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STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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No. 13960

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1242.

6 Mei 1992

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

No. 58 van 1992: Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1992.

No. 1242.

6 May 1992

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

No. 58 of 1992: Medical, Dental and Supplementary Health Service Professions Amendment Act, 1992.

Wet No. 58, 1992

WYSIGINGSWET OP GENEESHHERE, TANDARTSE EN
AANVULLENDE GESONDHEIDSDIENSBEROEPE, 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 Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974, ten einde sekere uitgediende uitdrukkings en verwysings te skrap of te vervang; die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad te magtig om die inwerkingtreding van 'n straf wat 'n komitee van die raad opgelê het, uit te stel; die raad se beheer oor opleiding by universiteite en teknikons af te skaf; voorsiening te maak dat geneeshere, tandartse en sielkundiges in kategorieë ingedeel word en sodanige kategorieë geregistreer word; voorsiening te maak vir die skapping van 'n registrasie wat weens 'n vergissing of as gevolg van bedrog verkry is; die persoon wat by 'n vergadering van 'n komitee voorsit die bevoegdheid te verleen om 'n eed af te neem; die Minister die bevoegdheid te verleen om sekere regspersone vry te stel van die toepassing van sekere bepalings van die Wet; en weg te doen met die verbod op stakings deur geregistreerde persone; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 April 1992.)

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

Wysiging van artikel 1 van Wet 56 van 1974, soos gewysig deur artikel 1 van Wet 33 van 1976, artikel 12 van Wet 36 van 1977, artikel 1 van Wet 52 van 1978, artikel 1 van Wet 38 van 1982, artikel 1 van Wet 58 van 1984 en artikel 24 van Wet 94 van 1991 5

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

- (a) deur die omskrywing van “as geneesmiddel” deur die volgende 10 omskrywing te vervang:

“ ‘as geneesmiddel’, met betrekking tot 'n gelyste stof, met die doel van die behandeling of voorkoming van 'n siekte of met 'n ander bepaalde genesende of terapeutiese doel, maar omvat dit nie die bevrediging of verligting van 'n gewoonte of 'n drang na die gebruikte stof of na enige ander gelyste stof nie, behalwe waar die stof toegedien of gebruik word in 'n hospitaal of soortgelyke inrigting wat geheel of gedeeltelik deur die Regering of 'n provinsiale administrasie **[of die Administrasie van Suidwes-Afrika]** in stand gehou word, of vir daardie doel deur die Minister 20 goedgekeur is;”;

MEDICAL, DENTAL AND SUPPLEMENTARY HEALTH SERVICE
PROFESSIONS AMENDMENT ACT, 1992

Act No. 58, 1992

GENERAL EXPLANATORY NOTE:

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

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

ACT

To amend the Medical, Dental and Supplementary Health Service Professions Act, 1974, so as to repeal or substitute certain obsolete expressions and references; to authorize the South African Medical and Dental Council to defer the commencement of a penalty imposed by a committee of the council; to abolish the control of the council over training at universities and technikons; to provide that medical practitioners, dentists and psychologists be classified in categories and for the registration of such categories; to provide for the removal of a registration obtained in error or through fraud; to empower the person presiding at a meeting of a committee to administer an oath; to empower the Minister to exempt certain juristic persons from the operation of certain provisions of this Act; and to do away with the prohibition of strikes by registered persons; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 26 April 1992.)

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

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

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

10 (a) by the substitution for the definition of “medicinal purposes” of the following definition:

15 “‘medicinal purposes’, in relation to a scheduled substance, means the purpose of treatment or prevention of a disease or some other definite curative or therapeutic purpose, but does not include the satisfaction or relief of a habit or a craving for the substance used or for any other scheduled substance except where the substance is administered or used in a hospital or similar institution maintained wholly or partly by the Government or a provincial administration [or the Administration of South West Africa], or approved for that purpose by the Minister;”;

- (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
 " 'Minister' die Minister van Nasionale Gesondheid [en Welsyn] ";
 en
 (c) deur die omskrywing van "Republiek" te skrap.

