



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 895. 2 Mei 1984

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

No. 58 van 1984: Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1984.

No. 895. 2 May 1984

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

No. 58 of 1984: Medical, Dental and Supplementary Health Service Professions Amendment Act, 1984.

Wet No. 58, 1984

WYSIGINGSWET OP GENEESHARE, TANDARTSE EN
AANVULLENDE GESONDHEIDSDIENSBEROEPE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, ten einde sekere verouderde uitdrukkings en verwysings te vervang; voorsiening te maak vir die aanwysing van addisionele lede van die uitvoerende komitee van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad; voorsiening te maak vir die ondersoek van gevalle van beweerde onbetaamlike of skandeler gedrag deur persone wat ingevolge genoemde Wet geregistreer is; die voorbereiding van medisyne deur 'n geneesheer of tandarts verder te reël; en weg te doen met die bepaling deur genoemde Raad van gelde vir mediese dienste gelewer aan lede of afhanklikes van lede van geregisteerde mediese skemas; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 April 1984.)

DAAR WORD BEPAAL deur die Staatspresident 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, artikel 12 van Wet 36 van 1977, artikel 1 van Wet 52 van 1978 en artikel 1 van Wet 38 van 1982.

Wysiging van artikel 5 van Wet 56 van 1974, soos gewysig deur artikel 2 van Wet 52 van 1978.

Wysiging van artikel 10 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—
 - (a) deur die omskrywing van "geldetarief" te skrap; en
 - (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister van Gesondheid en Welsyn;".
2. Artikel 5 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
"(a) die [Sekretaris van Gesondheid] Direkteur-generaal: Gesondheid en Welsyn;"; en
 - (b) deur subartikel (2) deur die volgende subartikel te vervang:
"(2) Die lid bedoel in subartikel (1) (a) kan 'n beamppte van die Departement van Gesondheid en Welsyn wat 'n geneesheer is, aanwys om in sy plek as 'n plaasvervangende lid van die raad op te tree.".
3. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
"(1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die president, die vise-president, die [Sekretaris van Gesondheid] Direkteur-generaal: Gesondheid en Welsyn (of, by sy afwesigheid, die beamppte aangewys ingevolge artikel 5 (2)) en minstens vyf ander lede van die raad deur die raad aangewys van wie minstens drie geneeshere, een 'n tandarts en een 'n lid aangestel kragtens artikel 5 (1) (b) (iv) moet wees.".

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MEDICAL, DENTAL AND SUPPLEMENTARY HEALTH SERVICE
PROFESSIONS AMENDMENT ACT, 1984

Act No. 58, 1984

GENERAL EXPLANATORY NOTE:

I Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Medical, Dental and Supplementary Health Service Professions Act, 1974, so as to replace certain obsolete expressions and references; to make provision for the designation of additional members of the executive committee of the South African Medical and Dental Council; to provide for the investigation of cases of alleged improper or disgraceful conduct by persons registered in terms of the said Act; to further regulate the dispensing of medicine by a medical practitioner or dentist; and to do away with the determination by the said Council of fees for medical services rendered to members or dependants of members of registered medical schemes; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 17 April 1984.)*

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

1. Section 1 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister of Health and Welfare;" and

(b) by the deletion of the definition of "tariff of fees".

Amendment of section 1 of Act 56 of 1974, as amended by section 1 of Act 33 of 1976, section 12 of Act 36 of 1977, section 1 of Act 52 of 1978 and section 1 of Act 38 of 1982.

2. Section 5 of the principal Act is hereby amended—

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

"(a) the **[Secretary for Health]** Director-general: Health and Welfare;" and

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

"(2) The member referred to in subsection (1) (a) may designate an officer of the Department of Health and Welfare who is a medical practitioner, to act in his stead as an alternate member of the council."

Amendment of section 5 of Act 56 of 1974, as amended by section 2 of Act 52 of 1978.

