three shall be nurses actively involved with the training of general nurses, psychiatric nurses and midwives respectively and one shall be a nurse attached to a department of nursing established at a university: Provided that the chairman and vice-chairman of the committee shall be members of the council.

(2) The committee established in terms of subsection (1) shall, subject to the provisions of subsection (5), exercise such of the council's powers and perform such of the council's functions as the council may from time to time assign to it.

(3) The council may from time to time establish such other committees as it may deem necessary, each consisting of so many persons, appointed by the council, as the council may determine but including at least two members of the council who shall be the chairman and vice-chairman of such committee, to investigate and report to the council on any matter falling within the scope of the council's functions under this Act.

(4) Subject to the provisions of subsection (5) the council may delegate to any committee established in terms of subsection (3) such of its powers, in addition to the powers conferred upon such committee by subsection (3), as it may from time to time determine, but shall not be divested of any power so delegated.

(5) No penalty imposed by any committee established in terms of subsection (1) or (3), other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect until the council has confirmed its imposition: Provided that an order made by any such committee under section 36 (2) shall, if the committee so directs in the public interest, come into operation forthwith, but shall lapse after the expiration of a period of six months unless confirmed within that period by the council.

12. (1) Subject to the provisions of subsection (4) the council Appointment of registrar and staff. shall appoint a registrar and may appoint such other persons as it may deem necessary for carrying out its functions under this Act, and may dismiss any of such other persons.

(2) The registrar shall act as secretary to the council and he shall perform the functions and carry out the duties assigned to or imposed upon him under this Act as well as such functions and duties as may from time to time be assigned to or imposed upon him by the council.

(3) The appointment or dismissal of the registrar shall be subject to the approval of the Minister.

(4) No appointment may be made in terms of this section unless the person appointed is proficient in both official languages.

13. (1) All registration, enrolment and examination fees and Financing of council. any other fees payable under this Act, shall be paid to the council and shall constitute its funds and the council shall utilize its funds

ter bestryding van uitgawes aangeaan in verband met die verrigting van sy werksaamhede.

(2) Die raad kan enige onbestede gedeelte van sy geld belê en kan die reserwefondse instel en die bedrae daarin stort wat hy nodig of wenslik ag.

Minister kan foute herstel.

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

HOOFTUK II

OPLEIDING EN REGISTRASIE EN INSKRYWING

Beheer oor opleiding.

15. (1) Ondanks andersluidende wetsbepalings, mag geen persoon of inrigting opleiding wat daarop gerig is om iemand te bekwaam vir die beoefening van die beroep van verpleging waarop die bepaling van hierdie Wet van toepassing is, aanbied of verskaf nie tensy sodanige opleiding deur die raad goedgekeur is.

(2) 'n Persoon of inrigting wat opleiding soos bedoel in subartikel (1) wil aanbied, moet, alvorens hy sodanige opleiding aanbied, skriftelik by die raad aansoek doen om goedkeuring van sodanige opleiding en die besonderhede aangaande daardie opleiding verstrek wat die raad vereis.

(3) Die raad kan 'n aansoek wat ingevolge subartikel (2) gedoen is, toestaan of weier en, wanneer hy so 'n aansoek toegestaan het, kan hy die voorwaardes en vereistes bepaal wat hy goed ag onderworpe waaraan die betrokke opleiding verskaf mag word.

(4) 'n Besluit ingevolge subartikel (3) deur die raad geneem, is afdoende.

(5) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Registrasie of inskrywing 'n voorvereiste vir praktisering.

16. (1) Niemand mag binne die Republiek die beroep van 'n geregistreerde verpleegkundige, vroedvrou, ingeskrewe verpleegster of verpleegassistent beoefen of as 'n student of leerling praktiseer nie, tensy hy ingevolge hierdie Wet as 'n verpleegkundige of 'n vroedvrou of 'n studentverpleegkundige of -vroedvrou geregistreer of as 'n verpleegster, verpleegassistent, vroedvrou of leerling-verpleegster of -verpleegassistent ingeskryf is.

(2) Iedereen wat verlang om ingevolge hierdie Wet geregistreer of ingeskryf te word, moet by die raad aansoek doen en moet die kwalifikasie wat, na hy beweer, aan hom die reg verleen op registrasie of inskrywing, voorlê tesame met die bewys van identiteit en goeie karakter en van die egtheid en geldigheid van die voorgelegde kwalifikasie, wat die raad vereis.

(3) Indien die registrateur daarvan oortuig is dat die kwalifikasie en die ander stukke wat ter stawing van die aansoek voorgelê is, aan die vereistes van hierdie Wet voldoen, moet hy, by betaling deur die aansoeker van die voorgeskrewe geld, 'n registrasie- of inskrywingsertifikaat uitreik wat die aansoeker magtig om, behoudens die bepalinge van hierdie Wet of van enige ander Wet, die beroep ten opsigte waarvan hy om registrasie of inskrywing aansoek gedoen het, in die Republiek te beoefen.

(4) Indien die registrateur nie daarvan oortuig is dat die kwalifikasie of ander stukke wat ter stawing van die aansoek voorgelê is, aan die vereistes van hierdie Wet voldoen nie, moet hy weier om 'n registrasie- of inskrywingsertifikaat aan die aansoeker uit te reik, maar moet hy, indien dit deur die aansoeker geëis word, die aansoek aan die raad vir beslissing voorlê.

for defraying expenses incurred in connection with the performance of its functions.

(2) The council may invest any unexpended portion of its moneys and may establish such reserve funds and pay therein such amounts as it may deem necessary or expedient.

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

CHAPTER II

TRAINING AND REGISTRATION AND ENROLMENT

15. (1) Notwithstanding anything to the contrary in any other law contained, no person or institution may offer or provide any training having as its object to qualify any person for the practising of the profession of nursing to which the provisions of this Act apply, unless such training has been approved by the council. Control over training.

(2) Any person or institution wishing to offer such training as is referred to in subsection (1) shall, before offering such training, apply to the council in writing for its approval of such training and shall furnish such particulars regarding such training as the council may require.

(3) The council may grant or refuse any application made in terms of subsection (2) and, having granted such application, may determine such conditions and requirements as it may deem fit subject to which the training in question may be provided.

(4) Any decision made by the council in terms of subsection (3) shall be final.

(5) Any person who contravenes or fails to comply with any provision of this section 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 six months or to both such fine and such imprisonment.

16. (1) No person shall be entitled to practise within the Republic the profession of a registered nurse, midwife, enrolled nurse or nursing assistant or as a student or pupil unless he is registered in terms of this Act as a nurse or a midwife or a student nurse or student midwife, or enrolled as a nurse or a nursing assistant or a midwife or a pupil nurse or a pupil nursing assistant. Registration or enrolment a prerequisite for practising.

(2) Every person desiring to be registered or enrolled in terms of this Act shall apply to the council and shall submit the qualification which, in his submission, entitles him to registration or enrolment, together with such proof of identity and good character and of the authenticity and validity of the qualification submitted as may be required by the council.

(3) If the registrar is satisfied that the qualification and the other documents submitted in support of the application satisfy the requirements of this Act, he shall, upon payment by the applicant of the prescribed fee, issue a registration or enrolment certificate authorizing the applicant, subject to the provisions of this Act or of any other law to practise the profession in respect whereof he has applied for registration or enrolment, within the Republic.

(4) If the registrar is not satisfied that the qualification or other documents submitted in support of the application satisfy the requirements of this Act, he shall refuse to issue a registration or enrolment certificate to the applicant but shall, if so required by the applicant, submit the application to the council for decision.

Hou van registers en rolle.

17. (1) Die registrateur moet die afsonderlike voorgeskrewe registers en rolle ten opsigte van die onderskeie voorgeskrewe kategorie praktisyns, studente en leerlinge hou, en moet, in opdrag van die raad, die ander besonderhede wat die raad bepaal, van elke persoon wie se aansoek om registrasie of inskrywing ingevolge artikel 16 (2) toegestaan is, in die toepaslike register of rol inskryf.

(2) Die registrateur moet die registers en rolle korrek en ooreenkomstig die bepalings van hierdie Wet hou en die name van alle geregistreerde of ingeskrewe persone wat oorlede is of wie se tydperk van registrasie of inskrywing verstryk het ingevolge regulasies kragtens artiken 45 (1) uitgevaardig, daaruit skrap en moet van tyd tot tyd die nodige wysigings in die name en adresse of kwalifikasies van geregistreerde of ingeskrewe persone aanbring.

(3) Iedere geregistreerde of ingeskrewe persoon wat van naam en adres verander, moet binne dertig dae na die verandering aan die registrateur skriftelik kennis gee daarvan.

(4) Geen kwalifikasie mag geregistreer of ingeskryf word nie tensy die registrateur oortuig is dat die persoon wat aanspraak maak op besit van so 'n kwalifikasie daarop geregtig is, of indien die raad nie aldus oortuig is nie, en enige registrasie of inskrywing wat tot bevrediging van die raad bewys word weens 'n vergissing of as gevolg van wanvoorstelling of in omstandighede wat nie by hierdie Wet gemagtig word nie, gemaak te gewees het, kan uit die register of rol geskrap word en 'n aantekening van die rede vir iedere sodanige skrapping moet in die register of rol gemaak word en die persoon ten opsigte van wie se registrasie of inskrywing daardie skrapping gedoen is, moet daarvan in kennis gestel word op die wyse in artikel 18 (2) beoog en 'n sertifikaat wat ten opsigte van die betrokke registrasie of inskrywing uitgereik is, word geag ingetrek te wees vanaf die datum waarop aldus kennis gegee is.

Skrapping van naam uit, en terugplasing daarvan op, register of rol.

18. (1) Die raad kan die registrateur gelas om uit die register of rol die naam van 'n persoon te skrap—

- (a) wat gedurende die drie jaar wat die skrapping onmiddellik voorafgaan, uit die Republiek afwesig was;
- (b) wat versuim het om die registrateur binne 'n tydperk van drie maande vanaf die datum van 'n navraag wat deur die registrateur per aangetekende brief na die adres wat in die register of rol verskyn ten opsigte van daardie persoon, gestuur is, van sy huidige adres in kennis te stel;
- (c) wat versoek het dat sy naam uit die register of rol geskrap word, in welke geval van so 'n persoon vereis kan word om by die registrateur 'n beëdigde verklaring in te dien met die strekking dat geen tug- of strafregtelike stappe teen hom gedoen word of waarskynlik gedoen sal word nie;
- (d) wat versuim het om binne die voorgeskrewe tydperk vanaf die datum waarop dit betaalbaar geword het, aan die raad enige jaarlikse geld wat ingevolge artikel 45 voorgeskryf is, te betaal;
- (e) wie se naam geskrap is uit die register, stukke of rol van 'n universiteit, hospitaal, kollege, genootskap of ander liggaam waarvan daardie persoon die kwalifikasie uit hoofde van die besit waarvan hy geregistreer of ingeskryf is, ontvang het.

