



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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#### DEPARTMENT OF THE PRIME MINISTER

No. 790.

19 April 1978.

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

No. 52 of 1978: Medical, Dental and Supplementary Health Service Professions Amendment Act, 1978.

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#### DEPARTEMENT VAN DIE EERSTE MINISTER

No. 790.

19 April 1978.

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

No. 52 van 1978: Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiens-beroeppe, 1978.

**Wet No. 52, 1978**

WYSIGINGSWET OP GENEESHÈRE, TANDARTSE EN  
AANVULLENDE GESONDHEIDSIDIENSBEROEPE, 1978.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.  
**—** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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**WET**

Om die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, met betrekking tot woordomskrywings te wysig; ten einde die samestelling van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad te verander; om bevoegdheid aan die raad te verleen om tariewekomitees in te stel, om persone wat om beperkte registrasie ingevolge die Wet aansoek doen, aan te sê om sekere eksamens af te lê, om sekere persone vry te stel van sekere eksamens en van die beperkings wat ten opsigte van beperkte registrasie ingevolge die Wet van toepassing is, om sekere persone wat aansoek doen om 'n spesialiteit te registreer, aan te sê om sekere eksamens af te lê en om die gelde vir die doeleindes van artikel 53 (3) van die Wet te bepaal; om voorsiening te maak vir 'n geldetarief vir geneeshere, tandartse en sielkundiges en ten opsigte van aanvullende gesondheidsdiensberoep, vir dienste gelevere aan 'n lid of 'n afhanglike van 'n lid van 'n geregistreerde mediese skema; en vir 'n verbod op stakings en sloerstakings; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 12 April 1978.)

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

Wysiging van artikel 1 van Wet 56 van 1974, soos gewysig deur artikel 1 van Wet 33 van 1976 en artikel 12 van Wet 36 van 1977.

Wysiging van artikel 5 van Wet 56 van 1974.

1. Artikel 1 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van „beroepsraad“ in te voeg:  
„geldetarief“ 'n geldetarief ingevolge artikel 53A bepaal;” 5
2. (1) Artikel 5 van die Hoofwet word hierby gewysig—  
(a) deur subartikel (1) deur die volgende subartikel te vervang:  
 „(1) **[Na die datum vermeld in artikel 64 (3)]** Die raad bestaan uit die volgende lede, naamlik—  
 (a) die Sekretaris van Gesondheid;  
 (b) **[agt]** tien persone deur die Minister aangestel, van wie—  
 (i) vier geneeshere moet wees;  
 (ii) een 'n tandarts moet wees;  
 (iii) een aan 'n mediese of tandheelkundige fakulteit van 'n universiteit verbonde moet wees; 20  
**[en]**  
 (iv) **[twee]** drie persone moet wees wat nie kragtens hierdie Wet geregistreer is nie; en  
 (v) een 'n voorsitter van 'n beroepsraad moet wees; 25

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SERVICE PROFESSIONS AMENDMENT ACT, 1978.

Act No. 52, 1978

## GENERAL EXPLANATORY NOTE:

- [ ]** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.
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## ACT

To amend the Medical, Dental and Supplementary Health Service Professions Act, 1974, with regard to definitions; in order to change the constitution of the South African Medical and Dental Council; to empower the council to establish tariffs committees, to require persons who apply for limited registration under the Act to sit for certain examinations, to exempt certain persons from certain examinations and from the restrictions applicable in respect of limited registration under the Act, to require certain persons who apply to have a speciality registered, to sit for certain examinations and to determine the fee for the purposes of section 53 (3) of the Act; to provide for a tariff of fees for medical practitioners, dentists and psychologists and in respect of supplementary health service professions, for services rendered to a member or a dependant of a member of a registered medical scheme; and for the prohibition of strikes and go-slow strikes; and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 12 April 1978.)