3. Section 10 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) There shall be an executive committee of the council consisting of the president, the vice-president, the **[Secretary for Health]** Director-General: Health and Welfare (or, in his absence, the officer designated in terms of section 5 (2)) and not less than five other members of the council designated by the council, of whom not less than three shall be medical practitioners, one shall be a dentist and one shall be a member appointed under section 5 (1) (b) (iv)."

Amendment of section 10 of Act 56 of 1974.

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WYSIGINGSWET OP GENEESHERE, TANDARTSE EN
AANVULLENDE GESONDHEIDSDIENSBEROEPE, 1984

Wysiging van
artikel 11 van
Wet 56 van 1974,
soos gewysig deur
artikel 3 van
Wet 52 van 1978.

4. Artikel 11 van die Hoofwet word hierby gewysig deur sub-
artikel (2A) te skrap.

Invoeging van
artikel 41A in
Wet 56 van 1974.

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

- “Wyse waar-
op sekere on-
dersoeke in-
gestel kan
word.
- 41A.** (1) Die registrateur kan met die goedkeuring 5
van die president 'n beamppte van die raad as onder-
soekbeamppte vir die doeleindes van hierdie artikel
aanstel.
- (2) Indien die registrateur dit nodig ag, kan hy met
die goedkeuring van die president en op die voor- 10
waardes wat die raad bepaal, iemand, uitgesonderd
'n lid van die raad of van 'n beroepsraad, wat nie in
die heeltidse diens van die raad is nie as ondersoek-
beamppte vir 'n bepaalde ondersoek aanstel, of om 15
die ondersoekbeamppte bedoel in subartikel (1) met
'n bepaalde ondersoek by te staan.
- (3) Iemand wat ingevolge subartikel (2) aangestel
is, het vir die doel van die betrokke ondersoek die-
selfde bevoegdhede en pligte as die ondersoek- 20
beamppte in subartikel (1) bedoel.
- (4) Die registrateur moet aan elke persoon wat
kragtens subartikel (1) of (2) aangestel is 'n serti-
fikaat verstrek ten effekte dat hy aldus aangestel is,
en, in die geval van 'n persoon wat aangestel is vir 'n 25
bepaalde ondersoek of om daarmee te help, dat hy
vir die ondersoek aangestel is, en by die uitoefening
van sy bevoegdhede en die uitvoering van sy pligte
moet daardie persoon die sertifikaat op aanvraag
toon.
- (5) Indien die registrateur dit nodig ag vir die ver- 30
wesenliking van die oogmerke van hierdie Wet, kan
hy ondersoek instel of laat instel—
- (a) na 'n beweerde oortreding van, of versuim om te
voldoen aan, 'n bepaling van hierdie Wet;
- (b) ten einde vas te stel of 'n bepaling van hierdie 35
Wet op 'n geregistreerde persoon van toepassing
is;
- (c) na 'n klagte, beskuldiging of bewering van onbe-
taamlike of skandelijke gedrag deur 'n geregi-
streerde persoon; 40
- (d) na die sake of optrede van 'n geregistreerde per-
soon, indien hy daarom gevra word deur iemand
op grond van bewerings wat onder eed bevestig
is.
- (6) Die registrateur of 'n ondersoekbeamppte wat 'n 45
ondersoek ingevolge hierdie artikel uitvoer, kan—
- (a) te eniger tyd wat redelik is vir die behoorlike
verrigting van die plig, met die goedkeuring van
die president en sonder voorafgaande kennisge-
wing enige perseel betree, binnegaan, deursoek 50
en die ondersoek instel en die navrae doen wat
hy nodig ag;
- (b) terwyl hy op die perseel is of te eniger ander tyd
enige persoon wat op die perseel gevind is, vra
om onmiddellik of op 'n tyd en plek deur die 55
registrateur of ondersoekbeamppte bepaal—
- (i) enige boek, stuk of ding wat betrekking het
op, of wat hy op redelike gronde vermoed
betrekking het op, die aangeleentheid wat
hy ondersoek, en wat op die perseel of in 60
die besit of bewaring of onder die beheer
van die persoon of sy werknemer of agent is
of was, aan hom te toon;
- (ii) die verduidelikings aan hom te verstrek wat
hy ten opsigte van sodanige boek, stuk of 65
ding verlang;

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4. Section 11 of the principal Act is hereby amended by the deletion of subsection (2A).

