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PRESIDENT'S OFFICE

No. 1053.

21 July 1995

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

No. 18 of 1995: Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1053.

21 Julie 1995

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

No. 18 van 1995: Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1995.

Act No. 18, 1995

MEDICAL, DENTAL AND SUPPLEMENTARY HEALTH
SERVICE PROFESSIONS AMENDMENT ACT, 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 Medical, Dental and Supplementary Health Service Professions Act, 1974, so as to insert certain definitions and to amend others; to provide for the establishment, constitution and objects of the Interim National Medical and Dental Council of South Africa; to provide for the abolition of certain medical councils; and to provide for the repeal of certain laws in respect of medical, dental and supplementary professions which remained in force in the various territories of the national territory of the Republic by virtue of section 229 of the Constitution; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 10 July 1995.)

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

Amendment of section 1 of Act 56 of 1974, as amended by section 1 of Act 33 of 1976, section 12 of Act 36 of 1977, section 1 of Act 52 of 1978, section 1 of Act 38 of 1982, section 1 of Act 58 of 1984, section 24 of Act 94 of 1991 and section 1 of Act 58 of 1992 5

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

(a) by the insertion before the definition of “council” of the following 10
definition:

“ ‘Ciskeian Medical Council’ means the Ciskeian Medical Council established by section 2 of the Health Professions and Related Health Practices Act, 1984 (Act No. 36 of 1984) (Ciskei);”;

(b) by the insertion after the definition of “dentist” of the following 15
definition:

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

(c) by the substitution for the definition of “Minister” of the following 20
definition:

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

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 Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974, ten einde sekere omskrywings in te voeg en ander te wysig; voorsiening te maak vir die instelling, samestelling en oogmerke van die Interim Nasionale Mediese en Tandheelkundige Raad van Suid-Afrika; voorsiening te maak vir die afskaffing van sekere mediese rade; en voorsiening te maak vir die herroeping van sekere wette met betrekking tot geneeshere, tandartse en aanvullende beroepe wat uit hoofde van artikel 229 van die Grondwet van krag gebly het in die onderskeie gebiede van die nasionale grondgebied van die Republiek; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 10 Julie 1995.)*

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

Wysiging van artikel 1 van Wet 56 van 1974, soos gewysig deur artikel 1 van Wet 33 van 1976, artikel 12 van Wet 36 van 1977, artikel 1 van Wet 52 van 1978, artikel 1 van Wet 38 van 1982, artikel 1 van Wet 58 van 1984, artikel 24 van Wet 94 van 1991 en artikel 1 van Wet 58 van 1992

1. Artikel 1 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (hieronder die Hoofwet genoem), word hierby gewysig—

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

“ ‘Ciskeise Mediese Raad’ die ‘Ciskeian Medical Council’ ingestel by artikel 2 van die ‘Health Professions and Related Health Practices Act, 1984’ (Wet No. 36 van 1984) (Ciskei);

15 ‘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;”;

20 (c) deur na die omskrywing van “studentintern” die volgende omskrywing in te voeg:

“ ‘Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad’ die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad bedoel in artikel 2 van hierdie Wet voordat vermeldde artikel 2 deur die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1995, gewysig is;”;

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

"'South African Medical and Dental Council' means the South African Medical and Dental Council referred to in section 2 of this Act prior to its amendment by the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995;"

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

"'Transkeian Medical Council' means the Transkeian Medical Council established by section 2 of the Medical, Allied and Supplementary Professions Act, 1976 (Act No. 30 of 1976) (Transkei);".

Substitution of heading to Chapter I of Act 56 of 1974

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

"[Continued Existence] Establishment and Objects, Functions and Powers of the [South African Medical and Dental] Interim National Medical and Dental Council of South Africa".

Substitution of section 2 of Act 56 of 1974

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

"Establishment of Interim National Medical and Dental Council of South Africa

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

(2) The head office of the council shall be situated in 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."