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Wysiging van artikel 3 van Wet 56 van 1974

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

- "(b) om, behoudens die bepalings van die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)]** 1978 (Wet No. 50 van 1978), die Wet op **[Chiropraktisyne, 1971 (Wet No. 76 van 1971)]** Geassosieerde Gesondheidsdiensberoepes, 1982 (Wet No. 63 van 1982), en die Wet op Aptekers, 1974 (Wet No. 53 van 1974), alle aangeleenthede rakende die opleiding van persone in, en die wyse van uitoefening van die praktyke wat nagevolg word in verband met, die diagnose- ring, behandeling of voorkoming van liggaamlike of geestesge- breke, ongesteldhede of tekortkominge by die mens te beheer en gesag ten opsigte daarvan uit te oefen;"

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Wysiging van artikel 5 van Wet 56 van 1974, soos gewysig deur artikel 2 van Wet 52 van 1978, artikel 2 van Wet 58 van 1984 en artikel 1 van Wet 79 van 1990

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3. Artikel 5 van die Hoofwet word hierby gewysig—

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

"(a) die Direkteur-generaal: Nasionale Gesondheid en [Welsyn] Bevolkingsontwikkeling;"

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- (b) deur paragrafe (f) en (g) van subartikel (1) deur die volgende paragrafe te vervang:

"(f) een persoon aangewys deur die Suid-Afrikaanse Verpleeg- stersraad **[ingestel by]** bedoel in artikel 2 van die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)]** 1978 (Wet No. 50 van 1978), wat 'n lid van daardie raad is en kragtens daardie Wet geregistreer is;

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(g) een persoon aangewys deur die Suid-Afrikaanse Aptekers- raad bedoel in artikel 2 van die Wet op Aptekers, 1974 (Wet No. 53 van 1974), wat 'n lid van daardie raad is en kragtens daardie Wet as 'n apteker geregistreer is.";

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- (c) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Die lid bedoel in subartikel (1)(a) kan 'n beampete van die Departement van Nasionale Gesondheid en [Welsyn] Bevolkings- ontwikkelings wat 'n geneesheer is, aanwys om in sy plek as 'n plaasvervangende lid van die raad op te tree.";

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- (d) deur in die Engelse teks in subartikels (4) en (5) die uitdrukking "South African Pharmacy Board" deur die uitdrukking "South African Pharmacy Council" te vervang.

Wysiging van artikel 6 van Wet 56 van 1974, soos gewysig deur artikel 46 van Wet 97 van 1986

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4. Artikel 6 van die Hoofwet word hierby gewysig deur in die Engelse teks in subparagraaf (iii) van paragraaf (d) van subartikel (1) die uitdrukking "South African Pharmacy Board" deur die uitdrukking "South African Pharmacy Council" te vervang.

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

5. 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

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

"Minister" means the Minister of National Health [and Welfare];" and

5 (c) by the deletion of the definition of "Republic".

Amendment of section 3 of Act 56 of 1974

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

10 "(b) subject to the provisions of the Nursing Act, [1957 (Act No. 69 of 1957)] 1978 (Act No. 50 of 1978), the [Chiropractors Act, 1971 (Act No. 76 of 1971)] Associated Health Service Professions Act, 1982 (Act No. 63 of 1982), and the Pharmacy Act, 1974 (Act No. 53 of 1974), to control, and to exercise authority in respect of all matters affecting the training of persons in, and the manner of the exercise of the practices pursued in connection with, the diagnosis, treatment or prevention of physical or mental defects, illnesses or deficiencies in man;"

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

20 3. Section 5 of the principal Act is hereby amended—

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

"(a) the Director-General: National Health and [Welfare] Population Development;"

25 (b) by the substitution for paragraphs (f) and (g) of subsection (1) of the following paragraphs:

"(f) one person designated by the South African Nursing Council [established by] referred to in section 2 of the Nursing Act, [1957 (Act No. 69 of 1957)] 1978 (Act No. 50 of 1978), who is a member of that council and is registered under that Act;

30 (g) one person designated by the South African Pharmacy [Board] Council referred to in section 2 of the Pharmacy Act, 1974 (Act No. 53 of 1974), who is a member of that [board] council and is registered under that Act as a pharmacist.";

35 (c) by the substitution for subsection (2) of the following subsection:

40 "(2) The member referred to in subsection (1)(a) may designate an officer of the Department of National Health and [Welfare] Population Development who is a medical practitioner, to act in his stead as an alternate member of the council."; and

(d) by the substitution in subsections (4) and (5) for the expression "South African Pharmacy Board" of the expression "South African Pharmacy Council".

45 Amendment of section 6 of Act 56 of 1974, as amended by section 46 of Act 97 of 1986

50 4. Section 6 of the principal Act is hereby amended by the substitution in subparagraph (iii) of paragraph (d) of subsection (1) for the expression "South African Pharmacy Board" of the expression "South African Pharmacy Council".

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

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

55 "(1) There shall be an executive committee of the council consisting of

president, die vise-president, die Direkteur-generaal: Nasionale Gesondheid en [Welsyn] Bevolkingsontwikkeling (of, by sy afwesigheid, die beampte aangewys ingevolge artikel 5(2)) en minstens vyf ander lede van die raad deur die raad aangewys, van wie minstens drie geneeshere, een 'n tandarts en een 'n lid aangestel kragtens artikel 5(1)(b)(iv) moet wees.”.