Amendment of
section 11 of
Act 56 of 1974,
as amended by
section 3 of
Act 52 of 1978.

5. The following section is hereby inserted in the principal Act after section 41:

Insertion of
section 41A in
Act 56 of 1974.

- 5 "Manner in which certain investigations may be instituted.
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- 41A.** (1) The registrar may with the approval of the president appoint an officer of the council as investigating officer for the purposes of this section.
- (2) If the registrar deems it necessary, he may with the approval of the president and on such conditions as the council may determine, appoint any person, other than a member of the council or of a professional board, who is not in the full-time employment of the council as investigating officer for a particular investigation, or to assist the investigating officer contemplated in subsection (1) with a particular investigation.
- (3) A person appointed in terms of subsection (2) shall, for the purpose of the investigation in question, have the same powers and duties as the investigating officer contemplated in subsection (1).
- (4) The registrar shall issue to every person appointed under subsection (1) or (2) a certificate to the effect that he has so been appointed, and, in the case of a person appointed for, or to assist with, a particular investigation, that he has been appointed for such investigation, and in the exercise of his powers and the carrying out of his duties that person shall on demand produce such certificate.
- (5) If the registrar deems it necessary for the achievement of the objects of this Act, he may institute or cause to be instituted an investigation—
- (a) into an alleged contravention of, or failure to comply with, any provision of this Act;
- (b) in order to determine if any provision of this Act applies to a registered person;
- (c) into a charge, complaint or allegation of improper or disgraceful conduct by a registered person;
- (d) into the affairs or conduct of a registered person, if requested to do so by a person by reason of allegations confirmed upon oath.
- (6) The registrar or an investigating officer who carries out an investigation in terms of this section may—
- (a) at any time reasonable for the proper performance of the duty, with the approval of the president and without prior notice enter upon, enter and search any premises, and carry out such an investigation and make such enquiries as he may deem necessary;
- (b) while he is on the premises or at any other time request any person found on the premises to immediately or at a time and place determined by the registrar or investigating officer—
- (i) produce to him any book, document or thing relating to, or which he on reasonable grounds believes to relate to, the matter which he is investigating, and which is or was on the premises, or in the possession or custody or under the control of that person or his employee or agent;
- (ii) furnish such explanations to him as he may require in respect of any such book, document or thing;

