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REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

## GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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### KANTOOR VAN DIE STAATSPRESIDENT

### STATE PRESIDENT'S OFFICE

No. 790.

13 Maart 1992

No. 790.

13 March 1992

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

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

No. 21 van 1992: Wysigingswet op Verpleging, 1992.

No. 21 of 1992: Nursing Amendment Act, 1992.

## ALGEMENE VERDUIDELIKENDE NOTA:

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

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

## WET

Tot wysiging van die Wet op Verpleging, 1978, ten einde sekere teksveranderings aan te bring; sekere omskrywings te wysig; die uitdrukking "verpleegkollege" te omskryf; die Suid-Afrikaanse Raad op Verpleging te magtig om skenkings te doen; die samestelling van die raad te wysig; voorsiening te maak vir die aanstelling van 'n adjunk-vise-president; die getal lede te vermeerder wat 'n kworum op 'n vergadering van die raad uitmaak; voorsiening te maak vir die instelling van bykomende komitees; die raad se beheer oor sekere onderrig en opleiding wat verskaf word deur universiteite en teknikons, af te skaf; beperkte registrasie verder te reël; die registrasie as 'n student vir 'n addisionele kwalifikasie af te skaf; voorsiening te maak vir 'n bykomende straf en vir skulderkennings ten opsigte van onbehoorlike of onbetaamlike gedrag; en lidmaatskap van die Suid-Afrikaanse Verpleegstersvereniging uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Maart 1992.)

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

### Wysiging van artikel 1 van Wet 50 van 1978

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

(a) deur die omskrywing van "ingeskryf" deur die volgende omskrywing te vervang:

" '**[ingeskryf]** inskryf' die inskrywing in 'n rol van 'n **[klas]** kategorie, of 'n lid van 'n **[klas]** kategorie, persone ten opsigte van wie 'n rol ingevolge **[die bepalings van]** hierdie Wet gehou word, en het 'ingeskrewe', 'ingeskryf' en 'inskrywing' 'n ooreenstemmende betekenis;";

(b) deur die omskrywing van "leerlingverpleegassistent" deur die volgende omskrywing te vervang:

" '**[leerlingverpleegassistent]** leerlingverpleeghulp' iemand as sodanig kragtens artikel 24 ingeskryf;";

(c) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

" 'Minister' die Minister van Nasionale Gesondheid;";

(d) deur in die Engelse teks die omskrywing van "register" deur die volgende omskrywing te vervang:

" 'register', when used as a noun, means a register kept in terms of this Act, and when used in relation to any **[class]** category, or any member of any **[class]** category, of persons in respect of whom a register is kept, the register kept for that **[class]** category and, when

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## GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with a solid line indicate insertions in existing enactments.

## ACT

To amend the Nursing Act, 1978, so as to effect certain textual alterations; to amend certain definitions; to define the expression "nursing college"; to empower the South African Nursing Council to make donations; to alter the constitution of the council; to provide for the appointment of a deputy vice-president; to increase the number of members required to constitute a quorum at a meeting of the council; to provide for the establishment of additional committees; to abolish the council's control over certain education and training provided by universities and technikons; to further regulate limited registration; to abolish the registration of a student for an additional qualification; to provide for an additional penalty and for admissions of guilt in respect of improper or disgraceful conduct; and to extend membership of the South African Nursing Association; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)

(Assented to 3 March 1992.)

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

## Amendment of section 1 of Act 50 of 1978

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

(a) by the substitution for the definition of "enrol" of the following definition:

— " 'enrol' means the entry in a roll of a **[class]** category, or a member of a **[class]** category, of persons in respect of whom a roll is kept in terms of this Act, and 'enrolled' and 'enrolment' have a corresponding meaning;"

(b) by the substitution for the definition of "Minister" of the following definition:

— " 'Minister' means the Minister of National Health;"

(c) by the substitution for the definition of "nursing agency" of the following definition:

— " 'nursing agency' means a business which supplies registered nurses or midwives or enrolled nurses or nursing **[assistants]** auxiliaries to any person, organization or institution, whether for gain or not and whether in conjunction with any other service rendered by such business or not;"

(d) by the substitution for the definition of "nursing assistant" of the following definition:

— " 'nursing **[assistant]** auxiliary' means a person enrolled as such under section 16;"

used as a verb, means to enter in a register in terms of **[the]** this Act, and the words 'registered', 'registrable', 'registration' and all other words derived from the word 'register' have a corresponding meaning;";

- (e) deur in die Engelse teks die omskrywing van "roll" deur die volgende omskrywing te vervang:

" 'roll' means a roll kept in terms of this Act, and when used in relation to any **[class]** category, or any member of any **[class]** category, of persons in respect of whom a roll is kept, the roll kept for that **[class]** category;";

- (f) deur die omskrywing van "verpleegassistent" deur die volgende omskrywing te vervang:

" '**[verpleegassistent]** verpleeghulp' iemand as sodanig kragtens artikel 16 ingeskryf;";

- (g) deur na die omskrywing van "verpleegassistent" die volgende omskrywing in te voeg:

" '**verpleegkollege**' 'n goedgekeurde verpleegskool wat in samewerking met 'n universiteit bedryf word;";