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Wysiging van artikel 11 van Wet 56 van 1974, soos gewysig deur artikel 3 van Wet 52 van 1978, artikel 4 van Wet 58 van 1984 en artikel 2 van Wet 79 van 1990

6. Artikel 11 van die Hoofwet word hierby gewysig deur in subartikel (5) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

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“**[Geen straf]** 'n Straf opgelê deur 'n komitee wat ingevolge subartikel (1) of (3) ingestel is, uitgesonderd 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing, is van krag **[nie totdat]** vanaf die datum waarop die raad die oplegging daarvan bekragtig het, of vanaf 'n later datum wat die raad op die skriftelike versoek van die persoon wat deur so 'n komitee aan wangedrag skuldig bevind is, goedkeur.”.

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Wysiging van artikel 16 van Wet 56 van 1974

7. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Ondanks andersluidende wetsbepalings maar behoudens die bepalinge van die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)] 1978 (Wet No. 50 van 1978)**, mag geen persoon of opvoedkundige inrigting, uitgesonderd 'n universiteit of 'n teknikon, opleiding wat daarop gerig is om iemand te bekwaam vir die beoefening van 'n beroep waarop die bepalinge van hierdie Wet van toepassing is of vir die beoefening van enige ander bedrywigheid wat gerig is op die geestelike of liggaamlike ondersoek van iemand of op die diagnoseer, behandeling of voorkoming van enige geestes- of liggaamlike gebrek, ongesteldheid of tekortkoming by die mens, aanbied of verskaf nie tensy sodanige opleiding deur die raad goedgekeur is.”.

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Wysiging van artikel 17 van Wet 56 van 1974, soos gewysig deur artikel 47 van Wet 57 van 1975 en artikel 2 van Wet 33 van 1976

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8. Artikel 17 van die Hoofwet word hierby gewysig deur in paragraaf (b) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“behalwe vir sover dit deur die bepalinge van die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)] 1978 (Wet No. 50 van 1978)**, die Wet op **[Chiropraktisyns, 1971 (Wet No. 76 van 1971)]** Geassosieerde Gesondheidsdiensberoep, 1982 (Wet No. 63 van 1982), die Wet op Aptekers, 1974 (Wet No. 53 van 1974), en artikels 32, 33, 34 en 39 van hierdie Wet gemagtig word, vir wins enige ander beroep, waarvan die beoefening hoofsaaklik bestaan uit—”.

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Wysiging van artikel 18 van Wet 56 van 1974, soos gewysig deur artikel 48 van Wet 57 van 1975, artikel 3 van Wet 33 van 1976 en artikel 13 van Wet 36 van 1977

9. Artikel 18 van die Hoofwet word hierby gewysig—

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

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“(1) Die registrateur moet afsonderlike registers ten opsigte van geneeshere, tandartse, interns, student-interns, studente in geneeskunde, studente in tandheelkunde, sielkundiges, intern-sielkundiges en studente in sielkunde hou en moet, in opdrag van die raad, die naam, adres, kwalifikasies, datum van eerste registrasie en die ander besonderhede (met inbegrip van, in die geval van geneeshere, tandartse en sielkundiges, die naam van hul spesialiteit **[as daar is, en in die geval van sielkundiges ook die naam van hul]** of kategorie, as daar is) wat die raad bepaal, van elke persoon wie se aansoek om registrasie ingevolge artikel 17(2), toegestaan is, in die toepaslike register inskryf.”; en

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

Amendment of section 11 of Act 56 of 1974, as amended by section 3 of Act 52 of 1978, section 4 of Act 58 of 1984 and section 2 of Act 79 of 1990

6. Section 11 of the principal Act is hereby amended by the substitution in
10 subsection (5) for the words preceding the proviso of the following words:

“[No] A penalty imposed by any committee established in terms of subsection (1) or (3), other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect [until] from the date on which the council has confirmed its imposition or from a later
15 date approved by the council on the written request of the person who has been found guilty of misconduct by such a committee.”.

Amendment of section 16 of Act 56 of 1974

7. Section 16 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

20 “(1) Notwithstanding anything to the contrary in any other law contained but subject to the provisions of the Nursing Act, [1957 (Act No. 69 of 1957)] 1978 (Act No. 50 of 1978), no person or educational institution, excluding a university or a technikon, may offer or provide any training having as its object to qualify any person for the practising of any profession to which the
25 provisions of this Act apply or for the carrying on of any other activity directed to the mental or physical examining of any person or to the diagnosis, treatment or prevention of any mental or physical defect, illness or deficiency in man, unless such training has been approved by the council.”.