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- (c) te eniger tyd en op enige plek enige persoon wat 'n boek, stuk of ding wat betrekking het op die aangeleentheid wat hy ondersoek, in sy besit of bewaring of onder sy beheer het of op redelike gronde vermoed word te hê, versoek om dit onmiddellik of op 'n tyd en plek deur die registrateur of ondersoekbeampte bepaal, aan hom te toon, die boek, stuk of ding ondersoek, uittreksels uit en afskrifte van die boek of stuk maak, en enige persoon versoek om die verduidelikings ten opsigte van enige inskrywing daarin aan hom te verstrek wat hy verlang;
- (d) beslag lê op enige boek, stuk of ding wat na sy mening bewys mag lewer van enige beweerde oortreding van, of versuim om te voldoen aan, 'n bepaling van hierdie Wet, of van enige beweerde onbetaamlike of skandelijke gedrag bedoel in hierdie Wet, en die boek, stuk of ding behou totdat enige strafregtelike of ander verrigtinge ingevolge hierdie Wet afgehandel is of daar besluit is om nie met enige beoogde verrigtinge voort te gaan nie.
- (7) Die registrateur of ondersoekbeampte moet 'n kwitansie gee aan die persoon op wie se sake 'n boek of stuk waarop kragtens subartikel (6) beslag gelê is, betrekking het, en dié persoon kan gedurende kantoorure en onder die toesig en op die voorwaardes wat die registrateur of ondersoekbeampte bepaal, afskrifte daarvan en uittreksels daaruit maak.
- (8) (a) Die registrateur of 'n ondersoekbeampte wat 'n ondersoek ingevolge hierdie artikel uitvoer, moet 'n verslag oor die ondersoek opstel, en 'n verslag wat deur 'n ondersoekbeampte opgestel is, moet aan die registrateur voorgelê word.
- (b) (i) Indien so 'n verslag *prima facie*-getuienis openbaar van onbetaamlike of skandelijke gedrag bedoel in hierdie Wet en daar nie 'n klagte, beskuldiging of bewering betreffende die betrokke gedrag vir die doel van 'n ondersoek ingevolge artikel 41 of 48 gemaak is nie, word die verslag geag 'n klagte te wees wat vir daardie doel gemaak is, en moet die registrateur 'n afskrif daarvan aan die betrokke geregistreerde persoon bestel.
- (ii) Indien so 'n verslag *prima facie*-getuienis openbaar wat na die president se mening dit wenslik maak dat 'n ondersoek ingevolge artikel 51 ingestel moet word, moet die registrateur 'n afskrif daarvan aan die betrokke geregistreerde persoon bestel.
- (c) Vir sover so 'n verslag verklarings van getuies bevat wat as mondelinge getuienis by 'n ondersoek ingevolge artikel 41, 48 of 51 toelaatbaar sou wees, is die bepalings van artikel 213 van die Strafproseswet, 1977 (Wet No. 51 van 1977), *mutatis mutandis* van toepassing ten opsigte van daardie verklarings by so 'n ondersoek.
- (9) (a) Iemand wat 'n ondersoek ingevolge hierdie artikel uitvoer of met die uitvoering daarvan behulpsaam is, moet ten opsigte van alle feite wat in die uitvoering van sy werksaamhede tot sy kennis kom, geheimhouding bewaar of help bewaar en mag nie so 'n feit aan enigiemand meedeel nie, behalwe die registrateur, die president, die raad, die betrokke beroepsraad, of die betrokke staatsaanklaer in die geval van 'n misdryf ingevolge hierdie Wet, of op bevel van 'n geregshof.