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

1. Section 1 of the Medical, Dental and Supplementary Health Amendment of  
5 Service Professions Act, 1974 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "supplementary health service profession" of the following definition:  
"tariff of fees" means a tariff of fees determined under section 53A;
- 10 10 *section 1 of Act 56 of 1974, as amended by section 1 of Act 33 of 1976 and section 12 of Act 36 of 1977.*
2. (1) Section 5 of the principal Act is hereby amended—  
(a) by the substitution for subsection (1) of the following subsection:  
"15 (1) **[After the date referred to in section 64 (3),]** The council shall consist of the following members, namely—  
(a) the Secretary for Health;  
(b) **[eight]** ten persons appointed by the Minister, of whom—  
20 (i) four shall be medical practitioners;  
(ii) one shall be a dentist;  
(iii) one shall be attached to a faculty of medicine or dentistry of a university; **[and]**  
(iv) **[two]** three shall be persons who are not registered under this Act; and  
(v) one shall be a chairman of a professional board;
- 25 25

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- (c) een geneesheer wat 'n Direkteur van Hospitaaldienste is wat deur die Administrateurs van die provinsies aangewys moet word;
- (d) **[drie]** vier geneeshere wat die universiteite waar mediese fakulteite ingestel is, verteenwoordig en een tandarts wat die universiteite waar tandheelkundige fakulteite 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: Met dien verstande dat nie meer as een aldus aangewese geneesheer aan die personeel van dieselfde universiteit verbonden mag wees nie;
- (dA) een geneesheer of tandarts wat die Kollege van Geneeskunde van Suid-Afrika verteenwoordig, deur daardie Kollege aangewys;
- (e) **[sewe]** tien geneeshere en **[twee]** vier tandartse wat Suid-Afrikaanse burgers is, in die Republiek woonagtig is en, in die geval van die geneeshere, deur die geneeshere, en, in die geval van die tandartse, deur die tandartse, wat in die Republiek woonagtig is, verkies word ooreenkomsdig die bepalings van hierdie Wet: Met dien verstande dat nie meer as **[twee]** drie geneeshere en nie meer as **[een tandarts]** twee tandartse wat aldus verkies is, gewoonlik in dieselfde provinsie van die Republiek woonagtig mag wees nie;
- (f) een persoon aangewys deur die Suid-Afrikaanse Verpleegstersraad ingestel by artikel 2 van die Wet op Verpleging, 1957 (Wet No. 69 van 1957), wat 'n lid van daardie raad is en kragtens daardie Wet geregistreer is;
- (g) 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 'n apteker geregistreer is.'';
- (b) deur subartikel (4) deur die volgende subartikel te vervang:  
 „(4) Die Administrateurs van die provinsies, die prinsipale of rektore van die universiteite bedoel in subartikel (1) (d), die Kollege van Geneeskunde van Suid-Afrika bedoel in subartikel (1) (dA), die Suid-Afrikaanse Verpleegstersraad bedoel in subartikel (1) (f) en die Suid-Afrikaanse Aptekersraad bedoel in subartikel (1) (g), moet nie later nie as drie maande voor die datum van verstryking van die ampstermy van die lede van die raad die registrator skriftelik in kennis stel van die name van die persone wat kragtens die bepalings van subartikel (1) deur hulle aangewys is en die registrator moet so spoedig doenlik die name van die persone wat aldus aangewys is in die Staatskoerant bekend maak.”;
- (c) deur subartikel (5) deur die volgende subartikel te vervang:  
 „(5) Indien die in subartikel (4) bedoelde Administrateurs van die provinsies, die prinsipale of rektore van die universiteite, die Kollege van Geneeskunde van Suid-Afrika, die Suid-Afrikaanse Verpleegstersraad of die Suid-Afrikaanse Aptekersraad versuim om 'n aanwysing ingevolge die bepalings van subartikel (1) te doen of om, soos vereis in subartikel (4), die registrator in kennis te stel van die name van die persone wat deur hulle aangewys is, word die nodige aanwysing deur die Minister gedoen en 'n aanwysing wat aldus deur die Minister gedoen is, word geag behoorlik gedoen te gewees het ingevolge die toepaslike paragraaf van subartikel (1).”;