Amendment of section 3 of Act 56 of 1974, as amended by section 2 of Act 58 of 1992

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 24 months calculated as from the date of commencement of the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995;

(g) to advise the Minister with regard to the amendment or adjustment of this Act in order to support the universal norms and values of the medical profession, with greater emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement."

Substitution of section 5 of Act 56 of 1974, as amended by section 2 of Act 52 of 1978, section 2 of Act 58 of 1984, section 1 of Act 79 of 1990 and section 3 of Act 58 of 1992

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

"Constitution of council

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

(a) 15 persons nominated by the South African Medical and Dental Council from its members;

(b) three persons nominated by the Transkeian Medical Council from its members;

(c) three persons nominated by the Ciskeian Medical Council from its members;

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- (d) deur na die omskrywing van "tandarts" die volgende omskrywing in te voeg:

" 'Transkeise Mediese Raad' die 'Transkeian Medical Council' ingestel by artikel 2 van die 'Medical, Allied and Supplementary Professions Act, 1976' (Wet No. 30 van 1976) (Transkei);".

Vervanging van opskrif by Hoofstuk I van Wet 56 van 1974

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

"[**Voortbestaan**] Instelling en Oogmerke, Werksaamhede en Bevoegdhede van die [Suid-Afrikaanse Geneeskundige en Tandheelkundige] Interim Nasionale Mediese en Tandheelkundige Raad van Suid-Afrika".

Vervanging van artikel 2 van Wet 56 van 1974

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

"Instelling van Interim Nasionale Mediese en Tandheelkundige Raad van Suid-Afrika

2. (1) Hierby word 'n regs persoon met die naam die Interim Nasionale Mediese en Tandheelkundige Raad van Suid-Afrika 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."

Wysiging van artikel 3 van Wet 56 van 1974, soos gewysig deur artikel 2 van Wet 58 van 1992

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

"(f) om binne 'n tydperk van hoogstens 24 maande bereken vanaf die datum van inwerkingtreding van die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1995, aanbevelings aan die Minister te doen oor die samestelling van 'n nuwe raad;

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

Vervanging van artikel 5 van Wet 56 van 1974, soos gewysig deur artikel 2 van Wet 52 van 1978, artikel 2 van Wet 58 van 1984, artikel 1 van Wet 79 van 1990 en artikel 3 van Wet 58 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) 15 persone aangewys deur die Suid-Afrikaanse Mediese en Tandheelkundige Raad uit sy lede;

(b) drie persone aangewys deur die Transkeise Mediese Raad uit sy lede;

(c) drie persone aangewys deur die Ciskeise Mediese Raad uit sy lede;

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- (d) the Director-General;
- (e) one dentist;
- (f) one psychologist;
- (g) three persons appointed on account of their knowledge of the law;
- (h) a representative of the health authority of each province;
- (i) four medical practitioners and two dentists nominated by the principals or rectors of universities at which medical or dental faculties have been established: Provided that not more than one medical practitioner or dentist so appointed shall be attached to the staff of any one such university;
- (j) one person registered as a nurse in terms of the Nursing Act, 1978 (Act No. 50 of 1978);
- (k) one person registered as a pharmacist in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974);
- (l) nine persons representing the community.
- (2) The councils referred to in subsection (1)(a), (b) and (c), the authorities referred to in subsection (1)(h) and the principals or rectors referred to in subsection (1)(i) shall, within 14 days of the commencement of the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995, inform the Director-General in writing of the names of the persons nominated by them in terms of the relevant provisions of subsection (1).
- (3) (a) If a council referred to in subsection (1)(a), (b) or (c), the authorities referred to in subsection (1)(h) and the principals or rectors referred to in subsection (1)(i) fail to nominate persons in terms of the said provisions or fail to inform the Director-General under subsection (2) of the names of the persons so nominated, the Minister shall appoint qualified persons up to the number required, as members of the council.
- (b) The Director-General shall, in the case of a failure contemplated in paragraph (a), immediately inform the Minister thereof in writing.
- (4) The Minister shall as soon as possible after the appointment of the members of the council inform the Director-General of the names of 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 made known by the Director-General in the *Gazette* as soon as possible after the constitution of the council.
- (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 date of constitution of a new council, but not exceeding 24 months."