- (h) deur die omskrywing van "verpleegskool" deur die volgende omskrywing te vervang:

" 'verpleegskool' 'n inrigting waar persone vir die beroep van verpleging of verloskunde onderrig en opgelei word;"; en

- (i) deur die omskrywing van 'n "verplegingsagentskap" deur die volgende omskrywing te vervang:

" 'verplegingsagentskap' 'n saak wat geregistreerde verpleegkundiges of vroedvroue of ingeskrewe verpleegkundiges of **[verpleeg-assistente]** verpleeghulpe aan 'n persoon, liggaam of inrigting verskaf, hetsy vir wins al dan nie en hetsy tesame met 'n ander diens deur die saak gelewer al dan nie;";

#### Wysiging van artikel 4 van Wet 50 van 1978

2. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur die voorbehoudsbepaling by paragraaf (e) te skrap; en

- (b) deur paragraaf (g) deur die volgende paragraaf te vervang:

"(g) eiendom verkry, huur of daaroor beskik, geld op sekuriteit van die bates van die raad leen, 'n skenking aanvaar of doen of 'n trust aanvaar en administreer;";

#### Vervanging van artikel 5 van Wet 50 van 1978

3. (1) Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

##### "Samestelling van raad

5. (1) Die raad bestaan uit die volgende lede, naamlik—

- (a) nege persone wat soos volg deur die Minister aangestel word:

- (i) Twee beamptes van die Departement van Nasionale Gesondheid en Bevolkingsontwikkeling, van wie ten minste een 'n geregistreerde verpleegkundige moet wees;

- (ii) twee persone wat nie ingevolge hierdie Wet geregistreer of ingeskryf of ingevolge die Wet op Aptekers, 1974 (Wet No. 53 van 1974), die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), of die Wet op Geassosieerde Gesondheidsdiensberoep, 1982 (Wet No. 63 van 1982), geregistreer is nie;

- (iii) vyf ander persone, van wie vier geregistreerde verpleegkundiges moet wees;

- (b) twee geregistreerde verpleegkundiges uit die onderwyspersoneel van verpleegkolleges, aangestel deur die Minister uit sodanige verpleegkundiges wat op die voorgeskrewe wyse deur die bestuursliggame van verpleegkolleges genomineer is;

- (c) twee geregistreerde verpleegkundiges uit die departemente of



- (e) by the insertion after the definition of "nursing assistant" of the following definition:  
 " 'nursing college' means an approved nursing school conducted in co-operation with a university;";
- (f) by the substitution for the definition of "nursing school" of the following definition:  
 " 'nursing school' means any institution where persons are educated and trained for the profession of nursing or midwifery;";
- (g) by the substitution for the definition of "pupil nursing assistant" of the following definition:  
 " 'pupil nursing [assistant] auxiliary' means a person enrolled as such under section 24;";
- (h) by the substitution for the definition of "register" of the following definition:  
 " 'register', when used as a noun, means a register kept in terms of this Act, and when used in relation to any [class] category, or any member of any [class] category, of persons in respect of whom a register is kept, the register kept for that [class] category and, when used as a verb, means to enter in a register in terms of [the] this Act, and the words 'registered', 'registrable', 'registration' and all other words derived from the word 'register' have a corresponding meaning;"; and
- (i) by the substitution of the definition "roll" of the following definition:  
 " 'roll' means a roll kept in terms of this Act, and when used in relation to any [class] category, or any member of any [class] category, of persons in respect of whom a roll is kept, the roll kept for that [class] category;".

#### Amendment of section 4 of Act 50 of 1978

##### 2. Section 4 of the principal Act is hereby amended—

- (a) by the deletion of the proviso to paragraph (e); and
- (b) by the substitution for paragraph (g) of the following paragraph:  
 "(g) acquire, hire or dispose of property, borrow money on the security of the assets of the council, accept or make any donation or accept and administer any trust;".

#### 35 Substitution of section 5 of Act 50 of 1978

##### 3. (1) The following section is hereby substituted for section 5 of the principal Act:

###### "Constitution of council

5. (1) The council shall consist of the following members, namely—
- (a) nine persons appointed as follows by the Minister:
- (i) Two officers of the Department of National Health and Population Development, of whom at least one shall be a registered nurse;
- (ii) two persons who are not registered or enrolled in terms of this Act or registered in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974), the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), or the Associated Health Service Professions Act, 1982 (Act No. 63 of 1982);
- (iii) five other persons, of whom four shall be registered nurses;
- (b) two registered nurses from the teaching staffs of nursing colleges, appointed by the Minister from such nurses nominated by the governing bodies of nursing colleges in the prescribed manner;
- (c) two registered nurses from departments or subdepartments of