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- (c) one medical practitioner who is a Director of Hospital Services and who shall be designated by the Administrators of the provinces;
- (d) ~~three~~ four medical practitioners representing the universities at which faculties of medicine have been established and one dentist representing the universities at which faculties of dentistry have been established, designated from the staffs of such universities by the principals or rectors, as the case may be, of such universities: Provided that not more than one medical practitioner so designated shall be attached to the staff of any one such university;
- 5 (dA) one medical practitioner or dentist representing the College of Medicine of South Africa, designated by that College;
- 10 (e) ~~seven~~ ten medical practitioners and ~~two~~ four dentists who are South African citizens, resident in the Republic and elected in accordance with the provisions of this Act, in the case of the medical practitioners, by the medical practitioners and, in the case of the dentists, by the dentists resident in the Republic: Provided that not more than ~~two~~ three medical practitioners and not more than ~~one~~ dentist ~~two dentists~~ so elected shall be ordinarily resident in any one province of the Republic;
- 15 (f) one person designated by the South African Nursing Council established by section 2 of the Nursing Act, 1957 (Act No. 69 of 1957), who is a member of that council and is registered under that Act;
- 20 (g) 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.”;
- 25 (b) by the substitution for subsection (4) of the following subsection:
 

“(4) 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, the principals or rectors of the universities referred to in subsection (1) (d), the College of Medicine of South Africa referred to in subsection (1) (dA), the South African Nursing Council referred to in subsection (1) (f) and the South African Pharmacy Board referred to in subsection (1) (g) shall inform the registrar in writing of the names of the persons designated by them in terms of the provisions of subsection (1), and the registrar shall, as soon as possible, give notice in the *Gazette* of the names of the persons so designated.”; and
- 30 (c) by the substitution for subsection (5) of the following subsection:
 

“(5) If the Administrators of the provinces or the principals or rectors of the universities referred to in subsection (4) fail, or if the College of Medicine of South Africa or the South African Nursing Council 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 (4), of the names of the persons designated by them, the Minister shall make the necessary designation and any designation so made by the Minister shall be deemed to have been properly made in terms of the appropriate paragraph of subsection (1).”.
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- (2) (a) Die lede van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad in artikel 2 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), bedoel, soos daardie raad saamgestel was onmiddellik voor die inwerkingtreding van hierdie Wet, bly na sodanige inwerkingtreding lede van die raad totdat die tydperk waarvoor hulle aangestel, aangewys of verkies is, verstryk het. 5
- (b) Die tydperk waarvoor lede van genoemde raad wat kragtens die wysiging deur subartikel (1) aangebring lede daarvan geword het, aangestel, aangewys of verkies word, verstryk op dieselfde datum waarop die amptstermyn van lede in paragraaf (a) van hierdie subartikel bedoel, verstryk. 10 15

Wysiging van  
artikel 11 van  
Wet 56 van 1974.

**3. Artikel 11 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (2) in te voeg:**

**,,(2A) (a) Die raad—**

- (i) moet ten opsigte van 'n bepaling van 'n geldetarief, of 'n wysiging daarvan, ingevolge artikel 53A, en wat betrekking het op die beroep van genesheer of tandarts; en 20
- (ii) kan ten opsigte van 'n bepaling van 'n geldetarief, of 'n wysiging daarvan, ingevolge artikel 53A, en wat betrekking het op die beroep van sielkundige of 'n aanvullende gesondheidsdiensberoep, 25
- 'n tariewekomitee ten opsigte van elke sodanige beroep instel om ondersoek te doen na, en verslag aan die raad te doen oor, so 'n bepaling of so 'n wysiging. 30
- (b) 'n Lid van die raad is voorsitter van 'n komitee kragtens paragraaf (a) ingestel en die getal lede van elke sodanige komitee is 'n gelyke getal, deur die raad bepaal en aangestel: Met dien verstande dat minstens helfte van die getal aldus bepaal, aangestel word na oorleg met die Mediese Vereniging van Suid-Afrika, die Tandheelkundige Vereniging van Suid-Afrika of die verteenwoordigende liggaam in artikel 15 (3) beoog, na gelang van die geval, en persone moet wees wat in privaatpraktyk staan, en dat minstens helfte van die getal aldus na oorleg aangestel persone moet wees, indien daar is, wat ingevolge artikel 29 (1) van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), verplig is om dienste te lewer teen die tarief wat in die geldetarief ingevolge daardie Wet uiteengesit is.''. 35 40 45

Wysiging van  
artikel 13 van  
Wet 56 van 1974.