(2) Kennis van die skrapping van sy naam uit die register of rol ingevolge subartikel (1) of van die skrapping, ingevolge artikel 17 (5), van 'n inskrywing uit die register of rol, moet deur die registrateur aan die betrokke persoon gegee word deur middel van 'n aangetekende brief aan bedoelde persoon geadresseer na die adres wat ten opsigte van hom in die register of rol verskyn.

(3) Vanaf die datum waarop ingevolge subartikel (2) kennis gegee is—

- (a) word 'n registrasie- of inskrywingsertifikaat wat ingevolge hierdie Wet aan die betrokke persoon uitgereik is, geag gekanselleer te wees; en

17. (1) The registrar shall keep the separate prescribed registers and rolls in respect of the different prescribed categories of practitioners, students and pupils, and shall, on the instructions of the council, enter in the appropriate register or roll the other particulars as the council may determine, of every person whose application for registration or enrolment in terms of section 16 (2) has been granted.

Keeping of registers and rolls.

(2) The registrar shall keep the registers and rolls correctly and in accordance with the provisions of this Act and shall remove therefrom the names of all registered or enrolled persons who have died or whose period of registration or enrolment has expired in terms of regulations made under section 45 (1) and shall from time to time make the necessary alterations in the names and addresses or qualifications of registered or enrolled persons.

(3) Every registered or enrolled person who changes his name or address shall in writing notify the registrar thereof within thirty days after such change.

(4) No qualification shall be entered in the register or roll unless the registrar is satisfied that the person claiming to possess such qualification is entitled thereto, or if the council is not so satisfied, and any registration or enrolment which is proved to the satisfaction of the council to have been made in error or through misrepresentation or in circumstances not authorized by this Act, may be removed from the register or roll and a record of the reason for every such removal shall be made in the register or roll, and the person in respect of whose registration or enrolment such removal has been made, shall be notified thereof in the manner contemplated in section 18 (2) and any certificate issued in respect of the registration or enrolment in question shall be deemed to be cancelled as from the date on which notice has so been given.

18. (1) The council may direct the registrar to remove from the register or roll the name of any person—

Removal of name from, and restoration to, register or roll.

- (a) who has been absent from the Republic during the three years immediately preceding such removal;
- (b) who has failed to notify the registrar, within a period of three months as from the date of an enquiry sent by the registrar by registered letter to the address appearing in the register or roll in respect of such person, of his present address;
- (c) who has requested that his name be removed from the register or roll; in which case such person may be required to lodge with the registrar an affidavit to the effect that no disciplinary or criminal proceedings are being or are likely to be taken against him;
- (d) who has failed to pay to the council, within the prescribed period as from the date on which it became due for payment, any usual fee prescribed by the council in terms of section 45;
- (e) whose name has been removed from the register, record or roll of any university, hospital, college, society or other body from which that person received the qualification by virtue of the holding whereof he was registered or enrolled.

(2) Notice of the removal, in terms of subsection (1), of his name from the register or roll, or of the removal, in terms of section 17 (5), of an entry from the register or roll, shall be given by the registrar to the person concerned by way of a registered letter addressed to such person at the address appearing in respect of him in the register or roll.

(3) As from the date on which notice has been given in terms of subsection (2)—

- (a) any registration or enrolment certificate issued in terms of this Act to the person concerned shall be deemed to be cancelled; and

- (b) moet bedoelde persoon ophou om die beroep te beoefen ten opsigte waarvan hy geregistreer of ingeskryf was of om enige handeling te verrig wat hy, in sy hoedanigheid van 'n geregistreeerde of ingeskrewe persoon, geregtig was om te verrig,

tot tyd en wyl sy naam of die inskrywing wat ingevolge artikel 17 (5) uit die register of rol geskrap is, na gelang van die geval, op die register of rol teruggeplaas word.

(4) Indien—

- (a) dit uit die stukke wat ingevolge artikel 18 (3) van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), aan die betrokke regter voorgelê is vir hom duidelik is, of dit op enige ander wyse onder sy aandag gebring word, dat die persoon op wie die stukke betrekking het 'n persoon is wat kragtens hierdie Wet geregistreer of ingeskryf is, moet hy, indien die genoemde persoon tot 'n geestesongestelde persoon verklaar word soos in artikel 19 (1) (b) van die genoemde Wet op Geestesgesondheid beoog word, gelas dat 'n afskrif van die bevel waarby bedoelde persoon tot 'n geestesongestelde persoon verklaar word;
- (b) dit onder die aandag van die hof gebring word dat 'n beskuldigde 'n persoon is wat kragtens hierdie Wet geregistreer of ingeskryf is en die hof, kragtens die bepalinge van artikels 77 (6) of 78 (6) van die Strafproseswet, 1977, gelas dat bedoelde beskuldigde aangehou word hangende die beskikking van die Staatspresident, moet die hof gelas dat 'n afskrif van bedoelde lasgewing,

aan die registrateur gestuur word en die registrateur moet, by ontvangs van bedoelde afskrif, die naam van die betrokke persoon uit die register of rol skrap.

(5) Die naam van 'n persoon wie se naam ingevolge hierdie artikel uit die register of rol geskrap is of 'n inskrywing wat ingevolge artikel 17 (5) uit die register of rol geskrap is, moet deur die registrateur op die register of rol teruggeplaas word indien die betrokke persoon—

- (a) op die voorgeskrewe vorm om sodanige terugplasing aansoek doen;
- (b) die gelde betaal wat ten opsigte van sodanige terugplasing voorgeskryf is (indien daar is);
- (c) in die geval waar sy naam ingevolge subartikel (4) uit die register of rol geskrap is, tot bevrediging van die raad bewys lewer van sy ontslag, ingevolge die bepalinge van die Wet op Geestesgesondheid, 1973, uit die inrigting waar hy aangehou was; en
- (d) aan die ander vereistes voldoen wat deur die raad bepaal word.

Bewaring en uitgee
van registers of rolle.

19. Die registers en rolle moet in die kantoor van die raad gehou word en die registrateur moet, by tussenpose wat die raad bepaal en ooreenkomstig die opdragte en op gesag van die raad, eksemplare van die registers of rolle, of van aanvullende lyste wat aantoon alle wysigings, toevoegings, hersienings en skappings gedoen sedert die laaste uitgawe van die volledige registers of rolle, laat druk en uitgee.

Kwitansie as bewys.

20. 'n Kwitansie deur of namens die registrateur uitgereik ten opsigte van die betaling van registrasie- of inskrywingsgelde vir die registrasie of inskrywing van 'n persoon of die hernuwing van sodanige registrasie of inskrywing, is in alle regsdinge *prima facie*-bewys dat so iemand ooreenkomstig die bepalinge van hierdie Wet geregistreer of ingeskryf is: Met dien verstande dat in die geval van iemand wie se naam—

- (a) in so 'n register of rol verskyn, maar wat nie in staat is nie om bedoelde kwitansie te toon, 'n sertifikaat, deur die registrateur onderteken, bewys is daarvan dat bedoelde persoon kragtens die bepalinge van hierdie Wet geregistreer of ingeskryf is;

(b) such person shall cease to practise the profession in respect of which he was registered or enrolled or to perform any act which he, in his capacity as a registered or enrolled person, was entitled to perform, until such time as his name or the entry removed from the register or roll in terms of section 17 (5), as the case may be, is restored to the register or roll.

(4) If—

- (a) from the documents submitted to him in terms of section 18 (3) of the Mental Health Act, 1973 (Act 18 of 1973), it appears to the judge concerned, or it is brought to his notice in any other manner, that the person to whom the documents relate is a person registered under this Act, he shall, if the said person is declared a mentally ill person as contemplated in section 19 (1) (b) of the said Mental Health Act, direct that a copy of the order declaring such person a mentally ill person;
- (b) it is brought to the attention of the court that an accused is a person who is registered or enrolled in terms of this Act and if the court, in terms of the provisions of section 77 (6) or 78 (6) of the Criminal Procedure Act, 1977, directs that such accused be detained pending the signification of the decision of the State President, the court shall direct that a copy of such direction,

be transmitted to the registrar and the registrar shall, on receipt of the said copy, remove the name of the person concerned from the register or roll.

(5) The name of a person whose name has in terms of this section been removed from the register or roll or an entry removed from the register or roll in terms of section 17 (5), shall be restored to the register or roll by the registrar upon the person concerned—

- (a) applying on the prescribed form for such restoration;
- (b) paying the fee prescribed in respect of such restoration (if any);
- (c) in the case where his name has been removed from the register or roll in terms of subsection (4), submitting proof to the satisfaction of the council of his discharge in terms of the provisions of the Mental Health Act, 1973, from the institution at which he had been detained; and
- (d) complying with such other requirements as the council may determine.

19. The registers and rolls shall be kept at the office of the council and the registrar shall, at intervals to be determined by the council and according to the instructions and on the authority of the council, cause copies of the registers and rolls or of supplementary lists showing all alterations, additions, revisions and deletions made since the last publication of the complete registers or rolls to be printed and published.

Custody and
publication of
registers or rolls.

20. A receipt issued by or on behalf of the registrar in respect of the payment of registration or enrolment fees for the registration or enrolment of a person or the renewal of such registration or enrolment, shall be *prima facie* proof, in all legal proceedings, that such person is registered or enrolled according to the provisions of this Act: Provided that in the case of any person whose name—

Receipt as proof.

- (a) appears in such register or roll, but who is unable to produce such receipt, a certificate under the hand of the registrar, shall be proof that such person is registered or enrolled under the provisions of this Act;

- (b) uit die register of rol geskrap is sedert die datum van uitreiking van bedoelde kwitansie en nie op die register of rol teruggeplaas is nie, 'n sertifikaat, deur die registrateur onderteken, dat die naam van daardie persoon uit die register of rol geskrap is, bewys is daarvan dat bedoelde persoon nie ooreenkomstig die bepalings van hierdie Wet geregistreer of ingeskryf is nie.

Kwalifikasies
voorgeskrif vir
registrasie of
inskrywing.