- subdepartemente van verpleegkunde by universiteite, aangewys deur die Komitee van Universiteitshoofde ingestel by artikel 6 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955);
- (d) een persoon aangewys deur die Suid-Afrikaanse Aptekersraad vermeld in artikel 2 van die Wet op Aptekers, 1974 (Wet No. 53 van 1974), wat 'n lid van dié raad is en kragtens dié Wet as 'n apteker geregistreer is; 5
- (e) een persoon aangewys deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad vermeld in artikel 2 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensbetroepe 1974 (Wet No. 56 van 1974), wat 'n lid van dié raad is en wat as 'n geneesheer kragtens genoemde Wet geregistreer is; 10
- (f) 15 geregistreerde verpleegkundiges wat Suid-Afrikaanse burgers is, in die Republiek woonagtig is en ooreenkomstig die voorgeskrewe wyse en prosedure verkies is deur geregistreerde verpleegkundiges en vroedvroue wat Suid-Afrikaanse burgers is en in die Republiek woonagtig is: Met dien verstande dat daar in elke streek in subartikel (7) bedoel ten minste een maar hoogstens vyf sodanige verpleegkundiges wat gewoonweg in dié streek woonagtig is, gekies word. 15 20
- (2) Behoudens die bepalings van artikel 6 beklee die lede van die raad hulle amp vir 'n tydperk van vyf jaar vanaf die datum in subartikel (6) beoog, maar kan hulle weer aangestel, verkies of aangewys word, na gelang van die geval.
- (3) Die bestuursliggame in subartikel (1)(b) vermeld, die Komitee van Universiteitshoofde in subartikel (1)(c) vermeld, die Suid-Afrikaanse Aptekersraad in subartikel (1)(d) vermeld, en die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad in subartikel (e) vermeld, moet minstens drie maande voor die datum van verstryking van die ampstermyn van die lede van die raad, die registrateur skriftelik in kennis stel van die name van persone wat ingevolge die toepaslike bepalings van subartikel (1) deur hulle genomineer of aangewys is. 25 30
- (4) (a) Indien die bestuursliggame in subartikel (1)(b) of die Komitee van Universiteitshoofde in subartikel (1)(c) of die Suid-Afrikaanse Aptekersraad in subartikel (1)(d) of die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad in subartikel (1)(e) vermeld, versuim om ingevolge bedoelde bepalings soveel persone te nomineer of aan te wys as wat aldus genomineer of aangewys moet word, of om die registrateur kragtens subartikel (3) in kennis te stel van die name van die persone aldus genomineer of aangewys, of indien die geregistreerde verpleegkundiges en vroedvroue versuim om 'n lid of lede te verkies soos by subartikel (1)(f) vereis, moet die Minister— 35 40
- (i) in 'n geval in subartikel (1)(b) of (c) beoog, 'n persoon aldus genomineer of aangewys van wie die registrateur aldus in kennis gestel is, en geregistreerde verpleegkundiges, tot die vereiste getal, aanstel as lede van die raad; 45
- (ii) in 'n geval beoog in subartikel (1)(d) of (e), iemand wat ingevolge bedoelde bepalings geskik is, aanstel as 'n lid van die raad; en 50
- (iii) in die geval in subartikel (1)(f) beoog, geskikte persone, tot die vereiste getal, aanstel as lede van die raad.
- (b) In die geval van 'n versuim in paragraaf (a) beoog, moet die registrateur die Minister onmiddellik skriftelik daarvan in kennis stel. 55
- (5) So spoedig doenlik na die verkiesing van lede ingevolge subartikel (1)(f) moet die Minister die registrateur in kennis stel van die name van die persone wat hy ingevolge subartikel (1)(a) en (b) aangestel het. 60
- (6) Die name van die lede van die raad en die datum van aanvang van hulle ampstermyn moet so spoedig doenlik na die samestelling van die raad, deur die registrateur in die *Staatskoerant* bekend gemaak word.



nursing at universities, designated by the Committee of University Principals established by section 6 of the Universities Act, 1955 (Act No. 61 of 1955);

25 (d) one person designated by the South African Pharmacy Council mentioned in section 2 of the Pharmacy Act, 1974 (Act No. 53 of 1974), who is a member of such council and is registered under such Act as a pharmacist;

10 (e) one person designated by the South African Medical and Dental Council mentioned in section 2 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), who is a member of the said council and who is registered as a medical practitioner under the said Act;

15 (f) 15 registered nurses who are South African citizens resident in the Republic and have been elected in accordance with the prescribed manner and procedure by registered nurses and midwives who are South African citizens and resident in the Republic: Provided that there shall be elected in each region referred to in subsection (7) at least one but not more than five such nurses ordinarily resident in such region.

20 (2) Subject to the provisions of section 6, the members of the council shall hold office for a period of five years as from the date contemplated in subsection (6), but shall be eligible for re-appointment, re-election or redesignation, as the case may be.

25 (3) Not less than three months prior to the date of expiry of the term of office of the members of the council, the governing bodies mentioned in subsection (1)(b), the Committee of University Principals mentioned in subsection (1)(c), the South African Pharmacy Council mentioned in subsection (1)(d) and the South African Medical and Dental Council mentioned in subsection (1)(e) shall inform the registrar in writing of the names of the persons nominated or designated by them in terms of the relevant provisions of subsection (1).

