



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 337

CAPE TOWN, 16 JULY 1993

KAAPSTAD, 16 JULIE 1993

No. 14945

STATE PRESIDENT'S OFFICE

No. 1202.

16 July 1993

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

No. 106 of 1993: Natural Scientific Professions Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1202.

16 Julie 1993

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

No. 106 van 1993: Wet op Natuurwetenskaplike Professies, 1993.

ACT

To provide for the establishment of the South African Council for Natural Scientific Professions; and for the registration of professional natural scientists, professional natural scientists-in-training, professional natural science technologists and professional natural science technologists-in-training; and for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 28 June 1993.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “Committee of Technikon Principals”, means the committee established by section 28 of the Technikons Act, 1967 (Act No. 40 of 1967); (v) 5
 - (ii) “Committee of University Principals” means the committee established by section 6 of the Universities Act, 1955 (Act No. 61 of 1955); (vi) 10
 - (iii) “council” means the South African Council for Natural Scientific Professions established by section 2; (xiv)
 - (iv) “department” means the Department of National Education; (ii)
 - (v) “Director-General” means the Director-General: National Education; (iii) 15
 - (vi) “education advisory committee” means the Education Advisory Committee established in terms of section 10(1)(a); (i)
 - (vii) “inquiry”, for the purposes of sections 7(1)(j), 14 and 15, means an inquiry or preliminary investigation by the council or a committee of the council; (ix) 20
 - (viii) “Minister” means the Minister of National Education; (vii)
 - (ix) “natural scientific work” means natural scientific work reserved in terms of section 7(6); (viii)
 - (x) “prescribed” means prescribed by or under this Act; (xviii)
 - (xi) “professional natural science technologist” means a person registered in terms of section 11(6); (xii) 25
 - (xii) “professional natural science technologist-in-training” means a person registered in terms of section 11(7); (xiii)
 - (xiii) “professional natural scientist” means a person registered in terms of section 11(2) or (4); (x) 30
 - (xiv) “professional natural scientist-in-training” means a person registered in terms of section 11(3); (xi)
 - (xv) “register” means the register or registers referred to in section 7(3); (xvi)
 - (xvi) “registrar” means the person appointed as a registrar in terms of section 7(1)(a); (xvii) 35
 - (xvii) “rule” means a rule made under this Act; (xv)
 - (xviii) “this Act” includes any notice or rule issued or made under this Act. (iv)

Establishment of South African Council for Natural Scientific Professions 40

2. There is hereby established a juristic person to be known as the South African Council for Natural Scientific Professions.

WET

Om voorsiening te maak vir die instelling van die Suid-Afrikaanse Raad vir Natuurwetenskaplike Professions; en vir die registrasie van professionele natuurwetenskaplikes, professionele natuurwetenskaplikes-in-opleiding, professionele natuurwetenskaplike tegnoloë en professionele natuurwetenskaplike tegnoloë-in-opleiding; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 28 Junie 1993.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) “adviserende onderwyskomitee” die Adviserende Onderwyskomitee by artikel 10(1)(a) ingestel; (vi)
 - (ii) “departement” die Departement van Nasionale Opvoeding; (iv)
 - (iii) “Direkteur-generaal” die Direkteur-generaal: Nasionale Opvoeding; (v)
 - 10 (iv) “hierdie Wet” ook ’n kennisgewing of reël kragtens hierdie Wet uitgereik of uitgevaardig; (xviii)
 - (v) “Komitee van Technikonhoofde” die komitee ingestel by artikel 28 van die Wet op Teknikons, 1967 (Wet No. 40 van 1967); (i)
 - 15 (vi) “Komitee van Universiteitshoofde” die komitee ingestel by artikel 6 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955); (ii)
 - (vii) “Minister” die Minister van Nasionale Opvoeding; (viii)
 - (viii) “natuurwetenskaplike werk” natuurwetenskaplike werk kragtens artikel 7(6) voorbehou; (ix)
 - 20 (ix) “ondersoek”, by die toepassing van artikels 7(1)(j), 14 en 15, ’n ondersoek of voorlopige ondersoek deur die raad of ’n komitee van die raad; (vii)
 - (x) “professionele natuurwetenskaplike” iemand wat ingevolge artikel 11(2) of (4) geregistreer is; (xiii)
 - 25 (xi) “professionele natuurwetenskaplike-in-opleiding” iemand wat ingevolge artikel 11(3) geregistreer is; (xiv)
 - (xii) “professionele natuurwetenskaplike tegnoloog” iemand wat ingevolge artikel 11(6) geregistreer is; (xi)
 - (xiii) “professionele natuurwetenskaplike tegnoloog-in-opleiding” iemand wat ingevolge artikel 11(7) geregistreer is; (xii)
 - 30 (xiv) “raad” die Suid-Afrikaanse Raad vir Natuurwetenskaplike Professions by artikel 2 ingestel; (iii)
 - (xv) “reël” ’n reël wat kragtens hierdie Wet uitgevaardig is; (xvii)
 - (xvi) “register” die register of registers in artikel 7(3) bedoel; (xv)
 - 35 (xvii) “registrateur” die persoon wat ingevolge artikel 7(1)(a) as registrateur aangestel is; (xvi)
 - (xviii) “voorgeskryf” by of kragtens hierdie Wet voorgeskryf. (x)

Instelling van Suid-Afrikaanse Raad vir Natuurwetenskaplike Professions

2. Hierby word ’n regspersoon met die naam die Suid-Afrikaanse Raad vir Natuurwetenskaplike Professions ingestel.

Constitution of council and appointment of members

3. (1) The council shall consist of the following members, to be appointed by the Minister, namely—

- (a) ten persons registered in terms of this Act, of whom—
- (i) one shall be nominated by the Joint Council of Earth Sciences after consultation with the Soil Science Society of South Africa, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of earth sciences; 5
 - (ii) one shall be nominated by the South African Chemical Institute, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of chemistry; 10
 - (iii) one shall be nominated by the Zoological Society of Southern Africa after consultation with the Southern African Society for Aquatic Scientists, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of zoology; 15
 - (iv) one shall be nominated by the South African Institute of Physics, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of physics; 20
 - (v) one shall be nominated by the Liaison Committee of Scientific Societies Concerned with Agriculture from those scientific societies in respect of which a person has not already been nominated in terms of subparagraph (i), and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the sciences related to agriculture; 25
 - (vi) one shall be nominated by the South African Association of Botanists after consultation with the Southern African Society of Aquatic Scientists, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of botany; 30
 - (vii) one shall be nominated by the South African Mathematical Society after consultation with the South African Institute of Computer Scientists, the South African Statistical Association and the Operations Research Society of South Africa, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of mathematics; 35
 - (viii) one shall be nominated by the South African Society of Crop Production after consultation with the Southern African Society for Horticultural Sciences, the South African Society for Enology and Viticulture, the Southern African Weed Science Society and the Southern African Institute of Forestry, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the sciences related to plant production; 40
 - (ix) one shall be nominated by the South African Society for Animal Production after consultation with the South African Society for Animal Science, the Grassland Society of Southern Africa and the South African Institute of Ecologists, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the sciences related to animal production; and 50
 - (x) one shall be nominated by the Joint Council of Scientific Societies, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the natural sciences in South Africa;
- (b) five persons, at least one of whom shall be an officer as defined in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984), appointed by the Minister on the grounds that by virtue of their knowledge and experience of public affairs or the industrial requirements of the country they are particularly suited to judge how the public interest, in so far as it is affected by the natural sciences and technology, can best be safeguarded and promoted; 55 60

Samestelling van raad en aanstelling van lede

3. (1) Die raad bestaan uit die volgende lede, wat deur die Minister aangestel word, naamlik—

- 5 (a) tien persone ingevolge hierdie Wet geregistreer, van wie—
- (i) een deur die Gesamentlike Raad van Aardwetenskappe na
oorleg met die Grondkundevereniging van Suid-Afrika be-
noem word, en ten opsigte van wie die Minister oortuig is dat
hy oor 'n grondige kennis van die aardwetenskappe beskik;
- 10 (ii) een deur die Suid-Afrikaanse Chemiese Instituut benoem
word, en ten opsigte van wie die Minister oortuig is dat hy oor
'n grondige kennis van chemie beskik;
- (iii) een deur die Dierkundige Vereniging van Suidelike Afrika na
oorleg met die Suider-Afrikaanse Vereniging vir Akwatiese
Wetenskaplikes benoem word, en ten opsigte van wie die
15 Minister oortuig is dat hy oor 'n grondige kennis van dierkunde
beskik;
- (iv) een deur die Suid-Afrikaanse Instituut vir Fisika benoem
word, en ten opsigte van wie die Minister oortuig is dat hy oor
'n grondige kennis van fisika beskik;
- 20 (v) een deur die Skakelkomitee van Vakverenigings met Land-
boukundige Verband benoem word uit dié vakverenigings ten
opsigte waarvan iemand nie reeds ingevolge subparagraaf (i)
benoem is nie, en ten opsigte van wie die Minister oortuig is dat
hy oor 'n grondige kennis van die wetenskappe verwant aan
25 landbou beskik;
- (vi) een deur die Suid-Afrikaanse Genootskap van Plantkundiges
na oorleg met die Suider-Afrikaanse Vereniging vir Akwatiese
Wetenskaplikes benoem word, en ten opsigte van wie die
Minister oortuig is dat hy oor 'n grondige kennis van
30 plantkunde beskik;
- (vii) een deur die Suid-Afrikaanse Wiskundige Vereniging na
oorleg met die Suid-Afrikaanse Instituut van Rekenaarweten-
skaplikes, die Suid-Afrikaanse Statistiese Vereniging en die
Operasionele Navorsingsvereniging van Suid-Afrika benoem
word, en ten opsigte van wie die Minister oortuig is dat hy oor
35 'n grondige kennis van wiskunde beskik;
- (viii) een deur die Suid-Afrikaanse Vereniging vir Gewasproduksie
na oorleg met die Suider-Afrikaanse Vereniging vir Tuinbou-
wetenskappe, die Suid-Afrikaanse Wingerd- en Wynkundige
Vereniging, die Suider-Afrikaanse Vereniging vir Onkruid-
wetenskap en die Suider-Afrikaanse Instituut van Boswese
benoem word, en ten opsigte van wie die Minister oortuig is dat
hy oor 'n grondige kennis van die wetenskappe verwant aan
40 plantproduksie beskik;
- (ix) een deur die Suid-Afrikaanse Vereniging vir Dierreproduksie
na oorleg met die Suid-Afrikaanse Vereniging vir Veekunde,
die Weidingsvereniging van Suidelike Afrika en die Suid-
Afrikaanse Instituut van Ekoloë benoem word, en ten opsigte
van wie die Minister oortuig is dat hy oor 'n grondige kennis
45 van die wetenskappe verwant aan diereproduksie beskik; en
- (x) een deur die Gesamentlike Raad van Natuurwetenskaplike
Verenigings benoem word, en ten opsigte van wie die Minister
oortuig is dat hy oor 'n grondige kennis van die natuurweten-
skappe in Suid-Afrika beskik;
- 55 (b) vyf persone, van wie minstens een 'n beampte soos omskryf in artikel 1
van die Staatsdienswet, 1984 (Wet No. 111 van 1984), moet wees, wat
deur die Minister aangestel word op grond daarvan dat hulle uit hoofde
van hul kennis en ervaring betreffende openbare aangeleenthede of
die nywerheidsbehoefte van die land uitnemend geskik is om te oordeel
60 hoe die openbare belang, vir sover dit deur die natuurwetenskappe en
tegnologie geraak word, ten beste beskerm en bevorder kan word;