21. Die Minister kan van tyd tot tyd op aanbeveling van die raad die kwalifikasies, verwerf uit hoofde van eksamens afgeneem deur 'n universiteit, opleidingskool of ander instansie wat eksamens afneem, voorskryf wat, indien alleen of saam met 'n ander kwalifikasie besit, aan 'n besitter daarvan die reg verleen op registrasie of inskrywing kragtens hierdie Wet as geregistreerde verpleegkundige, vroedvrou, ingeskrewe verpleegster of verpleeg-assistent, na gelang van die geval, indien hy voor of in verband met of na die verwerwing van die betrokke kwalifikasie voldoen het aan die voorwaardes of vereistes wat aldus voorgeskryf word.

Beperkte registrasie.

22. (a) Die raad kan 'n persoon wat—

- (i) in 'n land of staat buite die Republiek as verpleegkundige geregistreer is op grond van kwalifikasies aldaar verwerf nadat hy opleiding ontvang het vir 'n tydperk van minstens die tydperk by regulasie kragtens artikel 45 voorgeskryf;
- (ii) nie op registrasie as 'n verpleegkundige ingevolge artikel 16 geregtig is nie omdat hy nie opleiding vir die tydperk ingevolge artikel 45 voorgeskryf of van die aldus voorgeskrewe aard ten opsigte van die een of ander vertakking van verpleging ontvang het nie; en
- (iii) 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 verpleegkundige vir hoogstens twee jaar registreer. Met dien verstande dat 'n verpleegkundige aldus geregistreer nie sy beroep mag uitoefen nie ten opsigte van sodanige vertakking van verpleging wat die raad bepaal en aandui en nie as 'n lid van die raad of 'n komitee van die raad aangestel of verkies word nie.

- (b) Iemand wat ingevolge hierdie subartikel geregistreer is, wat vir wins praktiseer in 'n vertakking van verpleging ten opsigte waarvan hy nie sy beroep mag uitoefen nie, is aan 'n misdryf skuldig.

Registrasie van
addisionele
kwalifikasies.

23. (1) Iedereen wat ingevolge artikel 16 geregistreer is en wat verlang om 'n addisionele kwalifikasie te registreer is, by nakoming van die voorgeskrewe voorwaardes en verstrekking van die voorgeskrewe besonderhede en behoudens die bepalings van subartikel (2) geregtig om sodanige kwalifikasie by betaling van die voorgeskrewe gelde as 'n addisionele kwalifikasie te registreer.

(2) Slegs kwalifikasies wat voorgeskryf is, is ingevolge hierdie artikel registreerbaar.

(3) Geen geregistreerde persoon mag op enige wyse hoe genaamd 'n naam, titel, beskrywing of teken aanneem, gebruik of bekend maak, wat aandui of daarop gemik is om persone te laat aflei dat hy 'n geregistreerde professionele kwalifikasie besit wat nie in verband met sy naam in die register aangedui word nie.

(4) Die raad kan 'n kragtens subartikel (1) bedoelde geregistreerde kwalifikasie uit die register skrap, indien die naam van die besitter daarvan ten opsigte van daardie kwalifikasie verwyder is van die rol, register of stukke van die universiteit, hospitaal, kollege, genootskap of ander liggaam waarvan daardie persoon daardie kwalifikasie ontvang het.

- (b) has been removed from the register or roll since the date of issue of such receipt and has not been restored to the register or roll, a certificate under the hand of the registrar that the name of such person has been removed from the register or roll, shall be proof that such person is not registered or enrolled according to the provisions of this Act.

21. The Minister may from time to time, on the recommendation of the council, prescribe the qualifications obtained by virtue of examinations conducted by a university, training school or other examining authority, which, when held singly or conjointly with any other qualification, shall entitle any holder thereof to registration or enrolment under this Act as a registered nurse, midwife, enrolled nurse or nursing assistant, as the case may be, if he has, before or in connection with or after the acquisition of the qualification in question, complied with such conditions or requirements as may be so prescribed.

Qualifications prescribed for registration or enrolment.

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

Limited registration.

- (i) is registered as a nurse in a country or state outside the Republic by virtue of qualifications obtained thereafter undergoing training for a period of not less than the period prescribed by regulation under section 45;
- (ii) is not entitled to registration as a nurse in terms of section 16 because he has not undergone training for the period prescribed under section 45 or of the nature so prescribed in respect of some branch of nursing; and
- (iii) 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 may not exercise his profession in respect of such branch of nursing as determined and indicated by the council and shall not be appointed or elected as a member of the council or a committee of the council.

- (b) A person who has been registered under this subsection and practises for gain in a branch of nursing in respect of which he may not exercise his profession, shall be guilty of an offence.

23. (1) Every person registered under section 16 who desires to register an additional qualification, shall, upon complying with the prescribed conditions and on furnishing the prescribed particulars, and subject to the provisions of subsection (2), be entitled to register such qualification as an additional qualification on payment of the prescribed fee.

Registration of additional qualifications.

(2) Only qualifications as may be prescribed shall be registrable under this section.

(3) No registered person shall in any way whatsoever take, use or publish any name, title, description or symbol indicating, or calculated to lead persons to infer, that he holds a registered professional qualification which is not shown in the register in connection with his name.

(4) The council may remove from the register any registered qualification referred to in subsection (1), if in respect of such qualification the name of the holder thereof has been removed from the roll, register or record of the university, hospital, college, society or other body from which that person received such qualification.

Registrasie van
student-
verpleegkundiges
en -vroedvroue.

24. (1) Die raad moet 'n persoon wat opleiding aan 'n erkende verpleegskool ontvang en aan die voorgeskrewe voorwaardes voldoen het en die voorgeskrewe besonderhede verstrek het, as 'n student vir 'n addisionele kwalifikasie, of as 'n studentverpleegkundige of -vroedvrou registreer.

(2) Elke persoon moet aan die begin of by hervatting van sy opleiding as 'n studentverpleegkundige of -vroedvrou aan 'n erkende verpleegskool, aansoek om registrasie by die raad doen.

(3) Die persoon aan die hoof van 'n erkende verpleegskool moet die raad onverwyld van die beëindiging van die opleiding van 'n studentverpleegkundige of -vroedvrou in kennis stel, hetsy weens staking of voltooiing van opleiding, of weens 'n oorplasing, of om 'n ander rede.

Inskrywing om
leerlingverpleegsters
en
leerlingverpleeg-
assistent.

25. (1) Die raad moet 'n persoon wat opleiding aan 'n erkende verpleegskool ontvang, en aan die voorgeskrewe voorwaardes voldoen het en die voorgeskrewe besonderhede verstrek het, as 'n leerlingverpleegster of leerlingverpleegassistent inskryf.

(2) Elke persoon moet aan die begin van sy opleiding as 'n leerlingverpleegster of leerlingverpleegassistent aan 'n erkende verpleegskool, aansoek om inskrywing by die raad doen.

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

Raad kan registrasie
of inskrywing weier.

26. Ondanks die ander bepalings van hierdie Wet kan die raad weier om 'n persoon ingevolge artikel 16, 24 of 25 te registreer of in te skryf, of om die naam van 'n persoon op 'n register of 'n rol terug te plaas, indien volgens die oordeel van die raad die persoon op grond van 'n skuldigbevinding in die Republiek of elders, aan 'n voorgeskrewe misdryf, ongeskik is om as 'n geregistreerde verpleegkundige, vroedvrou, ingeskrewe verpleegster of verpleegassistent, na gelang van die geval, te praktiseer of om opleiding as 'n geregistreerde verpleegkundige, vroedvrou, ingeskrewe verpleegster of verpleegassistent te ontvang.

HOOFTUK III

MISDRYWE DEUR ONGEREGISTREERDE OF ONINGESKREWE PERSONE

Strawwe vir
praktiseer as 'n
geregistreerde
verpleegkundige,
vroedvrou,
ingeskrewe
verpleegster of
verpleegassistent, of
vir verrigting van
sekere ander
handelinge, terwyl
ongeregistreerd of
oningskryf.

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

(2) '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 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 voordoet of toelaat dat hy voorgehou word as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is; of

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

is aan 'n misdryf skuldig.

(3) Behoudens die bepalings van subartikel (5), en van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974, is 'n persoon—

(a) wat nie as 'n verpleegkundige geregistreer of as 'n verpleegster of 'n verpleegassistent ingeskryf is nie, en wat vir wins 'n handeling verrig wat by die beroep van verpleging tuishoort; of

24. (1) The council shall register as a student for an additional qualification, or as a student nurse or midwife, a person undergoing training at a recognized nursing school, who has complied with the prescribed conditions and has furnished the prescribed particulars.

Registration of student nurses and midwives.

(2) Every person shall on commencing or resuming his training as a student nurse or midwife at a recognized nursing school, apply for registration with the council.

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

25. (1) The council shall enrol as a pupil nurse or a pupil nursing assistant a person undergoing training at a recognized nursing school, who has complied with the prescribed conditions and has furnished the prescribed particulars.

Enrolment of pupil nurses and pupil nursing assistants.

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

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

26. Notwithstanding the other provisions of this Act the council may refuse to register or enrol a person under section 16, 24 or 25, or to restore the name of a person to a register or roll, if in the opinion of the council such person is unfit to practise as a registered nurse, midwife, enrolled nurse or nursing assistant, as the case may be, or to undergo training as a registered nurse, midwife, enrolled nurse or nursing assistant, on the grounds of a conviction of a prescribed offence in the Republic or elsewhere.

Council may refuse registration or enrolment.

CHAPTER III

OFFENCES BY UNREGISTERED OR UNENROLLED PERSONS

27. (1) A 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.

Penalties for practising as a registered nurse, midwife, enrolled nurse or nursing assistant or for performing certain other acts, while unregistered or unenrolled.

(2) A person who is not registered or enrolled in a particular capacity—

- (a) who makes use of a 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 a uniform, badge or other distinguishing device, or any misleading imitation thereof, prescribed in respect of a person registered or enrolled in that capacity,

shall be guilty of an offence.

