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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 547.

12 April 1995

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

No. 5 of 1995: Nursing Amendment Act, 1995.

No. 547.

12 April 1995

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

No. 5 van 1995: Wysigingswet op Verpleging, 1995.

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 Nursing Act, 1978, so as to amend certain definitions and to define certain expressions; to provide for the establishment of the South African Interim Nursing Council; to further regulate the objects and powers of the said council; to provide for the constitution of the said council; to further regulate the filling of vacancies on the said council; to provide for the abolition of the various nursing councils in the Republic; and to provide for the rationalisation of certain laws relating to nursing that remained in force in various areas of the national territory of the Republic by virtue of section 229 of the Constitution; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 6 April 1995.)

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

Amendment of section 1 of Act 50 of 1978, as amended by section 26 of Act 94 of 1991 and section 1 of Act 21 of 1992

1. Section 1 of the Nursing Act, 1978 (hereinafter referred to as the principal Act), is hereby amended— 5

(a) by the insertion after the definition of “approved nursing school” of the following definitions:

“ ‘Bophuthatswana Nursing Council’ means the Bophuthatswana Nursing Council established by section 53 of the Health and Related Professions Act, 1985 (Act No. 33 of 1985) (Bophuthatswana); 10
 ‘Ciskeian Nursing Council’ means the Ciskeian Nursing Council established by section 2 of the Nursing Act, 1984 (Act No. 13 of 1984) (Ciskei);”;

(b) by the substitution for the definition of “council” of the following definition: 15

“ ‘council’ means the South African Interim Nursing Council [referred to in] established by section 2;”;

(c) by the insertion after the definition of “council” of the following definition: 20

“ ‘Director-General’ means the Director-General: Health or his or her nominee;”;

(d) by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of **[National]** Health;”;

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 Wet op Verpleging, 1978, ten einde sekere omskrywings te wysig en sekere uitdrukkings te omskryf; voorsiening te maak vir die instelling van die Suid-Afrikaanse Interim Raad op Verpleging; die oogmerke en bevoegdhede van vermelde raad verder te reël; voorsiening te maak vir die samestelling van vermelde raad; die vul van vakatures op vermelde raad verder te reël; voorsiening te maak vir die afskaffing van die onderskeie rade op verpleging in die Republiek; en voorsiening te maak vir die rasionalisering van sekere wette met betrekking tot verpleging wat uit hoofde van artikel 229 van die Grondwet van krag gebly het in verskeie gebiede van die nasionale grondgebied van die Republiek; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 6 April 1995.)*

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

Wysiging van artikel 1 van Wet 50 van 1978, soos gewysig deur artikel 26 van Wet 94 van 1991 en artikel 1 van Wet 21 van 1992

5 **1.** Artikel 1 van die Wet op Verpleging, 1978 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur na die omskrywing van “as geneesmiddel” die volgende omskrywings in te voeg:

“ ‘Bophuthatswana Verpleegkundige Raad’ die Bophuthatswana Verpleegkundige Raad ingestel by artikel 53 van die Wet op Gesondheid en Verwante Beroepe, 1985 (Wet No. 33 van 1985) (Bophuthatswana);

‘Ciskeian Nursing Council’ die ‘Ciskeian Nursing Council’ ingestel by artikel 2 van die ‘Nursing Act, 1984’ (Wet No. 13 van 1984) (Ciskei);

‘Direkteur-generaal’ die Direkteur-generaal: Gesondheid of sy of haar genomineerde;”;

(b) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“ ‘Minister’ die Minister van **[Nasionale]** Gesondheid;”;

(c) deur die omskrywing van “raad” deur die volgende omskrywing te vervang:

“ ‘raad’ die Suid-Afrikaanse Interim Raad op Verpleging **[in]** ingestel by artikel 2 **[bedoel]**;”;

- (e) by the insertion after the definition of "scheduled substance" of the following definition:

"'South African Nursing Council' means the South African Nursing Council referred to in section 2 of this Act prior to the amendment of the said section 2 by the Nursing Amendment Act, 1995;" 5

- (f) by the insertion after the definition of "this Act" of the following definitions:

"'Transitional Nurses Committee' means the organisation consisting of the nursing associations of South Africa, the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, the former self-governing territories as well as various other organisations which represent nurses; 10

'Transkei Nursing Council' means the Transkei Nursing Council established by section 2 of the Nursing Act, 1978 (Act No. 6 of 1978) (Transkei)." 15

Substitution of heading to Chapter 1 of Act 50 of 1978

2. The following heading is hereby substituted for the heading to Chapter 1 of the principal Act:

"[Continued Existence and] Objects, Functions and Powers of the South African Interim Nursing Council" 20

Substitution of section 2 of Act 50 of 1978

3. The following section is hereby substituted for section 2 of the principal Act:

"Establishment of South African Interim Nursing Council"

2. (1) There is hereby established a juristic person to be known as the South African Interim Nursing Council and the first meeting of the council shall be convened by the Director-General. 25

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

(3) The council shall, at its first meeting, appoint an acting registrar to perform the functions of the registrar until a registrar is appointed in terms of section 12." 30