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- 5 (c) at any time and at any place request any person who has or is suspected on reasonable grounds of having in his possession or custody or under his control any book, document or thing relating to the matter which he is investigating, to produce it immediately or at a time and place determined by the registrar or investigating officer, examine such book, document or thing, make extracts from and copies of the book or document, and request any person to furnish such explanations to him as he may require in respect of any entry in that book or document;
- 10 (d) seize any book, document or thing which in his opinion may afford evidence of any alleged contravention of, or failure to comply with, any provision of this Act, or of any alleged improper or disgraceful conduct contemplated in this Act, and retain that book, document or thing until any criminal or other proceedings in terms of this Act have been disposed of or until it has been decided not to proceed with any contemplated proceedings.
- 15 (7) The registrar or investigating officer shall give a receipt to the person to whose affairs any book or document seized under subsection (6) relates, and that person may make copies thereof and extracts therefrom during office hours and under such supervision and on such conditions as the registrar or investigating officer may determine.
- 20 (8) (a) The registrar or an investigating officer who carries out an investigation under this section, shall compile a report of the investigation, and a report compiled by an investigating officer shall be submitted to the registrar.
- 25 (b) (i) If such a report reveals *prima facie* evidence of improper or disgraceful conduct contemplated in this Act and no complaint, charge or allegation regarding the conduct in question has been made for the purpose of an inquiry in terms of section 41 or 48, such report shall be deemed to be a complaint made for that purpose, and the registrar shall serve a copy thereof on the registered person concerned.
- 30 (ii) If such a report reveals *prima facie* evidence which in the opinion of the president makes it desirable that an inquiry in terms of section 51 be instituted, the registrar shall serve a copy thereof on the registered person concerned.
- 35 (c) To the extent that such a report contains statements of witnesses which would have been admissible as oral evidence at an inquiry in terms of section 41, 48 or 51, the provisions of section 213 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall apply *mutatis mutandis* in respect of those statements at such an inquiry.
- 40 (9) (a) A person who carries out or assists with the carrying out of an investigation in terms of this section, shall keep or assist in preserving secrecy in respect of all facts which come to his notice in the performance of his functions, and shall not disclose any such fact to any person except the registrar, the president, the council, the professional board concerned, or the public prosecutor concerned in the case of an offence in terms of this Act, or by order of a court.
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- (b) Ondanks die bepalings van paragraaf (a) mag geen persoonlike besonderhede betreffende 'n pasiënt aan enigiemand meegedeel word nie behalwe op bevel van 'n geregshof of met die toestemming van die voorsittende beampte by 'n ondersoek bedoel in artikel 41, 48 of 51. 5
- (10) (a) Indien die raad by 'n ondersoek ingevolge artikel 41, 48 of 51 of in 'n geval wat deur die registrateur na die raad verwys is, oortuig is dat die persoon bedoel in subartikel (5) (d) geen gegronde rede gehad het om om 'n ondersoek te vra nie, kan die raad beveel dat die koste van die ondersoek deur die registrateur of die betrokke ondersoek-beampte, of die gedeelte daarvan wat die raad bepaal, deur daardie persoon aan die raad betaal word. 10
- (b) So 'n bevel word ten uitvoer gelê asof dit 'n vonnis in 'n siviele geding in 'n landdroshof was. 15
- (11) Iemand wat—
- (a) weier of versuim om enige boek, stuk of ding te toon, of enige verduideliking te verstrek, aan iemand wat ingevolge hierdie artikel gemagtig is om daarom te vra, of wat 'n verduideliking verstrek met die wete dat dit vals is; 25
- (b) die registrateur of 'n ondersoekbeampte by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte hinder of in die weg staan; 30
- (c) voorgee dat hy die registrateur of 'n ondersoek-beampte is; 35
- (d) 'n bepaling van subartikel (9) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
- (i) in die geval van 'n oortreding in paragraaf (a), (b) of (c) bedoel, met 'n boete van hoogstens R500 of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf; 40
- (ii) in die geval van 'n oortreding in paragraaf (d) bedoel, met 'n boete van hoogstens R1 500 of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf. 45
- (12) Die bepalings van hierdie artikel doen nie afbreuk aan die bevoegdheid van enige gesag om ondersoek in te stel na 'n beweerde oortreding van, of versuim om te voldoen aan, 'n bepaling van hierdie Wet nie. 50

Vervanging van
artikel 52 van
Wet 56 van 1974.

6. Artikel 52 van die Hoofwet word hierby deur die volgende artikel vervang:

"Geneeshere
of tandartse
kan medisyne
toeberei.

52. (1) (a) Iedere geneesheer of tandarts wie se naam in die register bedoel in subartikel (2) ingeskryf is, is geregtig om op die voorwaardes wat die raad in die algemeen of in 'n besondere geval bepaal, medisyne wat voorgeskryf is deur homself of deur 'n ander geneesheer of tandarts met wie hy in vennootskap is of tot wie hy as prinsipaal of assistent of plaasvervanger in betrekking staan, persoonlik aan te maak of toe te berei, vir gebruik deur 'n pasiënt wat deur so 'n geneesheer of tandarts of deur so 'n ander geneesheer of tandarts behandel word: Met dien verstande dat hy nie 'n ope winkel of apteek mag aanhou nie. 55
- (b) Die raad kan op die voorwaardes wat hy bepaal 'n geneesheer of tandarts vrystel van die vereiste van registrasie bedoel in paragraaf (a), en kan, na 'n ondersoek, die vrystelling intrek. 60 65