30 (4) (a) If the governing bodies mentioned in subsection (1)(b) fail, or the Committee of University Principals mentioned in subsection (1)(c) or the South African Pharmacy Council mentioned in subsection (1)(d) or the South African Medical and Dental Council mentioned in subsection (1)(e) fails, to nominate or designate in terms of those provisions so many persons as are required to be so nominated or designated or to inform the registrar under subsection (3) of the names of the persons so nominated or designated, or if the registered nurses and midwives fail to elect a member or members as required by subsection (1)(f), the Minister shall—

35 (i) in a case contemplated in subsection (1)(b) or (c), appoint any person so nominated or designated of whom the registrar was so informed and registered nurses up to the number required, as members of the council;

40 (ii) in a case contemplated in subsection (1)(d) or (e), appoint a person who is qualified in terms of those provisions, as a member of the council; and

50 (iii) in the case contemplated in subsection (1)(f), appoint any qualified persons up to the number required, as members of the council.

(b) The registrar shall, in the case of a failure contemplated in paragraph (a), immediately inform the Minister thereof in writing.

55 (5) As soon as possible after the election of members in terms of subsection (1)(f), the Minister shall inform the registrar of the names of the persons appointed by him in terms of subsection (1)(a) and (b).

60 (6) The names of the members of the council and the date of commencement of their period of office shall be published by the registrar in the *Gazette* as soon as possible after the constitution of the council.

(7) Die raad moet vir die doeleindes van 'n verkiesing beoog in subartikel (1)(f), by kennisgewing in die *Staatskoerant* die Republiek in ses streke verdeel."

(2) (a) Die ampstermyn van lede van die Suid-Afrikaanse Raad op Verpleging vermeld in artikel 2 van die Hoofwet wat by die inwerkingtreding van hierdie Wet hul amp as sodanig bekleed, word nie geraak nie deur die vervanging van artikel 5 van die Hoofwet deur subartikel (1) van hierdie artikel. 5

(b) Die ampstermyn van lede van genoemde raad wat lede daarvan word uit hoofde van die bepalings van artikel 5(1) van die Hoofwet, begin op die datum na die datum waarop die ampstermyn van die lede vermeld in paragraaf (a) verstryk of, indien hulle na laasgenoemde datum sodanige lede word, op die datum beoog in artikel 5(6) van die Hoofwet. 10

#### Wysiging van artikel 6 van Wet 50 van 1978, soos gewysig deur artikel 46 van Wet 97 van 1986

4. Artikel 6 van die Hoofwet word hierby gewysig deur subparagraaf (iii) van paragraaf (g) van subartikel (1) deur die volgende subparagraaf te vervang: 15

"(iii) as hy 'n lid is wat ingevolge artikel 5(1) deur **['n Administrateur of die Administrateurs]** die Komitee van Universiteitshoofde of die Suid-Afrikaanse Aptekersraad of die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, na gelang van die geval, aangewys is, ophou om oor 'n kwalifikasie te beskik wat vir sy aanwysing nodig is of skriftelik sy bedanking by die **[persone of]** instansie deur wie hy aangewys is, indien en sy bedanking aanvaar word deur **[die betrokke persone of]** dié instansie;" 20

#### Wysiging van artikel 7 van Wet 50 van 1978

5. Artikel 7 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg: 25

"(8) (a) Die lede van die raad kan 'n adjunk-vise-president, wat 'n geregistreerde verpleegkundige moet wees, uit hulle midde kies en aan so 'n adjunk-vise-president die werksaamhede van die president of vise-president opdra wat die raad van tyd tot tyd goedgevind. 30

(b) Die bepalings van subartikels (2), (6) en (7) is *mutatis mutandis* van toepassing op die adjunk-vise-president.

(c) Indien die raad ingevolge paragraaf (a) werksaamhede aan die adjunk-vise-president opdra, kan die raad bepaal wanneer en onder watter omstandighede dié werksaamhede verrig kan of moet word." 35

#### Wysiging van artikel 9 van Wet 50 van 1978

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

"(1) **[Twaalf]** Die meerderheid van die lede van die raad maak 'n kworum op 'n vergadering van die raad uit." 40

#### Wysiging van artikel 10 van Wet 50 van 1978

7. 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 en die penningmeester, **[die]** en een lid aangestel kragtens artikel 5(1)(a)(i), een lid aangestel kragtens artikel 5(1)(a)(ii) **[een lid aangestel kragtens artikel 5(1)(b)]** en **[die]** ander lede van die raad wat die raad aanwys." 45

#### Vervanging van artikel 11 van Wet 50 van 1978

8. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang: 50



(7) The council shall by notice in the *Gazette* divide the Republic into six regions for the purposes of an election contemplated in subsection (1)(f)."

(2) (a) The period of office of members of the South African Nursing Council mentioned in section 2 of the principal Act holding office as such at the commencement of this Act, shall not be affected by the substitution of section 5 of the principal Act by subsection (1) of this section.

(b) The period of office of members of the said council who become members thereof by virtue of the provisions of section 5(1) of the principal Act shall commence on the date after the date on which the period of office of the members mentioned in paragraph (a) expires or, if they become such members after the last-mentioned date, on the date contemplated in section 5(6) of the principal Act.

