



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 2470. 29 December 1993

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

No. 180 of 1993: Health and Welfare Matters Second Amendment Act, 1993.

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KANTOOR VAN DIE STAATSPRESIDENT

No. 2470. 29 Desember 1993

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

No. 180 van 1993: Tweede Wysigingswet op Gesondheids- en Welsynsaangeleenthede, 1993.

**GENERAL EXPLANATORY NOTE:**

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

# ACT

To amend the Medicines and Related Substances Control Amendment Act, 1991, so as to provide for the keeping and supply of medicine by nurses; and to further provide for the commencement of certain sections thereof; to amend the Social Assistance Act, 1992, so as to rectify textual errors; and to provide for incidental matters.

*(Afrikaans text signed by the Acting State President.)  
(Assented to 14 December 1993.)*

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

## Substitution of section 9 of Act 94 of 1991

1. The following section is hereby substituted for section 9 of the Medicines and Related Substances Control Amendment Act, 1991: 5

**“Substitution of section 22A of Act 101 of 1965, as inserted by section 21 of Act 65 of 1974 and amended by section 9 of Act 17 of 1979**

9. The following section is hereby substituted for section 22A of the principal Act:

**‘Control of medicines, categories of medicines and substances** 10

**22A.** (1) The Minister may, on the recommendation of the council, by regulation prescribe a medicine or substance or category of medicine or substance which shall not be sold by any person other than—

- (a) a pharmacist; 15
- (b) a pharmacist upon a written prescription or oral instructions of a medical practitioner, dentist, veterinarian, nurse or practitioner;
- (c) the Director-General for providing a medical practitioner therewith;
- (d) a medical practitioner, dentist, veterinarian, nurse or practitioner 20 in the course of lawfully carrying on his or her professional activities as such to or for any patient under his or her care or treatment;
- (e) a person employed by a manufacturer or wholesale dealer in pharmaceutical products, and authorized thereto in writing by 25

**ALGEMENE VERDUIDELIKENDE NOTA:**

**[ ]** Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

**\_\_\_\_\_** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WET

Tot wysiging van die Wysigingswet op die Beheer van Medisyne en Verwante Stowwe, 1991, ten einde voorsiening te maak vir die aanhou en verskaffing van medisyne deur verpleegkundiges; en verdere voorsiening te maak vir die inwerkingtreding van sekere artikels daarvan; tot wysiging van die Wet op Maatskaplike Bystand, 1992, ten einde tekstuele foute reg te stel; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 14 Desember 1993.)*

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

**Vervanging van artikel 9 van Wet 94 van 1991**

1. Artikel 9 van die Wysigingswet op die Beheer van Medisyne en Verwante Stowwe, 1991, word hierby deur die volgende artikel vervang:

**“Vervanging van artikel 22A van Wet 101 van 1965, soos ingevoeg deur artikel 21 van Wet 65 van 1974 en gewysig deur artikel 9 van Wet 17 van 1979**

9. Artikel 22A van die Hoofwet word hierby deur die volgende artikel vervang:

**‘Beheer oor medisyne, kategorieë medisyne en stowwe**

**22A.** (1) Die Minister kan op aanbeveling van die raad 'n medisyne of stof of kategorie medisyne of stof by regulasie voorskryf wat deur niemand verkoop mag word nie, behalwe—

- (a) deur 'n apteker;
- (b) deur 'n apteker op 'n skriftelike voorskrif of mondelinge opdrag van 'n geneesheer, tandarts, veearts, verpleegkundige of praktisyn;
- (c) deur die Direkteur-generaal ten einde dit aan 'n geneesheer te verskaf;
- (d) deur 'n geneesheer, tandarts, veearts, verpleegkundige of praktisyn in die loop van die wettige verrigting van sy of haar professionele bedrywighede as sodanig aan of vir 'n pasiënt onder sy of haar sorg of behandeling;
- (e) deur 'n persoon wat by 'n vervaardiger van of groothandelaar in farmaseutiese produkte in diens is en deur daardie vervaardiger

that manufacturer or dealer, to any medical practitioner, dentist, pharmacist, **[or]** veterinarian, nurse or practitioner on the prescribed conditions; or

- (f) a veterinary assistant and veterinary nurse referred to in the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), upon a written prescription issued by a veterinarian for the treatment of a particular patient.

(2) The Minister may, on the recommendation of the council, by regulation prescribe a medicine or substance or category of medicine or substance which no person shall acquire, use, have in his possession, manufacture or import unless a permit for such acquisition, use, possession, manufacture or import has been issued to him by the Director-General subject to prescribed conditions and any other conditions specified in the permit.

(3) A regulation referred to in subsection (2) may prohibit or prescribe measures to control the acquisition, import, collection, cultivation, keeping or export of any plant or substance from which any substance or medicine referred to in subsection (2) can be extracted, derived, produced or manufactured.

(4) The Minister may—

- (a) by notice in the *Gazette* after consultation with the council and the South African Pharmacy Council referred to in section 2 of the Pharmacy Act, 1974, grant a person or organization or group or category of persons or organizations exemption to the extent and subject to the conditions as prescribed by regulation or specified in the notice, from the provisions of subsection (1); and
- (b) in like manner amend or withdraw any such notice.”