**4. Artikel 13 van die Hoofwet word hierby gewysig deur 45  
subartikel (1) deur die volgende subartikel te vervang:**

- ,,(1) (a) Alle registrasie- 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 ter bestryding van uitgawes aangaan in verband met die verrigting van sy werksamehede. 50

- (b) Die raad bestry nie uit sy fondse enige uitgawes in verband met die toepassing van enige bepaling van artikel 53A aangegaan nie.''. 55

Invoeging van  
artikel 13A in  
Wet 56 van 1974.

**5. Die volgende artikel word hierby in die Hoofwet na artikel 13 ingevoeg:**

- ,,Gelde aan  
raad betaal-  
baar uit  
Staatsinkom-  
stefonds.  
**13A. Die Minister kan in oorleg met die Minister van Finansies jaarliks 'n bedrag geld uit die Staatsinkomstefonds aan die raad oorbetaal ter bestryding van uitgawes deur die raad aangegaan in verband met die toepassing van enige bepaling van artikel 53A.''. 60**

Wysiging van  
artikel 26 van  
Wet 56 van 1974.

**6. Artikel 26 van die Hoofwet word hierby gewysig—**  
(a) deur die volgende subartikels na subartikel (1) in te voeg: 65

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- 5 (2) (a) The members of the South African Medical and Dental Council referred to in section 2 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), as that council was constituted immediately prior to the commencement of this Act, shall after such commencement remain members of the council until the period for which they were appointed, designated or elected has expired;
- 10 (b) The period for which members of the said council who became members thereof in terms of the amendment effected by subsection (1), are appointed, designated or elected, shall expire on the same date as the period of office of members referred to in paragraph (a) of this subsection expires.

15 3. Section 11 of the principal Act is hereby amended by the insertion of the following subsection after subsection (2):

Amendment of  
section 11 of  
Act 56 of 1974.

- "(2A) (a) The council—
- 20 (i) shall in respect of any determination of fees, or any amendment thereof, under section 53A, and which relates to the profession of medical practitioner or dentist; and
- 25 (ii) may in respect of any determination of fees, or any amendment thereof, under section 53A, and which relates to the profession of psychologist or any supplementary health service profession, establish a tariffs committee in respect of each such profession to investigate, and to report to the council on, such determination or such amendment.
- 30 (b) A member of the council shall be chairman of a committee established under paragraph (a) and the number of members of each such committee shall be an even number, determined and appointed by the council: Provided that at least half of the number so determined shall be appointed after consultation with the Medical Association of South Africa, the Dental Association of South Africa or the representative body contemplated in section 15 (3), as the case may be, and shall be persons who are in private practice, and that at least half of the number so appointed after consultation shall be persons, if any, who are bound in terms of section 29 (1) of the Medical Schemes Act, 1967 (Act No. 72 of 1967), to render services at the tariff laid down in the tariff of fees under that Act."

4. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of  
section 13 of  
Act 56 of 1974.

- 45 "(1) (a) All registration and examination fees and 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 for defraying expenses incurred in connection with the performance of its functions.
- 50 (b) The council shall not defray from its funds any expenses incurred in connection with the application of any provision of section 53A."

5. The following section is hereby inserted in the principal Act after section 13:

Insertion of  
section 13A in  
Act 56 of 1974.

- 60 "Moneys payable to council out of State Revenue Fund.
- 13A. The Minister, in consultation with the Minister of Finance, may annually pay to the council an amount of money from the State Revenue Fund to defray any expenses incurred by the council in connection with the application of any provision of section 53A."**

6. Section 26 of the principal Act is hereby amended—

- (a) by the insertion of the following subsections after subsection (1):

Amendment of  
section 26 of  
Act 56 of 1974.