**Amendment of section 6 of Act 50 of 1978, as amended by section 46 of Act 97 of 1986**

4. Section 6 of the principal Act is hereby amended by the substitution for subparagraph (iii) of paragraph (g) of subsection (1) of the following subparagraph:

"(iii) being a member designated under section 5(1) by **[an Administrator or the Administrators]** the Committee of University Principals or the South African Pharmacy **[Board]** Council or the South African Medical and Dental Council, as the case may be, he ceases to hold any qualification necessary for his designation or tenders his resignation in writing to the **[persons or]** body by whom he was designated and his resignation is accepted by **[the persons or]** such body **[concerned]**;"

**Amendment of section 7 of Act 50 of 1978**

5. Section 7 of the principal Act is hereby amended by the addition of the following subsection:

"(8) (a) The members of the council may elect a deputy vice-president, who shall be a registered nurse, from among themselves and may assign to such deputy vice-president such of the functions of the president or vice-president as the council may from time to time think fit.

(b) The provisions of subsections (2), (6) and (7) shall *mutatis mutandis* apply to the deputy vice-president.

(c) If the council assigns, in terms of paragraph (a), any functions to the deputy vice-president, the council may determine when and under which circumstances such functions may or shall be performed."

**Amendment of section 9 of Act 50 of 1978**

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

"(1) **[Twelve]** The majority of the members of the council shall constitute a quorum at any meeting of the council."

**Amendment of section 10 of Act 50 of 1978**

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

"(1) There shall be an executive committee of the council consisting of the president, the vice-president and the treasurer, **[the]** and one member appointed in terms of section 5(1)(a)(i), one member appointed in terms of section 5(1)(a)(ii) **[one member appointed in terms of section 5(1)(b)]** and **[such]** other members of the council **[as]** designated by the council **[may designate]**."

**Substitution of section 11 of Act 50 of 1978**

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

**“Ander komitees**

**11. (1)** Die raad kan van tyd tot tyd die ander komitees, saamgestel soos voorgeskryf, instel wat hy nodig ag, om ondersoek in te stel na, en aan die raad verslag te doen oor, enige aangeleentheid wat binne die bestek van sy werksaamhede val.

(2) Behoudens die bepalings van subartikel (3) kan die raad aan 'n komitee kragtens subartikel (1) ingestel, sodanige van sy bevoegd-hede delegeer as wat die raad van tyd tot tyd goedvind: Met dien verstande dat die raad nie ontdoen is nie van 'n bevoegdheid aldus gedelegeer, en 'n besluit van so 'n komitee geneem by die uitoefening van so 'n bevoegdheid, kan wysig of tersyde stel.

(3) Geen straf opgelê deur 'n komitee kragtens subartikel (1) ingestel, uitgesonderd 'n waarskuwing of berisping of 'n berisping en waarskuwing, is van krag nie voordat dit deur die raad bekragtig is: Met dien verstande dat 'n straf deur so 'n komitee kragtens artikel 29(1)(b), (c), (d) of (e) opgelê of 'n bevel deur hom kragtens artikel 36(2) uitgereik, onmiddellik in werking tree, indien die komitee in die openbare belang aldus gelas, maar dan na die verstryking van 'n tydperk van ses maande verval, tensy dit binne dié tydperk deur die raad bekragtig word.”.

**Wysiging van artikel 15 van Wet 50 van 1978****9. Artikel 15 van die Hoofwet word hierby gewysig—**

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

“(1) Ondanks andersluidende wetsbepalings mag geen persoon of inrigting, uitgesonderd 'n universiteit of technikon ingestel by of kragtens 'n Wet van die Parlement, onderrig of opleiding aanbied of verskaf wat bedoel is om iemand te bekwaam om die beroep van verpleging of verloskunde waarop die bepalings van hierdie Wet van toepassing is, te beoefen nie, tensy sodanige onderrig en opleiding deur die raad goedgekeur is.”; en

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

“(5) Iemand wat 'n bepaling van hierdie artikel, of 'n voorwaarde of vereiste daarkragtens bepaal, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[vyfhonderd]** tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.”.

**Wysiging van artikel 16 van Wet 50 van 1978**

**10.** Artikel 16 van die Hoofwet word hierby gewysig deur in subartikels (1) en (2) die woorde “verpleegassistent” en “leerlingverpleegassistent”, oral waar hulle voorkom, deur onderskeidelik die woorde “verpleeghulp” en “leerlingverpleeghulp” te vervang.

**Wysiging van artikel 17 van Wet 50 van 1978**

**11.** Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (4) van die Engelse teks deur die volgende paragraaf te vervang:

“(c) Any certificate issued in respect of the registration **[and]** or enrolment in question shall be deemed to be cancelled as from the date on which notice is so given.”.

**Vervanging van artikel 21 van Wet 50 van 1978**

**12. (1)** Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:



**“Other committees**

5 **11. (1)** The council may from time to time establish such other committees, constituted as prescribed, as it may deem necessary, to investigate and report to the council on any matter falling within the scope of its functions.

(2) Subject to the provisions of subsection (3), the council may delegate to any committee established under subsection (1) such of its powers as the council may from time to time deem fit: Provided that the council shall not be divested of any power so delegated and may amend or set aside any decision of any such committee made in the exercise of any such power.

10 (3) No penalty imposed by any committee established under subsection (1), other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect until confirmed by the council: Provided that a penalty imposed by any such committee under section 29(1)(b), (c), (d) or (e) or any order made by it under section 36(2) shall, if the committee so directs in the public interest, come into operation forthwith, but shall then lapse after the expiration of a period of six months unless confirmed by the council within that period.”.