(3) Subject to the provisions of subsection (5) and the Medical, Dental and Supplementary Health Service Professions Act, 1974, a person—

- (a) who is not registered as a nurse or enrolled as a nurse or a nursing assistant and who for gain performs any act pertaining to the profession of nursing; or

- (b) wat nie as 'n vroedvrou geregistreer of ingeskryf is nie, en wat vir wins 'n handeling verrig wat by die beroep van verloskunde tuishoort; of
- (c) wat nie geregistreer is nie, of wat nie as 'n vroedvrou ingeskryf is nie, en wat die geslagsdele van 'n vrou inwendig ondersoek in die behandeling van die vrou ten opsigte van 'n toestand wat uit of in verband met swangerskap ontstaan, aan 'n misdryf skuldig.
- (4) 'n Persoon wat, terwyl hy weet dat 'n ander persoon nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—
 - (a) daardie persoon beskryf as die besitter van 'n titel wat 'n in daardie hoedanigheid geregistreerde of ingeskrewe persoon mag gebruik, hetsy hy die ander persoon beskryf deur gebruik te maak van die titel alleen of in verbinding met 'n woord of letter; of
 - (b) daardie persoon regstreeks of onregstreeks voorhou as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is, is aan 'n misdryf skuldig.
- (5) (a) Die bepalings van subartikel 3 (a) en (b) is nie van toepassing nie—
 - (i) op studentverpleegkundiges of -vroedvroue ingevolge artikel 24 geregistreer, of leerlingverpleegsters of leerlingverpleegassistenten ingevolge artikel 25 ingeskryf, terwyl werksaam in die loop van hul opleiding;
 - (ii) op 'n persoon wat die ingevolge artikel 45 voorgeskrewe tydperk van opleiding voltooi het en wat reeds die eindeksamen afgelê het, of dit op die eerste beskikbare geleentheid na sodanige voltooiing sal aflê 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 die registrateur in kennis gestel is dat hy in bedoelde eksamen gedruip het of dat hy by die raad geregistreer of ingeskryf is; of
 - (iii) op 'n lid van die Suid-Afrikaanse Noodhulp Liga, 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;
 - (iv) op 'n persoon wat in 'n noodgeval hulp verleen;
 - (v) op die ander klas persone of klasse persone wat die Minister voorskryf.
- (b) 'n In paragraaf (a) (ii) bedoelde persoon word, terwyl daardie paragraaf op hom van toepassing is, vir die doeleindes van Hoofstuk IV geag geregistreer of ingeskryf, na gelang van die geval, te wees.

HOOFSTUK IV

TUGBEVOEGDHEDE VAN DIE RAAD

Ondersoek deur raad na beskuldigings van wangedrag.

28. (1) Die raad is bevoeg om 'n ondersoek in te stel na 'n klagte, beskuldiging of bewering van onbetaamlike of skandelijke gedrag teen 'n persoon wat kragtens hierdie Wet geregistreer of ingeskryf is en om by skuldigbevinding van so 'n persoon aan sodanige gedrag, enige van die strawwe voorgeskryf in artikel 29 (1) op te lê: Met dien verstande dat in die geval van 'n klagte, beskuldiging of bewering wat die onderwerp van 'n strafsak in 'n geregshof uitmaak of waarskynlik sal uitmaak, die raad die hou van 'n ondersoek kan uitstel totdat daardie saak afgehandel is.
- (2) Die raad kan, wanneer by hom twyfel bestaan daaroor of 'n ondersoek gehou behoort te word, in verband met die betrokke klagte, beskuldiging of bewering, oorleg pleeg met of inligting inwin van enige persoon, met inbegrip van die persoon teen wie die klagte of beskuldiging ingebring of die bewering gemaak is.

- (b) who is not registered or enrolled as a midwife and who for gain performs any act pertaining to the profession of midwifery; or
 - (c) who is not registered, or who is not enrolled as a midwife, and who makes any internal examination of the genitals of a woman while attending to the woman in relation to a condition arising out of or in connection with pregnancy,
- shall be guilty of an offence.
- (4) A person who, knowing that another person is not registered or enrolled in a particular capacity—
- (a) describes such person as the holder of a 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.
- (5) (a) The provisions of subsection (3) (a) and (b) shall not apply—

- (i) to student nurses or midwives registered under section 24, or pupil nurses or pupil nursing assistants enrolled under section 25, while acting in the course of their training;
 - (ii) to any person who has completed the period of training prescribed under section 45 and who has taken or will at the first available opportunity after such completion, take the final examination for a qualification which, if obtained by him, would in terms of that section entitle him to be registered or enrolled, as the case may be, until such time as he is advised by the registrar that he has failed the said examination or that he has been registered or enrolled with the council; or
 - (iii) to a member of the "Suid-Afrikaanse Noodhulp-liga", 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;
 - (iv) to a person rendering assistance in case of emergency;
 - (v) to any other class of persons or classes of persons prescribed by the Minister.
- (b) Any persons referred to in paragraph (a) (ii) shall, while that paragraph applies to him, be deemed for the purposes of Chapter IV to be registered or enrolled, as the case may be.

CHAPTER IV

DISCIPLINARY POWERS OF THE COUNCIL

28. (1) The council shall have power to institute an inquiry into any complaint, charge or allegation of improper or disgraceful conduct against any person registered or enrolled under this Act, and, on finding such person guilty of such conduct, to impose any of the penalties prescribed in section 29 (1): Provided that in the case of a complaint, charge or allegation which forms or is likely to form the subject of a criminal case in a court of law, the council may postpone the holding of an inquiry until such case has been determined.

Inquiry by council into charges of misconduct.

(2) The council may, whenever it is in doubt as to whether an inquiry should be held, in connection with the complaint, charge or allegation in question consult with or seek information from any person, including the person against whom the complaint, charge or allegation has been lodged.

Onderwerpe van en
prosedure by
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raad.

29. (1) Iedere persoon wat kragtens hierdie Wet geregistreer of ingeskryf is wat, na 'n ondersoek gehou deur die raad, skuldig bevind word aan onbetaamlike of skandelijke gedrag of gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skandelik is, is strafbaar met die een of ander van die volgende strawwe—

- (a) 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing; of
- (b) skorsing, vir 'n vasgestelde tydperk, in sy praktyk of die verrigting van handelinge wat by uitstek by sy beroep tuishoort; of
- (c) skrapping van sy naam uit die register of rol; of
- (d) in die geval van 'n studentverpleegkundige of vroedvrou, leerlingverpleegster of -verpleegassistent, verlenging van die voorgeskrewe tydperk van opleiding.

(2) Aan iedereen wie se gedrag die onderwerp van 'n ondersoek kragtens artikel 28 uitmaak, moet die geleentheid gegun word om, òf in eie persoon òf deur sy regsvertegenwoordiger, op die beskuldiging te antwoord en sy verdediging aan te voer.

(3) 'n Straf deur die raad kragtens subartikel (1) opgelê, moet op skrif gestel word, moet deur die president van die raad onderteken word en moet aan die voorgeskrewe liggame en persone bekend gemaak word, en daarna moet met daardie geskrif op die voorgeskrewe wyse gehandel word.

(4) (a) Die raad kan, vir die doeleindes van 'n ondersoek wat ingevolge artikel 28 gehou word, getuienis afneem en kan, onder die handtekening van die president of die registrateur getuies dagvaar en die voorlegging van enige boek, aantekening, dokument of voorwerp eis, en kan, deur die president, 'n getuie 'n eed oplê of 'n bevestiging van hom aanneem en kan 'n boek, aantekening, dokument of voorwerp waarvan die voorlegging van 'n getuie vereis is, ondersoek.

(b) 'n Dagvaarding om as 'n getuie voor die raad te verskyn of om aan hom 'n boek, aantekening, dokument of voorwerp voor te lê, moet so na as moontlik in die voorgeskrewe vorm wees, moet deur die president of die registrateur onderteken wees en moet bestel word òf deur versending per pos in 'n aangetekende brief, òf op dieselfde wyse as dié waarop dit bestel sou gewees het indien dit 'n getuiedagvaarding was wat deur 'n landdroshof uitgereik is.

(c) Iedereen wat ingevolge hierdie subartikel gedagvaar word, is verplig om die dagvaarding te gehoorsaam en iemand wat, nadat hy behoorlik gedagvaar is—

- (i) weier, of sonder genoegsame rede versuim, om op die in die dagvaarding vermelde tyd en plek aanwesig te wees en by die ondersoek tersaaklike getuienis te lewer;
- (ii) weier om die eed of 'n bevestiging af te lê wanneer hy deur die president versoek word om dit te doen;
- (iii) weier om 'n boek, aantekening, dokument of voorwerp voor te lê wat hy ingevolge die dagvaarding verplig is om voor te lê; of
- (iv) voor die raad verskyn maar weier om 'n vraag wettiglik aan hom gestel, te beantwoord of volledig en bevredigend na sy beste wete en oortuiging te beantwoord,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand: Met dien verstande dat iedereen wat aldus gedagvaar is, op al die privilegies geregtig is waarop 'n getuie wat gedagvaar is om voor 'n provinsiale afdeling van die Hooggeregshof getuienis af te lê, geregtig is.

(5) Die president van die raad, waar die raad self 'n ondersoek ingevolge artikel 28 hou, of die voorsitter van 'n komitee van die raad, waar so 'n komitee 'n ondersoek hou kragtens bevoegdhede wat deur die raad aan hom gedelegeer is, kan iemand met voldoende ondervinding van die regspleging aanstel om as assessor teenwoordig te wees by so 'n ondersoek en om die raad

29. (1) Every person registered or enrolled under this Act who, after an inquiry held by the council, is found guilty of improper or disgraceful conduct, or conduct which, when regard is had to such person's profession, is improper or disgraceful, shall be liable to one or other of the following penalties—

Matters for and procedure at inquiry by the council.

- (a) a caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from practising or performing acts specially pertaining to his profession; or
- (c) removal of his name from the register or roll; or
- (d) in the case of a student nurse or midwife or a pupil nurse or pupil nursing assistant, extension of the prescribed period of training.

(2) Every person whose conduct is the subject of an inquiry under section 28, shall be afforded an opportunity, by himself or through his legal representative, of answering the charge and of being heard in his defence.

(3) Any penalty imposed by the council under subsection (1) shall be reduced to writing, shall be signed by the president of the council and shall be made known to the prescribed bodies and persons, and thereafter such writing shall be dealt with in the prescribed manner.