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- ,,(1A) Die raad kan van iemand wat 'n kwalifikasie besit soos in subartikel (1) (c) bedoel en wat ingevolge die bepalings van hierdie artikel om registrasie aansoek doen, vereis om tot bevrediging van die raad 'n eksamen ingevolge subartikel (1B) voorgeskryf voor eksaminatore deur die raad aangestel, af te lê op 'n datum en plek deur die raad bepaal, met die doel om vas te stel of so iemand oor genoegsame professionele kennis en vaardigheid beskik en enige van die amptelike tale van die Republiek magtig is. 5  
 (1B) Die Minister kan van tyd tot tyd op aanbeveling van die raad regulasies uitvaardig wat die eksamen wat vir die doeleindeste van subartikel (1A) afgeneem moet word en die gelde wat betaal moet word deur persone wat die eksamen aflê, voorskryf.''; en 10  
 (b) deur subartikel (3) deur die volgende subartikel te vervang: 15  
 „(3) Die bepalings van hierdie artikel is *mutatis mutandis* met betrekking tot interns en intern-sielkundiges van toepassing.”.

Wysiging van  
artikel 28 van  
Wet 56 van 1974.

- 7. Artikel 28 van die Hoofwet word hierby gewysig—**  
 (a) deur subartikel (4) deur die volgende subartikel te vervang: 20  
 „(4) Indien 'n persoon 'n in subartikel (3) bedoelde eksamen ten genoeë van die raad afgelê het of ingevolge subartikel (5) van so 'n eksamen vrygestel is, stel die raad sodanige persoon vry van alle beperkings wat ten opsigte van sodanige persoon kragtens artikel 26 25 (2) opgelê is.”; en  
 (b) deur die volgende subartikel by te voeg:  
 „(5) Die raad kan iemand in subartikel (1) bedoel en wat die eksamen in artikel 26 (1A) bedoel suksesvol afgelê het, vrystel van die eksamen in subartikel (3) ten 30 opsigte van subartikel (2) (a) van hierdie artikel bedoel.”.

Wysiging van  
artikel 35 van  
Wet 56 van 1974.

- 8. Artikel 35 van die Hoofwet word hierby gewysig deur die volgende subartikels na subartikel (1) in te voeg:**

,,(1A) Waar 'n geneesheer, tandarts of sielkundige faal ten 35 opsigte van 'n bepaling van 'n regulasie ingevolge artikel 61 (1) (p) uitgevaardig en aansoek doen om 'n spesialiteit ingevolge hierdie artikel te laat regstreer, kan die raad hom aansê om tot bevrediging van die raad 'n eksamen ingevolge subartikel (1B) voorgeskryf voor eksaminatore deur die raad aangestel, af te lê op 'n datum en plek deur die raad bepaal, met die doel om vas te stel of sy professionele kennis en vaardigheid in die vakgebied van sy spesialiteit genoegsaam toereikend is om hom in staat te stel om as spesialis te praktiseer. 40  
 ,,(1B) Die Minister kan van tyd tot tyd op aanbeveling van die raad regulasies uitvaardig wat die eksamen wat vir die doeleindeste van subartikel (1A) afgeneem moet word en die gelde wat betaal moet word deur persone wat die eksamen aflê, voorskryf.”. 45  
 50

Wysiging van  
artikel 53 van  
Wet 56 van 1974.

- 9. Artikel 53 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (3) te voeg:**

,,(d) Die raad kan van tyd tot tyd die gelde bepaal en publiseer wat die raad as maatstaf gebruik vir die bepaling van bedrae in paragraaf (a) beoog.”. 55

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5       “(1A) The council may require a person who holds a qualification referred to in subsection (1) (c) and who applies for registration under the provisions of this section, to pass to the satisfaction of the council, on a date and at a place determined by the council, an examination prescribed under subsection (1B) before examiners appointed by the council, for the purpose of determining whether such person possesses an adequate professional knowledge and skill and whether he is proficient in any of the official languages of the Republic.

10      (1B) The Minister may on the recommendation of the council from time to time make regulations which prescribe the examination which shall be conducted for the purposes of subsection (1A), and the fees which shall be paid by persons who sit for such examination.”;

15      and  
(b) by the substitution for subsection (3) of the following subsection:

20      “(3) The provisions of this section shall *mutatis mutandis* apply with reference to interns and intern-psychologists.”.