Amendment of section 3 of Act 50 of 1978

4. Section 3 of the principal Act is hereby amended by the addition of the following paragraphs:

"(f) to make recommendations to the Minister on the constitution of a new council within a period not exceeding two years from the date of the commencement of the Nursing Amendment Act, 1995; 35

(g) to advise the Minister on the amendment or adaptation of this Act so as to support the universal norms and values of the nursing profession and to place greater emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement." 40

Substitution of section 5 of Act 50 of 1978, as substituted by section 3 of Act 21 of 1992

5. The following section is hereby substituted for section 5 of the principal Act:

"Constitution of council" 45

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

(a) eight registered nurses designated by the South African Nursing Council from its members taking into account provincial representation; 50

(b) two registered nurses designated by the Transkei Nursing Council from its members;

(d) deur na die omskrywing van "studentvroedvrou" die volgende omskrywings in te voeg:

"'Suid-Afrikaanse Raad op Verpleging' die Suid-Afrikaanse Raad op Verpleging bedoel in artikel 2 van hierdie Wet voordat vermelde artikel 2 deur die Wysigingswet op Verpleging, 1995, gewysig is;

"'Transitional Nurses Committee' die organisasie bestaande uit die verpleegstersverenigings van Suid-Afrika, die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei, die voormalige selfregerende gebiede sowel as verskeie ander organisasies wat verpleegkundiges verteenwoordig;

"'Transkei Nursing Council' die 'Transkei Nursing Council' ingestel by artikel 2 van die 'Nursing Act, 1978' (Wet No. 6 van 1978) (Transkei);".

15 **Vervanging van opskrif by Hoofstuk 1 van Wet 50 van 1978**

2. Die opskrif by Hoofstuk 1 van die Hoofwet word hierby deur die volgende opskrif vervang:

"**[Voortbestaan en] Oogmerke, Werksaamhede en Bevoegdhede van die Suid-Afrikaanse Interim Raad op Verpleging**".

20 **Vervanging van artikel 2 van Wet 50 van 1978**

3. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

"Instelling van Suid-Afrikaanse Interim Raad op Verpleging

2. (1) Hierby word 'n regs persoon met die naam die Suid-Afrikaanse Interim Raad op Verpleging ingestel en die eerste vergadering van die raad word deur die Direkteur-generaal belê.

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

(3) Die raad moet op sy eerste vergadering 'n waarnemende registrateur aanstel om die werksaamhede van die registrateur te verrig totdat 'n registrateur ingevolge artikel 12 aangestel is."

30 **Wysiging van artikel 3 van Wet 50 van 1978**

4. Artikel 3 van die Hoofwet word hierby gewysig deur die volgende paragrafe by te voeg:

"(f) om binne 'n tydperk van hoogstens twee jaar vanaf die datum van die inwerkingtreding van die Wysigingswet op Verpleging, 1995, aanbevelings aan die Minister te doen oor die samestelling van 'n nuwe raad;

(g) om die Minister van advies te dien aangaande die wysiging of aanpassing van hierdie Wet ten einde die universele norme en waardes van die verpleegberoep te ondersteun en groter klem te lê op professionele praktyk, demokrasie, deursigtigheid, gelykheid, toeganklikheid en gemeenskapsbetrokkenheid."

Vervanging van artikel 5 van Wet 50 van 1978, soos vervang deur artikel 3 van Wet 21 van 1992

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

"Samestelling van raad

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

(a) agt geregistreerde verpleegkundiges aangewys deur die Suid-Afrikaanse Raad op Verpleging uit sy lede met inagneming van provinsiale verteenwoordiging;

(b) twee geregistreerde verpleegkundiges aangewys deur die Transkei Nursing Council uit sy lede;

- (c) three registered nurses designated by the Bophuthatswana Nursing Council from its members;
- (d) two registered nurses designated by the Ciskeian Nursing Council from its members;
- (e) nine registered nurses designated by the Transitional Nurses Committee taking into account provincial representation; 5
- (f) two officers of the Department of Health;
- (g) one person registered as a pharmacist in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974), and who practises as such;
- (h) one person registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), and who practises as such; 10
- (i) one person appointed on account of his or her knowledge of the law;
- (j) five other persons. 15
- (2) The councils mentioned in subsection (1)(a), (b), (c) and (d) and the Transitional Nurses Committee mentioned in subsection (1)(e) shall, within 14 days of the date of the commencement of the Nursing Amendment Act, 1995, inform the Director-General in writing of the names of the persons designated by them in terms of the relevant provisions of subsection (1). 20
- (3) (a) If the councils mentioned in subsection (1)(a), (b), (c) and (d) and the Transitional Nurses Committee mentioned in subsection (1)(e) fail to designate persons in terms of those provisions or fail to inform the Director-General under subsection (2) of the names of the persons so designated, the Minister shall appoint any qualified persons up to the number required, as members of the council. 25
- (b) The Director-General shall, in the case of a failure contemplated in paragraph (a), immediately inform the Minister thereof in writing. 30
- (4) As soon as possible after the appointment of the members of the council the Minister shall inform the Director-General of the names of the persons appointed by him or her.
- (5) The names of the members of the council and the date of commencement of their period of office shall be published by the Director-General in the *Gazette* as soon as possible after the constitution of the council. 35
- (6) Subject to the provisions of section 6, the members of the council shall hold office as from the date contemplated in subsection (5) until the constitution of a new council but not exceeding a period of two years.”. 40