Amendment of section 6 of Act 56 of 1974, as amended by section 46 of Act 97 of 1986 and section 4 of Act 58 of 1992

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

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

"(d) 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;"; and

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

"(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 [designation 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, designated or elected] by the Minister of a person nominated by the Council, and every member so appointed [designated or elected]

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- (d) die Direkteur-generaal;
 (e) een tandarts;
 (f) een sielkundige;
 (g) drie persone aangestel op grond van hul kennis van die reg;
 5 (h) 'n verteenwoordiger van die gesondheidsowerheid van elke provinsie;
 (i) vier geneeshere en twee tandartse aangewys deur die prinsipale of rektore van universiteite waar mediese of tandheelkundige fakulteite ingestel is: Met dien verstande dat nie meer as een van
 10 die aldus aangestelde geneeshere of tandartse aan die personeel van dieselfde universiteit verbonde mag wees nie;
 (j) een persoon wat kragtens die Wet op Verpleging, 1978 (Wet No. 50 van 1978), as 'n verpleegkundige geregistreer is;
 15 (k) een persoon wat kragtens die Wet op Aptekers, 1974 (Wet No. 53 van 1974), as 'n apteker geregistreer is;
 (l) nege persone wat die gemeenskap verteenwoordig.
- (2) Die rade bedoel in subartikel (1)(a), (b) en (c), die owerhede bedoel in subartikel (1)(h) en die prinsipale of rektore bedoel in subartikel (1)(i) moet binne 14 dae na die inwerkingtreding van die
 20 Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1995, die Direkteur-generaal skriftelik in kennis stel van die name van die persone wat ingevolge die toepaslike bepalinge van subartikel (1) deur hulle aangewys is.
- (3) (a) Indien 'n raad bedoel in subartikel (1)(a), (b) of (c), die owerhede bedoel in subartikel (1)(h) en die prinsipale of rektore bedoel in subartikel (1)(i) versuim om ingevolge bedoelde bepalinge
 25 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,
 30 aanstel as lede van die raad.
- (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
 35 name van die persone wat hy of sy aangestel het.
- (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
 40 gemaak word.
- (6) Behoudens die bepalinge van artikel 6 beklee die lede van die raad hulle amp vanaf die datum in subartikel (5) beoog tot die datum van samestelling van 'n nuwe raad, maar vir hoogstens 24 maande."

Wysiging van artikel 6 van Wet 56 van 1974, soos gewysig deur artikel 46 van Wet
 45 97 van 1986 en artikel 4 van Wet 58 van 1992

6. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
 50 "(d) 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;" en
- (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 uitgetrede lid aangestel, aangewys of verkies moes word] deur die
 60 Minister van 'n persoon deur die raad aangewys, en elke lid wat aldus aangestel [aangewys of verkies] word, beklee sy of haar amp

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shall hold office for the unexpired portion of the period for which the vacating member was appointed **[designated or elected]**.”.

Amendment of section 9 of Act 56 of 1974

7. Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The majority of the members of the council shall constitute a quorum at any meeting of the council.”.

Amendment of section 10 of Act 56 of 1974, as amended by section 3 of Act 58 of 1984 and section 5 of Act 58 of 1992

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

“(1) There shall be an executive committee of the council consisting of the president, the vice-president, the Director-General **[National Health and Population Development (or, in his absence, the officer designated in terms of section 5(2))]** and not less than **[five]** seven other members of the council designated by the council, of whom not less than three shall be medical practitioners, one shall be a dentist **[and one shall be a member appointed under section 5(1)(b)(iv)]** and two shall be community representatives.”.

