



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 388

CAPE TOWN, 3 OCTOBER 1997

No. 18333

KAAPSTAD, 3 OKTOBER 1997

OFFICE OF THE PRESIDENT

No. 1300.

3 October 1997

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

No. 43 of 1997: Dental Technicians Amendment Act, 1997.

KANTOOR VAN DIE PRESIDENT

No. 1300.

3 Oktober 1997

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

No. 43 van 1997: Wysingswet op Tandtegnici, 1997.

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 Dental Technicians Act, 1979, in relation to the definitions; in order to provide for the recognition of the professions of dental technologist and clinical dental technologist; to constitute a new South African Dental Technicians Council and to make transitional arrangements therefor; to provide for the re-appointment or re-election of a member of that Council for one further term only; to provide for the extension of the acts which may be performed by a dental laboratory assistant; to provide for the registration of dental laboratory assistants; to provide for the direct billing of patients or medical aid schemes by dental technician contractors; to provide that a business in which acts specially pertaining to the profession of dental technician or dental technologist are performed, may be carried out by associations or juristic persons; to provide that a fine may also be imposed upon a conviction of misconduct; to increase penalties so as to cope with inflation; to amend certain obsolete references; to provide for the rationalisation of certain laws relating to dental technicians that have remained in force in the various territories of the national territory of the Republic by virtue of the Constitution of the Republic of South Africa, 1996; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 25 September 1997.)

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

Amendment of section 1 of Act 19 of 1979

1. Section 1 of the Dental Technicians Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "approved institution" of the following definition:

"clinical dental technologist" means a person who has undergone training in treating patients requiring complete artificial dentures and who is registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

(b) by the substitution for the definition of "dental laboratory assistant" of the following definition:

"dental laboratory assistant" means any person employed as such by a dentist [or], clinical dental technologist, dental technician or dental technologist in terms of section 28;";

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ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die Wet op Tandtegnici, 1979, met betrekking tot die woordomskrywings; ten einde voorsiening te maak vir die erkenning van die beroepe van tandtegnoloog en kliniese tandtegnoloog; 'n nuwe Suid-Afrikaanse Raad vir Tandtegnici saam te stel en oorgangsreëlings daarvoor te tref; voorsiening te maak dat 'n lid van daardie Raad slegs vir een verdere termyn herkies of weer aangestel kan word; voorsiening te maak vir 'n uitbreiding van die handelinge wat deur 'n tandkundige laboratorium-assistent verrig mag word; voorsiening te maak vir die registrasie van tandkundige laboratorium-assistente; voorsiening te maak vir direkte fakturering van pasiënte of mediese hulpskemas deur tandtegnikuskontrakteurs; voorsiening te maak vir die dryf van 'n besigheid waarin handelinge wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog behoort, in genootskap of deur regspersone verrig word; te bepaal dat 'n boete ook by skuldigbevinding aan wangedrag opgelê kan word; strawwe te verhoog ten einde met inflasie tred te hou; sekere verouerde bepalings te wysig; en voorsiening te maak vir die rasionalisering van sekere wette met betrekking tot tandtegnici wat uit hoofde van die Grondwet van die Republiek van Suid-Afrika, 1996, 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 25 September 1997.)*

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

Wysiging van artikel 1 van Wet 19 van 1979

1. Artikel 1 van die Wet op Tandtegnici, 1979 (hieronder die Hoofwet genoem), word 5 hierby gewysig—
 (a) deur na die omskrywing van "aanvullende kursus" die volgende omskrywings in te voeg:
 “Departement” die nasionale Departement van Gesondheid;
 “Direkteur-generaal” die Direkteur-generaal: Gesondheid;”;
- 10 (b) deur na die omskrywing van “inspekteur” die volgende omskrywing in te voeg:
 “kliniese tandtegnoloog” 'n persoon wat opleiding in die behandeling van pasiënte wat 'n volle kunsgebit benodig, ondergaan het en wat ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), as sodanig geregistreer 15 is;”;

- (c) by the substitution for the definition of "dental technician contractor" of the following definition:
 "dental technician contractor" means a dental technician or a dental technologist who, with due regard to the provisions of this Act, practises the profession of [a] dental technician or dental technologist, as the case may be, on his or her own account, or who is a member of a partnership or an association of dental technicians or dental technologists, as the case may be, which practises that profession, or who is a [director] member of a [company] juristic person which carries on any business in which is performed any act specially pertaining to the profession of [a] dental technician or dental technologist, as the case may be;"; 5
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- (d) by the insertion after the definition of "dental technician contractor" of the following definition:
 "dental technologist" means a person who has acquired a B.Tech.Dent.Tech. degree and who is registered as a dental technologist under section 18; 15
- (e) by the insertion after the definition of "dentist" of the following definitions:
 "Department" means the national Department of Health;
 "Director-General" means the Director-General: Health;";
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- (f) by the deletion of the definition of "Secretary";
- (g) by the substitution for the definition of "student dental technician" of the following definition:
 "student dental technician" means any person who is studying dental technology at an approved institution or is undergoing practical training in an approved dental laboratory, and who has been registered as such under section 19;"; 25
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- (h) by the insertion after the definition of "student dental technician" of the following definition:
 "student dental technologist" means any person who is studying dental technology at an approved institution or is undergoing practical training in an approved dental laboratory, and who has been registered as such under section 19;"; and 30
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- (i) by the substitution for the definition of "training institution" of the following definition:
 "training institution" means an institution where persons are educated and trained for the profession of [a] dental technician or dental technologist."; 35

Amendment of section 3 of Act 19 of 1979

2. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph: 40
 "(b) to control all matters relating to the education and training of dental technicians or dental technologists and the exercising of the practices in the supplying, making, altering or repairing of artificial dentures or other dental appliances or any other work pertaining to such dentures or appliances;"; and 45
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- (b) by the substitution for paragraph (d) of the following paragraph:
 "(d) to promote good relations between dentists, [and] clinical dental technologists, dental technicians and dental technologists and other supplementary dental health services personnel;".

Amendment of section 4 of Act 19 of 1979

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3. Section 4 of the principal Act is hereby amended by the substitution for paragraph (i) of the following paragraph:

- "(i) conduct or arrange courses for the supplementary training of dental technicians [and for a master dental technician's certificate] or dental technologists and render financial assistance in respect of such courses;". 55

- (c) deur die omskrywing van "opleidingsinrigting" deur die volgende omskrywing te vervang:
 "opleidingsinrigting" 'n inrigting waar persone vir die beroep van tandtegnikus of tandtegnoloog onderrig en opgelei word;";
- 5 (d) deur die omskrywing van "Sekretaris" te skrap;
- (e) deur die omskrywing van "student-tandtegnikus" deur die volgende omskrywing te vervang:
 "student-tandtegnikus" 'n persoon wat tandtegnologie aan 'n goedgekeurde inrigting bestudeer of praktiese opleiding in 'n goedgekeurde laboratorium vir tandkundige werk ondergaan, en wat as sodanig kragtens artikel 19 geregistreer is;";
- 10 (f) deur na die omskrywing van "student-tandtegnikus" die volgende omskrywing in te voeg:
 "student-tandtegnoloog" 'n persoon wat tandtegnologie aan 'n goedgekeurde inrigting bestudeer of praktiese opleiding in 'n goedgekeurde laboratorium vir tandkundige werk ondergaan, en wat as sodanig kragtens artikel 19 geregistreer is;";
- 15 (g) deur na die omskrywing van "tandarts" die volgende omskrywing in te voeg:
 "tandkundige laboratorium-assistent" enige persoon as sodanig in diens by 'n tandarts, kliniese tandtegnoloog, tandtegnikus of tandtegnoloog ingevolge artikel 28;";
- 20 (h) deur die omskrywing van "tandtegnikus-kontrakteur" deur die volgende omskrywing te vervang:
 "tandtegnikus-kontrakteur" 'n tandtegnikus of 'n tandtegnoloog wat met behoorlike inagneming van die bepalings van hierdie Wet die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, vir eie rekening beoefen of wat 'n lid is van 'n vennootskap of genootskap van tandtegnici of tandtegnoloë, na gelang van die geval, wat daardie beroep beoefen of wat 'n [direkteur] lid is van 'n [maatskappy] regspersoon wat 'n besigheid dryf waarby 'n handeling verrig word wat spesiaal tot die beroep van [n] tandtegnikus of tandtegnoloog, na gelang van die geval, behoort;
- 25 (i) deur na die omskrywing van "tandtegnikus-kontrakteur" die omskrywing van "tandkundige laboratorium-assistent" te skrap; en
- 30 (j) deur voor die omskrywing van "voorgeskryf" die volgende omskrywing in te voeg:
 "tandtegnoloog" 'n persoon wat 'n B.Tech.Dent.Tech.-graad verwerf het en wat kragtens artikel 18 as 'n tandtegnoloog geregistreer is;".

Wysiging van artikel 3 van Wet 19 van 1979

- 40 2. Artikel 3 van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (b) deur die volgende paragraaf te vervang:
 "(b) om alle aangeleenthede betreffende die onderrig en opleiding van tandtegnici of tandtegnoloë, en die uitoefting van dié praktyke in die voorsiening, vervaardiging, verandering of herstel van kunsgebit of ander tandheelkundige toestelle of ander werk wat betrekking het op sodanige gebit of toestel, te beheer;"; en
- 45 (b) deur paragraaf (d) deur die volgende paragraaf te vervang:
 "(d) om goeie verhoudinge tussen tandartse, [en] kliniese tandtegnoloë, tandtegnici en tandtegnoloë en personeel van ander aanvullende tandheelkundige gesondheidsdienste te bevorder;".

Wysiging van artikel 4 van Wet 19 van 1979

3. Artikel 4 van die Hoofwet word hierby gewysig deur paragraaf (i) deur die volgende paragraaf te vervang:

- 55 "(i) kursusse vir die aanvullende [onderrig] opleiding van tandtegnici [en vir 'n meestertandtegnikus-bedrewendheidsertifikaat] of tandtegnoloë hou of reël en finansiële bystand ten opsigte van sodanige kursusse verleen;".