Amendment of section 6 of Act 50 of 1978, as amended by section 46 of Act 97 of 1986 and section 4 of Act 21 of 1992

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

- (a) by the substitution for paragraph (g) of subsection (1) of the following paragraph: 45
- “(g) he or she ceases to hold any qualification necessary for his or her appointment or tenders his or her resignation in writing to the Minister and the Minister accepts his or her resignation;”;
- (b) by the substitution for subsection (2) of the following subsection: 50
- “(2) Every vacancy on the council arising from a circumstance referred to in subsection (1) and every vacancy caused by the death of a member, shall be filled by appointment [designated or election, as the case may be, by the person or body by whom and in the manner in which the vacating member was required to be appointed, 55

- (c) drie geregistreerde verpleegkundiges aangewys deur die Bophuthatswana Verpleegkundige Raad uit sy lede;
- (d) twee geregistreerde verpleegkundiges aangewys deur die Ciskeian Nursing Council uit sy lede;
- 5 (e) nege geregistreerde verpleegkundiges aangewys deur die Transitional Nurses Committee met inagneming van provinsiale verteenwoordiging;
- (f) twee beamptes van die Departement van Gesondheid;
- 10 (g) een persoon wat ingevolge die Wet op Aptekers, 1974 (Wet No. 53 van 1974), as 'n apteker geregistreer is en aldus praktiseer;
- (h) een persoon wat ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), as 'n geneesheer geregistreer is en aldus praktiseer;
- 15 (i) een persoon aangestel op grond van sy of haar kennis van die reg;
- (j) vyf ander persone.
- (2) Die rade in subartikel (1)(a), (b), (c) en (d) vermeld en die Transitional Nurses Committee in subartikel (1)(e) vermeld, moet binne 14 dae na die datum van die inwerkingtreding van die Wysigingswet op Verpleging, 1995, die Direkteur-generaal skriftelik in kennis stel van die name van die persone wat ingevolge die toepaslike bepalings van subartikel (1) deur hulle aangewys is.
- 20 (3) (a) Indien die rade in subartikel (1)(a), (b), (c) en (d) vermeld en die Transitional Nurses Committee in subartikel (1)(e) vermeld, versuim om ingevolge bedoelde bepalings persone aan te wys of versuim om die Direkteur-generaal kragtens subartikel (2) in kennis te stel van die name van die persone aldus aangewys, moet die Minister geskikte persone, tot die vereiste getal, aanstel as lede van die raad.
- 25 (b) In die geval van 'n versuim in paragraaf (a) beoog, moet die Direkteur-generaal die Minister onmiddellik skriftelik daarvan in kennis stel.
- (4) Die Minister moet so spoedig moontlik na die aanstelling van die lede van die raad die Direkteur-generaal in kennis stel van die name van die persone wat hy of sy aangestel het.
- 30 (5) Die name van die lede van die raad en die datum van aanvang van hulle ampstermyn moet so spoedig moontlik na die samestelling van die raad deur die Direkteur-generaal in die *Staatskoerant* bekend gemaak word.
- 35 (6) Behoudens die bepalings van artikel 6 beklee die lede van die raad hulle amp vanaf die datum in subartikel (5) beoog tot die datum van die samestelling van 'n nuwe raad, maar vir 'n tydperk van hoogstens twee jaar."
- 40

Wysiging van artikel 6 van Wet 50 van 1978, soos gewysig deur artikel 46 van Wet 97 van 1986 en artikel 4 van Wet 21 van 1992

6. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
- 50 "(g) hy of sy ophou om oor 'n kwalifikasie te beskik wat vir sy of haar aanstelling nodig is of skriftelik sy of haar bedanking by die Minister indien en die Minister sy of haar bedanking aanvaar;"
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- 55 "(2) Elke vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (1) bedoel en elke vakature wat veroorsaak word deur die dood van 'n lid, word gevul by wyse van aanstelling **[aanwysing of verkiesing, na gelang van die geval]** deur die **[persoon of instansie deur wie en op die wyse waarop die lid wie se amp vakant geword het, aangestel, aangewys of verkies moes**

designated or elected] by the Minister of a person nominated by the Council and every member so appointed **[designated or elected]** shall hold office for the unexpired portion of the period for which the vacating member was appointed **[designated or elected]**.”.