Amendment of section 12 of Act 56 of 1974

9. Section 12 of the principal Act is hereby amended—

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

“(1) **[Subject to the provisions of subsection (4) the]** The council shall appoint a registrar and may appoint such other persons as it may deem necessary for carrying out its functions under this Act, and may dismiss any of such other persons.”; and

(b) by the deletion of subsection (4).

Substitution of section 14 of Act 56 of 1974

10. 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.”.

Amendment of section 15 of Act 56 of 1974, as amended by section 46 of Act 57 of 1975

11. Section 15 of the principal Act is hereby amended by the substitution for subsection (11) of the following subsection:

“(11) The election of members of any professional board established under this section and any election to fill a casual vacancy on such professional board, shall be held *mutatis mutandis* in accordance with the provisions of this Act relating to the election, contemplated in section 5(1)(e), of members of the council prior to the amendment thereof by the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995.”.

Substitution of section 63A of Act 56 of 1974, as inserted by section 5 of Act 38 of 1982

12. The following section is hereby substituted for section 63A of the principal Act:

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vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede lid aangestel **[aangewys of verkies]** was.”.

Wysiging van artikel 9 van Wet 56 van 1974

7. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die meerderheid van die lede van die raad maak ’n kworum op ’n vergadering van die raad uit.”.

Wysiging van artikel 10 van Wet 56 van 1974, soos gewysig deur artikel 3 van Wet 58 van 1984 en artikel 5 van Wet 58 van 1992

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

“(1) Daar is ’n uitvoerende komitee van die raad wat bestaan uit die president, die vise-president, die Direkteur-generaal **[Nasionale Gesondheid en Bevolkingsontwikkeling (of, by sy afwesigheid, die beaampte aangewys ingevolge artikel 5(2))]** en minstens **[vyf]** sewe ander lede van die raad deur die raad aangewys van wie minstens drie geneeshere, een ’n tandarts **[en een ’n lid aangestel kragtens artikel 5(1)(b)(iv)]** en twee gemeenskapsverteenvoordigers moet wees.”.

Wysiging van artikel 12 van Wet 56 van 1974

9. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) **[Behoudens die bepalings van subartikel (4) moet die]** Die raad moet ’n registrateur aanstel en kan **[hy]** die ander persone aanstel wat hy nodig ag vir die verrigting van sy werksaamhede kragtens hierdie Wet, en **[kan]** hy **[kan]** enige van daardie ander persone ontslaan.”; en

(b) deur subartikel (4) te skrap.

Vervanging van artikel 14 van Wet 56 van 1974

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

“Minister kan foute herstel

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 15 van Wet 56 van 1974, soos gewysig deur artikel 46 van Wet 57 van 1975

11. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (11) deur die volgende subartikel te vervang:

“(11) Die verkiesing van lede van ’n beroepsraad ingestel kragtens hierdie artikel en ’n verkiesing om ’n toevallige vakature in so ’n beroepsraad te vul, word gehou *mutatis mutandis* ooreenkomstig die bepalings van hierdie Wet met betrekking tot die verkiesing, beoog in artikel 5(1)(e), van lede van die raad voor die wysiging daarvan deur die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1995.”.

Vervanging van artikel 63A van Wet 56 van 1974, soos ingevoeg deur artikel 5 van Wet 38 van 1982

12. Artikel 63A van die Hoofwet word hierby deur die volgende artikel vervang:

“Abolition of certain councils, and transitional provisions

63A. (1) The South African Medical and Dental Council, the Transkeian Medical Council and the Ciskeian Medical 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 Medical and Dental Council, the Transkeian Medical Council and the Ciskeian Medical 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.

(2) (a) The registrar of deeds concerned shall, at the request of the council and on submission of the relevant title deeds and other documents, make the necessary entries and endorsements in respect of his or her registers and other documents in order to give effect to a transfer in terms of subsection (1).