7. Section 28 of the principal Act is hereby amended—  
25      (a) by the substitution for subsection (4) of the following subsection:

30      “(4) If a person has passed an examination referred to in subsection (3) to the satisfaction of the council, or is exempted from such examination under subsection (5), it shall exempt such person from all restrictions imposed in respect of such person under section 26 (2).”; and

35      (b) by the addition of the following subsection:

35      “(5) The council may exempt a person referred to in subsection (1) and who has passed the examination referred to in section 26 (1A), from the examination referred to in subsection (3) in respect of subsection (2) (a) of this section.”.

Amendment of  
section 28 of  
Act 56 of 1974.

8. Section 35 of the principal Act is hereby amended by the insertion of the following subsections after subsection (1):

40      “(1A) Where a medical practitioner, dentist or psychologist fails in respect of any provision of a regulation made under section 61 (1) (p) and applies to have a speciality registered in terms of this section, the council may require him to pass to the satisfaction of the council, on a date and at a place determined by the council, an examination prescribed under subsection (1B) before examiners appointed by the council, for the purpose of determining whether his professional knowledge and skill in the professional field of his speciality is sufficiently adequate to enable him to practise as a specialist.

50      (1B) The Minister may on the recommendation of the council from time to time make regulations which prescribe the examination which shall be conducted for the purposes of subsection (1A), and the fees which shall be paid by persons who sit for such examination.”.

Amendment of  
section 35 of  
Act 56 of 1974.

55      9. Section 53 of the principal Act is hereby amended by the addition to subsection (3) of the following paragraph:

60      “(d) The council may from time to time determine and publish the fees used by the council as norm for the determination of amounts contemplated in paragraph (a).”.

Amendment of  
section 53 of  
Act 56 of 1974.

**Wet No. 52, 1978****WYSIGINGSWET OP GENEESHERE, TANDARTSE EN  
AANVULLENDE GESONDHEIDSIDIENSBEROEPE, 1978.**

Invoeging van  
artikel 53A in  
Wet 56 van 1974.

**10.** Die volgende artikel word hierby in die Hoofwet na artikel 53 ingevoeg:

„Gelde-  
tarief.

**53A. (1) Die raad—**

- (a) moet so spoedig doenlik na die inwerkingtreding van die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1978, ten opsigte van geneeshere en ten opsigte van tandartse; en
- (b) kan ten opsigte van sielkundiges en ten opsigte van enige aanvullende gesondheidsdiensberoep, onderzoek instel na 'n geldetarief ten opsigte van enige diens gelewer deur 'n geneesheer, tandarts of sielkundige of so 'n aanvullende gesondheidsdiensberoep aan 'n lid, of 'n afhanglike van 'n lid, van 'n geregistreerde mediese skema, en so 'n geldetarief bepaal.

(2) Die Mediese Vereniging van Suid-Afrika, die Tandheelkundige Vereniging van Suid-Afrika, enige liggaam van persone wat na die oordeel van die raad verteenwoordigend is van die meerderheid van die persone wie se name in die register ten opsigte van 'n geneeskundige of tandheelkundige dissipline of ten opsigte van die sielkundeberoep of die betrokke aanvullende gesondheidsdiensberoep verskyn, en die Verteenwoordigende Vereniging van Mediese Skemas in artikel 23A van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), bedoel, kan vertoë tot die raad rig dat die raad onderzoek instel ten einde 'n geldetarief ingevolge paragraaf (a) of (b), na gelang van die geval, van subartikel (1) te bepaal, of ten einde 'n wysiging van die geldetarief ingevolge subartikel (5) te bepaal, en so 'n Vereniging of liggaam of genoemde Verteenwoordigende Vereniging van Mediese Skemas kan, met goedkeuring van die raad, vertoë, hetsy mondeling of skriftelik, tot die raad rig met betrekking tot die bepaling van die geldetarief of 'n wysiging daarvan ingevolge subartikel (5).

(3) (a) Die raad het by die toepassing van hierdie artikel met betrekking tot getuies en hul getuenis wat betrekking het op die voor van 'n praktyk, maar behoudens die bepalings van paragraaf (b) van hierdie subartikel die bevoegdhede van 'n kommissie ingevolge die Kommissiewet, 1947 (Wet No. 8 van 1947), en te dien einde het die president van die raad die bevoegdheid om 'n getuie 'n eed op te lê of 'n bevestiging van hom te vereis.