**Amendment of section 15 of Act 50 of 1978**

**9. Section 15 of the principal Act is hereby amended—**

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

25 “(1) Notwithstanding anything to the contrary in any law contained, no person or institution, excluding a university or technikon established by or under an Act of Parliament, may offer or provide any education or training which is intended to qualify any person to practise the profession of nursing or midwifery to which the provisions of this Act apply, unless such education and training have been approved by the council.”; and

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

35 “(5) Any person who contravenes or fails to comply with any provision of this section, or any condition or requirement determined thereunder, shall be guilty of an offence and on conviction liable to a fine not exceeding **[five hundred]** two thousand rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

**Amendment of section 16 of Act 50 of 1978**

40 **10. Section 16 of the principal Act is hereby amended by the substitution in subsections (1) and (2) for the word “assistant”, wherever it occurs, of the word “auxiliary”.**

**Amendment of section 17 of Act 50 of 1978**

**11. Section 17 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (4) of the following paragraph:**

45 “(c) Any certificate issued in respect of the registration **[and]** or enrolment in question shall be deemed to be cancelled as from the date on which notice is so given.”.

**Substitution of section 21 of Act 50 of 1978**

50 **12. (1)** The following section is hereby substituted for section 21 of the principal Act:

**“Beperkte registrasie**

- 21. (1)** Die raad kan iemand as 'n verpleegkundige of vroedvrou registreer wat tot 'n voorgeskrewe kategorie persone behoort en 'n ander kwalifikasie besit as 'n kwalifikasie in artikel 16 beoog, indien na die oordeel van die raad— 5
- (a) eersgenoemde kwalifikasie getuig van 'n bevredigende standaard van onderrig en opleiding; en
- (b) dié persoon oor genoegsame professionele kennis en vaardigheid beskik.
- (2)** Iemand wat kragtens subartikel (1) as 'n verpleegkundige of vroedvrou geregistreer is, is slegs geregtig om as sodanig te praktiseer— 10
- (a) vir die tydperk of tydperke wat die raad bepaal;
- (b) terwyl hy 'n pos beklee wat die raad goedgekeur het;
- (c) in die vertakking van verpleging wat die raad bepaal; 15
- (d) terwyl hy besig is met na-graadse studie in verpleging of verloskunde aan 'n universiteit of enige na-basiese studie by 'n verpleegskool;
- (e) onderworpe aan die verdere voorwaardes wat die raad in die algemeen mag voorskryf of in sy geval mag bepaal. 20
- (2)** Iemand wat kragtens hierdie artikel geregistreer is en in stryd met die bepalings van subartikel (2) as 'n verpleegkundige of vroedvrou praktiseer, is aan 'n misdryf skuldig.”

**Wysiging van artikel 23 van Wet 50 van 1978**

- 13.** Artikel 23 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 25
- “(1) Die raad moet iemand wat onderrig en opleiding aan 'n goedgekeurde verpleegskool ontvang en die voorgeskrewe voorwaardes nagekom en die voorgeskrewe besonderhede verstrek het, **[as 'n student vir 'n addisionele kwalifikasie of]** as 'n studentverpleegkundige of -vroedvrou, registreer.”. 30

**Wysiging van artikel 24 van Wet 50 van 1978**

- 14.** Artikel 24 van die Hoofwet word hierby gewysig deur die woord “leerlingverpleegassistent”, oral waar dit voorkom, deur die woord “leerlingverpleeghulp” te vervang.

**Vervanging van artikel 25 van Wet 50 van 1978**

- 15.** Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Raad kan registrasie of inskrywing weier**

- 25.** Ondanks enige bepalings van hierdie Wet kan die raad weier om iemand ingevolge artikel 16, 23 of 24 te registreer of in te skryf, of om die naam van iemand op 'n register of 'n rol terug te plaas, indien, na die oordeel van die raad, so iemand, uit hoofde van 'n skuldigbevinding in die Republiek of elders aan 'n voorgeskrewe misdryf, nie geskik is om as 'n geregistreerde verpleegkundige, 'n vroedvrou, 'n ingeskrewe verpleegkundige of 'n **[verpleegassistent]** verpleeghulp, na gelang van die geval, te praktiseer of om onderrig en opleiding as 'n geregistreerde verpleegkundige, 'n vroedvrou, 'n ingeskrewe verpleegkundige of 'n **[verpleegassistent]** verpleeghulp te ontvang nie.”. 40 45

**Wysiging van artikel 26 van Wet 50 van 1978**

- 16.** Artikel 26 van die Hoofwet word hierby gewysig deur die woord “Verpleegassistent” deur die woord “Verpleeghulp” te vervang. 50



**“Limited registration**

21. (1) The council may register as a nurse or a midwife any person who belongs to a prescribed category of persons and holds a qualification other than a qualification contemplated in section 16, if in the opinion of the council—
- (a) the first-mentioned qualification indicates a satisfactory standard of education and training; and
  - (b) such person possesses sufficient professional knowledge and ability.
- (2) Any person registered under subsection (1) as a nurse or a midwife shall only be entitled to practise as such—
- (a) for such period or periods as the council may determine;
  - (b) while he holds a post approved by the council;
  - (c) in such branch of nursing as the council may determine;
  - (d) while he is engaged in post-graduate studies in nursing or midwifery at a university or post-basic studies at a nursing school;
  - (e) subject to such further conditions as the council may prescribe generally or determine in his case.
- (2) Any person registered under this section who practises as a nurse or midwife in contravention of the provisions of subsection (2) shall be guilty of an offence.”.