- (c) three persons, registered in terms of this Act, who shall be nominated by the Association of Natural Science Technologists, and in respect of whom the Minister shall be satisfied that they have a thorough knowledge of the work performed by professional natural science technologists; 5
- (d) two persons, employed by universities in the Republic, nominated by the Committee of University Principals, and in respect of whom the Minister shall be satisfied that they have a thorough knowledge of the teaching of natural sciences at universities; and
- (e) two persons employed by technikons in the Republic, nominated by the Committee of Technikon Principals, and in respect of whom the Minister shall be satisfied that they have a thorough knowledge of the teaching of natural sciences at technikons. 10
- (2) Whenever any nomination under subsection (1)(a), (c), (d) and (e) becomes necessary, the Minister shall call upon the body concerned or cause it to be called upon, by notice in writing, to nominate within a period specified in the notice, being not less than 60 days from the date thereof, so many persons as may be required to be nominated by it for appointment to the council. 15
- (3) If after having been called upon by notice in terms of subsection (2), the body concerned fails to nominate within the period specified in such notice so many persons as were in terms of such notice required to be nominated, the Minister may appoint the person or persons whom he may deem suitable and who hold the qualifications necessary for appointment, to be a member or members of the council in terms of the paragraph concerned of subsection (1). 20
- (4) For every member of the council appointed in terms of subsection (1) or (3) there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed may attend and take part in the proceedings at any meeting of the council whenever the member to whom he has been appointed as an alternate member is absent from such meeting. 25
- (5) When the council is constituted for the first time the three persons referred to in subsection (1)(c) need not be registered in terms of this Act, but such a member shall vacate his office if he is not so registered within 12 months after the commencement of this Act. 30

Circumstances under which member vacates office

4. A member and an alternate member of the council shall vacate his office if he— 35
- (a) submits his resignation in writing to the Minister;
- (b) becomes a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
- (c) has been removed from an office of trust on account of improper conduct; 40
- (d) has been absent from three consecutive meetings of the council without its leave;
- (e) is disqualified from registration in terms of a punishment imposed under this Act; 45
- (f) is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
- (g) is a person appointed in terms of section 3(1)(a) or (c) and ceases to be a person registered in terms of this Act;
- (h) is an officer who was appointed in terms of section 3(1)(b) and ceases to be employed by the State; or 50
- (i) was appointed in terms of section 3(1)(d) or (e) and ceases to be employed by a university or a technikon in the Republic, as the case may be.

Period of office of members, first meeting of council and resolutions of council 55

5. (1) Every member or alternate member of the council shall be appointed for a period of four years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

- (c) drie persone, ingevolge hierdie Wet geregistreer, wat benoem word deur die Vereniging van Natuurwetenskaplike Tegnoloë, en ten opsigte van wie die Minister oortuig is dat hulle oor 'n grondige kennis van die werk wat deur professionele natuurwetenskaplike tegnoloë gedoen word, beskik;
- (d) twee persone in diens van universiteite in die Republiek wat benoem word deur die Komitee van Universiteitshoofde, en ten opsigte van wie die Minister oortuig is dat hulle oor 'n grondige kennis van natuurwetenskaponderrig aan universiteite beskik; en
- (e) twee persone in diens van teknikons in die Republiek wat benoem word deur die Komitee van Teknikonhoofde, en ten opsigte van wie die Minister oortuig is dat hulle oor 'n grondige kennis van natuurwetenskaponderrig aan teknikons beskik.
- (2) Wanneer enige benoeming ingevolge subartikel (1)(a), (c), (d) en (e) nodig word, moet die Minister die betrokke liggaam deur skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die kennisgewing vermeld, maar minstens 60 dae vanaf die datum van die kennisgewing, soveel persone te benoem as wat deur die liggaam vir aanstelling in die raad benoem moet word.
- (3) Indien die betrokke liggaam in gebreke bly om, na aansegging ingevolge subartikel (2), binne die tydperk in die kennisgewing vermeld soveel persone te benoem as wat ingevolge die kennisgewing benoem moes word, kan die Minister die persoon of persone wat hy geskik ag en wat oor die nodige kwalifikasies vir aanstelling beskik, aanstel om ingevolge die betrokke paragraaf van subartikel (1) 'n lid of lede van die raad te wees.
- (4) Vir elke lid van die raad ingevolge subartikel (1) of (3) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en 'n plaasvervangende lid aldus aangestel, kan 'n vergadering van die raad bywoon en aan die verrigtinge aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel is, van bedoelde vergadering afwesig is.
- (5) By die eerste samestelling van die raad hoef die drie persone in subartikel (1)(c) bedoel nie ingevolge hierdie Wet geregistreer te wees nie, maar so 'n lid ontruim sy amp as hy nie binne 12 maande na die inwerkingtreding van hierdie Wet aldus geregistreer is nie.

Omstandighede waaronder lid sy amp ontruim

4. 'n Lid en 'n plaasvervangende lid van die raad ontruim sy amp as hy—
- (a) sy bedanking skriftelik aan die Minister voorlê;
- (b) 'n pasiënt of 'n Presidentspasiënt soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), word;
- (c) weens onbehoorlike gedrag uit 'n vertrouensamp verwyder is;
- (d) sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;
- (e) ingevolge 'n straf wat kragtens hierdie Wet opgelê is onbevoeg vir registrasie verklaar is;
- (f) weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;
- (g) ingevolge artikel 3(1)(a) of (c) aangestel is en ophou om 'n persoon te wees wat ingevolge hierdie Wet geregistreer is;
- (h) 'n beampte is wat ingevolge artikel 3(1)(b) aangestel is en ophou om in diens van die Staat te wees; of
- (i) ingevolge artikel 3(1)(d) of (e) aangestel is en ophou om in diens van 'n universiteit of 'n teknikon in die Republiek te wees, na gelang van die geval.

Ampsduur van lede, eerste raadsvergadering en raadsbesluite

5. (1) Elke lid of plaasvervangende lid van die raad word aangestel vir 'n tydperk van vier jaar, maar behou na verstryking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is.

(2) Whenever a member or alternate member of the council vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the provisions of section 3, appoint a person to fill the vacancy for the unexpired portion of the period for which such member or alternate member was appointed.

(3) Any person whose period of office as a member of the council has expired, shall be eligible for reappointment.

(4) The first meeting of the council shall be held at a time and place to be fixed by the Minister.

(5) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of a vacancy on the council or of the fact that a person who was 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 that time and entitled to sit as members.

President and vice-president of council

6. (1) The members of the council shall, at the first meeting of every newly constituted council, out of their number elect a president and vice-president of the council, and the president and the vice-president shall hold office during the term of office of the council: Provided that a member of the council who is not a professional natural scientist or professional natural science technologist shall not be elected president or vice-president of the council or preside at any meeting of the council.

(2) If the president or the vice-president of the council vacates his office before the expiration of the period for which he was appointed as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as president or vice-president, as the case may be, of the council.

(3) If for any reason the president is not able to act, the vice-president, if able to do so, shall act in his stead.

(4) If the president and the vice-president are absent from any meeting of the council or unable to preside, the members present shall subject to the provisions of subsection (1) elect one of their number to preside at that meeting, and the person so elected to preside may during that meeting and until the president or the vice-president resumes duty, perform all the duties of the president.

Powers of council

7. (1) The council shall have the power—

(a) to appoint and remunerate a registrar and other officials, to determine their duties and responsibilities and to do whatever the council considers necessary in relation to their conditions of service;

(b) to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions and maintain, let or sell or in any other manner dispose of property so acquired;

(c) to enter into contracts and to decide the manner in which contracts shall be entered into on behalf of the council;

(d) to collect the funds of the council and to invest such funds as the council deems fit;

(e) to determine the fees which shall be payable to the council in respect of any examination, or part thereof, conducted by or on behalf of the council in terms of this Act;

(f) subject to the provisions of section 10(3), to consider and give its final decision on recommendations of a committee of the council;

(g) to prescribe the manner in which a person shall apply for registration in terms of section 11, to prescribe the registration fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person while he is registered in terms of this Act, to determine what portion of such annual fees shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and

- (2) Wanneer 'n lid of plaasvervangende lid van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, behoudens die bepalings van artikel 3, 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor daardie lid of plaasvervangende lid aangestel is.
- (3) Iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word.
- (4) Die eerste vergadering van die raad word gehou op 'n tyd en plek deur die Minister bepaal.
- (5) Geen besluit van die raad of handeling op gesag van die raad is ongeldig nie slegs as gevolg van 'n vakature in die raad of weens die feit dat 'n persoon wat nie geregtig was om as raadslid te sit nie, wel as lid gesit het op die tydstip waarop die besluit geneem is of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die raadslede wat op daardie tydstip teenwoordig was en geregtig was om as lede te sit.

President en vise-president van raad

6. (1) Die lede van die raad kies op die eerste vergadering van elke nuut saamgestelde raad uit hul midde 'n president en 'n vise-president van die raad, en die president en die vise-president beklee hulle amp gedurende die ampsduur van die raad: Met dien verstande dat 'n lid van die raad wat nie 'n professionele natuurwetenskaplike of professionele natuurwetenskaplike tegnoloog is nie, nie as president of vise-president van die raad verkies mag word of mag voorsit by enige vergadering van die raad nie.
- (2) Indien die president of die vise-president van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, word 'n ander lid van die raad behoudens die bepalings van subartikel (1) as president of vise-president van die raad, na gelang van die geval, gekies.
- (3) Indien die president om die een of ander rede nie kan optree nie, moet die vise-president, indien hy dit kan doen, in sy plek optree.
- (4) Indien die president en die vise-president van 'n vergadering van die raad afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede behoudens die bepalings van subartikel (1) een uit hul midde kies om op daardie vergadering voor te sit, en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die president of die vise-president sy ampspligte hervat, al die pligte van die president verrig.

Bevoegdhede van raad

7. (1) Die raad is bevoeg—
- (a) om 'n registrateur en ander amptenare aan te stel en te besoldig, hulle pligte en verantwoordelikhede te bepaal en te doen wat die raad ook al nodig ag met betrekking tot hulle diensvoorwaardes;
- (b) om die roerende of onroerende goed wat hy vir die doeltreffende uitvoering van sy werksaamhede nodig ag, aan te skaf of te huur, en die goed aldus verkry, in stand te hou, te verhuur of te verkoop of op enige ander wyse daarvoor te beskik;
- (c) om kontrakte aan te gaan en te besluit op watter wyse kontrakte namens die raad aangegaan moet word;
- (d) om die fondse van die raad in te samel en sodanige fondse na goeddunke van die raad te belê;
- (e) om die gelde te bepaal wat aan die raad betaal moet word ten opsigte van enige eksamen, of gedeelte daarvan, wat deur of namens die raad ingevolge hierdie Wet afgeneem word;
- (f) om, behoudens die bepalings van artikel 10(3), die aanbevelings van 'n komitee van die raad te oorweeg en finaal daarvoor te besluit;
- (g) om die wyse voor te skryf waarop iemand aansoek moet doen om registrasie ingevolge artikel 11, om die gelde wat aan die raad betaal moet word ten opsigte van enige sodanige registrasie en die jaargelde wat aan die raad betaal moet word deur enige persoon solank hy ingevolge hierdie Wet geregistreer is, voor te skryf, om die gedeelte van sodanige jaargelde wat ten opsigte van 'n deel van 'n jaar betaalbaar is en die datum waarop sodanige jaargelde of gedeelte daarvan betaalbaar

- payable, and to grant exemption from payment of such registration or annual fees or portion thereof;
- (h) to consider and decide upon any application for registration in terms of section 11;
 - (i) to decide upon the form of the register or registers and certificates to be kept, maintained or issued in terms of this Act, the reviewing thereof and the manner in which alterations thereto may be effected; 5
 - (j) to determine, subject to the provisions of this Act, the method of inquiry into allegations of improper conduct of which any person registered in terms of this Act is alleged to have been guilty; 10
 - (k) to finance, print, circulate, sell and administer the publication of and generally to take any steps necessary to publish any publication relating to the professions of professional natural scientists and professional natural science technologists and cognate matters;
 - (l) to advise the Minister on all matters relating to the professions of professional natural scientists and professional natural science technologists and cognate matters; 15
 - (m) to recommend to the Minister the kinds of work in connection with projects, undertakings or services of a natural scientific nature which shall be reserved for persons registered in terms of this Act: Provided that in making any such recommendation the council shall show how the proposed reservation will protect the interests of the public: Provided further that recommendations to reserve academic research work, teaching and related academic activities in any branch of the natural sciences at a university or technikon shall only be made with the concurrence of the Committee of University Principals or the Committee of Technikon Principals, as the case may be; 25
 - (n) to prescribe the requirements with which an association of natural scientists or of natural science technologists or a combination thereof shall comply in order to qualify for recognition as such an association for the purposes of this Act, and to consider and decide upon any application for such recognition; 30
 - (o) to prescribe the examinations to be passed by persons applying for registration in terms of this Act, and to authorize the conducting of such examinations; 35
 - (p) to encourage research (excluding natural scientific research) into matters relating to the professions of professional natural scientists and professional natural science technologists, and to give advice or render such financial and other assistance as it may deem fit to any educational institution or examining body providing tuition or conducting examinations required for the purposes of this Act; and 40
 - (q) to take such other action and do such other things as may be required for the proper performance of its functions and duties under this Act.
- (2) (a) The council shall take such steps as it may deem expedient for the protection of the public in their dealings with persons registered in terms of this Act, for the maintenance of the integrity and the enhancement of the status of persons so registered, and for the improvement of the services rendered by and the raising of the standards of professional qualifications of such persons. 45
- (b) The council may incur such expenditure and render such financial and other assistance as it may deem fit in connection with any matter referred to in paragraph (a). 50
- (3) The council shall keep and maintain a register or registers of persons registered in terms of this Act, and such register or registers shall at all reasonable times be open to inspection by any member of the public upon payment of such fees as the council may prescribe. 55
- (4) Any fees prescribed under subsection (1)(e) or (g) shall be made known by the council by notice in the *Gazette*.