30 **Amendment of section 17 of Act 56 of 1974, as amended by section 47 of Act 57 of 1975 and section 2 of Act 33 of 1976**

8. Section 17 of the principal Act is hereby amended by the substitution in paragraph (b) of subsection (1) for the words preceding subparagraph (i) of the following words:

35 “except in so far as it is authorized by the provisions of the Nursing Act, [1957 (Act No. 69 of 1957)] 1978 (Act No. 50 of 1978), the [Chiropractors Act, 1971 (Act No. 76 of 1971)] Associated Health Service Professions Act, 1982 (Act No. 63 of 1982), the Pharmacy Act, 1974 (Act No. 53 of 1974), and sections 32, 33, 34 and 39 of this Act,
40 for gain any other profession the practice of which mainly consists of—”.

Amendment of section 18 of Act 56 of 1974, as amended by section 48 of Act 57 of 1975, section 3 of Act 33 of 1976 and section 13 of Act 36 of 1977

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

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

“ (1) The registrar shall keep separate registers in respect of medical practitioners, dentists, interns, student interns, medical students, dental students, psychologists, intern-psychologists and psychology students and shall, on the instructions of the council, enter in the
50 appropriate register the name, address, qualifications, date of initial registration and such other particulars (including, in the case of medical practitioners, dentists and psychologists, the name of their speciality [if any, and in the case of psychologists also the name of their] or category, if any) as the council may determine, of every person whose application
55 for registration in terms of section 17(2) has been granted.”; and

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Wanneer die **[Sekretaris van] Direkteur-generaal**: Binne-landse Sake ’n sterfteregister ten opsigte van ’n persoon ontvang wat aantoon dat daardie persoon onmiddellik voor sy dood ’n beroep waarvan die lede geregistreer moet wees kragtens hierdie Wet, beoefen het, moet hy die registrateur onverwyld van die sterfgeval in kennis stel.”.

Wysiging van artikel 19 van Wet 56 van 1974

10. Artikel 19 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:

“(f) wat geregistreer is weens ’n vergissing of as gevolg van bedrog.”.

Wysiging van artikel 32 van Wet 56 van 1974, soos vervang deur artikel 5 van Wet 33 van 1976 en gewysig deur artikel 14 van Wet 36 van 1977

11. Artikel 32 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) Die registrateur moet, soos van tyd tot tyd deur die raad gelas, registers aanlê en hou waarin, behoudens die bepalings van artikel 33(2), ingeskryf moet word besonderhede ten opsigte van kategorieë van persone wat, ten genoeë van die raad, opgelei word met die doel om hulle te bekwaam vir die beoefening van, of opgelei is en eksamens met goeie gevolg afgelê het met die doel om hulle te bekwaam vir die beoefening van, ’n beroep wat hom ten doel stel die behandeling, voorkoming of leniging van liggaamlike of geestesgebreke, ongesteldhede of tekortkominge by die mens, of persone wat so ’n beroep beoefen, uitgesonderd die beroep van ’n geneesheer, tandarts, intern, sielkundige, intern-sielkundige of ’n beroep waarop die bepalings van die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)] 1978 (Wet No. 50 van 1978)**, of die Wet op Aptekers, 1974 (Wet No. 53 van 1974), van toepassing is.”.

Wysiging van artikel 36 van Wet 56 van 1974, soos gewysig deur artikel 16 van Wet 36 van 1977

12. Artikel 36 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (c) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“behalwe ooreenkomstig die bepalings van die **[Volksgezondheidswet, 1919 (Wet No. 36 van 1919)] Wet op Gesondheid, 1977 (Wet No. 63 van 1977)**, die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)] 1978 (Wet No. 50 van 1978)**, die Wet op **[Chiropraktisyns, 1971 (Wet No. 76 van 1971)] Geassosieerde Gesondheidsdiensberoepe, 1982 (Wet No. 63 van 1982)**, en artikels 32, 33, 34 en 39 van hierdie Wet, enige handeling hoegenaamd verrig wat ten doel het—”;

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

“(f) behalwe ooreenkomstig die bepalings van die **[Volksgezondheidswet, 1919] Wet op Gesondheid, 1977**, die Wet op Verpleging, **[1957] 1978**, die Wet op **[Chiropraktisyns, 1971]** Geassosieerde Gesondheidsdiensberoepe, 1982, en artikels 32, 33, 34 en 39 van hierdie Wet, deur woord, daad of gedrag homself voordoen as in staat, gekwalifiseerd of bevoeg om liggaamlike gebreke, ongesteldhede of tekortkominge by die mens te diagnoseer, te behandel of te voorkom of om enige medisyne, stof of ding ten opsigte van sodanige gebreke, ongesteldhede of tekortkominge voor te skryf of te verskaf; of”; en

(c) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

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

“(4) The **[Secretary for the Interior]** Director-General: Home Affairs shall on receipt of the death register of a person showing that such person immediately prior to his death practised a profession the members of which are required to be registered under this Act, forthwith notify the registrar of such death.”.