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

Substitution of long title of Act 56 of 1974

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

“ACT

To [consolidate and amend the laws providing for the establishment of the South African Medical and Dental Council] establish the Interim National Medical and Dental Council of South Africa; to provide for control over the training of and for the registration of medical practitioners, dentists and practitioners of supplementary health service professions; to provide for control over the training of and for the registration of psychologists; 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 repealed as from the date on which the South African Medical and Dental Council, the Transkeian Medical Council and the Ciskeian Medical Council are abolished in terms of section 63A of the principal Act as indicated in the third column of the Schedule, to the extent that such laws were in force immediately prior to the commencement of the Constitution in the various territories of the national territory of the Republic as set out in the fourth column of the Schedule.

(2) Any proclamation, notice, regulation, authorisation, rule or order issued, made, granted or done in terms of a provision of any law repealed in terms of subsection (1) shall, unless it is inconsistent with any provision of the principal Act, be deemed to have been issued, made, granted or done in terms of the corresponding provision of the principal Act, and shall stay in force until cancelled or repealed by the Interim National Medical and Dental Council of South Africa, established by section 2 of the principal Act (in this section referred to as the interim council).

(3) Any registration of a person or any removal of a name from a register or any appointment or anything else done in terms of a provision of any law repealed in terms of subsection (1), shall be deemed to have been done under the principal Act.

(4) Notwithstanding the provisions of subsection (1), any inquiry, including any preliminary investigation undertaken to determine whether *prima facie* evidence exists which would justify such inquiry, into alleged improper or disgraceful conduct by any person, conducted by a council abolished by section 63A 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

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"Afskaffing van sekere rade, en oorgangsmaatreëls

63A. (1) Die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Transkeise Mediese Raad en die Ciskeise Mediese Raad 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 Geneeskundige en Tandheelkundige Raad, die Transkeise Mediese Raad en die Ciskeise Mediese Raad 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 ingevolge hierdie Wet te verkry of aan te gaan het.

(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 of haar registers en ander stukke aanbring ten einde 'n oordrag ingevolge subartikel (1) te bewerkstellig.

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

Vervanging van lang titel van Wet 56 van 1974

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

"WET

Tot [samevatting en wysiging van die wette wat voorsiening maak vir die instelling van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad en] instelling van die Interim Nasionale Mediese en Tandheelkundige Raad van Suid-Afrika; om voorsiening te maak vir beheer oor die opleiding van en vir die registrasie van geneeshere, tandartse en beoefenaars van aanvullende gesondheidsdiensberoep; om voorsiening te maak vir beheer oor die opleiding van en vir die registrasie van sielkundiges; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan."

Herroeping van wette, en voorbehoude

14. (1) Behoudens die bepalings van hierdie artikel word die wette genoem in die tweede kolom van die Bylae vanaf die datum waarop die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Transkeise Mediese Raad en die Ciskeise Mediese Raad ingevolge artikel 63A van die Hoofwet afgeskaf word, herroep soos aangedui in die derde kolom van die Bylae, in die mate waarin sodanige wette van krag was onmiddellik voor die inwerkingtreding van die Grondwet 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, reël 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 Interim Nasionale Mediese en Tandheelkundige Raad van Suid-Afrika, ingestel by artikel 2 van die Hoofwet (in hierdie artikel die interim raad genoem), ingetrek of herroep word.

(3) 'n Registrasie van 'n persoon of 'n skraping van 'n naam uit 'n register 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.