- word, te bepaal, en om vrystelling te verleen van die betaling van sodanige registrasie- of jaargelde of gedeelte daarvan;
- (h) om enige aansoek om registrasie ingevolge artikel 11 te oorweeg en daaroor te besluit;
- 5 (i) om te besluit oor die vorm van die register of registers en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderings daaraan aangebring kan word;
- 10 (j) om, behoudens die bepalinge van hierdie Wet, die metode te bepaal waarvolgens klagtes van onbehoorlike gedrag waaraan enige persoon geregistreer ingevolge hierdie Wet hom na bewering skuldig sou gemaak het, ondersoek moet word;
- 15 (k) om inligting met betrekking tot die professies van professionele natuurwetenskaplikes en professionele natuurwetenskaplike tegnoloë en verwante aangeleenthede te finansier, te druk, te versprei en te verkoop en die publikasie daarvan te administreer en om in die algemeen die stappe te doen wat nodig is om dit te publiseer;
- 20 (l) om die Minister van advies te dien oor alle aangeleenthede in verband met die professies van professionele natuurwetenskaplikes en professionele natuurwetenskaplike tegnoloë en verwante aangeleenthede;
- 25 (m) om by die Minister aan te beveel watter soorte werk in verband met projekte, ondernemings of dienste van 'n natuurwetenskaplike aard voorbehou moet word vir persone wat ingevolge hierdie Wet geregistreer is: Met dien verstande dat ten opsigte van elke sodanige aanbeveling, die raad moet toon hoe die voorgestelde voorbehoud die belange van die publiek sal beskerm: Met dien verstande voorts dat aanbevelings vir die voorbehoud van akademiese navorsingswerk, doseerwerk en verwante akademiese aktiwiteite in enige vertakking van die natuurwetenskappe aan 'n universiteit of teknikon, slegs met die instemming van die Komitee van Universiteitshoofde of die Komitee van Teknikonhoofde, na gelang van die geval, gemaak word;
- 30 (n) om die vereistes voor te skryf waaraan 'n vereniging van natuurwetenskaplikes of van natuurwetenskaplike tegnoloë of 'n kombinasie daarvan moet voldoen om vir die doeleindes van hierdie Wet vir erkenning as so 'n vereniging te kwalifiseer, en om enige aansoek om sodanige erkenning te oorweeg en daaroor te besluit;
- 35 (o) om die eksamens voor te skryf waarin geslaag moet word deur persone wat aansoek doen om registrasie ingevolge hierdie Wet, en om die afneem van sodanige eksamens te magtig;
- 40 (p) om navorsing (uitgesonderd natuurwetenskaplike navorsing) aangaande aangeleenthede wat betrekking het op die professies van professionele natuurwetenskaplikes en professionele natuurwetenskaplike tegnoloë aan te moedig, en advies te verskaf en dié finansiële en ander bystand wat hy goetvind, te verleen aan enige opvoedkundige inrigting of eksaminerende liggaam wat opleiding verskaf of eksamens afneem wat vir die doel van hierdie Wet vereis word; en
- 45 (q) om die ander stappe te doen en die ander handelinge te verrig wat vir die behoorlike uitvoering van sy werksaamhede en pligte ingevolge hierdie Wet nodig is.
- 50 (2) (a) Die raad moet enige stappe doen wat hy dienstig ag vir die beskerming van die publiek in hulle transaksies met persone wat ingevolge hierdie Wet geregistreer is, vir die handhawing van die integriteit en die bevordering van die status van aldus geregistreerde persone, en vir die verbetering van die dienste gelewer deur en die verhoging van die standaard van professionele kwalifikasies
- 55 van sodanige persone.
- (b) Die raad kan dié onkoste aangaan en dié finansiële en ander bystand wat hy goetvind, verleen in verband met enige aangeleentheid in paragraaf (a) bedoel.
- (3) Die raad moet 'n register of registers hou en byhou van persone wat ingevolge hierdie Wet geregistreer is, en sodanige register of registers moet te alle
- 60 redelike tye oop wees vir insae deur enige lid van die publiek teen die betaling van die gelde wat die raad voorskryf.
- (4) Enige gelde kragtens subartikel (1)(e) en (g) voorgeskryf, word deur die raad by kennisgewing in die *Staatskoerant* bekend gemaak.

(5) Before any provision is made under subsection (1)(p), the council shall refer the proposed provision to the education advisory committee for its recommendation.

(6) The Minister may, if after consideration of any relevant recommendation made by the council in terms of subsection (1)(m) he is of the opinion that it is in the public interest, with the concurrence of the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), prescribe the kinds of work in connection with projects, undertakings or services of a natural scientific nature which shall be reserved for persons registered in terms of this Act.

(7) Before any provision is made under subsection (6), a notice setting forth the proposed provision shall be published by the Minister in the *Gazette*, together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provision: Provided that if the Minister thereafter determines on any alteration in the provision published as aforesaid as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under this section.

(8) Provisions made under subsection (6) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.

(9) Any provision made under subsection (6) shall be made known by the Minister by notice in the *Gazette*.

(10) Any provision made under subsection (6) may at any time, after consultation with the council and with the concurrence of the said Competition Board, be amended or repealed.

Funds of council and keeping and auditing of accounts

8. (1) The funds of the council shall consist of any money received by it in pursuance of any provision made under this Act and such other money as may from time to time accrue, become payable or be donated to the council.

(2) The council shall cause full and correct account to be kept of all money received or expended by it.

(3) (a) The council shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year.

(b) The council shall cause such statement and balance sheet to be audited by a public accountant in the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), and appointed by the council.

(c) The council shall cause copies of such statement and balance sheet, so audited, to be transmitted to every member of the council and cause a copy thereof to be open for inspection at its office by any person registered in terms of this Act.

Reports to Minister

9. (1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 8(3) in respect of that financial year.

(2) The president of the council shall from time to time submit to the Minister reports in regard to matters relating to the activities of the council which, in the opinion of the council, should be brought to the Minister's notice.

(3) The council shall at the request of the Minister or the Director-General furnish the Minister or the Director-General, as the case may be, with advice on matters relating to the professions of professional natural scientists and professional natural science technologists and cognate matters, and shall communicate

(5) Voordat enige voorsiening kragtens subartikel (1)(p) gemaak word, moet die raad die voorgestelde voorsiening na die adviserende onderwyskomitee vir sy aanbeveling verwys.

(6) Die Minister kan, indien hy na oorweging van 'n tersaaklike aanbeveling wat deur die raad kragtens subartikel (1)(m) gedoen is, van oordeel is dat dit in die openbare belang is, met die instemming van die Raad op Mededinging ingestel by artikel 3 van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979), die soorte werk in verband met projekte, ondernemings of dienste van 'n natuurwetenskaplike aard voorskryf wat vir persone wat ingevolge hierdie Wet geregistreer is, voorbehou moet word.

(7) Voordat enige voorsiening kragtens subartikel (6) gemaak word, word 'n kennisgewing waarin die voorgestelde voorsiening uiteengesit word, deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing ten effekte dat dit die voorneme is om sodanige voorsiening kragtens hierdie artikel binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van genoemde publikasie, te maak en dat belanghebbende persone uitgenooi word om besware teen of verhoë aangaande die voorgestelde voorsiening voor te lê: Met dien verstande dat indien die Minister daarna op enige verandering in die gepubliseerde voorsiening besluit as gevolg van besware of verhoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die voorsiening uiteindelik kragtens hierdie artikel gemaak word nie.

(8) Voorsienings wat kragtens subartikel (6) gemaak word, kan voorsiening maak vir die uitsluiting daaruit van werk wat gedoen word onder vermelde omstandighede of vir vermelde doeleindes of deur of vir vermelde persone of klasse persone of binne of buite vermelde gebiede of klasse gebiede.

(9) 'n Voorsiening wat kragtens subartikel (6) gemaak word, word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.

(10) 'n Voorsiening wat kragtens subartikel (6) gemaak is, kan te eniger tyd deur die Minister, na oorleg met die raad en met instemming van genoemde Raad op Mededinging, gewysig of ingetrek word.

Fondse van raad en hou en ouditering van rekenings

8. (1) Die fondse van die raad bestaan uit die geld deur hom ontvang uit hoofde van enige voorsiening kragtens hierdie Wet en die ander bedrae wat van tyd tot tyd aan die raad betaalbaar word of geskenk word.

(2) Die raad laat volledig en juis rekening hou van alle geld wat hy ontvang of uitgee.

(3) (a) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy jongste voorafgaande boekjaar, en 'n balansstaat wat sy geldelike toestand aan die einde van daardie boekjaar aantoon, laat opstel.

(b) Die raad moet sodanige staat en balansstaat laat ouditeer deur 'n openbare rekenmeester soos omskryf in die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No. 80 van 1991), en wat die raad aanstel.

(c) Die raad moet afskrifte van sodanige staat en balansstaat, aldus geouditeer, laat stuur aan elke lid van die raad en 'n afskrif daarvan by sy kantoor laat lê ter insae van enige persoon wat ingevolge hierdie Wet geregistreer is.

Verslae aan Minister

9. (1) Die raad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voor in verband met die raad se werksaamhede gedurende daardie boekjaar, tesame met 'n afskrif van die in artikel 8(3) bedoelde geouditeerde staat van inkomste en uitgawe en balansstaat ten opsigte van daardie boekjaar.

(2) Die president van die raad moet van tyd tot tyd verslae aan die Minister voorlê oor aangeleenthede in verband met die werksaamhede van die raad wat na die oordeel van die raad onder die aandag van die Minister behoort te kom.

(3) Die raad moet op versoek van die Minister of die Direkteur-generaal, aan die Minister of die Direkteur-generaal, na gelang van die geval, advies verstrek oor aangeleenthede rakende die professies van professionele natuurwetenskaplikes en professionele natuurwetenskaplike tegnoloë en aanverwante aangeleent-

to the Minister information acquired by it in the course of its duties, on matters regarded by it as being of public importance.