- (4) (a) For the purposes of any inquiry held in terms of section 28, the council may take evidence and may, under the hand of the president or the registrar, summon witnesses and require the production of any book, record, document or thing, and may, through the president, administer an oath to any witness or accept an affirmation from him, and may examine any book, record, document or thing which any witness had been required to produce.
- (b) A summons to appear before the council as a witness or to produce to it any book, record, document or thing shall be, as nearly as practicable, in the prescribed form, shall be signed by the president or the registrar and shall be served either by registered letter sent through the post or in the same manner as it would have been served if it were a subpoena issued by a magistrate's court.
- (c) Every person summoned in terms of this subsection shall be bound to obey the summons and any person who, having duly been summoned—
 - (i) refuses, or without sufficient cause fails, to attend and give evidence relevant to the inquiry at the time and place specified in the summons;
 - (ii) refuses to take the oath or to make an affirmation when required by the president to do so;
 - (iii) refuses to produce any book, record, document or thing which he has in terms of the summons been required to produce; or
 - (iv) attends before the council but refuses to answer, 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 on conviction liable to a fine not exceeding one hundred rand: Provided that every person so summoned shall be entitled to all the privileges to which a witness subpoenaed to give evidence before a provincial division of the Supreme Court is entitled.

(5) The president of the council, where the council itself holds an inquiry in terms of section 28, or the chairman of a committee of the council, where such committee holds an inquiry under powers delegated to it by the council, may appoint a person with adequate experience in the administration of justice to be present as an assessor at such an inquiry and to advise the council or such

of so 'n komitee, na gelang van die geval, in verband met regsrae, prosedure of bewyslewering van advies te dien.

(6) Die raad kan na goeë dunnke en op die voorwaardes, as daar is, wat hy bepaal—

- (a) 'n skorsing kragtens subartikel (1) voor die verstryking van die vasgestelde tydperk beëindig; of
- (b) 'n naam wat uit die register of rol geskrap is, by betaling van die voorgeskrewe gelde daarop terugplaas.

(7) In die geval van 'n klagte, beskuldiging of bewering waar die ter stawende getuienis dokumentêr van aard is, of in ander gevalle wat die raad goed ag, kan die registrateur *pro forma* as klaer ingevolge hierdie artikel optree.

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

30. (1) Waar die raad 'n persoon in artikel 29 (1) bedoel, skuldig bevind aan gedrag daarin vermeld, kan hy—

- (a) die oplegging van die straf vir die tydperk en op die voorwaardes wat deur hom bepaal word, uitstel; of
- (b) 'n straf vermeld in paragraaf (b) of (c) van artikel 29 (1) oplê, maar beveel dat die tenuitvoerlegging van die straf uitgestel word vir die tydperk en op die voorwaardes wat deur hom bepaal word.

(2) (a) Indien die raad oortuig is, na afloop van die tydperk waarvoor die oplegging van 'n straf ingevolge subartikel (1) (a) uitgestel is, dat die betrokke persoon al die toepaslike voorwaardes nagekom het, moet die raad die betrokke persoon meedeel dat geen straf hom opgelê gaan word nie.

(b) Indien die tenuitvoerlegging van 'n straf ingevolge subartikel (1) (b) uitgestel is en die raad oortuig is dat die betrokke persoon gedurende die hele tydperk van die opskorting alle toepaslike voorwaardes nagekom het, moet die raad sodanige persoon meedeel dat sodanige straf nie ten uitvoer gelê gaan word nie.

(c) Indien die tenuitvoerlegging van 'n straf opgeskort is ingevolge subartikel (1) (b) en die betrokke persoon versuim om enige van die voorwaardes van opskorting na te kom, moet die raad sodanige straf ten uitvoer lê, tensy sodanige persoon die raad oortuig dat die nienakoming van die betrokke voorwaarde te wyte is aan omstandighede buite sy beheer.

Gevolg van skorsing of skraping uit register of rol.

31. Iedereen wat geskors is of wie se naam uit die register of rol geskrap is ingevolge artikel 29, is, indien sy beroep een is wat kragtens hierdie Wet nie wettiglik deur 'n ongeregistreerde of oningeskrewe persoon beoefen kan word nie, onbevoeg om sy beroep te beoefen en sy registrasiesertifikaat of inskrywingsertifikaat word geag ingetrek te wees totdat die tydperk van skorsing verstryk het of totdat sy naam deur die raad op die register of rol teruggeplaas is.

Kennisname deur raad van gedrag van geregistreeerde en ingeskrewe persone onder sekere omstandighede.

32. (1) Daar kan ingevolge die bepalings van hierdie Hoofstuk deur die raad opgetree word teen iedere geregistreeerde of ingeskrewe persoon wat, hetsy voor of na registrasie of inskrywing, deur 'n geregshof in die Republiek of elders aan 'n misdryf skuldig bevind is, indien die raad van oordeel is dat daardie misdryf onbetaamlike of skandelijke gedrag uitmaak of gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skandelik is en so 'n persoon is, by bewys van die skuldigbevinding, strafbaar met die een of ander van die strawwe bedoel in artikel 29: Met dien verstande dat aan so 'n persoon voor strafoplegging 'n geleentheid gegun moet word om aan die raad 'n verduideliking te verskaf ter vergoeliking van die betrokke gedrag.

(2) Wanneer in die loop van verrigting voor 'n geregshof of tydens 'n geregtelike doodsondersoek dit vir die hof duidelik word dat daar *prima facie*-bewys bestaan van onbetaamlike of skandelijke gedrag van die kant van 'n geregistreeerde of ingeskrewe persoon, of van gedrag wat, indien die persoon se beroep in aanmerking geneem word, onbetaamlik of skandelik is, moet die

committee, as the case may be, on matters of law, procedure or evidence.

(6) The council may, if it deems fit, and subject to such conditions, if any, as it may determine—

- (a) terminate any suspension under subsection (1) before the expiry of the specified period; or
- (b) on payment of the prescribed fee, restore to the register any name which has been removed therefrom.

(7) In the case of any complaint, charge or allegation, the evidence in support whereof is documentary of nature, or in such other cases as the council may think fit, the registrar may act as *pro forma* complainant in terms of this section.

30. (1) Where the council finds a person referred to in section 29 (1) guilty of conduct referred to therein, it may—

Postponement of imposition of penalty and suspension of operation of penalty.

- (a) postpone for such period and on such conditions as may be determined by it, the imposition of the penalty; or
- (b) impose any penalty mentioned in paragraph (b) or (c) of section 29 (1), but order the execution of such penalty to be suspended for such period and on such conditions as may be determined by it.

(2) (a) If at the end of the period for which the imposition of a penalty has been postponed in terms of subsection (1) (a), the council is satisfied that the person concerned has observed all the relevant conditions, the council shall inform the person concerned that no penalty will be imposed upon him.

(b) If the execution of a penalty has been suspended in terms of subsection (1) (b), and the council is satisfied that the person concerned has observed all relevant conditions throughout the period of suspension, the council shall inform such person that such penalty will not be executed.

(c) If the execution of a penalty has been suspended in terms of subsection (1) (b) and the person concerned fails to observe any of the conditions of suspension, the council shall put such penalty into operation, unless such person satisfies the council that the non-observance of the condition concerned was due to circumstances beyond his control.

31. Every person who has been suspended or whose name has been removed from the register or roll in terms of section 29 shall, if his profession is one which, under this Act, cannot be lawfully carried on by an unregistered or unenrolled person, be disqualified from carrying on his profession and his registration or enrolment certificate shall be deemed to be cancelled until the period of suspension has expired or until his name has been restored to the register or roll by the council.

Effect of suspension or removal from register or roll.

32. (1) Every registered or enrolled person who, either before or after registration or enrolment, has been convicted of any offence by a court of law in the Republic or elsewhere may be dealt with by the council in terms of the provisions of this Chapter if the council is of the opinion that such offence constitutes improper or disgraceful conduct or conduct which, when regard is had to such person's profession, is improper or disgraceful, and shall be liable on proof of the conviction to one or other of the penalties referred to in section 29: Provided that, before imposition of any penalty, such person shall be afforded an opportunity of tendering an explanation to the council in extenuation of the conduct in question.

Cognizance by council of conduct of registered and enrolled persons under certain circumstances.

(2) Whenever in the course of any proceedings before any court of law it appears to the court that there is *prima facie* proof of improper or disgraceful conduct on the part of a registered or enrolled person, or of conduct which, when regard is had to such person's profession, is improper or disgraceful, the court shall

hof gelas dat 'n afskrif van die oorkonde van die verrigtinge, of die gedeelte daarvan wat tersaaklik is, aan die raad gestuur moet word.

Straf vir valse getuienis.

33. Iemand wat by 'n ondersoek wat kragtens hierdie Hoofstuk gehou word valse getuienis onder eed aflê met die wete dat daardie getuienis vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdryf van meened voorgeskryf word.

Beperking van aanspreeklikheid.

34. Behoudens die bepalings van hierdie Wet, kan geen regsgeding, hetsy siviël of strafregtelik, teen die raad of 'n lid of beampte daarvan ten opsigte van 'n handeling te goeder trou verrig of plig uitgevoer ooreenkomstig hierdie Hoofstuk, ingestel word nie.

Raad moet reëls aangaande misdrywe ingevolge hierdie Hoofstuk uitvaardig.

35. (1) Die raad moet van tyd tot tyd reëls uitvaardig wat die handelinge of versuime uiteensit ten opsigte waarvan die raad tugstappe kragtens hierdie Hoofstuk kan doen: Met dien verstande dat die bevoegdheid van die raad om kragtens hierdie Hoofstuk ondersoek in te stel na en stappe te doen ten opsigte van 'n klagte, beskuldiging of bewering, nie beperk is tot die handelinge of versuime wat aldus uiteengesit word nie.

(2) Geen reël uitgevaardig ingevolge subartikel (1) of enige wysiging of intrekking daarvan is van krag nie alvorens dit deur die Minister goedgekeur en in die *Staatskoerant* gepubliseer is.

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

36. (1) Wanneer dit vir die raad duidelik is dat iemand wat kragtens hierdie Wet geregistreer of ingeskrif is—

- (a) verstandelik of liggaamlik in so 'n mate onbekwaam geword het dat dit vir die openbare belang nadelig sou wees om hom toe te laat om sy praktyk voort te sit;
- (b) ongeskik geword het om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, toe te dien, voor te skryf, te bestel, te verskaf of te besit;
- (c) 'n stof bedoel in paragraaf (b) gereeld vir ander doeleindes behalwe as geneesmiddel gebruik, besit, voorgeskryf, toegedien of verskaf het; of
- (d) aan die gebruik van 'n stof bedoel in paragraaf (b) verslaaf geraak het,

moet die raad die saak laat ondersoek en kan die raad, indien hy dit nodig ag, 'n ondersoek *mutatis mutandis* ooreenkomstig die bepalings van artikel 29 en die regulasies uitgevaardig kragtens artikel 45 (1), ten opsigte van daardie persoon hou.