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- (b) Notwithstanding the provisions of paragraph (a), no personal particulars regarding a patient shall be disclosed to any person except by order of a court or with the consent of the presiding officer at an inquiry contemplated in section 41, 48 or 51.
- (10) (a) If the council at an inquiry in terms of section 41, 48 or 51, or in a case referred to the council by the registrar, is satisfied that the person contemplated in subsection (5) (d) had no reasonable grounds to ask for an investigation, the council may order that the costs of the investigation by the registrar or the investigating officer concerned, or such portion thereof as the council may determine, be paid by that person to the council.
- (b) Such an order shall be executed as if it were a judgment in a civil case in a magistrate's court.
- (11) Any person who—
- (a) refuses or neglects to produce any book, document or thing, or furnish any explanation to any person who is in terms of this section authorized to ask therefor, or who furnishes an explanation knowing it to be false;
- (b) hinders or obstructs the registrar or an investigating officer in the exercise of his powers or the carrying out of his duties;
- (c) pretends that he is the registrar or an investigating officer;
- (d) contravenes a provision of subsection (9), shall be guilty of an offence and liable on conviction—
- (i) in the case of a contravention contemplated in paragraph (a), (b) or (c), to a fine not exceeding R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
- (ii) in the case of a contravention contemplated in paragraph (d), to a fine not exceeding R1 500 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.
- (12) The provisions of this section shall be without prejudice to the power of any authority to institute an investigation into any alleged contravention of, or failure to comply with, any provision of this Act."

6. The following section is hereby substituted for section 52 of the principal Act:

Substitution of
section 52 of
Act 56 of 1974.

- 50 "Medical practitioners and dentists may dispense medicines.
- 55 52. (1) (a) Every medical practitioner or dentist whose name has been entered in the register contemplated in subsection (2) shall, on such conditions as the council may determine in general or in a particular case, be entitled to personally compound or dispense medicines prescribed by himself or by any other medical practitioner or dentist with whom he is in partnership or with whom he is associated as principal or assistant or *locum tenens*, for use by a patient under treatment of such medical practitioner or dentist or of such other medical practitioner or dentist: Provided that he shall not be entitled to keep an open shop or pharmacy.
- 60 (b) The council may, on such conditions as it may determine, exempt any medical practitioner or dentist from the requirement of registration contemplated in paragraph (a), and may, after an investigation, withdraw such exemption.
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(2) Die registrateur hou 'n register waarin hy, in opdrag van die raad, die naam en die ander besonderhede wat die raad bepaal, moet skryf van 'n geneesheer of tandarts—

(a) wat binne drie maande na die inwerkingtreding van die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1984, ten genoë van die registrateur bewys voorlê dat hy by genoemde inwerkingtreding medisyne by die beoefening van sy beroep aangemaak of toeberei het soos bedoel in subartikel (1) (a); of

(b) wat die registrateur op die voorgeskrewe wyse van sy voorneme in kennis stel om by die beoefening van sy beroep medisyne aan te maak of toe te berei soos in subartikel (1) (a) beoog.

(3) Die raad kan, na 'n ondersoek, gelas dat iemand se naam van die register bedoel in subartikel (2) geskrap word, of hom vir 'n vasgestelde tydperk verbied om van die reg beoog in subartikel (1) gebruik te maak.

(4) Die raad kan gelde bepaal wat betaal moet word vir die inskryf van 'n naam in die register bedoel in subartikel (2)."

Vervanging van artikel 52A van Wet 56 van 1974, soos ingevoeg deur artikel 17 van Wet 36 van 1977.

7. Artikel 52A van die Hoofwet word hierby deur die volgende artikel vervang:

"Magtiging vir verskaffing in sekere omstandighede van sekere medisyne deur sekere geregistreerde persone ooreenkomstig opdragte van geneesheer.