(4) The Minister shall lay copies of every report submitted to him in terms of subsection (1), together with the annexures thereto, upon the Table in Parliament within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session. 5

Establishment of education advisory committee and other committees and delegation of powers by council

10. (1) (a) There is hereby established an advisory committee to be known as the Education Advisory Committee. 10

(b) The members of the education advisory committee shall be appointed by the council in terms of the rules: Provided that at least two members shall be appointed after consultation with the Committee of University Principals and at least two members shall be appointed after consultation with the Committee of Technikon Principals and that each university offering courses in natural sciences shall also be entitled to nominate one representative for appointment to the committee: Provided further that the university shall defray all costs of the representative so nominated by it. 15

(c) For every member of the education advisory committee appointed in terms of paragraph (b) there shall be an alternate member appointed in accordance with the rules: Provided that each university offering courses in natural sciences and which has nominated a representative, may at its own expense nominate an alternate. 20

(d) The provisions of section 3(2) and (3) shall *mutatis mutandis* apply in respect of the nomination of a representative by a university in terms of paragraph (b). 25

(e) It shall be the function of the education advisory committee to assist the council in the performance of its functions and duties in terms of this Act and to inquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the committee, either specifically or generally, or which has been raised by the committee of its own accord. 30

(2) The council may establish committees to assist it in the performance of its functions and duties and may appoint as many of its members and other persons as it may deem fit, to be members of any such committee. 35

(3) (a) The council may, subject to the provisions of paragraphs (b) and (c), assign to a committee so established or to the education advisory committee such of its powers as it may deem fit, but shall not be divested of any power which it may have so assigned to a committee or the education advisory committee, and may amend or repeal any decision of any committee or the education advisory committee. 40

(b) Whenever the council has assigned to any committee the power to determine whether or not any person shall be registered in terms of this Act, or the power to cancel the registration of any person registered in terms of this Act, or the power to inquire in accordance with the provisions of section 14 into any case of alleged improper conduct and to impose a penalty in respect thereof, the council shall not amend or repeal any decision arrived at or anything done by such committee under the power so assigned, but the council may, subject to the rules, mitigate any penalty so imposed by any committee: Provided that any person aggrieved by a decision of such committee shall have the right to appeal to the full council, whereupon the provisions of section 15 shall *mutatis mutandis* apply to such an appeal. 45 50

(c) A committee to which the council has assigned the power to inquire into any case of alleged improper conduct and to impose a penalty in respect thereof in accordance with the provisions of section 15 may, notwithstanding the expiry of the tenure of office of the members of the council, continue to exercise such power until the conclusion of such inquiry, and such power shall for the purposes of paragraph (b) be deemed to have been assigned to the committee by the newly constituted council. 55 60

hede en moet inligting wat hy tydens die verrigting van sy pligte bekom omtrent aangeleenthede wat hy van openbare belang ag, aan die Minister meedeel.

- (4) Die Minister moet afskrifte van elke verslag wat ingevolge subartikel (1) aan hom voorgelê word, tesame met die aanhangsels daarby, in die Parlement ter
5 Tafel lê binne 14 dae na ontvangs daarvan as die Parlement dan in gewone sessie is of, as die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

Instelling van adviserende onderwyskomitee en ander komitees en opdra van bevoegdhede deur raad

- 10 **10.** (1) (a) Hierby word 'n komitee bekend as die Adviserende Onderwyskomitee ingestel.
- (b) Die lede van die adviserende onderwyskomitee word deur die raad ooreenkomstig die reëls aangestel: Met dien verstande dat ten minste twee lede na oorleg met die Komitee van Universiteitshoofde en ten minste twee lede
15 oorleg met die Komitee van Technikonhoofde aangestel word en dat elke universiteit wat kursusse in natuurwetenskappe aanbied, ook geregtig is om een verteenwoordiger vir aanstelling in die komitee te benoem: Met dien verstande voorts dat die universiteite alle koste dra van die verteenwoordiger wat hy aldus benoem.
- 20 (c) Vir elke lid van die adviserende onderwyskomitee wat ingevolge paragraaf (b) aangestel word, moet 'n plaasvervangende lid ooreenkomstig die reëls aangestel word: Met dien verstande dat elke universiteit wat kursusse in natuurwetenskappe aanbied en wat 'n verteenwoordiger benoem het, op eie koste 'n plaasvervanger kan benoem.
- 25 (d) Die bepalings van artikel 3(2) en (3) is *mutatis mutandis* van toepassing ten opsigte van die benoeming van 'n verteenwoordiger deur 'n universiteit ingevolge paragraaf (b).
- (e) Die funksie van die adviserende onderwyskomitee is om die raad by die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet by te staan en om
30 ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die raad by die verrigting van sy werksaamhede ingevolge hierdie Wet, hetsy spesifiek of in die algemeen, na die komitee verwys of wat uit eie beweging deur die komitee geopper is.
- (2) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede
35 en pligte by te staan en kan soveel van sy lede en ander persone as wat hy goedvind, as lede van so 'n komitee aanstel.
- (3) (a) Die raad kan, behoudens die bepalings van paragrawe (b) en (c), na goeddunke van sy bevoegdhede aan 'n komitee wat aldus ingestel is of aan die adviserende onderwyskomitee opdra, maar die raad word nie onthef nie van 'n
40 bevoegdheid wat hy aldus aan so 'n komitee of die adviserende onderwyskomitee opgedra het en kan enige besluit van enige komitee of die adviserende onderwyskomitee wysig of intrek.
- (b) Wanneer ook al die raad aan enige komitee die bevoegdheid opgedra het om te bepaal of iemand ingevolge hierdie Wet geregistreer moet word al dan nie, of
45 die bevoegdheid om die registrasie van iemand wat ingevolge hierdie Wet geregistreer is, in te trek, of die bevoegdheid om ooreenkomstig die bepalings van artikel 14 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, mag die raad nie 'n besluit waartoe so 'n komitee gekom het of enigiets wat die komitee gedoen het op grond van die bevoegdheid aldus
50 opgedra, wysig of intrek nie, maar die raad kan, behoudens die reëls, enige straf wat aldus deur enige komitee opgelê is, versag: Met dien verstande dat iemand wat hom deur 'n besluit van 'n komitee veronreg ag, die reg het om na die volle raad te appelleer, waarop die bepalings van artikel 15 *mutatis mutandis* op so 'n appèl van toepassing is.
- 55 (c) 'n Komitee aan wie die raad die bevoegdheid opgedra het om ooreenkomstig die bepalings van artikel 15 'n geval van beweerde onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, kan, ondanks die verstryking van die ampsduur van die lede van daardie raad, voortgaan om daardie bevoegdheid uit te oefen totdat bedoelde ondersoek voltooi is, en daardie
60 bevoegdheid word by die toepassing van paragraaf (b) geag aan die komitee deur die nuut saamgestelde raad opgedra te gewees het.

(4) Any reference in this Act to the council or to the president of the council, in relation to the exercise of any power which the council has assigned to a committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(5) The provisions of section 5(5) shall apply *mutatis mutandis* in respect of the education advisory committee and any other committee of the council. 5

Registration of professional natural scientist, professional natural scientist-in-training, professional natural science technologist and professional natural science technologist-in-training

11. (1) Any person who desires to be registered as a professional natural scientist or as a professional natural scientist-in-training shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council. 10

(2) If after consideration of any such application the council is satisfied that the applicant— 15

- (a) (i) holds an appropriate qualification recognized by the council; or
- (ii) has passed the examinations prescribed by the council from time to time in respect of persons not holding an appropriate qualification so recognized; and 20

- (b) has for such a period as may from time to time be determined by the council performed work of a natural scientific nature specially pertaining to one or more of the professions referred to in Section A of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature or standard, 25

the council shall, subject to the provisions of subsection (10), register the applicant as a professional natural scientist and issue to him a certificate of registration in the prescribed form.

(3) (a) If after consideration of any such application the council is satisfied that the applicant complies with the requirement mentioned in subsection (2)(a), but not with the requirement mentioned in subsection (2)(b), the council shall, if the applicant so requests, register the applicant as a professional natural scientist-in-training and issue to him a registration certificate to that effect in the prescribed form. 30

(b) Whenever any person registered under paragraph (a) has complied with the requirement mentioned in subsection (2)(b), the council shall, subject to the provisions of subsection (9), on application in the prescribed form cancel the registration of such person and register him in terms of subsection (2). 35

(4) If the council finds that an applicant in terms of subsection (1) does not hold an appropriate qualification recognized by the council, but is satisfied that the applicant— 40

- (a) (i) has for a period not less than 20 years performed work of a natural scientific nature as a full-time occupation specially pertaining to any one or more of the professions referred to in Section A of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and 45

- (ii) has passed an examination, if any, prescribed by the council; or
- (b) on 1 June 1982 was engaged in the performance of work of a natural scientific nature specially pertaining to any one or more of the professions referred to in Section A of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged during a period of not less than 10 years prior to that date, 50

the council shall, subject to the provisions of subsection (9), register the applicant as a professional natural scientist and issue to him a certificate of registration in the prescribed form. 55

(5) Any person who desires to be registered as a professional natural science technologist or as a professional natural science technologist-in-training shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council. 60

(4) 'n Verwysing in hierdie Wet na die raad of die president van die raad met betrekking tot die uitoefening van 'n bevoegdheid wat die raad aan 'n komitee opgedra het, word uitgelê ook as 'n verwysing na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval.

- 5 (5) Die bepalings van artikel 5(5) is *mutatis mutandis* ten opsigte van die adviserende onderwyskomitee en enige ander komitee van die raad van toepassing.

10 **Registrasie van professionele natuurwetenskaplike, professionele natuurwetenskaplike-in-opleiding, professionele natuurwetenskaplike tegnoloog en professionele natuurwetenskaplike tegnoloog-in-opleiding**

11. (1) Iemand wat begerig is om as 'n professionele natuurwetenskaplike of as 'n professionele natuurwetenskaplike-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die raad indien op die wyse deur die raad voorgeskryf, en die aansoek moet vergesel gaan van die voorgeskrewe
15 registrasiegeld en die inligting wat die raad verlang.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker—

- (a) (i) oor 'n toepaslike kwalifikasie beskik wat deur die raad erken word; of
20 (ii) in die eksamens geslaag het wat van tyd tot tyd deur die raad voorgeskryf word ten opsigte van persone wat nie 'n toepaslike en aldus erkende kwalifikasie besit nie; en
vir die tydperk wat van tyd tot tyd deur die raad bepaal word, werk van 'n natuurwetenskaplike aard verrig het wat spesifiek betrekking het op een of meer van die professies in Afdeling A van Bylae I bedoel, en wat
25 na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalings van subartikel (10), die aansoeker as 'n professionele natuurwetenskaplike registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

- 30 (3) (a) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker aan die in subartikel (2)(a) vermelde vereiste voldoen, maar nie aan die in subartikel (2)(b) vermelde vereiste nie, moet die raad, indien die aansoeker aldus versoek, die aansoeker as 'n professionele natuurwetenskaplike-in-opleiding registreer en aan hom 'n registrasiesertifikaat te dien effekte in die
35 voorgeskrewe vorm uitreik.

(b) Wanneer iemand wat kragtens paragraaf (a) geregistreer is aan die in subartikel (2)(b) vermelde vereiste voldoen het, moet die raad, behoudens die bepalings van subartikel (9), op aansoek in die voorgeskrewe vorm die registrasie van daardie persoon kanselleer en hom ingevolge subartikel (2) registreer.

- 40 (4) Indien die raad bevind dat 'n aansoeker ingevolge subartikel (1) nie oor 'n toepaslike kwalifikasie wat deur die raad erken word, beskik nie, maar oortuig is dat die aansoeker—

- (a) (i) vir 'n tydperk van minstens 20 jaar as 'n voltydse beroep werk van 'n natuurwetenskaplike aard gedoen het wat spesifiek betrekking
45 het op een of meer van die professies in Afdeling A van Bylae I bedoel, en wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is; en

- (ii) in 'n eksamen wat die raad voorgeskryf het, geslaag het; of
50 (b) op 1 Junie 1982 besig was met die verrigting van werk van 'n natuurwetenskaplike aard wat spesifiek betrekking het op een of meer van die professies in Afdeling A van Bylae I bedoel, en wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is en vir 'n tydperk van minstens 10 jaar voor daardie datum aldus besig was,

- 55 moet die raad, behoudens die bepalings van subartikel (9), die aansoeker as 'n professionele natuurwetenskaplike registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

- (5) Iemand wat begerig is om as 'n professionele natuurwetenskaplike tegnoloog of as 'n professionele natuurwetenskaplike tegnoloog-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die raad indien op die wyse deur die raad voorgeskryf, en die aansoek moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.
- 60

(6) If after consideration of any such application the council is satisfied that the applicant—

- (a) (i) holds an appropriate qualification recognized by the council; or
- (ii) has passed the examinations prescribed by the council from time to time in respect of persons not holding an appropriate qualification so recognized; and
- (b) has for such a period as may from time to time be determined by the council, performed work of a natural scientific nature specially pertaining to one or more of the professions referred to in Section B of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature or standard,

the council shall, subject to the provisions of subsection (10), register the applicant as a professional natural science technologist and issue to him a certificate of registration in the prescribed form.