Amendment of section 10 of Act 50 of 1978, as amended by section 7 of Act 21 of 1992 5

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

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

Amendment of section 12 of Act 50 of 1978

8. Section 12 of the principal Act is hereby amended by the deletion of subsection (4). 15

Substitution of section 14 of Act 50 of 1978 20

9. The following section is hereby substituted for section 14 of the principal Act:

“Minister may rectify defects

14. If anything required to be done under this Act in connection with the appointment **[designation or election]** of any member is omitted or not done within the time or in the manner required by this Act, the Minister may order all such steps to be taken as may be necessary to rectify the omission or error, or may validate anything done in an irregular manner or form, in order to give effect to the objects of this Act.”. 25

Amendment of section 45 of Act 50 of 1978, as amended by section 21 of Act 21 of 1992

10. Section 45 of the principal Act is hereby amended by the deletion of subparagraph (ii) of paragraph (a) of subsection (1). 30

Substitution of section 45A of Act 50 of 1978, as inserted by section 2 of Act 70 of 1982 and substituted by section 1 of Act 56 of 1987

11. The following section is hereby substituted for section 45A of the principal Act:

“Abolition of certain councils, and transitional arrangements 35

45A. (1) The South African Nursing Council, the Bophuthatswana Nursing Council, the Transkei Nursing Council and the Ciskeian Nursing Council shall cease to exist on the day immediately preceding the date of the first meeting of the council, and all rights, obligations, assets and liabilities acquired or incurred, as the case may be, by the South African Nursing Council, the Bophuthatswana Nursing Council, the Transkei Nursing Council and the Ciskeian Nursing Council, shall immediately vest in the council and the council shall be deemed to have acquired or incurred such rights, obligations, assets and liabilities in terms of this Act. 40

(2) (a) The registrar of deeds in question shall make, at the request of the council and on submission of the relevant title deeds and other documents, the necessary entries and endorsements in respect of his 45

word] Minister van 'n persoon deur die raad aangewys, en elke lid wat aldus aangestel **[aangewys of verkies]** word, beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel **[aangewys of verkies]** was.”.

5 Wysiging van artikel 10 van Wet 50 van 1978, soos gewysig deur artikel 7 van Wet 21 van 1992

7. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 10 “(1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die president, die vise-president en die penningmeester, en een lid aangestel kragtens artikel 5(1)**[(a)(i)](f)**, een lid aangestel kragtens artikel 5(1)**[(a)(ii)](i)** en ander lede van die raad wat die raad aanwys.”.

Wysiging van artikel 12 van Wet 50 van 1978

- 15 8. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (4) te skrap.

Vervanging van artikel 14 van Wet 50 van 1978

9. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

“Minister kan foute herstel

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

Wysiging van artikel 45 van Wet 50 van 1978, soos gewysig deur artikel 21 van Wet 21 van 1992

- 30 10. Artikel 45 van die Hoofwet word hierby gewysig deur subparagraaf (ii) van paragraaf (a) van subartikel (1) te skrap.

Vervanging van artikel 45A van Wet 50 van 1978, soos ingevoeg deur artikel 2 van Wet 70 van 1982 en vervang deur artikel 1 van Wet 56 van 1987

11. Artikel 45A van die Hoofwet word hierby deur die volgende artikel vervang:

- 35 **“Afskaffing van sekere rade, en oorgangsmaatreëls**

- 40 **45A. (1) Die Suid-Afrikaanse Raad op Verpleging, die Bophuthatswana Verpleegkundige Raad, die Transkei Nursing Council en die Ciskeian Nursing Council hou op om te bestaan op die dag onmiddellik voor die dag waarop die eerste vergadering van die raad gehou word, en alle regte, verpligtinge, bates en skulde wat deur die Suid-Afrikaanse Raad op Verpleging, die Bophuthatswana Verpleegkundige Raad, die Transkei Nursing Council en die Ciskeian Nursing Council, verkry of aangegaan is, na gelang van die geval, gaan onmiddellik oor op die raad en die raad word geag sodanige regte, verpligtinge, bates en skulde kragtens hierdie Wet te verkry of aan te gegaan het.**

- 45 (2) (a) Die betrokke registrateur van aktes moet, op versoek van die raad en by voorlegging van die tersaaklike titelbewyse en ander stukke, die nodige aantekeninge en endossemente ten opsigte van sy

or her registers and other documents in order to give effect to any transfer contemplated in subsection (1).

(b) No transfer duty, stamp duty or other fees shall be payable in respect of such transfer, entry or endorsement.”.

Amendment of section 46 of Act 50 of 1978

12. Section 46 of the principal Act is hereby amended by the deletion of subsection (5).

Substitution of long title of Act 50 of 1978

13. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To consolidate and amend the laws relating to the professions of registered or enrolled nurses, nursing **[assistants]** auxiliaries and midwives; and to provide for matters incidental thereto.”.

Repeal of laws, and savings

14. (1) Subject to the provisions of this section, the laws mentioned in the second column of the Schedule are, from the date on which the South African Nursing Council, the Bophuthatswana Nursing Council, the Transkei Nursing Council and the Ciskeian Nursing Council are abolished in terms of section 45A of the Nursing Act, 1978 (Act No. 50 of 1978) (in this section referred to as the principal Act), repealed as indicated in the third column of the Schedule, to the extent that such laws were in force in the various areas of the national territory of the Republic as set out in the fourth column of the Schedule, immediately prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).

(2) Any proclamation, notice, regulation, authorisation or order issued, made, granted or done in terms of a provision of any law repealed in terms of subsection (1) shall, unless inconsistent with any provision of the principal Act, be deemed to have been issued, made, granted or done under the corresponding provision of the principal Act, and shall remain in force until withdrawn or repealed, as the case may be, by the South African Interim Nursing Council established by section 2 of the principal Act (in this section referred to as the interim council).