Amendment of section 5 of Act 19 of 1979

- 4.** (1) Section 5 of the principal Act is hereby amended—
 (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:
 “(a) the [Chief] Director of [the Dental Services Section] Oral Health
 of the Department of Health; 5
 (b) [three] five persons appointed by the Minister, of whom—
 (i) one shall be a dentist attached to a university having a dental
 faculty;
 (ii) one shall be a dental technician or a dental technologist
 attached to an institution at which dental technicians or
 dental technologists are educated and trained; and 10
 (iii) [one] three shall be [a person] members of the public who
 shall be appointed after calling through the media for
 nominations by the public and who [is] are not registered in
 terms of this Act or the Medical, Dental and Supplementary
 Health Service Professions Act, 1974 (Act No. 56 of 1974),
 of whom at least one shall be appointed on account of his or
 her knowledge of the law;”; 15
 (b) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs, respectively:
 “(d) two dental technicians or dental technologists who practise the
 profession of dental technician or dental technologist, as the case
 may be, as employees and who are nominated and elected in the
 prescribed manner by dental technicians or dental technologists, as
 the case may be, thus practising that profession; and 20
 (e) [three dentists] one dentist nominated and elected by dentists in the
 prescribed manner.”; and
 (c) by the substitution for subsection (2) of the following subsection:
 “(2) Subject to the provisions of section 6 a member of the council 30
 shall hold office for a period of five years, but shall be eligible for
 re-appointment or re-election, as the case may be, for one further period
 of five years.”.
 (2) Notwithstanding subsection (1) of this section the members of the council as
 constituted immediately before the commencement of this Act, shall continue to be 35
 members thereof, and that council shall be deemed to be duly constituted in terms of
 section 4 of the principal Act, as amended by subsection (1) of this section, until the new
 council is constituted in terms of section 4 of the principal Act, as amended by
 subsection (1) of this section.

Amendment of section 6 of Act 19 of 1979, as amended by section 46 of Act 97 of 1986 40

- 5.** Section 6 of the principal Act is hereby amended—
 (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 “(b) who in terms of this Act or the Medical, Dental and Supplementary 45
 Health Service Professions Act, 1974 (Act No. 56 of 1974), is
 disqualified from practising his or her profession;”; and
 (b) by the substitution for subsection (2) of the following subsection:
 “(2) A member of the council shall vacate his or her office if—
 (a) he or she becomes subject to any disqualification referred to in 50
 subsection (1);
 (b) he or she ceases to hold any qualification necessary for his or her
 appointment;
 (c) he or she has been absent from more than two consecutive ordinary
 meetings of the council without the council’s leave;
 (d) (i) being an elected member, he or she tenders his or her
 resignation in writing to the registrar; or
 (ii) being a member appointed or designated by the Minister, he or
 she tenders his or her resignation in writing to the Minister and
 the Minister accepts his or her resignation; 55
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Wysiging van artikel 5 van Wet 19 van 1979

4. (1) Artikel 5 van die Hoofwet word hierby gewysig—
- (a) deur paragrawe (a) en (b) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
- (a) die **[Hoof]** **Direkteur** van **[die Afdeling Tandheelkundige Dienste]** **Mondgesondheid** van die Departement van Gesondheid;
- (b) **[drie]** **vyf** persone deur die Minister aangestel, van wie—
- (i) een 'n tandarts verbonde aan 'n universiteit wat 'n tandheelkundige fakulteit het, moet wees;
- (ii) een 'n tandtegnikus **of** 'n **tandtegnoloog** verbonde aan 'n inrigting waar tandtegnici **of** **tandtegnoloë** onderrig en opgelei word, moet wees; en
- (iii) **[een 'n persoon]** **drie lede van die publiek** moet wees wat aangestel word na uitnodiging deur middel van die media vir benoemings deur die publiek en wat nie kragtens hierdie Wet of die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is nie, **van wie ten minste een aangestel moet word op grond van sy of haar kennis van die reg;**";
- (b) deur paragrawe (d) en (e) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
- (d) twee tandtegnici **of** **tandtegnoloë** wat die beroep van tandtegnikus **of** **tandtegnoloog**, **na gelang van die geval**, as werknemers beoefen en wat deur tandtegnici **of** **tandtegnoloë**, **na gelang van die geval**, wat daardie beroep aldus beoefen, op die voorgeskrewe wyse benoem en verkies word; en
- (e) **[drie tandartse]** **een tandarts** wat deur tandartse op die voorgeskrewe wyse benoem en verkies word."; en
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- (2) Behoudens die bepalings van artikel 6 beklee 'n lid van die raad **sy of haar** amp vir 'n tydperk van vyf jaar, maar **[kan]** hy **of** **sy kan** weer aangestel of verkies word, **na gelang van die geval**, **vir een verdere tydperk van vyf jaar.**"
- (2) Ondanks subartikel (1) van hierdie artikel, bly die lede van die raad soos saamgestel onmiddellik voor die inwerkingtreding van hierdie Wet lede daarvan, en daardie raad word geag behoorlik saamgestel te wees ingevolge artikel 4 van die Hoofwet soos gewysig deur subartikel (1) van hierdie artikel, totdat die nuwe raad saamgestel is ingevolge artikel 4 van die Hoofwet soos gewysig deur subartikel (1) van hierdie artikel.
- 40 **Wysiging van artikel 6 van Wet 19 van 1979, soos gewysig deur artikel 46 van Wet 97 van 1986**
5. Artikel 6 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- (b) wat ingevolge hierdie Wet of die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), onbevoeg is om sy **of haar** beroep te beoefen"; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- (2) 'n Lid van die raad ontruim sy **of haar** amp indien—
- (a) hy **of** **sy** aan 'n in subartikel (1) bedoelde onbevoegdheid onherig word;
- (b) hy **of** **sy** ophou om 'n bevoegdheid te besit wat vir sy **of haar** aanstelling nodig is;
- (c) hy **of** **sy** sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig is;
- (d) (i) as hy **of** **sy** 'n verkose lid is, skriftelik sy **of haar** bedanking by die registrateur indien; of
- (ii) as hy **of** **sy** deur die Minister as lid aangestel of aangewys is, skriftelik sy **of haar** bedanking by die Minister indien en die Minister sy **of haar** bedanking aanvaar;

- (e) he or she becomes a patient or a [President's patient] State patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
- (f) he or she is convicted of an offence, whether in the Republic or elsewhere, in respect whereof he or she is sentenced to imprisonment without the option of a fine;
- (g) the Minister in the public interest terminates his or her membership.”.

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Amendment of section 10 of Act 19 of 1979

6. 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 treasurer and such other members of the council as the council may designate, of whom at least one shall be a dentist and one shall be a dental technician or a dental technologist.”.

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Amendment of section 11 of Act 19 of 1979, as amended by section 3 of Act 118 of 1993

7. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

(1) The council shall—

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“(a) establish disciplinary committees, each consisting of such number of persons, appointed by the council, as the council may determine but which shall include at least two members of the council, one of whom shall be the [chairman] chairperson and the other the [vice-chairman] vice-chairperson of such committee, to investigate and report to the council on any complaint, charge or allegation referred to in section 35(1);

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(b) establish an education committee consisting of such number of persons, appointed by the council, as the council may determine but which shall include at least one member of the council, who shall be the [chairman] chairperson of such committee, and at least one representative of each institution where dental technicians or dental technologists are trained;

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(c) establish a service conditions committee for the purpose of investigating and determining conditions of employment of dental technicians or dental technologists (except dental technicians or dental technologists who are in the employment of the State or a provincial administration), consisting of such number of persons, appointed by the council, as the council may determine, but which shall include the president of the council, who shall be the [chairman] chairperson of such committee;

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(d) establish a tariff committee for the purpose of investigating and determining the tariff of fees payable [by a dentist] to a dental technician contractor for work done as a dental technician or a dental technologist, which shall consist of such number of persons appointed by the council as the council may determine but which shall include the president of the council, who shall be the [chairman] chairperson of such committee.”.

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Amendment of section 12 of Act 19 of 1979

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8. Section 12 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) The council may, notwithstanding anything to the contrary in any law contained, conduct an inquiry into and determine—

(a) the conditions of employment of dental technicians or dental technologists who are employees, except dental technicians or dental technologists who are in the employment of the State or a provincial administration; and

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(b) the tariff of fees payable to a dental technician contractor [by a dentist] for work done as a dental technician or a dental technologist.

(2) [The Representative Association of Medical Schemes established by section 23A of the Medical Schemes Act, 1967 (Act No. 72 of 1967), in the case of a determination of the tariff of fees referred to in subsection (1)(b), and the Dental Association of South Africa and any other] Any association or body of

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persons which, in the opinion of the council, is representative of [the majority of]

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- (e) hy of sy 'n pasiënt of 'n **[Presidentspasiënt]** Staatspasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
 - (f) hy of sy aan 'n misdryf skuldig bevind word, hetsy in die Republiek of elders, ten opsigte waarvan hy of sy gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
 - (g) die Minister sy of haar lidmaatskap in die openbare belang beëindig.”.

Wysiging van artikel 10 van Wet 19 van 1979

10 6. 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 penningmeester, en dié ander lede van die raad wat die raad aanwys, en van wie minstens een 'n tandarts en een 'n tandtegnikus of 'n tandtegnoloog moet wees.”.

Wysiging van artikel 11 van Wet 19 van 1979, soos gewysig deur artikel 3 van Wet 118 van 1993

15 7. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

20 “(1) Die raad moet—

- (a) tugkomitees instel, waarvan elkeen bestaan uit die aantal persone, deur die raad aangestel, wat die raad bepaal, maar wat ten minste twee lede van die raad, wat as voorsitter en vise-voorsitter van die komitee dien, moet insluit, om ondersoek in te stel na en aan die raad verslag te doen oor enige klagte, beskuldiging of bewering in artikel 35(1) bedoel;
- (b) 'n onderwyskomitee instel wat bestaan uit die aantal persone deur die raad aangestel, wat die raad bepaal, maar wat minstens een lid van die raad, wat as voorsitter van die komitee dien, en minstens een verteenwoordiger van elke inrigting waar tandtegnici of tandtegnoloë opgelei word, moet insluit;
- 25 (c) 'n komitee insake diensvoorraades instel ten einde die diensvoorraades van tandtegnici of tandtegnoloë (uitgesonderd tandtegnici of tandtegnoloë in die diens van die Staat of 'n provinsiale administrasie) te ondersoek en vas te stel, wat bestaan uit die aantal persone deur die raad aangestel, wat die raad bepaal, maar wat die president van die raad, wat die voorsitter van sodanige komitee moet wees, insluit;
- 30 (d) 'n tariewekomitee instel ten einde tariewe van gelde betaalbaar **[deur 'n tandarts]** aan 'n tandtegnikus-kontrakteur vir werk as 'n tandtegnikus of 'n tandtegnoloog gedoen, te ondersoek en te bepaal, wat bestaan uit die aantal persone deur die raad aangestel, wat die raad bepaal, maar wat die president van die raad, wat die voorsitter van sodanige komitee moet wees, insluit.”.