(2) Indien die raad bevind, nadat hy 'n ondersoek kragtens subartikel (1) gehou het, dat enige van die omstandighede beoog in paragraaf (a), (b), (c) of (d) van daardie subartikel ten opsigte van die betrokke persoon bestaan, kan hy by bevel—

- (a) in die geval van 'n persoon ten opsigte van wie enige van die omstandighede beoog in paragraaf (a) van subartikel (1) bestaan—
 - (i) daardie persoon vir 'n bepaalde tydperk skors in die beoefening van sy beroep of die verrigting van 'n handeling wat by uitstek by sy beroep tuis behoort; of
 - (ii) die voorwaardes oplê wat hy goetvind, onderworpe waaraan daardie persoon geregtig sal wees om voort te gaan met die beoefening van sy beroep; of
- (b) in die geval van 'n persoon ten opsigte van wie enige van die omstandighede beoog in paragraaf (b), (c) of (d) van subartikel (1) bestaan—
 - (i) aan daardie persoon enige van die strawwe bedoel in artikel 29 (1) oplê;
 - (ii) daardie persoon vir 'n bepaalde tydperk verbied om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, toe te dien, voor te skryf, te bestel, te verskaf of te besit; of
 - (iii) die voorwaardes wat hy goetvind vir 'n bepaalde tydperk oplê onderworpe waaraan daardie persoon geregtig sal wees om 'n gelyste stof te koop, te

direct that a copy of the record of such proceedings, or such portion thereof as is material to the issue, shall be transmitted to the council.

33. Any person who gives false evidence on oath at any inquiry held under this Chapter, knowing such evidence to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury. Penalty for false evidence.

34. Save as is provided in this Act, no legal proceedings, civil or criminal, shall lie against the council or any member or officer thereof in respect of any act done in good faith or duty performed in accordance with this Chapter. Limitation of liability.

35. (1) The council shall from time to time make rules specifying the acts or omissions in respect of which the council may take disciplinary steps under this Chapter: Provided that the powers of the council to inquire into and deal with any complaint, charge or allegation under this Chapter, shall not be limited to the acts or omissions so specified. Council to make rules relating to offences under this Chapter.

(2) No rule made in terms of subsection (1) or any amendment or withdrawal thereof shall be of force and effect until approved by the Minister and published in the *Gazette*.

36. (1) Whenever it appears to the council that a person registered or enrolled under this Act— Restriction in or suspension from practice of registered or enrolled person.

- (a) has become mentally or physically disabled to such an extent that it would be contrary to the public interest to allow him to continue to practise;
- (b) has become unfit to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any scheduled substance;
- (c) has used, possessed, prescribed, administered or supplied any substance referred to in paragraph (b) regularly for other than medicinal purposes; or
- (d) has become addicted to the use of any substance referred to in paragraph (b),

the council shall cause the matter to be investigated and the council may, if it deems it necessary, hold an inquiry, *mutatis mutandis* in accordance with the provisions of section 29 and the regulations made under section 45 (1), in respect of such person.

(2) If the council, after holding an inquiry under subsection (1), finds that any of the circumstances contemplated in paragraph (a), (b), (c) or (d) of that subsection exists in respect of the person concerned, it may, by order—

- (a) in the case of a person in respect of whom any of the circumstances contemplated in paragraph (a) of subsection (1) exists—
 - (i) suspend such person for a specified period from practising his profession or performing any act specially pertaining to his profession; or
 - (ii) impose such conditions as it may deem fit, subject to which such person shall be entitled to continue practising his profession; or
- (b) in the case of a person in respect of whom any of the circumstances contemplated in paragraph (b), (c) or (d) of subsection (1) exists—
 - (i) impose upon such person any of the penalties referred to in section 29 (1);
 - (ii) prohibit such person for a specified period from purchasing, acquiring, keeping, using, administering, prescribing, ordering, supplying or possessing any scheduled substance; or
 - (iii) impose for a specified period such conditions as it may deem fit subject to which such person shall be entitled to purchase, acquire, keep, use, administer,

verkry, aan te hou, te gebruik, toe te dien, voor te skryf, te bestel, te verskaf of te besit.

(3) Die raad kan die geldingsduur van 'n bevel wat hy kragtens subartikel (2) uitgereik het, vir 'n tydperk wat hy bepaal, verleng of so 'n bevel intrek of op enige ander manier wysig.

(4) Die bepaling van artikel 31 is van toepassing ten opsigte van 'n persoon wat uit hoofde van 'n bepaling van subartikel (2) geskors is.

(5) 'n Kragtens hierdie Wet geregistreerde of ingeskrewe persoon wat 'n bevel wat kragtens subartikel (2) uitgereik is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

HOOFSTUK V

ALGEMENE EN AANVULLENDE BEPALINGS

Verplegingagentskappe. 37. 'n Persoon wat sake doen as verplegingsagentskap sonder dat hy 'n ingevolge hierdie Wet uitgereikte lisensie besit, is aan 'n misdryf skuldig.

Lidmaatskap van
verteenwoordigende
Vereniging.

38. (1) (a) Iedere persoon wat kragtens hierdie Wet geregistreer of ingeskryf is, is 'n lid van die Suid-Afrikaanse Verpleegstersvereniging wat die beroep van verpleging in die Republiek verteenwoordig.

(b) Iemand wat aldus geregistreer of ingeskryf is en wat nie sy beroep beoefen nie, kan deur bedoelde vereniging van enige verpligting teenoor die vereniging vrygestel word.

(2) Iemand wat die bepaling van subartikel (1) oortree is aan onbetaamlike of skandelijke gedrag skuldig en is by skuldigbevinding strafbaar met enige van die strawwe voorgeskryf in artikel 29 (1).

(3) (a) By die toepassing van hierdie artikel beteken „Suid-Afrikaanse Verpleegstersvereniging” die Suid-Afrikaanse Verpleegstersvereniging ingestel by artikel 30 van die Wet op Verpleging, 1957.

(b) Die in paragraaf (a) bedoelde vereniging bly, ondanks die bepaling van artikel 46 (1) voortbestaan en bly 'n regspersoon en kan alle handelinge verrig wat nodig is vir of in verband met die oogmerke van die vereniging en die verrigting van sy werksaamhede.

Vorderings deur
geregistreerde en
ingeskrewe persone.

39. (1) Tensy die omstandighede dit vir hom onmoontlik maak, moet elke ingevolge hierdie Wet geregistreerde of ingeskrewe persoon (in hierdie artikel die praktisyn genoem), voordat hy professionele dienste lewer, die persoon aan wie die diens gelewer gaan word of iemand wat vir die onderhoud van daardie persoon verantwoordelik is, verwittig van die gelde wat hy voornemens is om vir daardie dienste te vorder—

(a) wanneer daartoe deur die betrokke persoon versoek; of

(b) wanneer daardie gelde meer is as die gelde wat gewoonlik vir daardie dienste gevorder word, en moet in 'n geval waar paragraaf (b) geld die betrokke persoon ook van die gewone gelde verwittig.

(2) 'n Praktisyn wat ten opsigte van professionele dienste deur hom gelewer, betaling van iemand (in hierdie artikel die pasiënt genoem) vorder, moet binne 'n redelike tydperk aan die pasiënt 'n gespesifiseerde rekening verstrek.

(3) (a) Die pasiënt kan, binne drie maande na ontvangs van die in subartikel (2) bedoelde rekening, skriftelik by die raad aansoek doen om die bedrag te bepaal wat volgens die raad se oordeel gevorder behoort te geword het ten opsigte van die dienste waarop die rekening betrekking het en die raad moet bedoelde bedrag so gou doenlik na ontvangs van die aansoek bepaal en die pasiënt en die praktisyn skriftelik van die aldus bepaalde bedrag in kennis stel: Met dien verstande dat alvorens die raad die bedrag bepaal, hy die praktisyn 'n geleentheid moet bied om sy saak ter steuning van die gevorderde bedrag skriftelik aan hom voor te lê.

prescribe, order, supply or possess any scheduled substance.

(3) The council may extend for any period determined by it the period of operation of, withdraw, or in any other manner amend, any order made under subsection (2).

(4) The provisions of section 31 shall apply in respect of any person who has been suspended by virtue of any provision of subsection (2).

(5) Any person registered or enrolled under this Act who contravenes or fails to comply with any order made under subsection (2) shall be guilty of an offence.

CHAPTER V

GENERAL AND SUPPLEMENTARY PROVISIONS

37. Any person who carries on the business of a nursing agency without holding a licence issued under this Act, shall be guilty of an offence. Nursing Agencies.

38. (1) (a) Every person registered or enrolled in terms of this Act, shall be a member of the South African Nursing Association which shall represent the nursing profession in the Republic. Membership of representative association.

(b) A person so registered or enrolled and who does not carry on his profession, may be exempted by such association from any liability towards the association.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of improper or disgraceful conduct and liable on conviction to any of the penalties prescribed in section 29 (1).

(3) (a) For the purposes of this section "South African Nursing Association" means the South African Nursing Association established by section 30 of the Nursing Act, 1957.

(b) The association referred to in paragraph (a) shall, notwithstanding the provisions of section 46 (1), continue to exist and to be a corporate body and may perform all the transactions which are necessary for or in connection with the purposes of the association and the performance of its functions.

39. (1) Every person registered or enrolled under this Act (in this section referred to as the practitioner) shall, unless the circumstances render it impossible for him to do so, before rendering any professional services inform the person to whom the services are to be rendered or any person responsible for the maintenance of such person, of the fee which he intends to charge for such services— Charges by registered and enrolled persons.

(a) when so requested by the person concerned; or

(b) when such fee exceeds that usually charged for such services,

and shall in a case to which paragraph (b) relates, also inform the person concerned of the usual fee.

(2) Any practitioner who in respect of any professional services rendered by him claims payment from any person (in this section referred to as the patient) shall furnish the patient with a detailed account within a reasonable period.

(3) (a) The patient may, within three months after receipt of the account referred to in subsection (2) apply in writing to the council to determine the amount which in the opinion of the council should have been charged in respect of the services to which the account relates, and the council shall, as soon as possible after receipt of the application, determine the said amount and notify the practitioner and the patient in writing of the amount so determined: Provided that before the council determines the said amount, it shall afford the practitioner concerned an opportunity to submit to it in writing his case in support of the amount charged.

(b) 'n Bepaling deur die raad kragtens hierdie artikel gedoen, is afdoende.

(c) Die Minister kan, na oorlegpleging met die raad, die regulasies uitvaardig wat hy nodig ag met betrekking tot die prosedure wat die raad by afhandeling van 'n aansoek ingevolge hierdie subartikel moet volg.