(3) (a) Any registration or enrolment, or any removal from a register or roll, or any appointment or any other thing done in terms of a provision of any law repealed by subsection (1) shall be deemed to have been done under the principal Act.

(b) Any person enrolled as a nursing assistant or a pupil nursing assistant in terms of a provision of any law repealed by subsection (1) shall be deemed to have been enrolled as a nursing auxiliary or a pupil nursing auxiliary under section 16 or 24 of the principal Act, as the case may be.

(4) Notwithstanding the provisions of subsection (1), any inquiry into alleged improper or disgraceful conduct, including any preliminary investigation undertaken to determine whether *prima facie* evidence exists which would justify such inquiry, instituted by a council abolished under section 45A of the principal Act and which has not been concluded at the date of the first meeting of the interim council shall be continued and concluded by the interim council in accordance with the provisions of the law under which the inquiry was instituted, as if such law had not been repealed.

(5) Notwithstanding the provisions of subsection (1), the interim council shall have the power to institute and conclude disciplinary proceedings under the relevant provisions of the repealed laws in accordance with the procedures as prescribed by regulations made under section 45 of the principal Act, against any person who, at any time prior to the first meeting of the interim council, is alleged to have committed an act which may have constituted improper or disgraceful conduct in terms of the provisions of the repealed laws or any regulation made

of haar registers en ander stukke aanbring ten einde aan 'n oordrag beoog in subartikel (1) gevolg te gee.

(b) Geen hereregte, seëlregte of ander gelde is ten opsigte van so 'n oordrag, inskrywing of endossement betaalbaar nie.”.

5 Wysiging van artikel 46 van Wet 50 van 1978

12. Artikel 46 van die Hoofwet word hierby gewysig deur subartikel (5) te skrap.

Vervanging van lang titel van Wet 50 van 1978

10 13. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die beroepe van geregistreerde of ingeskrewe verpleegkundiges, [verpleegassistent] verpleeghulpe en vroedvroue; en om vir bykomstigste aangeleenthede voorsiening te maak.”.

Herroeping van wette, en voorbehoude

14. (1) Behoudens die bepalinge van hierdie artikel word die wette genoem in die tweede kolom van die Bylae vanaf die datum waarop die Suid-Afrikaanse Raad op Verpleging, die Bophuthatswana Verpleegkundige Raad, die Transkei Nursing Council en die Ciskeian Nursing Council ingevolge artikel 45A van die Wet op Verpleging, 1978 (Wet No. 50 van 1978) (in hierdie artikel die Hoofwet genoem), afgeskaf word, herroep soos aangedui in die derde kolom van die Bylae, in die mate waarin sodanige wette van krag was onmiddellik voor die datum van inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), in die onderskeie gebiede van die nasionale grondgebied van die Republiek soos uiteengesit in die vierde kolom van die Bylae.

(2) 'n Proklamasie, kennisgewing, regulasie, magtiging of bevel uitgereik, uitgevaardig, verleen of gegee ingevolge 'n bepaling van 'n wet wat ingevolge subartikel (1) herroep word, word, tensy onbestaanbaar met 'n bepaling van die Hoofwet, geag kragtens die ooreenstemmende bepaling van die Hoofwet uitgereik, uitgevaardig, verleen of gegee te gewees het, en bly van krag totdat dit deur die Suid-Afrikaanse Interim Raad op Verpleging ingestel by artikel 2 van die Hoofwet (in hierdie artikel die interim raad genoem), ingetrek of herroep word, na gelang van die geval.

(3) (a) 'n Registrasie of 'n inskrywing in 'n register of rol, of 'n skraping uit 'n register of rol, of 'n aanstelling of enigiets anders gedoen ingevolge 'n bepaling van 'n wet wat ingevolge subartikel (1) herroep word, word geag kragtens die Hoofwet gedoen te gewees het.

(b) Enige persoon wat as 'n verpleegassistent of leerlingverpleegassistent ingeskryf is ingevolge 'n bepaling van 'n wet wat ingevolge subartikel (1) herroep word, word geag kragtens artikel 16 of 24 van die Hoofwet, na gelang van die geval, as 'n verpleeghulp of 'n leerlingverpleeghulp ingeskryf te gewees het.

(4) Ondanks die bepalinge van subartikel (1) word 'n ondersoek na beweerde onbetaamlike of skandelijke gedrag, met inbegrip van 'n voorlopige ondersoek wat onderneem is om vas te stel of *prima facie*-getuienis bestaan wat so 'n ondersoek regverdig, wat deur 'n raad wat ingevolge artikel 45A van die Hoofwet afgeskaf word, ingestel is en wat teen die datum van die eerste vergadering van die interim raad nie voltooi is nie, deur die interim raad voortgesit en afgehandel ooreenkomstig die bepalinge van die wet waarkragtens die ondersoek ingestel is, asof sodanige wet nie herroep is nie.