52A. Die [Sekretaris van Gesondheid] raad kan, indien hy van oordeel is dat die spreekkamer van 'n geneesheer in artikel 52 (1) (a) bedoel nie binne 'n redelike afstand van 'n kleinhandelsapteek geleë is nie, magtiging verleen, onderworpe aan die voorwaardes wat hy goedvind om op te lê, vir die verskaffing deur iemand wat in die diens van daardie geneesheer is en wat kragtens die Wet op Verpleging, [1957 (Wet No. 69 van 1957)], 1978 (Wet No. 50 van 1978), as [verpleegster] verpleegkundige geregistreer [of ingeskryf] is, van enige medisyne vermeld in Bylae 1, 2, 3 of 4 by die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), aan iemand wat deur daardie geneesheer behandel word: Met dien verstande dat sodanige verskaffing ooreenkomstig die opdragte van daardie geneesheer moet geskied."

Herroeping van artikel 53A van Wet 56 van 1974, soos ingevoeg deur artikel 10 van Wet 52 van 1978 en gewysig deur artikel 8 van Wet 43 van 1980 en artikel 1 van Wet 66 van 1981.

8. Artikel 53A van die Hoofwet word hierby herroep.

Wysiging van artikel 61 van Wet 56 van 1974, soos gewysig deur artikel 10 van Wet 33 van 1976, artikel 18 van Wet 36 van 1977, artikel 9 van Wet 43 van 1980 en artikel 4 van Wet 38 van 1982.

9. Artikel 61 van die Hoofwet word hierby gewysig deur subartikel (2A) te skrap.

Kort titel en inwerkingtreding.

10. Hierdie Wet heet die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal.

MEDICAL, DENTAL AND SUPPLEMENTARY HEALTH SERVICE
PROFESSIONS AMENDMENT ACT, 1984

Act No. 58, 1984

(2) The registrar shall keep a register in which he shall enter, at the direction of the council, the name and such other particulars as the council may determine of a medical practitioner or dentist—

- 5 (a) who within three months after the commencement of the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1984, submits proof to the satisfaction of the registrar that at such commencement he compounded or dispensed medicine as contemplated in subsection (1) (a) in the practice of his profession; or
- 10 (b) who informs the registrar in the prescribed manner of his intention to compound or dispense medicine in the practice of his profession as contemplated in subsection (1) (a).
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(3) The council may, after an investigation, direct that the name of any person be removed from the register contemplated in subsection (2), or prohibit him for a specified period from making use of the right contemplated in subsection (1).

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(4) The council may determine fees to be paid for the entering of a name in the register contemplated in subsection (2)."

25 7. The following section is hereby substituted for section 52A of the principal Act:

30 "Authority for supply in certain circumstances of certain medicines by certain registered persons in accordance with directions of medical practitioner.

35 52A. The **[Secretary for Health] council** may, if **[he] it** is of the opinion that the consulting rooms of a medical practitioner contemplated in section 52 (1) (a) are not situated within a reasonable distance of a retail pharmacy, grant authority, subject to such conditions as **[he] it** may deem fit to impose, for the supply by any person who is in the employment of such medical practitioner and who is registered **[or enrolled]** as a nurse under the Nursing Act, **[1957 (Act No. 69 of 1957)] 1978 (Act No. 50 of 1978)**, of any medicine mentioned in Schedule 1, 2, 3 or 4 to the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), to any person under the treatment of such medical practitioner: Provided that such supply shall take place in accordance with the directions of such medical practitioner."

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Substitution of section 52A of Act 56 of 1974, as inserted by section 17 of Act 36 of 1977.

8. Section 53A of the principal Act is hereby repealed.

Repeal of section 53A of Act 56 of 1974, as inserted by section 10 of Act 52 of 1978 and amended by section 8 of Act 43 of 1980 and section 1 of Act 66 of 1981.

45 9. Section 61 of the principal Act is hereby amended by the deletion of subsection (2A).

Amendment of section 61 of Act 56 of 1974, as amended by section 10 of Act 33 of 1976, section 18 of Act 36 of 1977, section 9 of Act 43 of 1980 and section 4 of Act 38 of 1982.

10. This Act shall be called the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