Wysiging van artikel 12 van Wet 19 van 1979

35 8. Artikel 12 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

“(1) Die raad kan ondanks andersluidende wetsbepalings ondersoek instel na—

- 40 (a) die diensvoorraades van tandtegnici of tandtegnoloë wat werknemers is, uitgesonderd tandtegnici of tandtegnoloë in diens van die Staat of 'n provinsiale administrasie; en
- (b) die geldetarieff betaalbaar aan 'n tandtegnikus-kontrakteur **[deur 'n tandarts]** vir werk gedoen as 'n tandtegnikus of 'n tandtegnoloog,

50 en kan sodanige voorraades en tarief bepaal.

“(2) **[Die Verteenwoordigende Vereniging van Mediese Skemas ingestel by artikel 23A van die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), in die geval van 'n bepaling van die geldetarieff in subartikel (1)(b) vermeld, en die Tandheelkundige Vereniging van Suid-Afrika en enige ander] Enige vereniging of liggaam van persone wat na die oordeel van die raad verteenwoordigend is van **[die meerderheid van]** tandartse, kliniese tandtegnoloë, tandtegnikus-kontrakteurs, **[of]** tandtegnici of tandtegnoloë wat werknemers is,**

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dentists, clinical dental technologists, dental technician contractors, [or] dental technicians or dental technologists who are employees, may make representations to the council that the council conduct an inquiry for the purposes of making a determination of the conditions of employment or tariff of fees referred to in subsection (1), or for the purposes of effecting any amendment in terms of subsection (5), and any such association or body may, with the approval of the council, make representations, oral or written, to the council with regard to any such determination or amendment.”.

Amendment of section 13 of Act 19 of 1979

9. Section 13 of the principal Act is hereby amended by the deletion of subsection (4). 10

Amendment of heading to Chapter 2 of Act 19 of 1979

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

“Education, Training and Registration of Dental Technicians and Dental Technologists”. 15

Amendment of section 16 of Act 19 of 1979

11. Section 16 of the principal Act is hereby amended—

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

“(1) Notwithstanding anything to the contrary in any law contained, no person or institution may offer or provide any education or training which is intended to qualify any person to practise the profession of [a] dental technician or dental technologist, unless such education and training have been approved by the council.”; and 20

(b) by the substitution for subsection (5) of the following subsection:

“(5) Any person who contravenes or fails to comply with any provision of this section or any condition or requirement referred to in subsection (3) shall be guilty of an offence and on conviction be liable to a fine not exceeding [R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment] R10 000.”. 25

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Substitution of section 17 of Act 19 of 1979

12. The following section is hereby substituted for section 17 of the principal Act:

“Unregistered persons may not practise or be trained as dental technicians or dental technologists”

17. No person shall practise the profession of [a] dental technician or dental technologist, or be educated or trained as a dental technician or a dental technologist, unless he or she is registered in terms of this Act as a dental technician, dental technologist, [or] student dental technician or student dental technologist, as the case may be.”. 35

Substitution of section 18 of Act 19 of 1979

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13. The following section is hereby substituted for section 18 of the principal Act:

“Registration of dental technicians and dental technologists”

18. (1) Any person who intends to be registered as a dental technician or dental technologist in terms of this Act shall apply to the council in writing and shall submit the qualification which, in his or her submission, entitles him or her to registration, together with such proof of his or her identity and of the authenticity and validity of the qualification submitted, as may be required by the council. 45

(2) If the council is satisfied that the qualification and the other documents submitted in support of the application comply with the requirements of this Act, it shall, upon payment of the prescribed fee, cause the necessary entry to be made in the register and the registrar shall thereupon issue a registration certificate authorising the applicant, subject to the provisions of this Act or any other law, to practise the profession of dental technician or dental technologist, as the case may be.”. 50

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kan vertoe tot die raad rig dat die raad ondersoek instel ten einde 'n bepaling van diensvoorraades of geldetarief vermeld in subartikel (1), of ten einde enige wysiging ingevolge subartikel (5), te maak of aan te bring, en enige sodanige vereniging of liggaam kan, met die goedkeuring van die raad, vertoe, hetsoy mondeling of skriftelik, tot die raad rig met betrekking tot enige sodanige bepaling of wysiging.”.

Wysiging van artikel 13 van Wet 19 van 1979

9. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (4) te skrap.

Wysiging van opskrif by Hoofstuk 2 van Wet 19 van 1979

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

“Onderrig, Opleiding en Registrasie van Tandtegnici en Tandtegnoloë”.

Wysiging van artikel 16 van Wet 19 van 1979

11. Artikel 16 van die Hoofwet word hierby gewysig—

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

“(1) Ondanks andersluidende wetsbepalings mag geen persoon of inrigting onderrig of opleiding aanbied of verskaf wat bedoel is om iemand te bekwaam om die beroep van tandtegnikus of tandtegnoloog te beoefen nie, tensy sodanige onderrig en opleiding deur die raad goedgekeur is.”; en

20 (b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Iemand wat 'n bepaling van hierdie artikel of 'n voorwaarde of vereiste in subartikel (3) bedoel, oortree of versuum om daarvan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens [R500 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf] R10 000.”.

Vervanging van artikel 17 van Wet 19 van 1979

12. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

30 “**Ongeregistreerde persone mag nie praktiseer of opgelei word as tandtegnici of tandtegnoloë nie**

35 **17.** Niemand mag die beroep van [’n] tandtegnikus of tandtegnoloog beoefen of as 'n tandtegnikus of 'n tandtegnoloog onderrig of opgelei word nie, tensy hy of sy ingevolge hierdie Wet as 'n tandtegnikus, tandtegnoloog, [of] student-tandtegnikus of student-tandtegnoloog, na gelang van die geval, geregistreer is.”.

Vervanging van artikel 18 van Wet 19 van 1979

13. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

“Registrasie van tandtegnici en tandtegnoloë”

40 **18.** (1) Iemand wat ingevolge hierdie Wet as 'n tandtegnikus of 'n tandtegnoloog geregistreer wil word, moet by die raad skriftelik aansoek doen en moet die kwalifikasie wat, na hy of sy beweer, aan hom of haar die reg op registrasie verleen, voorlê, tesame met dié bewys van sy of haar identiteit en van die egtheid en geldigheid van die voorgelegde kwalifikasie, wat die raad vereis.

50 (2) Indien die raad oortuig is dat die kwalifikasie en die ander stukke wat ter stawing van die aansoek voorgelê is, aan die vereistes van hierdie Wet voldoen, laat hy, by betaling van die voorgeskrewe geld, die nodige inskrywing in die register doen, en die registrateur reik daarna 'n registrasiesertifikaat uit wat die aansoeker magtig om behoudens die bepalings van hierdie Wet of enige ander wet die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, te beoefen.”.

Substitution of section 19 of Act 19 of 1979

14. The following section is hereby substituted for section 19 of the principal Act:

“Registration of student dental technicians and student dental technologists”

19. (1) Any person who intends to be registered as a student dental technician or a student dental technologist in terms of this Act shall apply in writing to the council, and such application shall be accompanied by the prescribed particulars and registration fee. 5

(2) If the council is satisfied that the applicant is entitled to registration, it shall cause the necessary entry to be made in the register, and the registrar shall thereupon issue to the applicant a registration certificate in the prescribed form. 10

(3) The person in charge of an approved institution shall forthwith notify the council of the termination of the education and training of a student dental technician or a student dental technologist at such institution, 15 whether by reason of the abandonment or completion of education and training or the transfer of such student to another such institution or for any other reason.”.

Amendment of section 20 of Act 19 of 1979

15. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 20

“(1) The council shall keep separate registers in respect of dental technicians, [and] dental technologists, student dental technicians and student dental technologists, and shall enter in the appropriate register the prescribed particulars of every person whose application is granted under section 18 or 19.”. 25

Substitution of section 21 of Act 19 of 1979

16. The following section is hereby substituted for section 21 of the principal Act:

“Council may refuse registration”

21. Notwithstanding any provision to the contrary in this Act contained, the council may refuse to register any person under section 18 or 19 or to restore the name of any person to a register, if, in the opinion of the council, such person is by reason of a conviction, in the Republic or elsewhere, of a prescribed offence, not fit to practise as a dental technician or a dental technologist, or to be a student dental technician or a student dental technologist. 30 35

Substitution of section 22 of Act 19 of 1979

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

“Minister may prescribe qualifications required for registration as dental technician or dental technologist”

22. The Minister may, from time to time [on the recommendation of] in consultation with the council, prescribe the qualifications obtained by virtue of examinations conducted by an approved institution which shall, if possessed alone or together with another qualification, entitle the possessor thereof to registration as a dental technician or a dental technologist in terms of this Act, if he or she complies, before or in connection with or after the acquisition of the qualification in question, with the conditions or requirements so prescribed.”. 40 45

Amendment of section 23 of Act 19 of 1979

18. Section 23 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively: 50

“(1) The council may, subject to the provisions of subsections (2) and (3), register as a dental technician or a dental technologist, as the case may be, any

Vervanging van artikel 19 van Wet 19 van 1979

14. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

"Registrasie van student-tandtegnici en student-tandtegnoloë"

- 5 **19.** (1) Enige persoon wat as 'n student-tandtegnikus of 'n student-tandtegnoloog ingevolge hierdie Wet geregistreer wil word, moet by die raad skriftelik aansoek doen, en sodanige aansoek gaan vergesel van die voorgeskrewe besonderhede en registrasiegeld.
- 10 (2) Indien die raad oortuig is dat die aansoeker geregtig is op registrasie, laat hy die nodige inskrywing in die register doen, en die registrator reik daarna aan [**'n**] die aansoeker 'n registrasiesertifikaat in die voorgeskrewe vorm uit.
- 15 (3) Die persoon in beheer van 'n goedgekeurde inrigting moet die raad onverwyld in kennis stel van die beëindiging van die onderrig en opleiding van 'n student-tandtegnikus of 'n student-tandtegnoloog aan daardie inrigting, hetsy weens die staking of voltooiing van onderrig en opleiding of die oorplasing van so 'n student na 'n ander sodanige inrigting of om 'n ander rede.".

Wysiging van artikel 20 van Wet 19 van 1979

15. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (1) deur die 20 volgende subartikel te vervang:

- "(1) Die raad moet afsonderlike registers ten opsigte van tandtegnici, [**en**] tandtegnoloë, student-tandtegnici en student-tandtegnoloë hou, en moet die voorgeskrewe besonderhede van elke persoon wie se aansoek ingevolge artikel 18 of 19 toegestaan word, in die toepaslike register inskryf."