**Amendment of section 23 of Act 50 of 1978**

13. Section 23 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The council shall register as a **[student for an additional qualification, or as a]** student nurse or a student midwife, a person undergoing education and training at an approved nursing school, who has complied with the prescribed conditions and has furnished the prescribed particulars.”.

**Amendment of section 24 of Act 50 of 1978**

14. Section 24 of the principal Act is hereby amended by the substitution for the word “assistant”, wherever it occurs, of the word “auxiliary”.

**Substitution of section 25 of Act 50 of 1978**

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

**“Council may refuse registration or enrolment**

25. Notwithstanding any provision of this Act, the council may refuse to register or enrol any person under section 16, 23 or 24 or to restore the name of any person to a register or roll, if, in the opinion of the council, such person is by reason of conviction, in the Republic or elsewhere, for a prescribed offence, not fit to practise as a registered nurse, a midwife, an enrolled nurse or a nursing **[assistant] auxiliary**, as the case may be, or to undergo education and training as a registered nurse, a midwife, an enrolled nurse or a nursing **[assistant] auxiliary**.”.

**Amendment of section 26 of Act 50 of 1978**

16. Section 26 of the principal Act is hereby amended by the substitution for the word “Assistant” of the word “Auxiliary”.

**Wysiging van artikel 27 van Wet 50 van 1978**

17. Artikel 27 van die Hoofwet word hierby gewysig deur in subartikel (2)(a) en in subartikel (4)(a)(i) die woord "verpleegassistent" deur die woord "verpleeghulp" te vervang.

**Wysiging van artikel 29 van Wet 50 van 1978**

18. Artikel 29 van die Hoofwet word hierby gewysig—

(a) deur die woord "of" aan die end van paragraaf (d) van subartikel (1) by te voeg en die volgende paragraaf by genoemde subartikel te voeg:

"(e) 'n boete van hoogstens R2 000.";

(b) deur na subartikel (1) die volgende subartikels in te voeg:

"(1A) Indien daar beweer word dat 'n persoon wat kragtens hierdie Wet geregistreer of ingeskryf is (in hierdie artikel die beskuldigde genoem) skuldig is aan onbetaamlike of skandelijke gedrag en die raad op redelike gronde van oordeel is dat na ondersoek die beskuldigde skuldig bevind mag word aan gedrag beoog in subartikel (1) en dat die raad ten opsigte daarvan 'n boete sal oplê, maar 'n boete van hoogstens R200, kan die raad teen die beskuldigde 'n gepaste dagvaarding op die voorgeskrewe vorm uitreik met daarop 'n endossement deur die raad dat die beskuldigde kan erken dat hy skuldig is aan genoemde gedrag en dat hy die boete, maar hoogstens R200, in die dagvaarding vermeld, kan betaal sonder dat hy by 'n ondersoek ingevolge artikel 28 hoef te verskyn.

(1B) Indien 'n dagvaarding ingevolge subartikel (1A) teen 'n beskuldigde uitgereik word, kan hy sonder om by 'n ondersoek ingevolge artikel 28 te verskyn, erken dat hy skuldig is aan die gedrag vermeld in subartikel (1A) deur die vermelde boete (in hierdie artikel die skulderkenningsboete genoem) aan die raad te betaal voor of op die datum in die dagvaarding vermeld.

(1C) (a) 'n Boete opgelê kragtens hierdie artikel, uitgesonderd 'n skulderkenningsboete, moet binne 14 dae na oplegging daarvan aan die raad betaal word.

(b) Die oplegging van 'n boete kragtens hierdie artikel het die uitwerking van 'n uitspraak in 'n siviele geding in die landdroshof van die distrik waarin die betrokke ondersoek kragtens artikel 28 plaasgevind het.";

(c) deur subartikel (7) te skrap.

**Wysiging van artikel 38 van Wet 50 van 1978, soos gewysig deur artikel 1 van Wet 70 van 1982**

19. Artikel 38 van die Hoofwet word hierby gewysig—

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

"(a) Iedere [persoon wat kragtens hierdie Wet geregistreer of ingeskryf is] geregistreeerde verpleegkundige of vroedvrou of ingeskrewe verpleegkundige of verpleeghulp wat sy beroep in die Republiek beoefen, en iedere persoon wat as 'n studentverpleegkundige, studentvroedvrou, leerlingverpleegkundige of leerlingverpleeghulp in die Republiek praktiseer, is 'n lid van die Suid-Afrikaanse Verpleegstersvereniging, wat die beroep van verpleging en verloskunde in die Republiek verteenwoordig.";

(b) deur subartikel (2) te skrap; en

(c) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

"(a) By die toepassing van hierdie artikel beteken die Suid-Afrikaanse Verpleegstersvereniging die Suid-Afrikaanse Verpleegstersvereniging ingestel by artikel 30 van die Wet op Verpleging, 1957 (Wet No. 69 van 1957) [en word 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van



**Amendment of section 27 of Act 50 of 1978**

17. Section 27 of the principal Act is hereby amended by the substitution in subsection (2)(a) and in subsection (4)(a)(i) for the word "assistant" of the word "auxiliary".