(b) Die bepalings van artikel 42 (4) (b) en (c) is *mutatis mutandis* van toepassing met betrekking tot 'n onderzoek ingevolge hierdie artikel.

(4) 'n Geldetarief ingevolge subartikel (1) bepaal en enige wysiging daarvan ingevolge subartikel (5) word deur die registrateur in die *Staatskoerant* gepubliseer.

(5) Die raad moet so dikwels as wat dit nodig word, of wanneer deur 'n Vereniging of liggaam of die Verteenwoordigende Vereniging van Mediese Skemas in subartikel (2) bedoel daartoe versoek, 'n geldetarief hersien wat ingevolge subartikel (1) bepaal is, of enige besondere item of items daarvan hersien, en kan so 'n geldetarief of enige sodanige item of items wysig.

(6) (a) 'n Geldetarief of 'n wysiging van 'n geldetarief deur die Minister in die *Staatskoerant* gepubliseer ingevolge artikel 30 van die Wet op Mediese Skemas, 1967, en wat van krag was onmiddellik voor die inwerkingtreding van die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1978, bly van krag tot die datum van publikasie ingevolge

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## MEDICAL DENTAL AND SUPPLEMENTARY HEALTH SERVICE PROFESSIONS AMENDMENT ACT, 1978.

Act No. 52, 1978

**10.** The following section is hereby inserted in the principal Act after section 53:

Insertion of  
section 53A in  
Act 56 of 1974.

- "**Tariff of fees.**
- 53A. (1) The council—**
- (a) shall as soon as possible after the commencement of the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1978, in respect of medical practitioners and in respect of dentists; and
  - (b) may in respect of psychologists and in respect of any supplementary health service profession, conduct an inquiry into, and determine, a tariff of fees in respect of any service rendered by a medical practitioner, dentist or psychologist or any such supplementary health service profession to a member, or a dependant of a member, of a registered medical scheme.
- (2) The Medical Association of South Africa, the Dental Association of South Africa, any body of persons which, in the opinion of the council, is representative of the majority of the persons whose names appear in the register in respect of a discipline of medicine or dentistry or in respect of the psychology profession or the supplementary health service profession concerned and the Representative Association of Medical Schemes referred to in section 23A of the Medical Schemes Act, 1967 (Act No. 72 of 1967), may make representations to the council that the council conduct an inquiry for the purposes of determining a tariff of fees under paragraph (a) or (b), as the case may be, of subsection (1), or for the purposes of an amendment of the tariff of fees under subsection (5), and any such Association or body or the said Representative Association of Medical Schemes may, with the approval of the council, make representations, oral or written, to the council with regard to the determination of the tariff of fees or any amendment thereof under subsection (5).
- (3) (a) The council shall for the purposes of this section, as to witnesses and their evidence which relates to the conduct of any practice, but subject to the provisions of paragraph (b) of this subsection, have the powers of a commission under the Commissions Act, 1947 (Act No. 8 of 1947), and to this end the president of the council shall have the power to administer an oath to, or to take an affirmation from, any witness.
- (b) The provisions of section 42 (4) (b) and (c) shall *mutatis mutandis* apply with reference to an inquiry under this section.
- (4) Any tariff of fees determined under subsection (1) and any amendment thereof under subsection (5), shall be published by the registrar in the *Gazette*.
- (5) The council shall as often as it may become necessary, or when requested thereto by any Association or body or the Representative Association of Medical Schemes referred to in subsection (2), review a tariff of fees determined under subsection (1), or review any particular item or items thereof, and may amend such tariff of fees or any such item or items.
- (6) (a) A tariff of fees or an amendment of a tariff of fees published by the Minister in the *Gazette* under section 30 of the Medical Schemes Act, 1967, and which was in force immediately prior to the commencement of the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1978, shall remain of force until the date of publication under subsection (4)