25 Vervanging van artikel 21 van Wet 19 van 1979

16. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

"Raad kan registrasie weier"

- 30 **21.** Ondanks 'n andersluidende bepaling van hierdie Wet kan die raad weier om iemand ingevolge artikel 18 of 19 te registreer, of om die naam van iemand op 'n register terug te plaas, indien, na die oordeel van die raad, so iemand weens skuldigbevinding aan 'n voorgeskrewe misdryf in die Republiek of elders, nie geskik is om as 'n tandtegnikus of 'n tandtegnoloog te praktiseer of om 'n student-tegnikus of 'n student-tandtegnoloog te wees nie.".

35 Vervanging van artikel 22 van Wet 19 van 1979

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

"Minister kan kwalifikasies wat vir registrasie as tandtegnikus of tandtegnoloog vereis word, voorskryf"

- 40 **22.** Die Minister kan van tyd tot tyd [**op aanbeveling van**] in oorelog met die raad die kwalifikasies, verwerf uit hoofde van eksamens afgeneem deur 'n goedgekeurde inrigting, voorskryf wat, indien dit alleen of saam met 'n ander kwalifikasie besit word, aan 'n besitter daarvan die reg verleen op registrasie kragtens hierdie Wet as 'n tandtegnikus of 'n tandtegnoloog, indien hy of sy voor of in verband met of na die verwerwing van die betrokke kwalifikasie voldoen het aan die voorwaardes of vereistes aldus voorgeskryf."

Wysiging van artikel 23 van Wet 19 van 1979

18. Artikel 23 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

- 50 "(1) Die raad kan onderworpe aan die bepalings van subartikels (2) en (3) enige persoon wat buite die Republiek 'n kwalifikasie verwerf of opleiding ondergaan het, as 'n tandtegnikus of 'n tandtegnoloog, na gelang van die geval, registreer,

person who acquired a qualification or underwent training outside the Republic if such qualification or training entitled the person to practise as a dental technician or a dental technologist, as the case may be, in the country or state in which he or she acquired the qualification or underwent the training.

(2) A person registered in terms of subsection (1) as a dental technician or a dental technologist shall be entitled to practise as such, only— 5

- (a) for the period or periods determined by the council, during which he or she shall satisfy the council that—
 - (i) he or she possesses professional knowledge and ability of a standard not lower than that prescribed in respect of dental technicians or dental technologists in the Republic; and 10
 - (ii) he or she is conversant with the laws of the Republic regarding dental practice and the practising of the profession of [a] dental technician or dental technologist;
- (b) in the area or areas determined by the council; and 15
- (c) subject to any further conditions determined by the council.”.

Amendment of section 24 of Act 19 of 1979

19. Section 24 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (3) and the words following thereupon, of the following paragraph and words, respectively: 20

“(b) such person shall cease to practise the profession of dental technician or dental technologist, as the case may be, or to perform any act which he or she was entitled to perform as a registered person,
until such time as his or her name or the entry removed from the register 25
in terms of section 20(4), as the case may be, is restored to the register.”.

Substitution of section 27 of Act 19 of 1979

20. The following section is hereby substituted for section 27 of the principal Act:

“Acts which may be performed only by dentists, clinical dental technologists, dental technicians or dental technologists” 30

27. (1) No person other than a dentist or clinical dental technologist, shall, for gain—

- (a) supply or undertake to supply any artificial denture or other dental appliance to any person for use by that person; or
- (b) make, repair, alter or work upon, or undertake to make, repair, alter or work upon, any artificial denture or other dental appliance unless the denture or appliance, or the impression, model or other direction for making, repairing or altering of or the working upon the denture or appliance, has been or is to be delivered to him or her by a dentist or clinical dental technologist, and the denture or appliance is to be returned or delivered, as the case may be, by him or her to the dentist or clinical dental technologist. 40

(2) No person other than a dentist or clinical dental technologist shall—

- (a) pretend or hold himself or herself out to be entitled or prepared to supply, make, repair, alter or work upon any artificial denture or other dental appliance otherwise than in accordance with the provisions of subsection (1); or
- (b) solicit or accept, for execution by any person in contravention of subsection (1), any order for the supply, making, repair or alteration of or the working upon any artificial denture or other dental appliance. 45

(3) No person, other than a person referred to in subsection (9), shall for gain practise the profession of [a] dental technician or dental technologist or perform any act specially pertaining to the profession of [a] dental technician or dental technologist, as the case may be, unless he or she has been registered as a dental technician or a dental technologist, as the case may be, under section 18. 55

(4) In any prosecution for a contravention of any provision of subsection

indien sodanige kwalifikasie of opleiding aan die persoon die reg verleen om in die land of staat waar hy of sy die kwalifikasie verwerf of die opleiding ondergaan het, as 'n tandtegnikus of 'n tandtegnoloog, na gelang van die geval, te praktiseer.

- 5 (2) Iemand wat kragtens subartikel (1) as 'n tandtegnikus of 'n tandtegnoloog geregistreer is, is slegs geregtig om as sodanig te praktiseer—
- (a) vir die tydperk of tydperke wat die raad bepaal, waarin hy of sy die raad moet oortuig dat—
- 10 (i) hy of sy oor professionele kennis en vaardigheid beskik wat van 'n standaard is wat nie laer is nie as dié wat ten opsigte van tandtegnici of tandtegnoloë in die Republiek voorgeskryf word; en
- (ii) hy of sy vertroud is met die wette van die Republiek wat op tandheelkundige praktyk en die beoefening van die beroep van tandtegnikus of tandtegnoloog betrekking het;
- 15 (b) in die gebied of gebiede wat die raad bepaal; en
- (c) onderworpe aan enige verdere voorwaardes wat die raad bepaal.”.

Wysiging van artikel 24 van Wet 19 van 1979

19. Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (3) en die woorde wat daarop volg deur onderskeidelik die volgende paragraaf en woorde te vervang:

- 20 “(b) moet bedoelde persoon ophou om die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, te beoefen of om enige handeling te verrig wat hy of sy as 'n geregistreerde persoon geregtig was om te verrig, totdat sy of haar naam of die inskrywing wat ingevolge artikel 20(4) uit die register geskrap is, na gelang van die geval, op die register teruggeplaas word.”.

25 Vervanging van artikel 27 van Wet 19 van 1979

20. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:

“Handelinge wat alleen deur tandartse, kliniese tandtegnoloë, tandtegnici of tandtegnoloë verrig mag word

- 30 27. (1) Niemand behalwe 'n tandarts of kliniese tandtegnoloog mag vir wins—
- (a) kunstande of 'n ander tandtoestel aan enige persoon vir gebruik deur daardie persoon verskaf of onderneem om dit aan hom of haar te verskaf nie; of
- 35 (b) kunstande of 'n ander toestel vervaardig, herstel, verander of daaraan werk of onderneem om dit te vervaardig, te herstel, te verander of daaraan te werk nie, tensy die tande of toestel, of die afdruk, model of ander aanwysing waarvolgens die tande of toestel vervaardig, herstel of verander of daaraan gewerk moet word, aan hom of haar deur 'n tandarts of kliniese tandtegnoloog oorhandig is of moet word, en die tande of toestel deur hom of haar aan die tandarts of kliniese tandtegnoloog, na gelang van die geval, terugbesorg of afgelewer moet word.
- 40 (2) Niemand behalwe 'n tandarts of kliniese tandtegnoloog mag—
- (a) hom of haar voordoen as of uitgee vir iemand wat geregtig of bereid is om kunstande of 'n ander tandtoestel te verskaf, te vervaardig, te herstel of te verander of daaraan te werk nie, anders as ooreenkomsdig die bepalings van subartikel (1); of
- 45 (b) 'n bestelling vir die verskaffing, vervaardiging, herstel of verandering van of die werk aan kunstande of 'n ander tandtoestel, vra of aanneem om deur enigiemand in stryd met subartikel (1) uitgevoer te word nie.
- 50 (3) Niemand behalwe 'n in subartikel (9) bedoelde persoon mag vir wins die beroep van [n] tandtegnikus of tandtegnoloog [uiteffen] beoefen of 'n handeling verrig wat spesiaal tot die beroep van [n] tandtegnikus of tandtegnoloog, na gelang van die geval, behoort nie, tensy hy of sy ingevolge artikel 18 as 'n tandtegnikus of 'n tandtegnoloog, na gelang van die geval, geregistreer is.
- 55 (4) By 'n vervolging weens 'n oortreding van 'n bepaling van subartikel

(1) or (3), the accused shall, unless the contrary is proved, be deemed to have performed the act in respect of which the prosecution is instituted for gain.

(5) No person who is not registered under section 18 shall hold himself or herself out to be registered as a dental technician or a dental technologist or use any name, title, description or symbol indicating or calculated to lead persons to infer that he or she is registered as a dental technician or a dental technologist.

(6) (a) No [person] dental technician shall for his or her own account practise the profession of dental technician or shall be a member of a partnership or an association of dental technicians or dental technologists which practises that profession or shall be a [director] member of a [company] juristic person which carries on a business in which is performed any act specially pertaining to the profession of [a] dental technician, unless he or she has, after having been registered as a dental technician performed the work of a dental technician [for a period of three years as an employee in a dental laboratory] and has acquired a National Higher Diploma in Dental Technology.

(b) The provisions of paragraph (a) shall not apply to any person who at the commencement of this Act so practised that profession or was then such member [or director] or then had the right to practise that profession or to be such a member.

(7) (a) The prohibitions in subsections (1) and (2) shall not replace those contained in section 38(1) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974).

(b) The provisions of subsection (2) shall not imply that any dentist or clinical dental technologist who solicits, or allows any person to solicit on his or her behalf, any order referred to in that subsection, or accepts any such order so solicited, is not guilty of improper conduct, or that an inquiry under Chapter IV of the Medical, Dental and Supplementary Health Service Professions Act, 1974 [(Act No. 56 of 1974)], may not be instituted against any such dentist or clinical dental technologist.

(8) Subject to the provisions of sections 19, 23 and 28 no person shall employ any other person to perform the work of a dental technician or a dental technologist or any act specially pertaining to the profession of [a] dental technician or dental technologist, as the case may be, unless such other person is registered [under] in terms of section 18.

(9) The prohibition in subsection (3) shall not apply in respect of—

- (a) a dentist or clinical dental technologist;
- (b) a student dental technician or a student dental technologist, if the act in question is performed for purposes of his or her training in dental technology;
- (c) a person registered in terms of section 23, provided he or she observes the restrictions in respect of such registration;
- (d) a dental laboratory assistant in the employment of a dental technician or a dental technologist who performs any act referred to in paragraphs (a) to [(e)] (f) of subsection (1) of section 28 in the circumstances referred to in subsection (2) of that section.”.