(4) Ondanks die bepalings van subartikel (1) word 'n ondersoek, met inbegrip van 'n voorlopige ondersoek wat onderneem is om vas te stel of *prima facie*-getuienis bestaan wat so 'n ondersoek regverdig, na beweerde onbetaamlike of skandelijke gedrag deur 'n persoon, ingestel deur 'n raad wat by artikel 63A van die Hoofwet afgeskaf word, wat teen die datum van die eerste

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

(6) Any act performed or decision taken by the Transkeian Medical Council or the Ciskeian Medical Council, with the exception of acts or decisions relating to pharmacy matters, shall be deemed to have been performed or taken, as the case may be, under the corresponding provisions of the principal Act.

(7) Any person employed by the South African Medical and Dental Council, the Transkeian Medical Council and the Ciskeian Medical Council immediately prior to the date referred to in subsection (1), with the exception of persons concerned with matters with regard to pharmaceutical services, shall be deemed to have been appointed by the interim council in terms of section 12 of the principal Act.

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

(9) In this section "South African Medical and Dental Council", "Transkeian Medical Council" and "Ciskeian Medical Council" shall mean the South African Medical and Dental Council, the Transkeian Medical Council and the Ciskeian Medical Council, as defined in section 1 of the principal Act, respectively.

Extension of application of Act 56 of 1974

15. The principal Act, as it was in force immediately prior to the commencement of this Act 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), apply also in those areas.

General provision

16. During the period of existence of the Interim National Medical and Dental Council of South Africa, established by section 2 of the principal Act, the name "South African Medical and Dental Council" shall be deemed to be the name of the interim council for the purposes of the issue of certificates, diplomas and distinguishing devices and its use on letterheads or on any other place where the name of the interim council is used.

Short title and commencement

17. This Act shall be called the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995, and shall come into operation immediately after the commencement of the Pharmacy Amendment Act, 1995.

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vergadering van die interim raad nie voltooi is nie, deur die interim raad voortgesit en afgehandel ooreenkomstig die bepalings van die wet waarkragtens die ondersoek ingestel is, asof sodanige wet nie herroep is nie.

- (5) Ondanks die bepalings van subartikel (1) het die interim raad die bevoegdheid om dissiplinêre verrigtinge kragtens die betrokke bepalings van die herroepe wette in te stel en af te handel ooreenkomstig die prosedures soos voorgeskryf by regulasies wat kragtens artikel 61 van die Hoofwet uitgevaardig is, teen 'n persoon wat op enige tydstip voor die eerste vergadering van die interim raad na bewering 'n handeling verrig het wat onbetaamlike of skandelijke gedrag sou uitmaak ingevolge die bepalings van die herroepe wette of 'n regulasie daarkragtens uitgevaardig: Met dien verstande dat die interim raad geen verrigtinge teen 'n persoon instel nie tensy die aard van die oortreding wat die persoon na bewering ingevolge die herroepe wette of enige regulasie daarkragtens uitgevaardig, gepleeg het, wesenlik ooreenstem met dié van 'n oortreding bedoel in ooreenstemmende bepalings van die Hoofwet of enige regulasie daarkragtens uitgevaardig.

- (6) Enige handeling verrig of besluit geneem deur die Transkeise Mediese Raad of die Ciskeise Mediese Raad, met die uitsondering van handeling of besluite betreffende aptekersaangeleenthede, 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 diens was by die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Transkeise Mediese Raad en die Ciskeise Mediese Raad, met die uitsondering van persone wat gemoeid was met aangeleenthede wat betrekking het op farmaseutiese dienste, word geag ingevolge artikel 12 van die Hoofwet deur die interim raad aangestel te gewees het.

- (8) Enige persoon wat onmiddellik voor die datum bedoel in subartikel (1) die registrateur van die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Transkeise Mediese Raad of die Ciskeise Mediese Raad was, moet binne 14 dae na die inwerkingtreding van hierdie Wet die Direkteur-generaal: Gesondheid voorsien van die registers, notules, finansiële state en enige ander relevante dokumente van hul onderskeie rade.

- (9) In hierdie artikel beteken "Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad", "Transkeise Mediese Raad" en "Ciskeise Mediese Raad" onderskeidelik die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Transkeise Mediese Raad en die Ciskeise Mediese Raad soos omskryf in artikel 1 van die Hoofwet.