(7) (a) If after considering any such application the council is satisfied that the applicant complies with the requirement mentioned in subsection (6)(a), but not with the requirement mentioned in subsection (6)(b), the council shall, if the applicant so requests, register the applicant as a professional natural science technologist-in-training and issue to him a registration certificate to that effect in the prescribed form.

(b) Whenever any person registered under paragraph (a) has complied with the requirement mentioned in subsection (6)(b), the council shall, subject to the provisions of subsection (9), on application in the prescribed form cancel the registration of such person and register him in terms of subsection (6).

(8) The council shall register a professional natural scientist or professional natural scientist-in-training in one or more of the categories set out in Section A of Schedule I and a professional natural science technologist or professional natural science technologist-in-training in one or more of the categories set out in Section B of Schedule I.

(9) The council may refuse to register any person in terms of this Act if he—

- (a) has at any time been removed from an office of trust on account of improper conduct;
- (b) has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document knowing it to be false or perjury and has in respect thereof been sentenced to imprisonment without the option of a fine or to a fine exceeding R1 000;
- (c) is a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
- (d) is disqualified from registration in terms of a punishment imposed under this Act;
- (e) is an unrehabilitated insolvent and it can be proved that his insolvency was occasioned by his own doing under circumstances which specifically indicate that he was negligent or incompetent in performing work falling within the purview of the category in respect of which he applies for registration.

(10) The council may cancel the registration of any person registered in terms of this Act who, subsequent to his registration, becomes subject to any of the disqualifications referred to in subsection (9)(a), (b), (c) or (d) or whose registration was made in error or on information subsequently proved to be false.

(11) The registration of any person registered in terms of this Act shall lapse if such person fails to pay the annual fee or portion thereof prescribed under section 7(1)(g) and payable by him, within six months after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow: Provided that this subsection shall not be so construed that the lapsing of a person's registration shall relieve him of his liability for the annual fee due and payable by him.

(12) The council shall at the written request of any person registered in terms of this Act cancel his registration, but the cancellation shall not affect any liability incurred by such person prior to the date of the request: Provided that where an investigation into alleged improper conduct by such person is in progress or is to be held, such cancellation shall not be made until the investigation has been concluded.

(13) (a) Any person whose registration has been cancelled or has lapsed under

(6) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker—

- (a) (i) oor 'n toepaslike kwalifikasie beskik wat deur die raad erken word; of
(ii) in die eksamens geslaag het wat van tyd tot tyd deur die raad voorgeskryf word ten opsigte van persone wat nie 'n toepaslike en aldus erkende kwalifikasie besit nie; en
(b) vir die tydperk wat van tyd tot tyd deur die raad bepaal word, werk van 'n natuurwetenskaplike aard verrig het wat spesifiek betrekking het op een of meer van die professies in Afdeling B van Bylae I bedoel, en wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalinge van subartikel (10), die aansoeker as 'n professionele natuurwetenskaplike tegnoloog registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

- (7) (a) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker aan die in subartikel (6)(a) vermelde vereiste voldoen, maar nie aan die in subartikel (6)(b) vermelde vereiste nie, moet die raad, indien die aansoeker aldus versoek, die aansoeker as 'n professionele natuurwetenskaplike tegnoloog-in-opleiding registreer en aan hom 'n registrasiesertifikaat te dien effekte in die voorgeskrewe vorm uitreik.

(b) Wanneer iemand wat kragtens paragraaf (a) geregistreer is aan die in subartikel (6)(b) vermelde vereiste voldoen het, moet die raad, behoudens die bepalinge van subartikel (9), op aansoek in die voorgeskrewe vorm die registrasie van daardie persoon kanselleer en hom ingevolge subartikel (6) registreer.

- (8) Die raad registreer 'n professionele natuurwetenskaplike of 'n professionele natuurwetenskaplike-in-opleiding in een of meer van die kategorieë in Afdeling A van Bylae I uiteengesit en 'n professionele natuurwetenskaplike tegnoloog of 'n professionele natuurwetenskaplike tegnoloog-in-opleiding in een of meer van die kategorieë in Afdeling B van Bylae I uiteengesit.

- (9) Die raad kan weier om iemand ingevolge hierdie Wet te registreer as hy—

- (a) te eniger tyd weens onbehoorlike gedrag van 'n vertrouensamp onthef is;
(b) te eniger tyd veroordeel is weens afpersing, omkopery, diefstal, bedrog, vervalsing of uitgifte van 'n vervalste stuk wetende dat dit vervals is of meened en ten opsigte daarvan gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as R1 000;
(c) 'n pasiënt of 'n Presidentspasiënt soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), is;
(d) ingevolge 'n straf wat kragtens hierdie Wet opgelê is, onbevoeg vir registrasie verklaar is;
(e) 'n ongerehabiliteerde insolvente persoon is en daar bewys kan word dat sy insolvensie veroorsaak is deur eie toedoen onder omstandighede wat spesifiek neerkom op nalatigheid of onbevoegdheid met betrekking tot die verrigting deur hom van werk wat binne die bestek van die kategorieë val ten opsigte waarvan hy aansoek doen om registrasie.

- (10) Die raad kan die registrasie kanselleer van iemand wat ingevolge hierdie Wet geregistreer is en wat na sy registrasie onderhewig word aan enige van die diskwalifikasies in subartikel (9)(a), (b), (c) of (d) bedoel, of wat per abuis geregistreer is of op grond van inligting wat daarna bewys is vals te wees.

- (11) Die registrasie van iemand wat ingevolge hierdie Wet geregistreer is, verval as daardie persoon versuim om die jaargeld of 'n gedeelte daarvan wat kragtens artikel 7(1)(g) voorgeskryf is en deur hom betaalbaar is, te betaal binne ses maande nadat sodanige jaargeld of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad in 'n besondere geval toelaat: Met dien verstande dat hierdie subartikel nie so uitgelê word nie dat die verval van iemand se registrasie hom vrystel van sy verpligting ten opsigte van die uitstaande jaargeld deur hom verskuldig.

- (12) Die raad moet op skriftelike versoek van iemand wat ingevolge hierdie Wet geregistreer is, sy registrasie kanselleer, maar die kansellering het geen uitwerking op enige aanspreeklikheid wat daardie persoon voor die datum van die versoek opgeloopt het nie: Met dien verstande dat waar daar 'n ondersoek na beweerde onbehoorlike gedrag deur sodanige persoon aan die gang is of hangend is, so 'n kansellering nie gedoen word voordat die ondersoek voltooi is nie.

- (13) (a) Enige persoon wie se registrasie gekanselleer is of verval het kragtens

subsection (10), (11) or (12) shall return to the registrar the certificate of registration previously issued to him within 30 days from the date upon which he is directed by the registrar by notice in writing transmitted by post, to do so.

(b) Any person who fails to comply with any direction given under paragraph (a) shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three months. 5

(14) Any person who was previously registered under this section may reapply for such registration if he pays the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 7(1)(g) which is due and payable by him, and the council shall, subject to the provisions of subsection (13), reinstate such applicant's registration, re-enter his name in the register and issue to him a certificate of registration. 10

(15) (a) Any person who is registered as a professional natural scientist shall be entitled to describe himself as such and to indicate his profession or make it known by using for all purposes the title "Pr. Sci. Nat." after his name. 15

(b) Any person who is registered as a professional natural science technologist shall be entitled to describe himself as such and to indicate his profession or make it known by using for all purposes the title "Pr. Sci. Nat. Tnl." after his name.

(c) Any person who is not registered in terms of this Act and who uses any title referred to in paragraph (a) or (b), shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding one year. 20

(16) Before any qualification is recognized or any examination is prescribed by the council, as the case may be, as contemplated by subsections (2)(a), (4)(a)(ii) or (6)(a), the council shall refer the proposed recognition or prescription to the education advisory committee for its recommendation. 25

(17) The council shall after consultation with the education advisory committee publish the qualifications contemplated in subsection (16) by notice in the *Gazette*.

(18) The Minister may, after considering and approving a relevant recommendation by the council, by notice in the *Gazette* amend, add to or delete from Schedule I. 30

Prohibition of performance of natural scientific work by unregistered persons

12. (1) Subject to any exemption granted under subsection (4), except in accordance with the provisions of any other Act of Parliament, any person not registered in terms of this Act and who for gain— 35

(a) performs natural scientific work; or

(b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a person registered in terms of this Act, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding one year. 40

(2) The provisions of subsection (1)(a) shall not be construed as prohibiting any person not registered in terms of this Act from performing natural scientific work under the direction, control or supervision of a professional natural scientist or professional natural science technologist, who shall be deemed to assume responsibility for the work so performed: Provided that for a period of five years commencing on the date on which this Act comes into operation, natural scientific work specially pertaining to any profession referred to in Section B of Schedule I may be performed without being subject to the direction, control or supervision of a person in terms of this Act. 50

(3) Any person who requires of or causes any person in his employ who is registered in terms of this Act, to act or fail to act in such a manner that it constitutes a violation of any of the provisions of section 13(1)(a), (b), (c), (d) or (f), shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding one year. 55

subartikel (10), (11) of (12), moet die registrasiesertifikaat wat vroeër aan hom uitgereik is, aan die registrateur terugstuur binne 30 dae vanaf die datum waarop hy by skriftelike kennisgewing per pos deur die registrateur aangesê is om dit te doen.

- 5 (b) Iemand wat versuim om te voldoen aan enige aansegging kragtens paragraaf (a), is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

- 10 (14) Iemand wat voorheen kragtens hierdie artikel geregistreer was, kan weer aansoek om sodanige registrasie doen as hy die voorgeskrewe registrasiegeld en enige agterstallige jaargeld of gedeelte daarvan soos voorgeskryf kragtens artikel 7(1)(g) wat deur hom verskuldig en betaalbaar is, betaal, en die raad moet, behoudens die bepalings van subartikel (13), so 'n aansoeker se registrasie herstel, sy naam weer in die register aanteken en 'n registrasiesertifikaat aan hom uitreik.

- 15 (15) (a) Iemand wat as 'n professionele natuurwetenskaplike geregistreer is, is geregtig om hom as sodanig te beskryf en om sy professie aan te dui of om dit bekend te maak deur vir alle doeleindes van die betiteling "Pr. Sci. Nat." agter sy naam gebruik te maak.

- 20 (b) Iemand wat as professionele natuurwetenskaplike tegnoloog geregistreer is, is geregtig om hom as sodanig te beskryf en om sy professie aan te dui of om dit bekend te maak deur vir alle doeleindes van die betiteling "Pr. Sci. Nat. Tnl." agter sy naam gebruik te maak.

- (c) Iemand wat nie kragtens hierdie Wet geregistreer is nie en gebruik maak van enige betiteling waarna in paragraaf (a) of (b) verwys word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 25 'n tydperk van hoogstens een jaar.

- (16) Voordat enige kwalifikasie deur die raad erken word of enige eksamen deur die raad voorgeskryf word, soos, na gelang van die geval, by subartikels (2)(a), (4)(a)(ii) of (6)(a) beoog, moet die raad die voorgestelde erkenning of voorskrif na die adviserende onderwyskomitee vir sy aanbeveling verwys.