(4) 'n Vordering wat die onderwerp is van 'n in subartikel (3) bedoelde aansoek waarvan deur die raad of die pasiënt aan die praktisyn kennis gegee is, is nie opeisbaar nie totdat 'n bepaling ingevolge daardie subartikel gemaak is, en wanneer so 'n bepaling gemaak is, is geen groter bedrag as die aldus bepaalde bedrag betaalbaar nie.

Straf vir vals voorstelling wat aanleiding gee tot registrasie of inskrywing, vir vals inskrywings in register of rol en vir identiteitsbedrog.

40. (1) Iemand wat—

(a) deur middel van 'n vals voorstelling, hetsy mondeling of skriftelik, sy eie of iemand anders se registrasie of inskrywing kragtens hierdie Wet bewerkstellig of poog te bewerkstellig, of 'n diploma, sertifikaat, lisensie, kwitansie of bestelling bedoel in hierdie Wet verkry of poog te verkry, of aan iemand hulp verleen by die doen daarvan;

(b) 'n ongemagtigde inskrywing of wysiging in of skraping uit 'n register of rol of 'n gesertifiseerde afskrif daarvan of uittreksel daaruit of op 'n kragtens hierdie Wet uitgereikte diploma, sertifikaat, lisensie of kwitansie maak of laat maak;

(c) 'n inskrywing in die register of rol of, sonder die toestemming van die besitter daarvan, 'n diploma, sertifikaat, lisensie of kwitansie kragtens hierdie Wet uitgereik, opsetlik vernietig of beskadig of onleesbaar maak of laat vernietig, beskadig of onleesbaar maak;

(d) 'n dokument wat heet 'n kragtens hierdie Wet uitgereikte diploma, sertifikaat, lisensie of kwitansie te wees, vervals of, wetende dat dit vervals is, uitgee; of

(e) voorgee iemand anders te wees wat kragtens hierdie Wet geregistreer of ingeskryf is,

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

(2) Geen persoon wat kragtens hierdie Wet geregistreer of ingeskryf is of 'n ander persoon mag 'n staking of sloerstaking deur persone wat kragtens hierdie Wet geregistreer of ingeskryf is aanstig, of sodanige persoon aanhits om aan 'n staking of sloerstaking deel te neem of dit voort te sit of aan 'n staking of sloerstaking of 'n voortsetting van 'n staking of 'n sloerstaking deelneem nie.

Bewyslas.

41. (1) In 'n strafsak teen iemand wat verskyn op aanklag daarvan dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet uitmaak indien verrig deur iemand wat nie geregistreer of ingeskryf is nie of wat nie in besit is nie van 'n dokument in die aanklag vermeld, word die beskuldigde geag nie geregistreer of ingeskryf of nie in besit van bedoelde dokument te gewees het nie ten tyde van die pleging van die beweerde misdryf, tensy hy die teendeel bewys.

(2) In 'n strafsak teen iemand wat verskyn op aanklag daarvan dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet uitmaak indien deur hom vir wins verrig, word die beskuldigde geag daardie handeling vir wins te verrig het indien hy enige teenprestasie ten opsigte van daardie handeling aanvaar het.

Beperkings ten opsigte van ongeregisteerde of oningeskrewe persone.

42. (1) Geen vergoeding kan ten opsigte van 'n handeling wat by uitstek by die beroep van 'n geregisteerde of ingeskrewe persoon tuishoort, ingevorder word nie indien dit verrig word deur 'n persoon wat nie kragtens hierdie Wet gemagtig is om so 'n handeling vir wins te verrig nie.

(2) Niemand behalwe 'n geregisteerde of ingeskrewe persoon wat die nodige kwalifikasies besit, is benoembaar of geregtig daarop nie om 'n amp te beklee by enige instelling, inrigting, liggaam, organisasie of vereniging, hetsy openbaar of privaat,

- (b) A determination made by the council under this section shall be final.
 - (c) The Minister may, after consultation with the council, make such regulations as he may deem necessary in relation to the procedure which the council shall follow in disposing of an application under this subsection.
- (4) A claim which is the subject of an application referred to in subsection (3) of which notice has been given by the council or the patient to the practitioner, shall not be recoverable until a determination has been made in terms of that subsection, and when such a determination has been made no amount which exceeds the amount so determined, shall be payable.

40. (1) Any person who—

- (a) procures or attempts to procure for himself or any other person registration or enrolment under this Act or any diploma, certificate, licence, receipt or order referred to in this Act by means of a false representation, whether verbally or in writing, or aids or abets any person in so doing;
- (b) makes or causes to be made any unauthorized entry or alteration in or removal from a register or roll or certified copy thereof or extract therefrom or on any diploma, certificate, licence or receipt issued under this Act;
- (c) wilfully destroys or damages or renders illegible or causes to be destroyed, damaged, or rendered illegible any entry in the register or roll or, without the permission of the holder thereof, any diploma, certificate, licence or receipt issued under this Act;
- (d) forges or, knowing it to be forged, utters any document purporting to be a diploma, certificate, licence or receipt issued under this Act; or
- (e) impersonates any person registered or enrolled in terms of this Act;

Penalty for false representation inducing registration or enrolment, for false entries in register or roll and for impersonation.

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

(2) No person registered or enrolled in terms of this Act or another person shall instigate a strike or go-slow strike by persons registered or enrolled in terms of this Act or incite such person to take part or to continue a strike or go-slow strike or to take part in a strike or go-slow strike or in the continuation of a strike or go-slow strike.

41. (1) In any criminal proceedings against any person appearing upon a charge of having performed any act which constitutes an offence under this Act if performed by a person who is not registered or enrolled or who is not in possession of any document specified in the charge, the accused shall be deemed to have been unregistered or unenrolled or not to have been in possession of such document at the time of the commission of the alleged offence, unless he proves the contrary.

Onus of proof.

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

42. (1) No remuneration shall be recoverable in respect of any act specially pertaining to the profession of a registered or enrolled person when performed by a person who is not authorized under this Act to perform such act for gain.

Limitations in respect of unregistered or unenrolled persons.

(2) No person other than a registered or enrolled person holding the necessary qualifications shall be eligible for or entitled to hold any appointment to any establishment, institution, body, organization or association, whether public or private if such appointment

indien daardie amp die verrigting van 'n handeling behels wat 'n ongeregistreerde of oningeskrewe persoon, ingevolge die bepalinge van hierdie Wet, nie vir wins mag verrig nie: Met dien verstande dat die bepalinge van hierdie subartikel nie so uitgelê word dat dit die opleiding van studente in verpleeg- of verloskunde, onder die toesig van 'n geregistreerde verpleegkundige, of die emplojering van 'n hospitaal of soortgelyke inrigting van iemand wat opleiding ondergaan, belet nie.

Ondersoek van sake wat betrekking het op die onderrig of opleiding van sekere kategorieë van persone.

43. (1) Ondanks andersluidende wetsbepalinge kan iemand wat skriftelik deur die raad gemagtig is om 'n saak te ondersoek wat betrekking het op die onderrig of opleiding van 'n kategorie van persone wat sodanige onderrig of opleiding ondergaan met die doel om hulself te bekwaam vir die beoefening van 'n beroep waarop die bepalinge van hierdie Wet van toepassing is, enige inrigting of perseel wat gebruik word in verband met die onderrig of opleiding van so 'n kategorie van persone binnegaan ten einde so 'n ondersoek te doen.

(2) Iemand wat 'n kragtens subartikel (1) gemagtigde persoon verhoed om 'n inrigting of perseel in daardie subartikel bedoel, binne te gaan of wat hom by die instelling van 'n in daardie subartikel beoogde ondersoek daarin of daarop hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Strafbepalinge.

44. 'n Persoon wat 'n bepaling van hierdie Wet 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 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.

Regulasies.

45. (1) Die Minister kan, op aanbeveling van die raad, regulasies uitvaardig betreffende—

- (a) (i) die verkiesing van lede van die raad wat ingevolge artikel 5 (1) (f) verkies moet word;
- (ii) die vereistes vir 'n geldige nominasie van 'n kandidaat vir verkiesing as 'n lid van die raad;
- (b) die verrigting van die werksaamhede en die prosedure by vergaderings van die raad en komitees van die raad en die wyse waarop notule van sodanige vergaderings gehou moet word;
- (c) die wyse waarop kontrakte namens die raad aangegaan moet word, die rekeninge van die raad gehou moet word en oor geld wat aan die raad toeval, beskik moet word;
- (d) die toelaes wat aan lede betaal kan word wanneer hulle in die diens van die raad werksaam is: Met dien verstande dat—
 - (i) die toelaes wat aan so 'n lid wat in die heeltydse diens van die Staat is, betaal mag word, die toelaes waarop hy kragtens die Wette op die Staatsdiens geregtig sou wees, mag oorskry nie;
 - (ii) so 'n lid nie verplig is om enige toelaes wat ingevolge 'n kragtens hierdie paragraaf uitgevaardigde regulasie aan hom deur die raad betaal word, in die Gekonsolideerde Inkomstefonds te stort nie;
- (e) die pligte en diensvoorwaardes van die registrateur en ander beamptes deur die raad aangestel ingevolge artikel 12;
- (f) enige gelde wat kragtens die Wet betaalbaar is;
- (g) die registers en rolle wat ingevolge die bepalinge van hierdie Wet gehou moet word en die diplomas en sertifikate wat kragtens hierdie Wet uitgereik kan word, die inligting wat in registers en rolle aangeteken moet word en die wyse waarop veranderinge in daardie registers en rolle aangebring kan word;
- (h) die voorwaardes waaronder uittreksels uit die registers en rolle uitgereik mag word, met inbegrip van die betaling van vermelde gelde;

involves the performance of any act which an unregistered or unenrolled person, in terms of the provisions of this Act, may not perform for gain: Provided that nothing in this subsection contained shall be construed as prohibiting the training of students in nursing or midwifery under the supervision of a registered nurse, or the employment in any hospital or similar institution of any person undergoing training.

43. (1) Notwithstanding anything to the contrary in any law contained, any person who has been authorized by the council in writing to investigate any matter relating to the teaching or training of any class of persons who is undergoing such teaching or training for the purpose of qualifying themselves for the practising of any profession to which the provisions of this Act apply, may, for the purpose of making such investigation, enter any institution or premises utilized in the teaching or training of any such class of person.

Investigation of matters relating to the teaching or training of certain classes of persons.