(5) Ondanks die bepalinge van subartikel (1), het die interim raad die bevoegdheid om dissiplinêre verrigtinge kragtens die betrokke bepalinge van die herroepe wette in te stel en af te handel ooreenkomstig die prosedures soos voorgeskryf deur regulasies wat kragtens artikel 45 van die Hoofwet uitgevaar-

thereunder: Provided that the interim council shall not institute proceedings against any person, unless the nature of the contravention which such person is alleged to have committed in terms of the repealed laws or any regulation made thereunder, is substantially the same as that of a contravention contemplated in the corresponding provisions of the principal Act or any regulation made thereunder. 5

(6) Any act performed or decision taken by the Bophuthatswana Nursing Council, the Transkei Nursing Council and the Ciskeian Nursing Council, shall be deemed to have been performed or to have been taken, as the case may be, in terms of the corresponding provisions of the principal Act. 10

(7) Any person who was employed by the South African Nursing Council, the Bophuthatswana Nursing Council, the Transkei Nursing Council or the Ciskeian Nursing Council immediately prior to the date referred to in subsection (1), shall be deemed to have been appointed by the interim council in terms of section 12 of the principal Act. 15

(8) Any person who, immediately prior to the date referred to in subsection (1), was the registrar of the South African Nursing Council, the Bophuthatswana Nursing Council, the Transkei Nursing Council or the Ciskeian Nursing Council, shall, within 14 days after the commencement of this Act, furnish the Director-General: Health with the registers, rolls, minutes, financial statements and any other relevant documents of their respective councils. 20

Extension of application of Act 50 of 1978

15. The Nursing Act, 1978 (Act No. 50 of 1978), as it was in force immediately prior to the commencement of the Nursing Amendment Act, 1995, in the national territory of the Republic excluding the areas which comprised the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the areas which comprised the territories declared under section 26 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), to be self-governing territories shall, from the date referred to in section 14(1) of the Nursing Amendment Act, 1995, also apply in all the aforesaid areas of the national territory of the Republic. 25 30

General provision

16. During the period of existence of the South African Interim Nursing Council the name "South African Nursing Council" shall be deemed to be the name of the said interim council, for purposes of the issue of certificates, diplomas and distinguishing devices, as well as for the use on letterheads or on any other place where the emblem and name of the South African Nursing Council is used. 35

Short title

17. This Act shall be called the Nursing Amendment Act, 1995.

- dig is, teen enige persoon wat op enige tydstip voor die eerste vergadering van die interim raad na bewering 'n handeling verrig het wat onbetaamlike of skandelige gedrag sou uitmaak ingevolge die bepalings van die herroepe wette of 'n regulasie daarkragtens uitgevaardig: Met dien verstande dat die interim
- 5 raad geen verrigtinge teen 'n persoon instel nie tensy die aard van die oortreding wat die persoon na bewering gepleeg het ingevolge die herroepe wette of enige regulasie daarkragtens uitgevaardig, wesenlik ooreenstem met dié van 'n oortreding bedoel in die ooreenstemmende bepalings van die Hoofwet of enige regulasie daarkragtens uitgevaardig.
- 10 (6) Enige handeling verrig of besluit geneem deur die Bophuthatswana Verpleegkundige Raad, die Transkei Nursing Council en die Ciskeian Nursing Council, word geag verrig of geneem te gewees het, na gelang van die geval, kragtens die ooreenstemmende bepalings van die Hoofwet.
- (7) Enige persoon wat onmiddellik voor die datum bedoel in subartikel (1) in
- 15 diens was by die Suid-Afrikaanse Raad op Verpleging, die Bophuthatswana Verpleegkundige Raad, die Transkei Nursing Council of die Ciskeian Nursing Council word geag ingevolge artikel 12 van die Hoofwet deur die interim raad aangestel te wees.
- (8) Enige persoon wat onmiddellik voor die datum bedoel in subartikel (1) die
- 20 registrateur van die Suid-Afrikaanse Raad op Verpleging, die Bophuthatswana Verpleegkundige Raad, die Transkei Nursing Council of die Ciskeian Nursing Council was, moet binne 14 dae na die inwerkingtreding van hierdie Wet die Direkteur-Generaal: Gesondheid voorsien van die registers, rolle, notules, finansiële state en enige ander tersaaklike dokumente van hul onderskeie rade.

25 Uitbreiding van toepassing van Wet 50 van 1978

15. Die Wet op Verpleging, 1978 (Wet No. 50 van 1978), soos dit onmiddellik voor die datum van die inwerkingtreding van die Wysigingswet op Verpleging, 1995, van krag was in die nasionale grondgebied van die Republiek, met die uitsluiting van die gebiede wat die voormalige Republieke van Transkei,
- 30 Bophuthatswana, Venda en Ciskei uitgemaak het en die gebiede wat die gebiede uitgemaak het wat kragtens artikel 26 van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), tot selfregerende gebiede verklaar is, is vanaf die datum bedoel in artikel 14(1) van die Wysigingswet op Verpleging, 1995, ook van toepassing in al die voormelde gebiede van die nasionale
- 35 grondgebied van die Republiek.