**5 Amendment of section 29 of Act 50 of 1978**

18. Section 29 of the principal Act is hereby amended—

(a) by the addition of the word "or" at the end of paragraph (d) of subsection (1) and the addition to the said subsection of the following paragraph:

10       “(e) a fine not exceeding R2 000.”;

(b) by the insertion after subsection (1) of the following subsections:

15       “(1A) If a person registered or enrolled under this Act (in this section referred to as the accused) is alleged to be guilty of improper or disgraceful conduct and the council on reasonable grounds is of the opinion that after inquiry the accused may be found guilty of such conduct as is contemplated in subsection (1) and that in respect thereof it would impose a fine, but not a fine exceeding R200, the council may issue an appropriate summons on the prescribed form against the accused carrying an endorsement by the council that the accused may admit that he is guilty of the said conduct and that he may pay the fine, not exceeding R200, specified in the summons, without having to appear at an inquiry in terms of section 28.

20       “(1B) If a summons is in terms of subsection (1A) issued against an accused, he may, without appearing at an inquiry in terms of section 28, admit that he is guilty of the conduct mentioned in subsection (1A) by paying the specified fine (in this section referred to as the admission of guilt fine) to the council on or before the date specified in the summons.

25       “(1C) (a) Any penalty imposed under this section, excluding an admission of guilt fine, shall be paid to the council within 14 days after the imposition thereof.

30       “(b) The imposition of a fine under this section shall have the effect of a judgment in civil proceedings in the magistrate's court of the district in which the inquiry in question under section 28 took place.”; and

35       (c) by the deletion of subsection (7).

**Amendment of section 38 of Act 50 of 1978, as amended by section 1 of Act 70 of 1982**

40   19. Section 38 of the principal Act is hereby amended—

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

45       “(a) Every **[person registered or enrolled in terms of this Act]** registered nurse or midwife or enrolled nurse or nursing auxiliary practising his profession within the Republic, and every person practising as a student nurse, student midwife, pupil nurse or pupil nursing auxiliary within the Republic, shall be a member of the South African Nursing Association, which shall represent the nursing and midwifery profession in the Republic.”;

50       (b) by the deletion of subsection (2); and

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

55       “(a) For the purposes of this section the South African Nursing Association means the South African Nursing Association established by section 30 of the Nursing Act, 1957 (Act No. 69 of 1957) **[and any area which has been declared to be a self-governing territory within the Republic under section 26 of the National States**

1971), tot 'n selfregerende gebied binne die Republiek verklaar is en waarvan die wetgewende vergadering bevoeg is om wette te maak met betrekking tot alle aangeleenthede in Item 31B van Bylae 1 by daardie Wet bedoel, geag nie deel van die Republiek uit te maak nie].”.

#### Wysiging van artikel 40 van Wet 50 van 1978

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20. Artikel 40 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

#### Wysiging van artikel 45 van Wet 50 van 1978

21. Artikel 45 van die Hoofwet word hierby gewysig deur paragraaf (a)(i) en paragraaf (r) van subartikel (1) te skrap.

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#### Kort titel

22. Hierdie Wet heet die Wysigingswet op Verpleging, 1992.

Amendment of section 38 of Act 50 of 1978, as amended by section 1 of Act 70 of 1982

19. Section 38 of the principal Act is hereby amended—  
(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) Every person registered or enrolled in terms of this Act, registered nurse or midwife or enrolled nurse or nursing auxiliary practising his profession within the Republic, and every person practising as a student nurse, student midwife, pupil nurse or pupil nursing auxiliary within the Republic, shall be a member of the South African Nursing Association, which shall represent the nursing and midwifery profession in the Republic.”

(b) by the deletion of subsection (2); and  
(c) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) For the purposes of this section the South African Nursing Association means the South African Nursing Association established by section 39 of the Nursing Act, 1957 (Act No. 69 of 1957) and any area which has been declared to be a self-governing territory within the Republic under section 36 of the National States



**Constitution Act, 1971 (Act No. 21 of 1971), and the legislative assembly of which has power to make laws in respect of all matters referred to in Item 31B of Schedule 1 to that Act, shall be deemed not to form part of the Republic].”.**

**Amendment of section 40 of Act 50 of 1978**

- 5   **20.** Section 40 of the principal Act is hereby amended by the deletion of subsection (2).

**Amendment of section 45 of Act 50 of 1978**

**21.** Section 45 of the principal Act is hereby amended by the deletion of paragraph (a)(i) and paragraph (r) of subsection (1).

**10 Short title**

- 22.** This Act shall be called the Nursing Amendment Act, 1992.

Constitution Act, 1971 (Act No. 21 of 1971), and the legislative assembly of which has power to make laws in respect of all matters referred to in item 31B of Schedule 1 to that Act, shall be deemed not to form part of the Republic."

Amendment of section 40 of Act 50 of 1978

20. Section 40 of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of section 42 of Act 50 of 1978

21. Section 42 of the principal Act is hereby amended by the deletion of paragraph (a)(i) and paragraph (v) of subsection (1).

10. Short title

22. This Act shall be called the Nursing Amendment Act, 1992.