Uitbreiding van toepassing van Wet 56 van 1974

15. Die Hoofwet, soos dit onmiddellik voor die inwerkingtreding van hierdie Wet van krag was in die nasionale grondgebied van die Republiek met uitsluiting van die gebiede wat die voormalige Republieke van Transkei, 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) ook van toepassing in daardie gebiede.

Algemene bepaling

16. Vir die tydperk van die bestaan van die Interim Nasionale Mediese en Tandheelkundige Raad van Suid-Afrika, ingestel by artikel 2 van die Hoofwet, word die benaming "Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad" geag die benaming van die interim raad te wees vir doeleindes van die uitreiking van sertifikate, diplomas en kentekens, asook vir die gebruik op briefhoofde of enige ander plek waar die naam van die interim raad gebruik word.

55 Kort titel en inwerkingtreding

17. Hierdie Wet heet die Wysigingswet op Geneeshare, Tandartse en Aanvullende Gesondheidsdiensberoep, 1995, en tree in werking onmiddellik nadat die Wysigingswet op Aptekers, 1995, in werking getree het.

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SCHEDULE

LAWS REPEALED BY SECTION 14

Number and year of law	Short title	Extent of repeal	Area in respect of which law is repealed
Act No. 56 of 1974	Medical, Dental and Supplementary-Health Service Professions Act, 1974	The whole	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 57 of 1975	General Law Amendment Act, 1975	Sections 46, 47 and 48	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 30 of 1976 (Transkei)	Medical, Allied and Supplementary Professions Act, 1976 (Transkei)	The whole	The territory of the former Republic of Transkei
Act No. 33 of 1976	Medical, Dental and Supplementary Health Service Professions Amendment Act, 1976	The whole	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 36 of 1977	Health Laws Amendment Act, 1977	Sections 12 up to and including 18	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 31 of 1978 (Transkei)	Medical, Allied and Supplementary Professions Amendment Act, 1978 (Transkei)	The whole	The territory of the former Republic of Transkei
Act No. 52 of 1978	Medical, Dental and Supplementary Health Service Professions Amendment Act, 1978	The whole	The territory of the former Republic of Venda and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 43 of 1980	Medical, Dental and Supplementary Health Service Professions Amendment Act, 1980	The whole	The territories of the former self-governing territories of KwaNdebele and KaNgwane
Act No. 66 of 1981	Medical, Dental and Supplementary Health Service Professions Amendment Act, 1981	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 15 of 1982 (Transkei)	Health Professions and Related Health Practices Amendment Act, 1982 (Transkei)	The whole	The territory of the former Republic of Transkei
Act No. 38 of 1982	Medical, Dental and Supplementary Health Service Professions Amendment Act, 1982	The whole	The territory of the former self-governing territory of KaNgwane

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BYLAE

WETTE HERROEP DEUR ARTIKEL 14

Nommer en jaar van wet	Kort titel	Omvang van herroeping	Gebied ten opsigte waarvan wet herroep word
Wet No. 56 van 1974	Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 57 van 1975	Algemene Regswysigingswet, 1975	Artikels 46, 47 en 48	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 30 van 1976 (Transkei)	"Medical, Allied and Supplementary Professions Act, 1976" (Transkei)	Die geheel	Die gebied van die voormalige Republiek van Transkei
Wet No. 33 van 1976	Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1976	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 36 van 1977	Wysigingswet op Gesondheidswetgewing, 1977	Artikels 12 tot en met 18	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 31 van 1978 (Transkei)	"Medical, Allied and Supplementary Professions Amendment Act, 1978" (Transkei)	Die geheel	Die gebied van die voormalige Republiek van Transkei
Wet No. 52 van 1978	Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1978	Die geheel	Die gebied van die voormalige Republiek van Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 43 van 1980	Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1980	Die geheel	Die gebiede van die voormalige selfregerende gebiede van KwaNdebele en KaNgwane
Wet No. 66 van 1981	Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1981	Die geheel	Die gebied van die voormalige selfregerende gebied van KaNgwane
Wet No. 15 van 1982 (Transkei)	"Health Professions and Related Health Practices Amendment Act, 1982" (Transkei)	Die geheel	Die gebied van die voormalige Republiek van Transkei
Wet No. 38 van 1982	Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1982	Die geheel	Die gebied van die voormalige selfregerende gebied van KaNgwane