Amendment of section 28 of Act 19 of 1979

21. Section 28 of the principal Act is hereby amended—

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

“Notwithstanding the provisions contained in section 27 a dentist [or], a clinical dental technologist, a dental technician or a dental technologist may employ an unregistered person as a dental laboratory assistant to perform the following acts specially pertaining to the profession of [a] dental technician or dental technologist, as the case may be, namely—”;

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

“(a) all plaster work in connection with artificial dentures or dental appliances [except—

- (1) of (3), word die beskuldigde geag, tensy die teendeel bewys word, die handeling ten opsigte waarvan die vervolging ingestel word, vir wins te verrig het.
- (5) Niemand wat nie ingevolge artikel 18 geregistreer is nie, mag hom of haar uitgee vir iemand wat as 'n tandtegnikus of 'n tandtegnoloog geregistreer is nie, of gebruik maak van 'n naam, titel, beskrywing of teken wat aandui of mense sou kan laat aflei dat hy of sy as 'n tandtegnikus of 'n tandtegnoloog geregistreer is nie.
- (6) (a) [Niemand] Geen tandtegnikus mag vir eie rekening die beroep van tandtegnikus beoefen of 'n lid wees van 'n vennootskap of genootskap van tandtegnici of tandtegnoloë wat daardie beroep beoefen of 'n [direkteur] lid wees van 'n [maatskappy] regspersoon wat 'n besigheid dryf waarby 'n handeling verrig word wat spesiaal tot die beroep van tandtegnikus behoort nie, tensy hy of sy, nadat hy of sy as tandtegnikus geregistreer is, [vir 'n tydperk van minstens drie jaar by 'n tandkundige laboratorium as 'n werknemer] die werk van 'n tandtegnikus verrig het en 'n Nasionale Hoër Diploma in Tandtegnologie verwerf het.
- (b) Die bepalings van paragraaf (a) is nie van toepassing op iemand wat by die inwerkingtreding van hierdie Wet daardie beroep aldus beoefen het of toe so 'n lid [of direkteur] was, of toe die reg gehad het om die beroep aldus te beoefen of om so 'n lid te wees nie.
- (7) (a) Die verbodsbeplings in subartikels (1) en (2) vervang nie dié wat in artikel 38(1) van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), vervat is nie.
- (b) Uit die bepalings van subartikel (2) word nie aangeleid nie dat 'n tandarts of kliniese tandtegnoloog wat 'n bestelling in daardie subartikel bedoel, vra, of iemand toelaat om dit ten behoeve van hom of haar te vra, of so 'n bestelling wat aldus gevra is, aanneem, nie aan onbetaamlike gedrag skuldig is nie, of dat 'n onderzoek ingevolge Hoofstuk IV van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 [Wet No. 56 van 1974]], nie teen so 'n tandarts of kliniese tandtegnoloog ingestel kan word nie.
- (8) Behoudens die bepalings van artikels 19, 23 en 28 mag niemand enige ander persoon in diens neem om die werk van 'n tandtegnikus of 'n tandtegnoloog, of enige handeling wat spesiaal tot die beroep van 'n tandtegnikus of tandtegnoloog, na gelang van die geval, behoort, te verrig nie tensy sodanige ander persoon ingevolge artikel 18 geregistreer is.
- (9) Die verbod in subartikel (3) is nie van toepassing nie ten opsigte van—
- (a) 'n tandarts of kliniese tandtegnoloog;
- (b) 'n student-tandtegnikus of 'n student-tandtegnoloog indien die betrokke handeling uitgevoer word vir die doeleindes van sy of haar opleiding in tandtegnologie;
- (c) 'n persoon ingevolge artikel 23 geregistreer mits hy of sy die beperkings wat ten opsigte van sodanige registrasie opgelê is, in ag neem;
- (d) 'n tandkundige laboratorium-assistent in diens van 'n tandtegnikus of 'n tandtegnoloog wat 'n handeling in paragrawe (a) tot [(d)] (f) van subartikel (1) van artikel 28 vermeld, verrig in die omstandighede in subartikel (2) van daardie artikel vermeld."

Wysiging van artikel 28 van Wet 19 van 1979

21. Artikel 28 van die Hoofwet word hierby gewysig—
- (a) deur die woorde wat paragraaf (a) van subartikel (1) voorafgaan, deur die volgende woorde te vervang:
- "Ondanks die bepalings van artikel 27 mag 'n tandarts [of], 'n kliniese tandtegnoloog, 'n tandtegnikus of 'n tandtegnoloog 'n ongeregistreerde persoon as 'n tandkundige laboratorium-assistent in diens neem om die volgende handelinge wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, behoort, te verrig, naamlik—";
- (b) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- "(a) alle gipswerk in verband met kunstande of tandtoestelle [met uitsondering van]—

- (i) the articulation of models on an articulator; and
(ii) the casting of plaster models for crown and bridge work];";
- (c) by the addition to subsection (1) of the following paragraphs:
 “(e) the packing of acrylic dentures;
 (f) the manufacturing of record blocks and special impression trays.”;
- (d) by the substitution for subsection (2) of the following subsection:
 “(2) A dental laboratory assistant may perform the acts referred to in subsection (1) only as an employee in a dental laboratory under the continuous personal supervision of a dentist [or], a clinical dental technologist, a dental technician or a dental technologist.”; and
- (e) by the addition of the following subsection:
 “(3) Any unregistered person employed as a dental laboratory assistant, as contemplated in this section, may apply to the council in the prescribed manner for registration as a dental laboratory assistant provided that—
 (a) he or she—
 (i) has acquired such certified qualification or equivalent qualification as the council may determine; or
 (ii) is familiar with, and has appropriate experience concerning the performance of, the acts referred to in subsection (1);
 (b) he or she has been employed as a dental laboratory assistant for a period of not less than three years in a registered dental laboratory; and
 (c) his or her application is supported by an affidavit by an owner of a registered dental laboratory.”.

Amendment of section 29 of Act 19 of 1979

22. Section 29 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
 “(1) Subject to the provisions of section [32(2)], 32A, no person other than a dental technician contractor or, subject to the provisions of subsection (3), a dentist or clinical dental technologist, may be the owner of a dental laboratory.”;
- (b) by the deletion of paragraphs (b) and (c) of subsection (2);
- (c) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
 “(d) any university or approved institution for the training of dental technicians or dental technologists; or”;
- (d) by the substitution for the words following upon paragraph (e) of subsection (2) of the following words:
 “in respect of a dental laboratory used in connection with the training of dentists [and], clinical dental technologists, dental technicians and dental technologists or the rendering of dental services to its employees or to members of the public.”;
- (e) by the substitution for subsection (3) of the following subsection:
 “(3) No dentist or clinical dental technologist—
 (a) shall be the owner of a dental laboratory in which work is performed for any person who is not a patient of that dentist or clinical dental technologist;
 (b) shall supervise or conduct any dental laboratory in which work is performed for any person who is not a patient of that dentist or clinical dental technologist or the partnership, association or juristic person of which that dentist or clinical dental technologist is a member.”;
- (f) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
 “(a) a dentist or clinical dental technologist, provided the dental laboratory is one of which he or she or the partnership, association or juristic person of which he or she is a member, is the owner;”;
- (g) by the deletion of paragraph (c) of subsection (4);
- (h) by the addition to subsection (4) of the following paragraph:
 “(d) a dental technologist.”; and

- (i) die artikulering van modelle op 'n artikulator; en
- (ii) die giet van gipsmodelle vir kroon- en brugwerk];”;
- (c) deur by subartikel (1) die volgende paragrawe te voeg:
 - “(e) die pak van akrielkunsgebitte;
 - “(f) die vervaardiging van rekordblokke en spesiale afdruklepels.”;
- (d) deur subartikel (2) deur die volgende subartikel te vervang:
 - “(2) 'n Tandkundige laboratorium-assistent mag die handelinge in subartikel (1) vermeld slegs verrig as 'n werknemer in 'n laboratorium vir tandkundige werk en onder die voortdurende persoonlike toesig van 'n tandarts [of], 'n kliniese tandtegnoloog, 'n tandtegnikus of 'n tandtegnoloog.”; en
- (e) deur die volgende subartikel by te voeg:
 - “(3) Enige ongeregistreerde persoon in diens as 'n tandkundige laboratorium-assistent, soos in hierdie artikel beoog, kan op die voorgeskrewe wyse by die raad aansoek doen om registrasie as tandkundige laboratorium-assistent mits—
 - (a) hy of sy—
 - (i) die gesertifiseerde kwalifikasie of gelykwaardige kwalifikasie wat die raad bepaal, verwerf het; of
 - (ii) vertroud is met, en oor toepaslike ondervinding beskik aangaande die verrigting van, die handelinge in subartikel (1) bedoel;
 - (b) hy of sy vir minstens drie jaar in 'n geregistreerde laboratorium vir tandkundige werk gewerk het as tandkundige laboratorium-assistent; en
 - (c) sy of haar aansoek gestaaf word deur 'n beëdigde verklaring deur 'n eienaar van 'n geregistreerde laboratorium vir tandkundige werk.”.

Wysiging van artikel 29 van Wet 19 van 1979

- 22.** Artikel 29 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 - “(1) Behoudens die bepalings van artikel [32(2)] 32A mag niemand behalwe 'n tandtegnikus-kontrakteur of, behoudens die bepalings van subartikel (3), 'n tandarts of kliniese tandtegnoloog, die eienaar van 'n laboratorium vir tandkundige werk wees nie.”;
 - (b) deur paragrawe (b) en (c) van subartikel (2) te skrap;
 - (c) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:
 - “(d) 'n universiteit of goedgekeurde inrigting vir die opleiding van tandtegnici of tandtegnoloë; of”;
 - (d) deur in subartikel (2) die woorde wat op paragraaf (e) volg, deur die volgende woorde te vervang:
 - “met betrekking tot 'n laboratorium vir tandkundige werk wat gebruik word in verband met die opleiding van tandartse [en], kliniese tandtegnoloë, tandtegnici en tandtegnoloë of die verskaffing van tandheelkundige dienste aan sy werknemers of aan lede van die publiek.”;
 - (e) deur subartikel (3) deur die volgende subartikel te vervang:
 - (3) Geen tandarts of kliniese tandtegnoloog—
 - (a) mag die eienaar wees van 'n laboratorium vir tandkundige werk waarin werk verrig word vir iemand wat nie 'n pasiënt van daardie tandarts of kliniese tandtegnoloog is nie;
 - (b) mag oor 'n laboratorium vir tandkundige werk toesig hou waarin werk gedoen word vir iemand wat nie 'n pasiënt van daardie tandarts of kliniese tandtegnoloog of die vennootskap, genootskap of regspersoon waarvan daardie tandarts of kliniese tandtegnoloog lid is, of so 'n laboratorium dryf nie.”;
 - (f) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
 - “(a) 'n tandarts of kliniese tandtegnoloog, mits dit 'n laboratorium vir tandkundige werk is waarvan hy of sy of die vennootskap, genootskap of regspersoon waarvan hy of sy lid is, die eienaar is.”;
 - (g) deur paragraaf (c) van subartikel (4) te skrap;
 - (h) deur by subartikel (4) die volgende paragraaf te voeg:
 - “(d) 'n tandtegnoloog”; en

(i) by the substitution for subsections (5) and (6) of the following subsections, respectively:

“(5) From a date determined by the Minister by notice in the *Gazette*, no person who [is not the holder of a master dental technician's certificate of competency] has not acquired a B.Tech.Dent.Tech. degree shall supervise any dental laboratory unless he or she supervised a dental laboratory on or before the date so specified or had the right to exercise such supervision.