Algemene bepaling

16. Vir die tydperk van die bestaan van die Suid-Afrikaanse Interim Raad op Verpleging, word die benaming "Suid-Afrikaanse Raad op Verpleging" geag die benaming van vermelde interim raad te wees vir doeleindes van die
- 40 uitreiking van sertifikate, diplomas en kentekens, asook vir die gebruik op skryfbehoeftes of op enige ander plek waar die embleem en naam van die Suid-Afrikaanse Raad op Verpleging gebruik word.

Kort titel

17. Hierdie Wet heet die Wysigingswet op Verpleging, 1995.

Act No. 5, 1995

NURSING AMENDMENT ACT, 1995

SCHEDULE

LAWS REPEALED BY SECTION 14

Number and year of law	Short title	Extent of repeal	Area of national territory in respect of which law is repealed
Act No. 69 of 1957	Nursing Act, 1957	The whole	The territory of the former Republic of Venda and the territory of the former self-governing territory of Lebowa
Act No. 31 of 1970	Nursing Amendment Act, 1970	The whole	The territory of the former Republic of Venda and the territory of the former self-governing territory of Lebowa
Act No. 50 of 1972	Nursing Amendment Act, 1972	The whole	The territory of the former Republic of Venda and the territory of the former self-governing territory of Lebowa
Act No. 6 of 1978 (Transkei)	Nursing Act, 1978	The whole, except sections 27 to 36 inclusive	The territory of the former Republic of Transkei
Act No. 50 of 1978	Nursing Act, 1978	The whole	The territories of the former self-governing territories of KwaNdebele and KaNgwane
Act No. 12 of 1979 (Transkei)	Nursing Amendment Act, 1979	The whole	The territory of the former Republic of Transkei
Act No. 16 of 1981 (Transkei)	General Law Amendment Act, 1981	Section 6	The territory of the former Republic of Transkei
Act No. 71 of 1981	Nursing Amendment Act, 1981	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 70 of 1982	Nursing Amendment Act, 1982	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 13 of 1984 (Ciskei)	Nursing Act, 1984	The whole	The territory of the former Republic of Ciskei
Act No. 12 of 1985 (Gazankulu)	Gazankulu Nursing Act, 1985	The whole	The territory of the former self-governing territory of Gazankulu
Act No. 15 of 1985 (KwaZulu)	KwaZulu Nursing Act, 1985	The whole	The territory of the former self-governing territory of KwaZulu
Act No. 22 of 1985 (Transkei)	General Law Amendment Act, 1985	Sections 8 and 9	The territory of the former Republic of Transkei
Act No. 25 of 1985 (Transkei)	Health Laws Amendment Act, 1985	Sections 11 to 14 inclusive	The territory of the former Republic of Transkei
Act No. 33 of 1985 (Bophuthatswana)	Health and Related Professions Act, 1985	Chapter 4	The territory of the former Republic of Bophuthatswana
Act No. 3 of 1986 (Ciskei)	Nursing Amendment Act, 1986	The whole	The territory of the former Republic of Ciskei
Act No. 8 of 1986 (Qwaqwa)	Qwaqwa Nursing Act, 1986	The whole	The territory of the former self-governing territory of Qwaqwa
Act No. 18 of 1986 (Transkei)	Nursing Amendment Act, 1986	The whole	The territory of the former Republic of Transkei

BYLAE

WETTE HERROEP DEUR ARTIKEL 14

Nommer en jaar van wet	Kort titel	In hoeverre herroep	Gebied van nasionale grondgebied ten opsigte waarvan wet herroep word
Wet No. 69 van 1957	Wet op Verpleging, 1957	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebied van die voormalige selfregerende gebied van Lebowa
Wet No. 31 van 1970	Wysigingswet op Verpleging, 1970	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebied van die voormalige selfregerende gebied van Lebowa
Wet No. 50 van 1972	Wysigingswet op Verpleging, 1972	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebied van die voormalige selfregerende gebied van Lebowa
Wet No. 6 van 1978 (Transkei)	"Nursing Act, 1978"	Die geheel, behalwe artikels 27 tot en met 36	Die gebied van die voormalige Republiek van Transkei
Wet No. 50 van 1978	Wet op Verpleging, 1978	Die geheel	Die gebiede van die voormalige selfregerende gebiede van KwaNdebele en KaNgwane
Wet No. 12 van 1979 (Transkei)	"Nursing Amendment Act, 1979"	Die geheel	Die gebied van die voormalige Republiek van Transkei
Wet No. 16 van 1981 (Transkei)	"General Law Amendment Act, 1981"	Artikel 6	Die gebied van die voormalige Republiek van Transkei
Wet No. 71 van 1981	Wysigingswet op Verpleging, 1981	Die geheel	Die gebied van die voormalige selfregerende gebied van KaNgwane
Wet No. 70 van 1982	Wysigingswet op Verpleging, 1982	Die geheel	Die gebied van die voormalige selfregerende gebied van KaNgwane
Wet No. 13 van 1984 (Ciskei)	"Nursing Act, 1984"	Die geheel	Die gebied van die voormalige Republiek van Ciskei
Wet No. 12 van 1985 (Gazankulu)	Gazankulu-wet op Verpleging, 1985	Die geheel	Die gebied van die voormalige selfregerende gebied van Gazankulu
Wet No. 15 van 1985 (KwaZulu)	KwaZulu-wet op Verpleging, 1985	Die geheel	Die gebied van die voormalige selfregerende gebied van KwaZulu
Wet No. 22 van 1985 (Transkei)	"General Law Amendment Act, 1985"	Artikels 8 en 9	Die gebied van die voormalige Republiek van Transkei
Wet No. 25 van 1985 (Transkei)	"Health Laws Amendment Act, 1985"	Artikels 11 tot en met 14	Die gebied van die voormalige Republiek van Transkei
Wet No. 33 van 1985 (Bophuthatswana)	Wet op Gesondheid en Verwante Beroepe, 1985	Hoofstuk 4	Die gebied van die voormalige Republiek van Bophuthatswana
Wet No. 3 van 1986 (Ciskei)	"Nursing Amendment Act, 1986"	Die geheel	Die gebied van die voormalige Republiek van Ciskei
Wet No. 8 van 1986 (Qwaqwa)	Qwaqwa-wet op Verpleging, 1986	Die geheel	Die gebied van die voormalige selfregerende gebied van Qwaqwa
Wet No. 18 van 1986 (Transkei)	"Nursing Amendment Act, 1986"	Die geheel	Die gebied van die voormalige Republiek van Transkei