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Number and year of law	Short title	Extent of repeal	Area in respect of which law is repealed
Act No. 15 of 1983 (Transkei)	General Law Amendment Act, 1983 (Transkei)	Section 7	The territory of the former Republic of Transkei
Act No. 36 of 1984 (Ciskei)	Health Professions and Related Health Practices Act, 1984 (Ciskei)	The whole	The territory of the former Republic of Ciskei
Act No. 25 of 1985 (Transkei)	Health Laws Amendment Act, 1985 (Transkei)	Sections 7, 8, 9 and 10	The territory of the former Republic of Transkei
Act No. 33 of 1985 (Bophuthatswana)	Health and Related Professions Act, 1985 (Bophuthatswana)	Chapter 3	The territory of the former Republic of Bophuthatswana
Act No. 14 of 1987 (Transkei)	Medical, Allied and Supplementary Professions Amendment Act, 1987 (Transkei)	The whole	The territory of the former Republic of Transkei

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Nummer en jaar van wet	Kort titel	Omvang van herroeping	Gebied ten opsigte waarvan wet herroep word
Wet No. 15 van 1983 (Transkei)	"General Law Amendment Act, 1983" (Transkei)	Artikel 7	Die gebied van die voormalige Republiek van Transkei
Wet No. 36 van 1984 (Ciskei)	"Health Professions and Related Health Practices Act, 1984" (Ciskei)	Die geheel	Die gebied van die voormalige Republiek van Ciskei
Wet No. 25 van 1985 (Transkei)	"Health Laws Amendment Act, 1985" (Transkei)	Artikels 7, 8, 9 en 10	Die gebied van die voormalige Republiek van Transkei
Wet No. 33 van 1985 (Bophuthatswana)	"Health and Related Professions Act, 1985" (Bophuthatswana)	Hoofstuk 3	Die gebied van die voormalige Republiek van Bophuthatswana
Wet No. 14 van 1987 (Transkei)	"Medical, Allied and Supplementary Professions Amendment Act, 1987" (Transkei)	Die geheel	Die gebied van die voormalige Republiek van Transkei

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GEZONDHEIDSDIENSTBEROEP, 1992

Nummer en jaar van wet	Kort titel	Omvang van betroeping	Gebied ten opzichte waarvan wet betroep word
Wet No. 18 van 1987 (Tanskei)	General Law Amend- ment Act, 1987 (Tanskei)	Artikel 7	Die gebied van die voormalige Republiek van Tanskei
Wet No. 30 van 1994 (Giskei)	Health Professions and Related Health Practices Act, 1994 (Giskei)	Die geneesl	Die gebied van die voormalige Republiek van Giskei
Wet No. 25 van 1985 (Tanskei)	Health Laws Amend- ment Act, 1985 (Tanskei)	Artikels 7, 8, 9 en 10	Die gebied van die voormalige Republiek van Tanskei
Wet No. 33 van 1995 (Bophuthatswana)	Health and Related Professions Act, 1995 (Bophuthatswana)	Hoofstuk 3	Die gebied van die voormalige Republiek van Bophuthatswana
Wet No. 14 van 1987 (Tanskei)	Medical, Allied and Supplementary Pro- fessions Amendment Act, 1987 (Tanskei)	Die geneesl	Die gebied van die voormalige Republiek van Tanskei