(6) No person shall conduct a dental laboratory otherwise than under the continuous personal supervision of a person referred to in subsection (4) or, from the date determined in terms of subsection (5), otherwise than under the continuous personal supervision of the holder of a [certificate] degree referred to in that subsection, or of a person who supervised a dental laboratory on or before that date or had the right to exercise such supervision.”.

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Amendment of section 30 of Act 19 of 1979

23. Section 30 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

“(a) of which a dentist or clinical dental technologist is the owner and in which no person other than that dentist or clinical dental technologist performs any act specially pertaining to the profession of [a] dental technician or dental technologist, as the case may be;”; and

(b) by the deletion of paragraphs (b) and (c) of subsection (7).

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Amendment of section 31 of Act 19 of 1979

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24. Section 31 of the principal Act is hereby amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) No inspector shall, except for the purposes of this Act or when required to do so as a witness in a court of law, disclose any information relating to any person, partnership, association, juristic person or business acquired in the performance of his or her duties.”; and

(b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) without previous notice, at any time enter any registered dental laboratory or any other premises where he or she has reasonable cause to believe that any act specially pertaining to the profession of [a] dental technician or dental technologist is being performed or has been performed, and make such examination and enquiry as he or she deems necessary.”.

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Substitution of section 32 of Act 19 of 1979

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25. The following section is hereby substituted for section 32 of the principal Act:

“Discount, commission or remuneration, and direct billing of patient or medical aid scheme”

32. (1) No dental technician or dental technologist shall offer or allow to or accept from any dentist any discount on the tariff of fees determined under section 12(1)(b), or may in connection with his or her work as a dental technician or dental technologist, as the case may be, offer, allow or pay any commission or remuneration to a dentist, and no dentist may propose, offer, allow or accept such discount, commission or remuneration to or from any dental technician or dental technologist.

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(2) A dental technician contractor shall, from a date determined by the Minister by notice in the *Gazette*, directly claim from the patient or medical aid scheme concerned for services rendered.”.

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- (i) deur subartikels (5) en (6) deur onderskeidelik die volgende subartikels te vervang:

5 “(5) Vanaf 'n datum deur die Minister by kennisgewing in die Staatskoerant bepaal, mag niemand wat nie [**die besitter is van 'n meester-tandtegnikusbedrewendheidsertifikaat**] 'n B.Tech.Dent.-Tech. graad verwerf het, toesig hou oor 'n laboratorium vir tandkundige werk nie tensy hy of sy voor of op die datum aldus bepaal toesig oor 'n laboratorium vir tandkundige werk gehou het of die reg gehad het om sodanige toesig te hou.

10 (6) Niemand mag 'n laboratorium vir tandkundige werk dryf nie behalwe onder die voortdurende persoonlike toesig van iemand in subartikel (4) bedoel of, vanaf die datum ingevolge subartikel (5) bepaal, behalwe onder die voortdurende persoonlike toesig van die [**besitter**] houer van 'n in daardie subartikel vermelde [**sertifikaat**] graad of van iemand wat op of voor daardie datum toesig oor 'n laboratorium vir tandkundige [laboratorium] werk gehou het of die reg gehad het om sodanige toesig te hou.”.

Wysiging van artikel 30 van Wet 19 van 1979

23. Artikel 30 van die Hoofwet word hierby gewysig—

- 20 (a) deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang:
“(a) waarvan 'n tandarts of kliniese tandtegnoloog die eienaar is en waarin niemand anders as daardie tandarts of kliniese tandtegnoloog 'n handeling wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, behoort, verrig nie;”;
- 25 (b) deur paragrawe (b) en (c) van subartikel (7) te skrap.

Wysiging van artikel 31 van Wet 19 van 1979

24. Artikel 31 van die Hoofwet word hierby gewysig—

- 30 (a) deur subartikel (4) deur die volgende subartikel te vervang:
“(4) Behalwe vir die doeleindes van hierdie Wet of wanneer dit van hom of haar as 'n getuie in 'n gereghof vereis word, mag geen inspekteur enige inligting openbaar wat hy of sy by die verrigting van sy of haar pligte met betrekking tot enige persoon, vennootskap, genootskap, regspersoon of besigheid te wete gekom het nie.”;
- 35 (b) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
“(a) te eniger tyd sonder voorafgaande kennisgewing enige geregistreerde laboratorium vir tandkundige werk of enige ander perseel betree waar hy of sy 'n redelike vermoede het dat enige handeling wat spesiaal behoort tot die beroep van tandtegnikus of tandtegnoloog uitgevoer word of uitgevoer is, en die ondersoek instel en die navrae doen wat hy of sy nodig ag;”.

Vervanging van artikel 32 van Wet 19 van 1979

25. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang:

“Afslag, kommissie of vergoeding, en direkte fakturering van pasiënt of mediese hulpskema

- 45 **32. (1)** 'n Tandtegnikus of tandtegnoloog mag geen afslag op die geldetarief ingevolge artikel 12(1)(b) bepaal aan 'n tandarts aanbied of toelaat of van enige tandarts aanneem nie, of in verband met sy werk as tandtegnikus enige kommissie of vergoeding aan 'n tandarts aanbied, toelaat of betaal nie, en 'n tandarts mag nie sodanige afslag, kommissie of vergoeding aan 'n tandtegnikus of tandtegnoloog voorstel, aanbied, toelaat of van hom of haar aanneem nie.
- 50 **(2)** 'n Tandtegnikus-kontrakteur moet, vanaf 'n datum wat die Minister by kennisgewing in die Staatskoerant bepaal, direk eis van die betrokke pasiënt of mediese hulpskema vir dienste gelewer.”.

Insertion of section 32A in Act 19 of 1979

26. The following section is hereby inserted after section 32 of the principal Act:

"Performance of certain acts or carrying on of certain business by partnership, association or juristic person"

32A. (1) The performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be, may be carried on in partnership: Provided that all members of such partnership shall be either dentists or clinical dental technologists on the one hand, or dental technicians or dental technologists or both, on the other hand.

(2) The performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be, may be carried on in association: Provided that—

- (a) written proof of the formation of the association, including the names of all associates, shall be submitted to the council together with the application for registration of the dental laboratory;
- (b) the associates shall annually before 31 March submit an affidavit to the council confirming the continued existence of the association and re-stating the names of all associates;
- (c) in the case of an association of dentists or clinical dental technologists conducting a dental laboratory, only work for the patients of that association shall be done in that laboratory;
- (d) all the associates practise their profession and operate the laboratory on the same premises:

Provided further that all members of such association shall be either dentists or clinical dental technologists on the one hand, or dental technicians or dental technologists or both, on the other hand.

(3) A juristic person being an incorporated company or a close corporation may carry on any business involving the performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be: Provided that all members of such juristic person shall be either dentists or clinical dental technologists on the one hand, or dental technicians or dental technologists or both, on the other hand."

Amendment of section 33 of Act 19 of 1979

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27. Section 33 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:

"(1) No person other than a dentist, a clinical dental technologist or a dental technician contractor shall manufacture, import, buy or be in possession of any unmounted artificial teeth except under a permit issued in accordance with subsection (3): Provided that—

- (a) a dentist or clinical dental technologist may manufacture, import, buy or be in possession of unmounted artificial teeth solely for the purpose of supplying such artificial teeth to persons treated by him or her in the exercise of his or her practice as a dentist or clinical dental technologist, as the case may be; and
- (b) a dental technician contractor may manufacture, import, buy or be in possession of unmounted artificial teeth solely for the purpose of supplying such teeth to a dentist or clinical dental technologist in accordance with the provisions of this Act.

(2) No person shall supply any unmounted artificial teeth to any person who is not a dentist, a clinical dental technologist, a dental technician contractor or the holder of a permit issued under subsection (3).

(3) The council may, subject to the prescribed conditions and upon payment of the prescribed fees, issue a permit to any person authorizing such person to manufacture, import, buy or be in possession of unmounted artificial teeth for the purpose of supplying such artificial teeth to a dentist, a clinical dental technologist, a dental technician contractor or a person who is the holder of a permit issued under this section.".

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Invoeging van artikel 32A van Wet 19 van 1979

26. Die volgende artikel word hierby na artikel 32 van die Hoofwet ingevoeg:

“Verrigting van sekere handelinge of dryf van sekere besigheid deur venootskap, genootskap of regspersoon

- 5 **32A.** (1) Die verrigting van 'n handeling wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, behoort, mag in venootskap geskied: Met dien verstande dat al die lede van sodanige venootskap slegs uit tandartse of kliniese tandtegnoloë enersyds, of tandtegnici of tandtegnoloë of albei, andersyds, moet bestaan.
- 10 (2) Die verrigting van 'n handeling wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, behoort, mag in genootskap geskied: Met dien verstande dat—
- 15 (a) skriftelike bewys van die stigting van die genootskap, met inbegrip van die name van al die genote, saam met die aansoek om registrasie van die laboratorium vir tandkundige werk by die raad ingedien word;
- 15 (b) die genote jaarliks voor 31 Maart 'n beëdigde verklaring by die raad indien wat die voortbestaan van die genootskap bevestig en weer die name van al die genote verstrek;
- 20 (c) in die geval van 'n genootskap van tandartse of kliniese tandtegnoloë wat 'n laboratorium vir tandkundige werk dryf slegs werk vir pasiënte van daardie genootskap in daardie laboratorium gedoen word;
- 20 (d) al die genote hulle beroep beoefen op dieselfde perseel waar die laboratorium gedryf word:
Met dien verstande voorts dat al die lede van sodanige genootskap slegs uit tandartse of kliniese tandtegnoloë enersyds, of tandtegnici of tandtegnoloë of albei, andersyds, moet bestaan.
- 25 (3) 'n Regspersoon, hetsy 'n ingelyfde maatskappy of 'n beslote korporasie, mag 'n besigheid dryf waarby die verrigting van 'n handeling betrokke is wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, behoort: Met dien verstande dat alle lede van sodanige regspersoon slegs uit tandartse of kliniese tandtegnoloë enersyds of tandtegnici of tandtegnoloë of albei, andersyds, moet bestaan.”.