(2) Any person who prevents any person authorized in terms of subsection (1) from entering any institution or premises referred to in that subsection or who hinders him in the making therein or thereon of any investigation contemplated in that subsection, shall be guilty of an offence and on conviction liable to a fine not exceeding one hundred rand.

44. Any person who contravenes or fails to comply with a provision of this Act, shall be guilty of an offence, and shall, where no penalty is specifically provided for, be liable on conviction 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.

Penalties.

45. (1) The Minister may, on the recommendation of the council, make regulations relating to—

Regulations.

- (a) (i) the election of members of the council who shall be elected in terms of section 5 (1) (f);
- (ii) the requirements for a binding nomination of a candidate for election as a member of the council;
- (b) the conduct of the business and the procedure at meetings of the council and committees of the council and the manner in which minutes of such meetings shall be kept;
- (c) the manner in which contracts shall be entered into on behalf of the council, the accounts of the council shall be kept and money accruing to the council shall be disposed of;
- (d) the allowances which may be paid to members when engaged on the service of the council: Provided that—
 - (i) the allowances which may be paid to any such member who is in the full-time employment of the State shall not exceed the allowances to which he would be entitled under the laws governing the public service;
 - (ii) no such member shall be required to pay into the Consolidated Revenue Fund any allowances which may be paid to him by the council in terms of any regulations made under this paragraph;
- (e) the duties and conditions of service of the registrar and other officers appointed by the council in terms of section 12;
- (f) any fees payable under this Act;
- (g) the registers and rolls to be kept in terms of the provisions of this Act and the diplomas and certificates issuable under this Act, the information which shall be recorded in the registers and rolls and the manner in which alterations may be effected in such registers and rolls;
- (h) the conditions under which extracts from the registers and rolls may be issued, including the payment of specified fees;

- (i) die besonderhede wat aan die raad verstrekk moet word om die raad in staat te stel om die registers en rolle te hou;
- (j) die kwalifikasies wat gehou moet word, en die voorwaardes wat nagekom moet word, wat 'n persoon die reg gee om geregistreer of ingeskryf te word, of wat 'n geregistreerde persoon die reg gee om 'n addisionele kwalifikasie te registreer, met inbegrip van die leergange, die tydperk en aard van opleiding vereis, die eksamens waarin geslaag moet word, en die betaling van vermelde gelde ten opsigte van 'n aansoek om registrasie of inskrywing en ten opsigte van registrasie of inskrywing;
- (k) die kwalifikasies wat behaal moet word, en die voorwaardes wat nagekom moet word, wat 'n persoon die reg gee om ingevolge artikel 16 geregistreer of ingeskryf te word, met inbegrip van die betaling van bepaalde gelde ten opsigte van registrasie of inskrywing;
- (l) die voorwaardes wat die raad kan opleë vir die erkenning van verpleegskole;
- (m) die uniforms, wapens en ander onderskeidingstekens wat deur geregistreerde of ingeskrewe persone, of persone ingevolge artikel 16, 24 of 25 geregistreer of ingeskryf, gedra kan word of, wanneer aan diens, gedra moet word, en die verbod op die vervaardiging, verkoop, voorsien of besit van sulke uniforms, wapens en ander onderskeidingstekens deur enige persoon, behalwe 'n persoon wat deur die raad daartoe gemagtig is;
- (n) die wyse waarop 'n klagte, beskuldiging of bewering teen 'n geregistreerde of ingeskrewe persoon, of 'n persoon ingevolge artikel 16, 24 of 25 geregistreer of ingeskryf, ingedien moet word;
- (o) die vorm van dagvaarding vir die verskyning van 'n beskuldigde of van 'n getuie by 'n ondersoek of vir die voorlegging van 'n boek, rekord, dokument of voorwerp;
- (p) die wyse waarop 'n ondersoek ingestel moet word en die prosedure wat daarby gevolg moet word, en enige ander aangeleentheid wat met die instel of hou daarvan in verband staan;
- (q) die vorm van 'n lisensie om sake as 'n verplegingsagentskap te doen, die omstandighede waaronder 'n lisensie uitgereik, opgeskort of ingetrek kan word, die voorwaardes waarop sake gedoen mag word, met inbegrip van die rekords en rekeninge wat gehou moet word, die wyse van adverteer, en die hoogste vergoeding wat gevra kan word vir dienste deur of namens 'n agentskap gelewer;
- (r) die bestek van praktyk van geregistreerde persone en ingeskrewe persone en die voorwaardes waaronder geregistreerde persone en ingeskrewe persone hul beroep mag uitoefen, die beheer wat oor ingeskrewe vroedvroue uitgeoefen moet word en inspeksies in verband met ingeskrewe vroedvroue;
- (s) die hoogste vergoeding wat deur geregistreerde persone en ingeskrewe persone vir professionele dienste deur hul gelewer, gevra mag word, en

oor die algemeen met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Die Minister kan, na oorlegpleging met die uitvoerende komitee van die raad, indien hy dit in openbare belang ag—

- (a) sonder die aanbeveling van die raad regulasies uitvaardig betreffende enige van die aangeleenthede bedoel in subartikel (1) of enige regulasie ingevolge daardie subartikel uitvaardig, wysig of herroep;
- (b) enige reël wat ingevolge die bepalings van hierdie Wet uitgevaardig is, wysig of herroep.

- (i) the particulars to be furnished to the council to enable it to keep the registers and rolls;
- (j) the qualifications to be held and the conditions to be complied with, entitling a person to be registered or enrolled, or entitling a registered person to the registration of an additional qualification, including the curricula, the period and nature of training required, the examinations to be passed, and the payment of specified fees in respect of an application for registration or enrolment and in respect of registration or enrolment;
- (k) the qualifications to be held and the conditions to be complied with, entitling a person to be registered or enrolled under section 16, including the payment of specified fees in respect of registration or enrolment;
- (l) the conditions which the council may impose for the recognition of nursing schools;
- (m) the uniforms, badges and other distinguishing devices which may, or when on duty, shall be worn by registered or enrolled persons, or persons registered or enrolled under section 16, 24 or 25, and the prohibition of the manufacture, sale, supply or possession of such uniforms, badges and other distinguishing devices by any person, except a person authorized thereto by the council;
- (n) the manner in which a complaint, charge or allegation against a registered or enrolled person, or a person registered or enrolled under section 16, 24 or 25, shall be lodged;
- (o) the form of subpoena for the attendance of an accused or of a witness at an inquiry, or for the production of any book, record, document or thing;
- (p) the manner of instituting and the procedure to be followed at an inquiry, and any other matter incidental to the institution or holding thereof;
- (q) the form of a licence to carry on the business of a nursing agency, the circumstances in which a licence may be issued, suspended or cancelled, the conditions subject to which business may be carried on, including the records and accounts which shall be kept, the manner of advertising, and the maximum fees that may be charged for services rendered by or on behalf of an agency;
- (r) the scope of practice of registered persons and enrolled persons and the conditions under which registered persons and enrolled persons may carry on their profession, the control which shall be exercised over enrolled midwives and the inspections which shall be carried out in connection with enrolled midwives;
- (s) the maximum fees that may be charged by registered persons and enrolled persons for professional services rendered by them, and

generally, with regard to any matter which in terms of this Act is required to be or may be prescribed by regulation or which the Minister considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) The Minister may, after consultation with the executive committee of the council, if he deems it to be in public interest—

- (a) without the recommendation of the council, make regulations relating to any of the matters referred to in subsection (1) or amend or repeal any regulation made in terms of that subsection;
- (b) amend or repeal any rule made in terms of the provisions of this Act.

(3) 'n Regulasie kragtens hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om dit na te kom, strawwe van 'n boete van hoogstens een honderd rand voorskryf.

(4) 'n Kennisgewing uitgereik of proklamasie, regulasie, reël of bevel uitgevaardig kragtens hierdie Wet kan van tyd tot tyd gewysig of herroep word deur die gesag wat dit uitgereik of uitgevaardig het.

Herroeping van Wette.

46. (1) Behoudens die bepalings van subartikel (2), (3) en (4), word die Wet op Verpleging, 1957 (Wet 69 van 1957), die Wysigingswet op Verpleging, 1970 (Wet 31 van 1970), die Wysigingswet op Verpleging, 1972 (Wet 50 van 1972) en die Wysigingswet op Verpleging, 1973 (Wet 14 van 1973), hiermee herroep.

(2) 'n Proklamasie, kennisgewing, regulasie, reël, magtiging of bevel uitgereik, uitgevaardig of verleen, of 'n registrasie, inskrywing, skraping uit 'n register of rol, aanstelling of enigiets anders gedoen ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is, word tensy onbestaanbaar met die bepalings van hierdie Wet, geag kragtens die bepalings van hierdie Wet uitgereik, uitgevaardig, verleen of gedoen te gewees het.

(3) Die lede van die raad soos saamgestel onmiddellik voor die inwerkingtreding van hierdie Wet bly lede, en die raad word geag geldiglik saamgestel te wees ingevolge hierdie Wet, tot 'n datum wat deur die Minister bepaal en in die *Staatskoerant* bekend gemaak word.

(4) Indien enigeen van die lede bedoel in subartikel (3) sy amp ontruim, bestaan die raad, tot die datum bedoel in daardie subartikel, uit die oorblywende lede.

Kort titel en inwerkingtreding.

47. Hierdie Wet heet die Wet op Verpleging 19...., en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(3) 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.

(4) Any proclamation or notice issued or regulation, rule or order made under this Act may from time to time be amended or repealed by the authority which issued or made it.

46. (1) Subject to the provisions of subsections (2), (3) and (4) Repeal of laws.
of the Nursing Act, 1957 (Act 69 of 1957), the Nursing Amendment Act, 1970 (Act 31 of 1970), the Nursing Amendment Act, 1972 (Act 50 of 1972), and the Nursing Amendment Act, 1973 (Act 14 of 1973), are hereby repealed.

(2) Any proclamation, notice, regulation, rule, authorization or order issued, made or granted, or any registration, enrolment, removal from a register or roll, appointment or any other thing done in terms of a provision of any law repealed by subsection (1), shall, except in so far as may be otherwise required by this Act, be deemed to have been issued, made, granted or done under the provisions of this Act.

(3) The members of the council as constituted immediately prior to the commencement of this Act shall continue to be members, and the council shall be deemed to be validly constituted in terms of this Act, until a date determined by the Minister and published in the *Gazette*.

(4) If any of the members referred to in subsection (3) vacates his office, the council shall, until the date referred to in that subsection, consist of the remaining members.

47. This Act shall be called the Nursing Act 19...., and shall Short title and
commencement.
come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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