- 30 (17) Die raad moet na oorleg met die adviserende onderwyskomitee die kwalifikasies in subartikel (16) beoog in die *Staatskoerant* bekend maak.

(18) Die Minister kan, na oorweging en goedkeuring van 'n tersaaklike aanbeveling deur die raad, by kennisgewing in die *Staatskoerant* Bylae I wysig, aanvul of daaruit skrap.

35 Verbod op verrigting van natuurwetenskaplike werk deur ongeregistreerde persone

12. (1) Behoudens 'n vrystelling kragtens subartikel (4) verleen, of behalwe ooreenkomstig die bepalings van 'n ander Wet van die Parlement, is iemand wat nie kragtens hierdie Wet geregistreer is nie en wat vir wins—

- 40 (a) natuurwetenskaplike werk verrig; of

(b) hom voordoën as of hom op enige wyse hoëgenaamd uitgee of toelaat dat hy uitgegee word vir iemand wat ingevolge hierdie Wet geregistreer is,

- 45 skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

- (2) Die bepalings van subartikel (1)(a) word nie uitgelê nie om iemand wat nie ingevolge hierdie Wet geregistreer is nie, te verbied om natuurwetenskaplike werk te verrig onder die leiding, beheer of toesig van 'n professionele natuurwetenskaplike of professionele natuurwetenskaplike tegnoloog, wat geag word verantwoordelikheid te aanvaar vir die werk aldus verrig: Met dien verstande dat natuurwetenskaplike werk wat spesifiek betrekking het op 'n professie in Afdeling B van Bylae I bedoel vir 'n tydperk van vyf jaar vanaf die datum waarop hierdie Wet in werking tree, verrig kan word sonder om onderhewig te wees aan die leiding, beheer of toesig van iemand wat ingevolge 55 hierdie Wet geregistreer is.

- (3) Enige persoon wat vereis of veroorsaak dat iemand in sy diens wat ingevolge hierdie Wet geregistreer is, op so 'n wyse handel of versuim om te handel dat dit 'n skending is van enige van die bepalings van artikel 13(1)(a), (b), (c), (d) of (f), is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met 'n boete, of met 60 gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(4) The provisions of subsection (1) shall not be construed as prohibiting any of the following persons from performing any work in the course of practising his profession for which his education, training and experience have specifically rendered him competent, namely—

- (i) persons registered in terms of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990); 5
- (ii) architects registered in terms of the Architects' Act, 1970 (Act No. 35 of 1970);
- (iii) quantity surveyors registered in terms of the Quantity Surveyors' Act, 1970 (Act No. 36 of 1970); 10
- (iv) pharmacists registered in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974);
- (v) persons registered in terms of the Medical Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);
- (vi) persons registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982); 15
- (vii) professional land surveyors and technical surveyors registered in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984 (Act No. 40 of 1984);
- (viii) persons registered in terms of the Town and Regional Planners Act, 1984 (Act No. 19 of 1984); and 20
- (ix) persons registered in terms of the Dental Technicians Act, 1979 (Act No. 19 of 1979).

Improper conduct

13. (1) Any person registered in terms of this Act shall be guilty of improper conduct if he— 25

- (a) in practising his profession, fails to have due regard to public safety, public health and the public interest;
- (b) in practising his profession, fails to discharge his duties to his employer or client in an efficient and competent manner with complete fidelity and honesty; 30
- (c) in practising his profession, fails to uphold the dignity, standing and reputation of the profession;
- (d) performs or undertakes to perform work of a natural scientific nature for which his education, training or experience does not render him competent; 35
- (e) contravenes or fails to comply with any requirement prescribed by rules under section 17(f);
- (f) pretends to be or by any means whatsoever holds himself out or allows himself to be held out to be a person registered in a category or categories different from the category or categories in which he is registered; or 40
- (g) does anything which constitutes improper conduct as prescribed by rules made under section 17(g).

(2) The acquittal or the conviction of any person registered in terms of this Act by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, notwithstanding the fact that the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was acquitted or convicted or another offence of which he might have been convicted at his trial on the said criminal charge. 45 50

(3) If the improper conduct with which such person registered in terms of this Act is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such person as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the person charged to adduce evidence that he was in fact wrongly convicted. 55

(4) Whenever in the course of any proceedings before any court of law or in the course of an investigation in terms of any law it appears to the court or to the 60

(4) Die bepalings van subartikel (1) word nie so uitgelê nie dat dit enige van die volgende persone belet om in die beoefening van sy professie enige werk te verrig waarvoor sy onderwys, opleiding en ondervinding hom spesifiek bekwaam het, naamlik—

- 5 (i) persone geregistreer ingevolge die Wet op die Ingenieursweseprofessie van Suid-Afrika, 1990 (Wet No. 114 van 1990);
- (ii) argitekte geregistreer ingevolge die Wet op Argitekte, 1970 (Wet No. 35 van 1970);
- 10 (iii) bourekenaars geregistreer ingevolge die Wet op Bourekenaars, 1970 (Wet No. 36 van 1970);
- (iv) aptekers geregistreer ingevolge die Wet op Aptekers, 1974 (Wet No. 53 van 1974);
- (v) persone geregistreer ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974 (Wet No. 56 van 1974);
- 15 (vi) persone geregistreer ingevolge die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet No. 19 van 1982);
- (vii) professionele landmeters en tegniese opmeters geregistreer ingevolge die Wet op Professionele Landmeters en Tegniese Opmeters, 1984 (Wet No. 40 van 1984);
- 20 (viii) persone geregistreer ingevolge die Wet op Stads- en Streekbeplanners, 1984 (Wet No. 19 van 1984); en
- (ix) persone geregistreer ingevolge die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979).

Onbehoorlike gedrag

25 13. (1) Iemand wat ingevolge hierdie Wet geregistreer is, is skuldig aan onbehoorlike gedrag as hy—

- (a) in die beoefening van sy professie nalaat om die openbare veiligheid, openbare gesondheid en openbare belang behoorlik in ag te neem;
- 30 (b) in die beoefening van sy professie nalaat om sy pligte teenoor sy werkgewer of kliënt op 'n doeltreffende en bekwame wyse met volkome getrouheid en eerlikheid na te kom;
- (c) in die beoefening van sy professie nalaat om die waardigheid, status en reputasie van die professie hoog te hou;
- 35 (d) werk van 'n natuurwetenskaplike aard doen of onderneem waarvoor sy onderwys, opleiding of ondervinding hom nie bekwaam nie;
- (e) enige vereiste voorgeskryf by reëls kragtens artikel 17(f), oortree of versuim om daaraan te voldoen;
- (f) homself voordoen as of hom op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word vir iemand wat geregistreer is in 'n kategorie of
- 40 kategorieë wat verskil van die kategorieë waarin hy wel geregistreer is; of
- (g) enigiets doen wat by reëls kragtens artikel 17(g) voorgeskryf, onbehoorlike gedrag uitmaak.

(2) Die vryspreking of skuldigbevinding van iemand wat ingevolge hierdie Wet 45 geregistreer is deur 'n geregshof op 'n kriminele aanklag, belet nie dat stappe kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag teen hom gedoen word nie, selfs al sou die feite uiteengesit in die aanklag van onbehoorlike gedrag, as dit bewys sou word, die misdryf uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf 50 waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon gewees het.

(3) As die onbehoorlike gedrag waarvan iemand wat ingevolge hierdie Wet geregistreer is, aangekla word, neerkom op 'n misdryf waaraan hy deur 'n 55 geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die oorkonde van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige persoon geïdentifiseer is as die persoon wat in die oorkonde genoem word, voldoende bewys dat hy sodanige misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is: Met dien verstande dat die aangeklaagde persoon die reg het om getuienis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

60 (4) Wanneer dit gedurende verrigtinge in 'n geregshof of gedurende 'n ondersoek ingevolge 'n wet vir die hof of vir die persoon in beheer van die

person in charge of the investigation, as the case may be, that there is *prima facie* evidence of improper or disgraceful conduct on the part of a person registered in terms of this Act, or conduct which, regard being had to the profession which he is practising, is improper or disgraceful, the court or the person in charge of the investigation, as the case may be, shall direct that a copy of the record of the proceedings or the investigation or such part thereof as is material to the issue be transmitted to the council. 5

Disciplinary powers of council

14. (1) The Council may conduct a preliminary investigation regarding a complaint, accusation or allegation or information indicating *prima facie* improper conduct of a person registered in terms of this Act, for the purpose of determining whether *prima facie* evidence exists of such conduct on the part of such person while he was thus registered. 10

(2) The council may inquire into cases of improper conduct of which a person registered in terms of this Act is alleged to have been guilty while so registered and to impose in respect thereof, if found proved, any punishment prescribed under section 17(h): Provided that in the case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the inquiry until such proceedings have been determined. 15 20

(3) Whenever punishment imposed under subsection (2) consists of or includes a fine, the amount thereof shall be recoverable by the council from the person concerned and be paid into the funds of the council.

(4) If the person referred to in subsection (3) refuses or fails to pay a fine within 30 days of the date on which it is imposed, his registration in terms of this Act shall be deemed to be suspended until such time as the fine concerned has been paid to the council. 25

Inquiry by council

15. (1) For the purposes of an inquiry under section 14, the council may—

(a) summon any person who in its opinion may be able to give material information concerning the subject of the inquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the inquiry, to appear before it, at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and retain for examination any book, document or thing so produced; 30 35

(b) call and by its president administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned in terms of paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control; 40

(c) appoint any person to advise the council at such inquiry on matters pertaining to law, procedure or evidence.

(2) A summons for the attendance before the council of any person or for the production of any book, document or thing shall be in the form prescribed by the council, shall be signed by the president of the council or a person authorized thereto by him, and shall be served in the same manner as a subpoena for the attendance of a witness at a civil trial in a magistrate's court. 45

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until discharged from further attendance by the president of the council, or any person called in terms of subsection (1)(b) refuses to be sworn or to make an affirmation as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the inquiry or 50 55

- ondersoek, na gelang van die geval, blyk dat daar *prima facie*-getuienis is van onbehoorlike of skandelige gedrag van die kant van 'n persoon wat ingevolge hierdie Wet geregistreer is, of gedrag wat met die oog op die professie wat hy beoefen, onbehoorlik of skandelik is, gelas die hof of die persoon in beheer van
- 5 die ondersoek, na gelang van die geval, dat 'n afskrif van die oorkonde van die verrigtinge of die ondersoek of die gedeelte daarvan wat op die saak betrekking het, aan die raad gestuur word.

Dissiplinêre bevoeghede van raad

14. (1) Die raad kan 'n voorlopige ondersoek instel na 'n klagte, beskuldiging, aantying of inligting wat *prima facie* dui op onbehoorlike gedrag van iemand wat ingevolge hierdie Wet geregistreer is, met die doel om vas te tel of *prima facie*-getuienis bestaan van sodanige gedrag aan die kant van daardie persoon terwyl hy aldus geregistreer was.
- (2) Die raad kan ondersoek instel na gevalle van onbehoorlike gedrag waaraan iemand wat ingevolge hierdie Wet geregistreer is, hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was en om ten opsigte daarvan, indien bewese bevind, enige straf op te lê wat ingevolge artikel 17(h) voorgeskryf is: Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of sivielregtelike verrigtinge in 'n gereghof uitmaak of ten opsigte waarvan die raad rede het om te glo dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is.
- (3) Wanneer 'n straf wat kragtens subartikel (2) opgelê is, uit 'n boete bestaan of 'n boete insluit, kan die bedrag daarvan deur die raad op die betrokke persoon
- 25 verhaal word en word dit in die fondse van die raad gestort.
- (4) As die persoon in subartikel (3) bedoel, weier of nalaat om 'n boete te betaal binne 30 dae na die datum waarop dit opgelê is, word sy registrasie ingevolge hierdie Wet geag opgeskort te wees tot tyd en wyl die betrokke boete aan die raad betaal is.