Wysiging van artikel 33 van Wet 19 van 1979

27. Artikel 33 van die Hoofwet word hierby gewysig deur subartikels (1), (2) en (3) deur die volgende subartikels te vervang:

- “(1) Niemand behalwe 'n tandarts, 'n kliniese tandtegnoloog of 'n tandtegnikus-kontrakteur mag ongemonteerde kunstande vervaardig, invoer, koop of in besit daarvan wees nie, behalwe kragtens 'n permit ooreenkomsdig subartikel (3) uitgereik: Met dien verstande dat—
- 40 (a) 'n tandarts of kliniese tandtegnoloog ongemonteerde kunstande mag vervaardig, invoer, koop of in besit daarvan mag wees slegs ten einde sodanige kunstande te verskaf aan persone wat deur hom of haar in die uitoefening van sy of haar praktyk as tandarts of kliniese tandtegnoloog, na gelang van die geval, behandel is; en
- 45 (b) 'n tandtegnikus-kontrakteur ongemonteerde kunstande mag vervaardig, invoer, koop of in besit daarvan mag wees slegs ten einde dit aan 'n tandarts of kliniese tandtegnoloog te verskaf ooreenkomsdig die bepalings van hierdie Wet.
- 50 (2) Niemand mag ongemonteerde kunstande verskaf aan iemand wat nie 'n tandarts, 'n kliniese tandtegnoloog, 'n tandtegnikus-kontrakteur of die [besitter] houer van 'n kragtens subartikel (3) uitgereikte permit is nie.
- 55 (3) Die raad kan, onderworpe aan die voorgeskrewe voorwaardes en by betaling van die voorgeskrewe geldte, 'n permit aan 'n persoon uitreik wat sodanige persoon magtig om ongemonteerde kunstande te vervaardig, in te voer, te koop of in besit daarvan te wees ten einde sodanige kunstande te verskaf aan 'n tandarts, 'n kliniese tandtegnoloog, 'n tandtegnikus-kontrakteur of [die] 'n persoon wat die houer is van 'n permit kragtens hierdie artikel uitgereik.”.

Amendment of section 36 of Act 19 of 1979**28.** Section 36 of the principal Act is hereby amended—

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

“(d) in the case of a student dental technician or a student dental technologist, extension of the prescribed period of education and training; or;”;

(b) by the addition to subsection (1) of the following paragraph:

“(e) a fine not exceeding R10 000.”;

(c) by the substitution in the words following on paragraph (c) of subsection (4) for the expression “R100” of the expression “R2 000”; and

(d) by the addition of the following subsection:

“(8) (a) A fine imposed under subsection (1)(e) shall be paid to the council within 14 days after such imposition.

(b) The imposition of a fine under subsection (1)(e) shall have the effect of a judgment in civil proceedings in the magistrate’s court of the district in which the inquiry in terms of section 35 took place.

(c) The Minister may on the recommendation of the council amend the amount mentioned in subsection (1)(e) by notice in the *Gazette*. ”.**Amendment of section 43 of Act 19 of 1979**

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29. Section 43 of the principal Act is hereby amended by the substitution in subsection (5) for the expression “R100” of the expression “R2 000”.**Amendment of section 44 of Act 19 of 1979****30.** Section 44 of the principal Act is hereby amended—

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

“(a) procures for himself or herself or any other person registration under this Act, or any certificate, permit or receipt referred to in this Act, by means of a false representation, whether verbally or in writing;”;

(b) by the substitution for the words following upon paragraph (f) of the following words:

“shall be guilty of an offence and liable on conviction to a fine not exceeding [R1 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment] R40 000.”.

Amendment of section 46 of Act 19 of 1979

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31. Section 46 of the principal Act is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

“Provided that nothing in this subsection contained shall be construed as prohibiting the education and training of any student in dental technology, or the employment of any student dental technician or any student dental technologist in any authorised dental laboratory with a view to registration under section 18.”.

Amendment of section 47 of Act 19 of 1979**32.** Section 47 of the principal Act is hereby amended—

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

“(2) Any person guilty of an offence under this Act shall, where no punishment is expressly provided for such offence, be liable on conviction to a fine not exceeding [R200 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment] R10 000.”;

(b) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) (i) hinders or obstructs an inspector in the exercise of his or her powers or the performance of his or her duties under section 31;

Wysiging van artikel 36 van Wet 19 van 1979

- 28.** Artikel 36 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) in die geval van ’n student-tandtegnikus of ’n student-tandtegnoloog, verlenging van die voorgeskrewe tydperk van onderrig en opleiding; of;”;
 - (b) deur die volgende paragraaf by subartikel (1) te voeg:

“(e) ’n boete van hoogstens R10 000.”;
 - (c) deur in die woorde wat op paragraaf (c) van subartikel (4) volg die uitdrukking “R100” deur die uitdrukking “R2 000” te vervang; en
 - (d) deur die volgende subartikel by te voeg:

“(8) (a) ’n Boete kragtens subartikel (1)(e) opgelê, moet binne 14 dae na sodanige oplegging aan die raad betaal word.

(b) Die oplegging van ’n boete kragtens subartikel (1)(e) het die uitwerking van ’n uitspraak in ’n siviele geding in die landdroshof van die distrik waarin die ondersoek ingevolge artikel 35 plaasgevind het.

(c) Die Minister kan op aanbeveling van die raad die bedrag in subartikel (1)(e) vermeld, by kennisgewing in die *Staatskoerant* wysig.”.

20 Wysiging van artikel 43 van Wet 19 van 1979

- 29.** Artikel 43 van die Hoofwet word hierby gewysig deur in subartikel (5) die uitdrukking “R100” deur die uitdrukking “R2 000” te vervang.

Wysiging van artikel 44 van Wet 19 van 1979

- 30.** Artikel 44 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) deur middel van ’n valse voorstelling, hetsy mondeling of skriftelik, sy of haar eie of iemand anders se registrasie kragtens hierdie Wet, of ’n sertifikaat, permit of kwitansie bedoel in hierdie Wet, verkry;”; en
 - (b) deur die woorde wat op paragraaf (f) volg, deur die volgende woorde te vervang:

“is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens [R1 000 of gevengenisstraf vir ’n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevengenisstraf] R40 000.”.

Wysiging van artikel 46 van Wet 19 van 1979

- 31.** Artikel 46 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat die bepalings van hierdie subartikel nie so uitgelê word dat dit die onderrig en opleiding van ’n student in tandtegnologie, of die indiensneming of indienshouding van ’n student-tandtegnikus of ’n student-tandtegnoloog in enige goedgekeurde laboratorium vir tandkundige werk met die oog op registrasie ingevolge artikel 18, belet nie.”.

Wysiging van artikel 47 van Wet 19 van 1979

- 45 32.** Artikel 47 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) [Enigiemand] Iemand wat aan ’n misdryf ingevolge hierdie Wet skuldig is, is, waar geen straf uitdruklik vir die misdryf bepaal is nie, by skuldigbevinding strafbaar met ’n boete van hoogstens [R200 of met gevengenisstraf vir ’n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevengenisstraf] R10 000.”;
 - (b) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

“(c) (i) ’n inspekteur by die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar [werksaamhede] pligte kragtens artikel 31 hinder of belemmer;

- (ii) without valid excuse refuses or fails to answer to the best of his or her ability any question which an inspector in the exercise of his or her powers or the performance of his or her duties under the said section has put to him or her;
 - (iii) refuses or fails to comply to the best of his or her ability with any requirement made by an inspector in the exercise of his or her powers or the performance of his or her duties under the said section;
 - (iv) wilfully furnishes to any inspector any information which is false or misleading;
 - (v) falsely holds himself or herself out to be an inspector;”;
- (c) by the substitution in subsection (3) for the words following upon paragraph (d) of the following words:
- “shall be guilty of an offence and liable on conviction to a fine not exceeding [R500 or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment] R20 000.”; and
- (d) by the substitution for subsection (4) of the following subsection:
- “(4) Any person who contravenes or fails to comply with the provisions of section 32, 32A or 34 shall be guilty of an offence and liable on conviction to a fine not exceeding [R300 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment] R10 000.”.

Amendment of section 49 of Act 19 of 1979

- 33.** Section 49 of the principal Act is hereby amended—25
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) (a) The Minister may on the recommendation of the council at any time by notice in the *Gazette* fix a fee to be paid annually to the council by every dentist, [and every] clinical dental technologist, dental technician and dental technologist.
- (b) Different fees may be fixed in respect of dentists, [and] clinical dental technologists, dental technicians and dental technologists.”; and
- (b) by the substitution for subsection (4) of the following subsection:
- “(4) The council may by resolution exempt for an indefinite or definite period any dentist, [or] clinical dental technologist, dental technician or dental technologist specified in the resolution from payment of any annual fee prescribed in terms of subsection (1).”.3035

Amendment of section 50 of Act 19 of 1979

- 34.** Section 50 of the principal Act is hereby amended—40
- (a) by the substitution for subparagraph (i) of paragraph (g) of subsection (1) of the following subparagraph:
- “(i) the nature and duration of the training to be undergone by any person who has obtained a qualification in dental technology prescribed under section 22, but who has not yet been registered as a dental technician or a dental technologist, as the case may be, the examination which the council may conduct in order to determine the competence of such person and the period within which such a person shall pass the examination before he or she may be registered as a dental technician or a dental technologist, as the case may be.”;
- (b) by the substitution for paragraph (l) of subsection (1) of the following paragraph:5045
- “(l) the acts which shall for the purpose of this Act be deemed to be acts specially pertaining to the profession of [a] dental technician or dental technologist, the scope of the employment of other registered persons, and the conditions under which registered persons may practise their professions.”;
- (c) by the substitution for paragraph (o) of subsection (1) of the following paragraph:55

- (ii) sonder 'n geldige verskoning weier of versuim om 'n vraag wat 'n inspekteur by die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar [werksaamhede] pligte kragtens gemelde artikel aan hom of haar gestel het, na sy of haar beste vermoë te beantwoord;
- (iii) weier of versuim om na sy of haar beste vermoë aan 'n vereiste deur 'n inspekteur by die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar [werksaamhede] pligte kragtens gemelde artikel gestel, te voldoen;
- (iv) opsetlik aan 'n inspekteur inligting verstrek wat vals of misleidend is;
- (v) valslik voorgee dat hy of sy 'n inspekteur is;”;
- (c) deur in subartikel (3) die woorde wat op paragraaf (d) volg, deur die volgende woorde te vervang:
- “is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens [R500 of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf] R20 000.”; en
- (d) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Iemand wat die bepalings van artikel 32, 32A of 34 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens [R300 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf] R10 000.”.