#### **Amendment of section 29 of Act 94 of 1991, as substituted by section 11 of Act 118 of 1993**

2. Section 29 of the Medicines and Related Substances Control Amendment Act, 1991, is hereby amended—

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

“(1) (a) This Act shall be called the Medicines and Related Substances Control Amendment Act, 1991, and shall, with the exclusion of the provisions referred to in paragraph (b), **[come into operation on a date fixed by the State President by proclamation in the *Gazette*]** be deemed to have come into operation on 12 July 1991.

(b) Sections **[1(d), (n) and (m)]** 9, 16(c) up to and including (h), 19, 21, 23, 24 and 25 shall **[be deemed to have come into operation on 12 July 1991]** come into operation on a date fixed by the State President by proclamation in the *Gazette*.”; and

- (b) by the deletion of subsection (2).

#### **Amendment of section 2 of Act 59 of 1992, as amended by section 15 of Act 118 of 1993**

3. Section 2 of the Social Assistance Act, 1992, is hereby amended by the substitution for paragraph (g) of the following paragraph:

“(g) a care-dependency grant to a **[foster]** parent in respect of a care-dependent child.”

#### **Amendment of section 17 of Act 118 of 1993**

4. Section 17 of the Health and Welfare Matters Amendment Act, 1993, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) Sections **[13,] 14, [and] 15 and 16** of this Act shall come into operation on the same date as the date on which the Social Assistance Act, 1992 (Act No. 59 of 1992), comes into operation.”

of handelaar skriftelik daartoe gemagtig is, aan 'n geneesheer, tandarts, apteker, **[of]** veearts, verpleegkundige of praktisyn op die voorgeskrewe voorwaardes; of

- 5 (f) deur 'n veeartsenykundige assistent en veeartsenykundige verpleegster bedoel in die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet No. 19 van 1982), op 'n skriftelike voorskrif uitgereik deur 'n veearts vir die behandeling van 'n besondere pasiënt.

10 (2) Die Minister kan op aanbeveling van die raad 'n medisyne of stof of kategorie medisyne of stof by regulasie voorskryf wat niemand mag verkry, gebruik, besit, vervaardig of invoer nie tensy 'n permit vir bedoelde verkryging, gebruik, besit, vervaardiging of invoer deur die Direkteur-generaal aan hom uitgereik is onderworpe aan die voorgeskrewe voorwaardes en enige ander voorwaarde wat in die permit bepaal word.

15 (3) 'n Regulasie bedoel in subartikel (2) kan die verkryging, invoer, insamel, kweek, aanhou of uitvoer van 'n plant of stof waaruit 'n stof of medisyne bedoel in subartikel (2) afgetrek, verkry, voortgebring of vervaardig is, verbied of maatreëls voorskryf om dit te beheer.

20 (4) Die Minister kan—

- (a) by kennisgewing in die *Staatskoerant* na oorleg met die raad en die Suid-Afrikaanse Aptekersraad bedoel in artikel 2 van die Wet op Aptekers, 1974, aan 'n persoon of organisasie of groep of kategorie persone of organisasies vrystelling verleen van die bepalings van subartikel (1), in die mate en onderworpe aan die voorwaardes wat by regulasie voorgeskryf word of in die kennisgewing bepaal word; en
- 25 (b) so 'n kennisgewing insgelyks wysig of intrek.' ”.

30 **Wysiging van artikel 29 van Wet 94 van 1991, soos vervang deur artikel 11 van Wet 118 van 1993**

2. Artikel 29 van die Wysigingswet op die Beheer van Medisyne en Verwante Stowwe, 1991, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- 35 “(1) (a) Hierdie Wet heet die Wysigingswet op die Beheer van Medisyne en Verwante Stowwe, 1991, en **[tree]** word, met die uitsondering van die bepalings in paragraaf (b) bedoel, geag in werking te getree het op [’n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal] 12 Julie 1991.
- 40 (b) Artikels **[1(c), (f) en (h)]** 9, 16(c) tot en met (h), 19, 21, 23, 24 en 25 **[word geag in werking te getree het]** tree in werking op **[12 Julie 1991]** ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.”; en
- (b) deur subartikel (2) te skrap.

45 **Wysiging van artikel 2 van Wet 59 van 1992, soos gewysig deur artikel 15 van Wet 118 van 1993**

3. Artikel 2 van die Wet op Maatskaplike Bystand, 1992, word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te vervang:

- “(g) aan 'n **[pleegouer]** ouer 'n sorgafhanklikheidstoelae ten opsigte van 'n sorgafhanklike kind toestaan.”.

50 **Wysiging van artikel 17 van Wet 118 van 1993**

4. Artikel 17 van die Wysigingswet op Gesondheids- en Welsynsaangeleenthede, 1993, word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

- 55 “(b) Artikels **[13,] 14, [en] 15 en 16** van hierdie Wet tree in werking op dieselfde datum as die datum waarop die Wet op Maatskaplike Bystand, 1992 (Wet No. 59 van 1992), in werking tree.”.

Act No. 180, 1993

HEALTH AND WELFARE MATTERS SECOND  
AMENDMENT ACT, 1993

**Short title**

**5.** This Act shall be called the Health and Welfare Matters Second Amendment Act, 1993.

TWEEDE WYSIGINGSWET OP GESONDHEIDS- EN  
WELSYNSAANGELEENTHEDE, 1993

Wet No. 180, 1993

**Kort titel**

**5.** Hierdie Wet heet die Tweede Wysigingswet op Gesondheids- en Welsynsaangeleenthede, 1993.