30 Onderzoek deur raad

15. (1) Die raad kan, vir die doeleindes van 'n ondersoek kragtens artikel 14—
- (a) iemand wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word, of wat vermoed word 'n boek, dokument of saak wat betrekking het op die onderwerp
- 35 wat ondersoek word in sy besit of bewaring of onder sy beheer te hê, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor die raad te verskyn om ondervra te word of om daardie boek, dokument of saak oor te lê, en kan 'n boek, dokument of saak wat aldus oorgelê is, vir ondersoek behou;
- 40 (b) enige persoon wat by die ondersoek aanwesig is en wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en by monde van die president van die raad hom 'n eed oplê of van hom 'n bevestiging aanneem, en hom ondervra en hom aansê om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê; en
- 45 (c) iemand aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die reg, prosedure of bewyslewering.
- (2) 'n Dagvaarding van iemand om voor die raad te verskyn of om 'n boek, dokument of saak oor te lê, moet in die vorm wees wat die raad voorskryf, moet deur die president van die raad of 'n persoon deur die president daartoe gemagtig
- 50 onderteken word, en word op dieselfde wyse beteken as 'n dagvaarding vir die verskyning van 'n getuie in 'n siviele verhoor in 'n landdroshof.
- (3) Indien iemand wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die president van die raad hom van
- 55 verdere bywoning onthef, of indien iemand wat kragtens subartikel (1)(b) opgeroep is, weier om as getuie beëdig te word of te bevestig of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettig aan hom gestel oor die onderwerp wat ondersoek

to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply. 5

(4) Any witness who, having been duly sworn or having made an affirmation, gives a false answer to any question lawfully put to him or makes a false statement in any matter, knowing such answer or statement to be false, shall be guilty of an offence. 10

(5) Any person who wilfully hinders the president or any member or officer of the council in the exercise of any power conferred upon him by or under this section shall be guilty of an offence.

(6) A person whose conduct is being inquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorized in writing on his behalf and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses. 15

(7) Any person convicted of an offence under this section shall be liable to a fine, or to imprisonment for a period not exceeding three months. 20

Suspension from practice of persons who have become of unsound mind

16. (1) Whenever it appears to the council from information on oath or affirmation that any person registered in terms of this Act has become of unsound mind to such an extent that it would be contrary to the public welfare to allow him to continue in practice, the council may, if it deems fit, hold an inquiry *mutatis mutandis* in accordance with the provisions of section 15 in respect of such person. 25

(2) If the council finds that such person has so become of unsound mind, it may order the suspension of such person from practising his profession for a specified period. 30

(3) The council may extend the period of any order made under this section for any period determined by it, or withdraw such order.

Rules

17. (1) The council may by notice in the *Gazette* make rules—

(a) as to the constitution of the education advisory committee and its subcommittees, the requirements with which a person shall comply for appointment as a member or an alternate member of the education advisory committee and its subcommittees, the circumstances under which a member or alternate member of the education advisory committee shall vacate his office as such, the period of office for which a member or alternate member shall be appointed, and the designation of a chairman and vice-chairman of the education advisory committee and any of its subcommittees; 35 40

(b) as to the constitution of other committees of the council, the designation of a chairman and vice-chairman of such a committee, the period of office of such a committee, and, generally, as to any matter which the council deems necessary for the proper functioning of such committees; 45

(c) as to the convening of and procedure and quorum at meetings of the council or of a committee of the council or of the education advisory committee and its subcommittees; 50

(d) as to the determination of allowances and remuneration and the payment thereof out of its funds to members of the council or members of a committee of the council or members of the education advisory committee and its subcommittees: Provided that members of the council, or members of the education advisory committee and its 55

- word, of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die oorlegging van so 'n boek, dokument of saak, die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuienis af te lê of 'n boek, dokument of saak oor te lê, van toepassing is.
- (4) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging gedoen het, 'n valse antwoord gee op 'n vraag wat wettig aan hom gestel is of 'n valse verklaring doen oor enige aangeleentheid, wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.
- (5) Iemand wat die president of 'n lid of amptenaar van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid by of kragtens hierdie artikel aan hom verleen, is aan 'n misdryf skuldig.
- (6) Daar moet aan iemand wie se gedrag deur die raad ondersoek word, kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik deur hom daartoe gemagtig is, verteenwoordig te word, en om getuienis aan te voer, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.
- (7) Iemand wat skuldig bevind is aan 'n misdryf kragtens hierdie artikel, is strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Skorsing uit praktyk van persone wat in hul geestesvermoë gekrenk geraak het

16. (1) Wanneer dit uit beëdigde of bevestigde inligting vir die raad blyk dat enige persoon wat ingevolge hierdie Wet geregistreer is, in so 'n mate in sy geestesvermoë gekrenk geraak het dat dit in stryd met die openbare welsyn sou wees om hom toe te laat om aan te hou praktiseer, kan die raad na goeddunke ten opsigte van sodanige persoon 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalings van artikel 15.
- (2) Indien die raad bevind dat so 'n persoon aldus in sy geestesvermoë gekrenk geraak het, kan die raad die skorsing van daardie persoon van die beoefening van sy praktyk vir 'n vasgestelde tydperk beveel.
- (3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, vir 'n tydperk deur die raad bepaal, verleng of so 'n bevel intrek.

35 Reëls

17. (1) Die raad kan by kennisgewing in die *Staatskoerant* reëls uitvaardig—
- (a) aangaande die samestelling van die adviserende onderwyskomitee en die subkomitees daarvan, die vereistes waaraan iemand moet voldoen om as lid of plaasvervangende lid van die adviserende onderwyskomitee en die subkomitees daarvan aangestel te word, die omstandighede waaronder 'n lid of plaasvervangende lid van die adviserende onderwyskomitee sy amp as sodanig moet ontruim, die ampstermyn waarvoor 'n lid of plaasvervangende lid aangestel moet word en die aanwys van 'n voorsitter en 'n ondervoorsitter van die adviserende onderwyskomitee en enige subkomitee daarvan;
- (b) aangaande die samestelling van ander komitees van die raad, die aanwys van 'n voorsitter en 'n ondervoorsitter van so 'n komitee, die ampstermyn van so 'n komitee en, in die algemeen, aangaande enige aangeleentheid wat die raad nodig ag vir die behoorlike funksionering van sodanige komitees;
- (c) aangaande die byeenroeping van en die prosedure en kworum by vergaderings van die raad of van 'n komitee van die raad of van die adviserende onderwyskomitee en die subkomitees daarvan;
- (d) aangaande die vasstelling van toelaes en besoldiging en die betaling daarvan uit sy fondse aan lede van die raad of lede van 'n komitee van die raad of lede van die adviserende onderwyskomitee en subkomitees daarvan: Met dien verstande dat lede van die raad, of lede van komitees van die raad, of lede van die adviserende onderwyskomitee en

subcommittees who are officers as defined in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984), shall not be eligible for such allowances and remuneration;

- (e) as to the keeping, custody and publication of a register or registers of persons registered in terms of this Act; 5
- (f) as to the requirements with which a person registered in terms of this Act shall comply in practising his profession;
- (g) prescribing conduct (apart from conduct referred to in section 13) on the part of a person registered in terms of this Act which shall constitute improper conduct; 10
- (h) prescribing the method of inquiry into allegations of improper conduct, the appointment by the council of a committee to conduct an inquiry into an allegation of improper conduct and the punishment which may be imposed in respect of improper conduct (including a reprimand or a caution or a reprimand and caution, a fine, suspension from practice, removal from the register or temporary or permanent disqualification from registration), and as to the mitigation of any penalty so imposed; 15
- (i) as to the qualifications recognized and the examinations prescribed by the council for the purposes of section 11;
- (j) as to the investigation and enquiries that may be instituted or conducted by the council at educational institutions with a view to the recognition of qualifications referred to in section 11, and the procedure to be observed in connection therewith; 20
- (k) as to any matter which shall or may be prescribed under this Act;
- (l) as to, generally, all matters which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved. 25

(2) Rules referred to in subsection (1)(f), (g) and (i) shall only be made with the concurrence of the Minister and the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979). 30

Procedure and evidence

18. (1) The register shall be *prima facie* evidence of all matters directed or authorized by this Act to be noted therein.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorized by this Act to be done has or has not been done shall be *prima facie* evidence of the matters specified in that certificate. 35

(3) A copy of an entry in the register or of a document in the custody of the registrar, or an extract from the register or from any such document, purporting to be certified by the registrar, shall be admitted in evidence in all courts without further proof of production of the original. 40

Rectification of errors

19. Whenever anything which, in terms of the provisions of this Act, is required to be done or performed by the council on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to error or oversight, and that it is in the interest of the natural science professions to do so, authorize such thing to be done or performed on or before some other day or at some other time or during some other period, as he may direct, and anything so done or performed shall be of full force and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act. 45 50

Liability of council

20. No legal proceedings, whether civil or criminal, shall lie against the council or any member or official thereof in respect of any act or duty performed in good faith in accordance with the provisions of sections 14, 15 or 16. 55

- subkomitees daarvan wat beamptes is soos omskryf in artikel 1 van die Staatsdienswet, 1984 (Wet No. 111 van 1984), nie vir sodanige toelaes en besoldiging in aanmerking kom nie;
- (e) aangaande die hou, bewaring en publikasie van 'n register of registers van persone wat ingevolge hierdie Wet geregistreer is;
- (f) aangaande die vereistes waaraan iemand wat ingevolge hierdie Wet geregistreer is, moet voldoen by die beoefening van sy professie;
- (g) wat gedrag (afgesien van gedrag in artikel 13 bedoel) voorskryf wat onbehoorlike gedrag vir iemand wat ingevolge hierdie Wet geregistreer is, uitmaak;
- (h) wat die metode waarvolgens beweerde onbehoorlike gedrag ondersoek moet word, die aanstelling deur die raad van 'n komitee om ondersoek in te stel na beweerde onbehoorlike gedrag en die strawwe wat opgelê kan word ten opsigte van onbehoorlike gedrag (met inbegrip van 'n teregwyding of 'n waarskuwing of 'n teregwyding en waarskuwing, 'n boete, skorsing van praktyk, skraping uit die register en verklaring van tydelike of permanente onbevoegdheid vir registrasie) voorskryf en aangaande die versagting van 'n straf wat aldus opgelê is;
- (i) aangaande die kwalifikasies deur die raad erken en die eksamens deur hom voorgeskryf vir die doeleindes van artikel 11;
- (j) aangaande die ondersoek en navrae wat deur die raad by opvoedkundige inrigtings ingestel of gedoen kan word met die oog op die erkenning van kwalifikasies in artikel 11 bedoel, en die prosedure wat in verband daarmee gevolg moet word;
- (k) aangaande enige aangeleentheid wat kragtens hierdie Wet voorgeskryf moet of kan word;
- (l) aangaande, in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doelstellings van hierdie Wet te bereik.
- (2) Reëls bedoel in subartikel (1)(f), (g) en (i) word slegs uitgevaardig met die instemming van die Minister en die Raad op Mededinging ingestel by artikel 3 van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979).

Prosedure en bewyslewering

18. (1) Die register dien as *prima facie*-bewys van alle aangeleenthede wat ingevolge hierdie Wet daarin aangeteken moet of kan word.
- (2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing wel in die register gemaak is of nie gemaak is nie of dat enigiets anders wat ingevolge hierdie Wet gedoen mag word, gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.
- (3) 'n Afskrif van 'n inskrywing in die register of van 'n dokument deur die registrateur bewaar of 'n uittreksel uit die register of uit so 'n dokument wat deur die registrateur gesertifiseer heet te wees, word sonder verdere bewys of oorlegging van die oorspronklike in alle howe as getuienis toegelaat.