Act No. 5, 1995

NURSING AMENDMENT ACT, 1995

Number and year of law	Short title	Extent of repeal	Area of national territory in respect of which law is repealed
Decree No. 2 of 1989 (Transkei)	Nursing Amendment Decree, 1989	The whole	The territory of the former Republic of Transkei
Act No. 12 of 1989 (KwaZulu)	KwaZulu Nursing Amendment Act, 1989	The whole	The territory of the former self-governing territory of KwaZulu
Act No. 20 of 1989 (KwaNdebele)	KwaNdebele Nursing Amendment Act, 1989	The whole	The territory of the former self-governing territory of KwaNdebele
Decree No. 20 of 1990 (Transkei)	Decree: Nursing Act, 1978: Rectification of Nursing Council Elections, 1990	The whole	The territory of the former Republic of Transkei
Decree No. 48 of 1990 (Ciskei)	Nursing Amendment Decree, 1990	The whole	The territory of the former Republic of Ciskei
Act No. 12 of 1991 (KwaZulu)	KwaZulu Nursing Amendment Act, 1991	The whole	The territory of the former self-governing territory of KwaZulu

WYSIGINGSWET OP VERPLEGING, 1995

Wet No. 5, 1995

Nommer en jaar van wet	Kort titel	In hoeverre herroep	Gebied van nasionale grondgebied ten opsigte waarvan wet herroep word
Dekreet No. 2 van 1989 (Transkei)	"Nursing Amendment Decree, 1989"	Die geheel	Die gebied van die voormalige Republiek van Transkei
Wet No. 12 van 1989 (KwaZulu)	KwaZulu-wysigingswet op Verpleging, 1989	Die geheel	Die gebied van die voormalige selfregerende gebied van KwaZulu
Wet No. 20 van 1989 (KwaNdebele)	KwaNdebele-Wysigingswet op Verpleging, 1989	Die geheel	Die gebied van die voormalige selfregerende gebied van KwaNdebele
Dekreet No. 20 van 1990 (Transkei)	"Decree: Nursing Act, 1978: Rectification of Nursing Council Elections, 1990"	Die geheel	Die gebied van die voormalige Republiek van Transkei
Dekreet No. 48 van 1990 (Ciskei)	"Nursing Amendment Decree, 1990"	Die geheel	Die gebied van die voormalige Republiek van Ciskei
Wet No. 12 van 1991 (KwaZulu)	KwaZulu-wysigingswet op Verpleging, 1991	Die geheel	Die gebied van die voormalige selfregerende gebied van KwaZulu

Nummer en jaar van wet	Kort-titel	In hoeverre 'verreep'	Gebied van nasionale grondgebied en opsigte waarvan wet betreëp word
Dokters No. 2 van 1989 (Transkei)	"Nursing Amendment Doctors, 1989"	Die gebied	Die gebied van die voormalige Republiek van Transkei
Wet No. 12 van 1989 (KwaZulu)	KwaZulu-wysigingswet op Verpleging, 1989	Die gebied	Die gebied van die voormalige selfregerende gebied van KwaZulu
Wet No. 30 van 1989 (KwaZulu-belo)	KwaZulu-belo-wysigingswet op Verpleging, 1989	Die gebied	Die gebied van die voormalige selfregerende gebied van KwaZulu-belo
De Wet No. 30 van 1990 (Transkei)	"Doctors: Nursing Act, 1978: Rectification of Nursing Council Elections, 1990"	Die gebied	Die gebied van die voormalige Republiek van Transkei
Dokters No. 48 van 1990 (Ciskei)	"Nursing Amendment Doctors, 1990"	Die gebied	Die gebied van die voormalige Republiek van Ciskei
Wet No. 12 van 1991 (KwaZulu)	KwaZulu-wysigingswet op Verpleging, 1991	Die gebied	Die gebied van die voormalige selfregerende gebied van KwaZulu