25 Wysiging van artikel 49 van Wet 19 van 1979

33. Artikel 49 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) (a) Die Minister kan op aanbeveling van die raad te eniger tyd by kennisgewing in die *Staatskoerant* die gelde vasstel wat jaarliks aan die raad betaal moet word deur elke tandarts, [en elke] kliniese tandtegnoloog, tandtegnikus en tandtegnoloog.
- (b) Verskillende gelde kan ten opsigte van tandartse, [en] kliniese tandtegnoloë, tandtegnici en tandtegnoloë vasgestel word.”; en
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Die raad kan, by besluit, vir 'n onbepaalde of bepaalde tyd 'n in die besluit vermelde tandarts, [of] kliniese tandtegnoloog, tandtegnikus of tandtegnoloog vrystel van betaling van die ingevolge subartikel (1) voorgeskrewe jaarlikse gelde.”.

Wysiging van artikel 50 van Wet 19 van 1979

34. Artikel 50 van die Hoofwet word hierby gewysig—

- (a) deur subparagraph (i) van paragraaf (g) van subartikel (1) deur die volgende subparagraph te vervang:
- “(i) die aard en duur van die opleiding wat ondergaan moet word deur iemand wat 'n kragtens artikel 22 voorgeskrewe kwalifikasie in tandtegnologie verwerf het, maar wat nog nie as 'n tandtegnikus of 'n tandtegnoloog, na gelang van die geval, geregistreer is nie, die eksamen wat die raad kan afneem ten einde die bevoegdheid van sodanige persoon te bepaal, en die tydperk waarbinne so 'n persoon in sodanige eksamen moet slaag, alvorens hy of sy as 'n tandtegnikus of 'n tandtegnoloog, na gelang van die geval, geregistreer kan word;”;
- (b) deur paragraaf (l) van subartikel (1) deur die volgende paragraaf te vervang:
- “(l) die handelinge wat by die toepassing van hierdie Wet geag word handelinge te wees wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog behoort, die bestek van die diensbetrekking van ander geregistreerde persone, en die voorwaardes waaronder geregistreerde persone hulle beroepe mag beoefen;”;
- (c) deur paragraaf (o) van subartikel (1) deur die volgende paragraaf te vervang:

- “(o) the books, accounts and records to be kept and the particulars to be entered therein by—
- (i) an employer of a dental technician, dental technologist, student dental technician, student dental technologist and dental laboratory assistant; and
 - (ii) a dental technician contractor in respect of work done as a dental technician or a dental technologist for any dentist;”;
- (d) in subsection (1), by the deletion of the word “and” at the end of paragraph (p) and the addition the following paragraph:
- “(q) occupational health conditions concerning harmful practices occurring, and the use of hazardous substances, in all dental laboratories;”;
- (e) by the substitution for the words following upon paragraph (p) of subsection (1) of the following:
- “(r) generally, any matter which in terms of this Act is required to be, or may be, prescribed or which the Minister considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.”; and
- (f) by the substitution for subsections (2) and (3) of the following subsections, respectively:
- “(2) The Minister may, after consultation with the executive committee of the council, if [he] the Minister deems it in the public interest, without the recommendation of the council make regulations relating to any of the matters referred to in subsection (1), or amend or repeal any regulation made in terms of that subsection.
- (3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of [R100] R2 000.”.

Substitution of certain expressions and words in Act 19 of 1979

- 35.** The principal Act is hereby amended—
- (a) by the substitution in section 24(4) for the expression “State President”, wherever it occurs, of the expression “President”;
 - (b) by the substitution in section 36(4)(a) and (c)(ii) and (5) for the word “chairman”, wherever it occurs, of the word “chairperson”;
 - (c) by the substitution in section 48 for the expression “Secretary” of the expression “Director-General”; and
 - (d) by the substitution in those provisions of the principal Act which are not amended, substituted or repealed by any provision of this Act other than this paragraph for the words “he”, “him”, “himself” and “his”, wherever they occur, of the words “he or she”, “him or her”, “himself or herself” and “his or her”, respectively.

Substitution of long title of Act 19 of 1979

- 36.** 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 profession of dental technician; to regulate the profession of dental technologist; and to provide for matters connected therewith.”.

- “(o) die boeke, rekeninge en aantekeninge wat bygehou moet word en die besonderhede wat daarin aangeteken moet word deur—
- (i) ‘n werkewer van ‘n tandtegnikus, tandtegnoloog, student-tandtegnikus, student-tandtegnoloog en tandkundige laboratorium-assistent; en
 - (ii) ‘n tandtegnikus-kontrakteur ten opsigte van werk vir ‘n tandarts as ‘n tandtegnikus of ‘n tandtegnoloog gedoen;”;
- (d) deur in subartikel (1) die woord “en” aan die einde van paragraaf (p) te skrap en die volgende paragraaf by te voeg:
- 10 “(q) beroeps gesondheidstoestande betreffende skadelike praktyke wat plaasvind, en die gebruik van gevaarhoudende stowwe, in alle laboratoriums vir tandkundige werk;”;
- (e) deur die woorde wat op paragraaf (p) van subartikel (1) volg, deur die volgende te vervang:
- 15 “(r) oor die algemeen, enige aangeleenthed wat ingevolge hierdie Wet voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.”; en
- (f) deur subartikels (2) en (3) deur onderskeidelik die volgende subartikels te vervang:
- 20 “(2) Die Minister kan, na [oorlegpleging] oorleg met die uitvoerende komitee van die raad, indien [hy] die Minister dit in die openbare belang ag, sonder die aanbeveling van die raad regulasies uitvaardig betreffende enige van die aangeleenthede in subartikel (1) bedoel, of enige regulasie wysig of herroep wat ingevolge daardie subartikel uitgevaardig is.
- (3) ‘n Regulasie ingevolge hierdie artikel uitgevaardig, kan vir ‘n oortreding daarvan of versuum om [dit na te kom], daaraan te voldoen strawwe van ‘n boete van hoogstens [R100] R2 000 voorskryf.”.

30 Vervanging van sekere uitdrukkings en woorde in Wet 19 van 1979

35. Die Hoofwet word hierby gewysig—
- (a) deur in artikel 24(4) die uitdrukking “Staatspresident”, waar dit ook al voorkom, deur die uitdrukking “President” te vervang;
 - (b) deur in die Engelse teks in artikel 36(4)(a) en (c)(ii) en (5) die woorde “chairman”, waar dit ook al voorkom, deur die woorde “chairperson” te vervang;
 - (c) deur in artikel 48 die uitdrukking “Sekretaris” deur die uitdrukking “Direkteur-generaal” te vervang; en
 - (d) deur in daardie bepalings van die Hoofwet, wat nie gewysig, vervang of herroep is deur enige ander bepalings van hierdie Wet as hierdie paragraaf nie—
 - (i) die woorde “hy”, waar dit ook al voorkom, behalwe in artikels 4(j), 13(1)(b), 11(3), 12(7)(a), 14(2), 16(2) en (3), 18(2), 19(2), 23(4), 35(2), 36(6), 37(1) en 43(1), (2) en (3), deur die woorde “hy of sy” te vervang;
 - (ii) die woorde “sy”, waar dit ook al voorkom, behalwe in artikels 3(f), 10(2), 11(4)(a), 14(1) en 16(2), deur die woorde “sy of haar” te vervang;
 - (iii) die woorde “hom”, waar dit ook al voorkom, behalwe in artikels 4(f), 8(1), 36(4)(b) en (5) en 50(1)(h)(iii), deur die woorde “hom of haar” te vervang.

Vervanging van lang titel van Wet 19 van 1979

- 40 36. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“WET

55 Tot samevatting en wysiging van die wetsbepalings met betrekking tot die beroep van tandtegnikus; om die beroep van tandtegnoloog te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”.

Repeal of laws

37. The laws mentioned in the Schedule are hereby repealed to the extent to which those laws formed a part of the legislation of the areas of the former—

- (a) Republics of Transkei, Bophuthatswana, Venda and Ciskei; and
- (b) self-governing territories of Lebowa, Gazankulu, QwaQwa, KwaZulu, KwaNdebele and KaNgwane in terms of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971). 5

Extension of application of Act 19 of 1979

38. The Dental Technicians Act, 1979, and all amendments thereof, shall apply throughout the Republic. 10

Short title

39. This Act shall be called the Dental Technicians Amendment Act, 1997.

Herroeping van wette

37. Die wette in die Bylae genoem, word hierby herroep in die mate waarin daardie wette deel uitgemaak het van die wetgewing van die gebiede van die voormalige—

- (a) Republieke van Transkei, Bophuthatswana, Venda en Ciskei; en
5 (b) selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, Kwa-Ndebele en KaNgwane ingevolge die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971).

Uitbreiding van toepassing van Wet 19 van 1979

38. Die Wet op Tandtegnici, 1979, en alle wysigings daarvan, is in die hele 10 Republiek van toepassing.

Kort titel

39. Hierdie Wet heet die Wysigingswet op Tandtegnici, 1997.

Act No. 43, 1997

DENTAL TECHNICIANS AMENDMENT ACT, 1997

SCHEDULE

No. and year of law	Short title
Act No. 30 of 1945	Dental Mechanicians Act, 1945
Act No. 33 of 1947	Dental Mechanicians Amendment Act, 1947
Act No. 8 of 1954	Dental Mechanicians Amendment Act, 1954
Act No. 43 of 1972	Dental Mechanicians Amendment Act, 1972
Act No. 17 of 1976	Dental Mechanicians Amendment Act, 1976
Act No. 19 of 1979	Dental Technicians Act, 1979

BYLAE

No. en jaar van wet	Kort titel
Wet No. 30 van 1945	Wet op Tandwerktuigkundiges, 1945
Wet No. 33 van 1947	Wysigingswet op Tandwerktuigkundiges, 1947
Wet No. 8 van 1954	Wysigingswet op Tandwerktuigkundiges, 1954
Wet No. 43 van 1972	Wysigingswet op Tandwerktuigkundiges, 1972
Wet No. 17 van 1976	Wysigingswet op Tandwerktuigkundiges, 1976
Wet No. 19 van 1979	Wet op Tandtegnici, 1979