45 Regstelling van foute

19. Waar enigiets wat ooreenkomstig die bepalings van hierdie Wet op of voor 'n vermeldde dag of op 'n vermeldde tydstip of gedurende 'n vermeldde tydperk deur die raad gedoen of uitgevoer moet word, nie aldus gedoen of uitgevoer is nie, kan die Minister, indien hy oortuig is dat sodanige versuim te wyte was aan 'n fout of vergissing, en dat dit in belang van die natuurwetenskaplike professies is om dit te doen, magtiging daarvoor verleen dat so iets gedoen of uitgevoer word op of voor 'n ander dag of op 'n ander tydstip of gedurende 'n ander tydperk wat hy aandui, en enigiets aldus gedoen of uitgevoer, is van volle krag en word geag wettig gedoen of uitgevoer te gewees het ooreenkomstig die bepalings van hierdie Wet.

55 Aanspreeklikheid van raad

20. Geen regsgeding, hetsy straf- of sivieltregtelik, kan teen die raad of 'n lid of amptenaar daarvan ten opsigte van 'n handeling of plig te goeder trou ooreenkomstig die bepalings van artikels 14, 15 of 16 verrig, ingestel word nie.

Delegation of powers

21. (1) The Minister may in writing delegate to the Director-General or any other officer of the department all or any of the powers conferred upon him by this Act other than the powers referred to in sections 3(1), (3) and (4), 7(6) and (7), 11(18) and 22.

(2) Any person to whom any power has been delegated in terms of subsection (1) shall exercise that power subject to the directions of the Minister.

(3) The Minister shall at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.

Exemption from operation of provisions of Act

22. (1) The Minister may, after consultation with the council, and if he is satisfied that it is in the public interest to do so, by notice in the *Gazette* exempt any person employed by any company, close corporation or other juristic person or any class of persons so employed and specified in the notice, either generally or subject to such conditions as may be specified in the notice, and for such period as may be so specified, from the operation of any one or more of the provisions of this Act.

(2) The Minister may, after consultation with the council, at any time by notice in the *Gazette* amend or repeal any notice issued under subsection (1).

Agreements with other states or territories

23. If the Government of the Republic and the government of any foreign state, any state the territory of which formerly formed a part of the Republic or any self-governing territory as defined in the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), agree thereto and the law of such state or territory provides therefor—

(a) the council, with the concurrence of the Minister, may—

(i) in respect of persons and matters in such state or territory perform the same functions as the council could have performed in the Republic in terms of this Act; and

(ii) make arrangements with bodies in such state or territory with which professional persons should register in order to carry on their professions, so as to facilitate the mutual recognition of such registration; and

(b) the provisions of this Act shall apply *mutatis mutandis* in such state or territory in respect of the registration of any person practising a profession as contemplated in this Act, and the rights, duties and obligations of any such person so registered.

Repeal of laws, and transitional provisions

24. (1) The laws mentioned in Schedule II are hereby repealed.

(2) Anything done under any provision of a law repealed by subsection (1) and which could have been done under a provision of this Act, shall be deemed to have been done under the latter provision.

(3) All assets, liabilities, rights and duties acquired or incurred by the South African Council for Natural Scientists under the Natural Scientists' Act, 1982 (Act No. 55 of 1982), shall vest in the council, and shall be deemed to have been acquired or incurred by the council under the provisions of this Act.

(4) Any person who immediately prior to the commencement of this Act was registered as a natural scientist or as a natural scientist-in-training in terms of the Natural Scientists' Act, 1982, or was deemed to have been so registered, shall be deemed to be registered as a professional natural scientist or a professional natural scientist-in-training, as the case may be, in terms of this Act.

Delegering van bevoegdhe

21. (1) Die Minister kan enige van of al die bevoegdhe by hierdie Wet aan hom verleen, uitgesonderd die bevoegdhe in artikels 3(1), (3) en (4), 7(6) en (7), 11(18) en 22 bedoel, skriftelik aan die Direkteur-generaal of aan 'n ander beampte in die departement deleger.

(2) Iemand aan wie 'n bevoegdheid kragtens subartikel (1) gedeleger is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Minister.

(3) Die Minister kan te eniger tyd so 'n delegering skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van daardie bevoegdheid deur die Minister self nie.

Vrystelling van toepassing van bepaling van Wet

22. (1) Die Minister kan, na oorleg met die raad, en as hy oortuig is dat dit in die openbare belang is om so te handel, by kennisgewing in die *Staatskoerant* enige persoon in diens van enige maatskappy, beslote korporasie of ander regspersoon of enige klas persone aldus in diens en in die kennisgewing vermeld, of in die algemeen of onderworpe aan sodanige voorwaardes as in die kennisgewing vermeld, en vir die tydperk wat aldus vermeld word, van die toepassing van enige een of meer van die bepaling van hierdie Wet vrystel.

(2) Die Minister kan, na oorleg met die raad, te eniger tyd by kennisgewing in die *Staatskoerant* 'n kennisgewing kragtens subartikel (1) uitgevaardig, wysig of intrek.

Ooreenkomste met ander state of gebiede

23. Indien die Regering van die Republiek en die regering van 'n vreemde staat, 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het of 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), daartoe ooreenkom en 'n wet van sodanige staat of gebied daarvoor voorsiening maak—

(a) kan die raad, met die instemming van die Minister—

(i) ten opsigte van persone en aangeleenthede in sodanige staat of gebied dieselfde werksaamhede verrig as wat die raad ingevolge hierdie Wet in die Republiek aldus sou kon verrig; en

(ii) met liggame in daardie staat of gebied by wie professionele persone moet registreer ten einde hulle professie te kan beoefen, reëlins tref ten einde die wedersydse erkenning van sodanige registrasie te vergemaklik; en

(b) is die bepaling van hierdie Wet *mutatis mutandis* van toepassing in so 'n staat of gebied ten opsigte van die registrasie van enige persoon wat 'n professie beoog soos in hierdie Wet bedoel, en die regte, pligte en verpligtinge van enige sodanige persoon wat aldus geregistreer is.

Herroeping van wette, en oorgangsbepalinge

24. (1) Die wette in Bylae II vermeld, word hierby herroep.

(2) Enigiets wat gedoen is kragtens 'n bepaling van 'n wet wat by subartikel (1) herroep is en wat kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word geag kragtens laasgenoemde bepaling gedoen te gewees het.

(3) Alle bates, skulde, regte en verpligtinge wat deur die Suid-Afrikaanse Raad vir Natuurwetenskaplikes kragtens die Wet op Natuurwetenskaplikes, 1982 (Wet No. 55 van 1982), verkry of aangegaan is, gaan oor op die raad, en word geag deur die raad kragtens die bepalinge van hierdie Wet verkry of aangegaan te gewees het.

(4) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet as 'n natuurwetenskaplike of as 'n natuurwetenskaplike-in-opleiding ingevolge die Wet op Natuurwetenskaplikes, 1982, geregistreer is of geag word aldus geregistreer te wees, word geag ingevolge hierdie Wet as 'n professionele natuurwetenskaplike of 'n professionele natuurwetenskaplike-in-opleiding, na gelang van die geval, geregistreer te wees.

(5) If an inquiry into alleged improper conduct conducted by the South African Council for Natural Scientists under sections 21, 22 and 23 of the Natural Scientists' Act, 1982, has not been concluded at the date of commencement of this Act, such proceedings shall be continued and concluded in accordance with the provisions of the Natural Scientists' Act, 1982, and any relevant rule and regulation made thereunder, as if the said Act had not been repealed. 5

(6) Notwithstanding the provisions of subsection (1) the council may institute and conclude disciplinary proceedings against any person registered in terms of this Act who, at any time prior to the commencement of this Act, is alleged to have committed an act which may have constituted improper conduct in terms of the provisions of the Natural Scientists' Act, 1982, or any regulation or rule made thereunder: Provided that no proceedings shall be so instituted unless the act concerned is substantially the same as an act constituting improper conduct in terms of this Act. 10

Short title and commencement 15

25. (1) This Act shall be called the Natural Scientific Professions Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act. 20

(5) Indien 'n ondersoek na beweerde onbehoorlike gedrag ingestel deur die Suid-Afrikaanse Raad vir Natuurwetenskaplikes kragtens artikels 21, 22 en 23 van die Wet op Natuurwetenskaplikes, 1982, op die datum van inwerkingtreding van hierdie Wet nog nie voltooi is nie, word daardie verrigtinge deur die raad voortgesit en afgehandel ooreenkomstig die bepalings van die Wet op Natuurwetenskaplikes, 1982, en enige tersaaklike reël en regulasie daarkragtens uitgevaardig, asof genoemde Wet nie herroep is nie.

(6) Ondanks die bepalings van subartikel (1) kan die raad tugstappe kragtens hierdie Wet instel en afhandel teen iemand wat ingevolge hierdie Wet geregistreer is en wat op enige tydstip voor die inwerkingtreding van hierdie Wet na bewering 'n handeling verrig het wat onbehoorlike gedrag sou uitmaak ingevolge die bepalings van die Wet op Natuurwetenskaplikes, 1982, of 'n regulasie of reël daarkragtens uitgevaardig: Met dien verstande dat geen verrigtinge aldus ingestel word nie tensy die betrokke handeling wesenlik ooreenstem met 'n handeling wat onbehoorlike gedrag uitmaak ingevolge hierdie Wet.

Kort titel en inwerkingtreding

25. (1) Hierdie Wet heet die Wet op Natuurwetenskaplike Professions, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

Schedule I**SECTION A****Natural Scientific Professions**

Agricultural Scientist
Animal Scientist
Biological Scientist
Botanical Scientist
Chemical Scientist
Computer Scientist
Earth Scientist
Environmental Scientist
Geographical Scientist
Geological Scientist
Industrial Scientist
Material Scientist
Mathematical Scientist
Metallurgical Scientist
Microbiological Scientist
Physical Scientist

SECTION B**Professions of Natural Science Technologist**

Agricultural Technologist
Animal Technologist
Biological Technologist
Botanical Technologist
Chemical Technologist
Computer Technologist
Forestry Technologist
Geographical Technologist
Geological Technologist
Industrial Technologist
Marine Technologist
Material Technologist
Metallurgical Technologist
Microbiological Technologist
Mining Technologist
Nuclear Technologist
Water Technologist

Bylae I**AFDELING A****Natuurwetenskaplike Professions**

Aardrykskundige Wetenskaplike
Aardwetenskaplike
Biologiese Wetenskaplike
Chemiese Wetenskaplike
Dierkundige Wetenskaplike
Fisiese Wetenskaplike
Geologiese Wetenskaplike
Industriële Wetenskaplike
Landbouwetenskaplike
Materiaalkundige Wetenskaplike
Metallurgiese Wetenskaplike
Mikrobiologiese Wetenskaplike
Omgewingswetenskaplike
Plantkundige Wetenskaplike
Rekenaarwetenskaplike
Wiskundige Wetenskaplike

AFDELING B**Professions van Natuurwetenskaplike Tegnoloog**

Aardrykskundige Tegnoloog
Biologiese Tegnoloog
Bosbou-tegnoloog
Chemiese Tegnoloog
Dierkundige Tegnoloog
Geologiese Tegnoloog
Industriële Tegnoloog
Kerntegnoloog
Landboukundige Tegnoloog
Marine-tegnoloog
Materiaaltegnoloog
Metallurgiese Tegnoloog
Mikrobiologiese Tegnoloog
Mynboukundige Tegnoloog
Plantkundige Tegnoloog
Rekenaartegnoloog
Watertegnoloog

Act No. 106, 1993

NATURAL SCIENTIFIC PROFESSIONS ACT, 1993

Schedule II**LAWS REPEALED (SECTION 25)**

No. and year of law	Title
Act 55 of 1982	Natural Scientists' Act, 1982
Act 77 of 1985	Natural Scientists' Amendment Act, 1985
Act 73 of 1987	Natural Scientists' Amendment Act, 1987
Act 46 of 1990	Natural Scientists' Amendment Act, 1990

Bylae II**WETTE HERROEP (ARTIKEL 24)**

No. en jaar van wet	Titel
Wet 55 van 1982	Wet op Natuurwetenskaplikes, 1982
Wet 77 van 1985	Wysigingswet op Natuurwetenskaplikes, 1985
Wet 73 van 1987	Wysigingswet op Natuurwetenskaplikes, 1987
Wet 46 van 1990	Wysigingswet op Natuurwetenskaplikes, 1990