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AANVULLENDE GESONDHEIDSIDIENSBEROEPE, 1978.**

subartikel (4) van hierdie artikel van 'n geldetarief betreffende 'n beroep met betrekking waar toe so 'n eersgenoemde geldetarief van toepassing was, of 'n datum, indien enige, vir dié doel deur die raad bepaal en in sodanige publikasie vermeld. 5

(b) Behoudens die bepalings van artikel 29 (1) van die Wet op Mediese Skemas, 1967, is 'n geldetarief en 'n wysiging daarvan ingevolge subartikel (4) gepubliseer, vanaf die datum van sodanige publikasie, of 'n datum, indien enige, vir dié doel deur die raad bepaal en in sodanige publikasie vermeld, bindend vir elke persoon wat die beroep beoefen waarop so 'n geldetarief of wysiging betrekking het. 10  
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(7) In hierdie artikel het die uitdrukking „lid“, „afhanglike“, „geregistreer“ en „mediese skema“ die betekenis wat in artikel 1 van die Wet op Mediese Skemas, 1967, daaraan gegee word.”.

Invoeging van artikel 55A in Wet 56 van 1974.

**11.** Die volgende artikel word hierby in die Hoofwet na artikel 20 55 ingevoeg:

,,Verbod op **55A.** (1) Niemand mag 'n staking of sloerstaking deur persone wat kragtens hierdie Wet geregistreer is, en wat bedoel is om enige gesondheidsdienste gelewer deur die staat, 'n provinsiale administrasie of 'n plaaslike bestuur, te ontwrig, of waarskynlik sal ontwrig, aanstig, of sodanige persone aanhigs om aan so 'n staking of sloerstaking deel te neem of dit voort te sit, of aan so 'n staking of sloerstaking of die voortsetting van so 'n staking of sloerstaking deelneem nie. 25  
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(2) (a) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldig bevinding strafbaar met 'n boete van hoogstens duisend rand of met gevengenisstraf vir 'n tydperk van hoogstens 'n jaar of met daardie boete sowel as daardie gevengenisstraf. 40

(b) Die registrator moet die naam van iemand wat kragtens hierdie Wet geregistreer is en wat aan 'n oortreding ingevolge hierdie artikel skuldig bevind is, uit die toepaslike register skrap.”. 45

Kort titel en inwerkintreding.

**12.** Hierdie Wet heet die Wysigingswet op Geneeshère, Tandartse en Aanvullende Gesondheidsdiensberoep, 1978, en tree in werking op 'n datum wat die Staatspresident by kennisgewing in die Staatskoerant bepaal. 45

MEDICAL DENTAL AND SUPPLEMENTARY HEALTH  
SERVICE PROFESSIONS AMENDMENT ACT, 1978.

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- 5 of this section of a tariff of fees relating to a profession with reference to which such first-mentioned tariff of fees applied, or a date, if any, fixed by the council for the purpose and specified in such publication.
- 10 (b) Subject to the provisions of section 29 (1) of the Medical Schemes Act, 1967, a tariff of fees and any amendment thereof published under subsection (4) shall as from the date of such publication, or a date, if any, fixed by the council for the purpose and specified in such publication, be binding on every person practising the profession to which such tariff of fees or amendment relates.
- 15 (7) In this section the expressions "member", "dependant", "registered" and "medical scheme" have the meanings assigned to them in section 1 of the Medical Schemes Act, 1967."
11. The following section is hereby inserted in the principal Act Insertion of section 55A in Act 56 of 1974.
- 20 "Prohibition of strike.
- 25 55A. (1) No person shall instigate a strike or go-slow strike by persons registered in terms of this Act, which is intended, or is likely, to disrupt any health services rendered by the state, a provincial administration or a local authority, or incite such persons to take part in or to continue such a strike or go-slow strike, or take part in such a strike or go-slow strike or in the continuation of such a strike or go-slow strike.
- 30 (2) (a) Any person who contravenes a provision of subsection (1) shall be guilty of an offence and on conviction be liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.
- 35 (b) The registrar shall remove the name from the appropriate register of a person who is registered in terms of this Act and who has been convicted of an offence under this section."
- 40 12. This Act shall be called the Medical, Dental and Short title and commencement.  
Supplementary Health Service Professions Amendment Act, 1978,  
and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