Amendment of section 19 of Act 56 of 1974

10. Section 19 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:

10 “(f) who has been registered in error or through fraud.”.

Amendment of section 32 of Act 56 of 1974, as substituted by section 5 of Act 33 of 1976 and amended by section 14 of Act 36 of 1977

11. Section 32 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

15 “(a) The registrar shall, as from time to time directed by the council, establish and keep registers in which shall, subject to the provisions of section 33(2), be entered particulars in respect of categories of persons who, to the satisfaction of the council, are being trained with a view to qualifying them for the practising of, or have been trained and have passed examinations with a view to qualifying them for the practising of, or of persons who
20 are practising, any profession, other than the profession of a medical practitioner, dentist, intern, psychologist, intern-psychologist or any profession to which the provisions of the Nursing Act, **[1957 (Act No. 69 of 1957)]** 1978 (Act No. 50 of 1978), or the Pharmacy Act, 1974 (Act No. 53 of 1974), are applicable, which has as its object the treatment, prevention or relief of physical or mental defects, illnesses or deficiencies in man.”.

Amendment of section 36 of Act 56 of 1974, as amended by section 16 of Act 36 of 1977

12. Section 36 of the principal Act is hereby amended—

30 (a) by the substitution in paragraph (c) of subsection (1) for the words preceding subparagraph (i) of the following words:

“except in accordance with the provisions of the **[Public] Health Act, [1919 (Act No. 36 of 1919)]** 1977 (Act No. 63 of 1977), the Nursing Act, **[1957 (Act No. 69 of 1957)]** 1978 (Act No. 50 of 1978), the **[Chiropractors Act, 1971 (Act No. 76 of 1971)]** Associated Health Service Professions Act, 1982 (Act No. 63 of 1982), and sections 32, 33, 34 and 39 of this Act, performs any act whatsoever having as its object—”;

40 (b) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“*(f)* except in accordance with the provisions of the **[Public] Health Act, [1919] 1977**, the Nursing Act, **[1957] 1978**, the **[Chiropractors Act, 1971]** Associated Health Service Professions Act, 1982, and sections 32, 33, 34 and 39 of this Act, by words, conduct or demeanour holds himself out to be able, qualified or competent to diagnose, treat or prevent physical defects, illnesses or deficiencies in man or to prescribe or supply any medicine, substance or thing in respect of such defects, illnesses or deficiencies; or”;

50 (c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

- “(b) ’n apteker wat kragtens die Wet op Aptekers, 1974 (Wet No. 53 van 1974), geregistreer is, om ’n handeling te verrig wat binne die omvang van sy beroep, soos beoog in daardie Wet, val nie; of”.

Wysiging van artikel 37 van Wet 56 van 1974, soos vervang deur artikel 6 van Wet 33 van 1976 5

13. Artikel 37 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (c) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 10
 “behalwe ooreenkomstig die bepalings van die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)] 1978 (Wet No. 50 van 1978)**, en artikels 32, 33, 34 en 39 van hierdie Wet, enige handeling hoegenaamd verrig wat ten doel het—”;
- (b) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te 15
 vervang:
 “(f) behalwe ooreenkomstig die bepalings van die Wet op Verpleging, **[1957] 1978**, en artikels 32, 33, 34 en 39 van hierdie Wet, deur woord, daad of gedrag homself voordoen as in staat, gekwalifiseerd of bevoeg om geestesgebreke, geestesongesteldhede of geestelike tekortkominge by die 20
 mens te diagnoseer, te behandel of te voorkom of om enige medisyne, stof of ding ten opsigte van sodanige gebreke, ongesteldhede of tekortkominge voor te skryf of te verskaf,”;
- (c) deur in subartikel (4) subparagraaf (ii) van paragraaf (a) deur die 25
 volgende subparagraaf te vervang:
 “(ii) ’n lid van die akademiese personeel van ’n universiteit of ’n technikon of ’n onderwyser verbonde aan die personeel van ’n skool wat by wet ingestel is **[deur ’n provinsiale administrasie of ingestel kragtens die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), die Wet op Swart Onderwys, 1953 (Wet No. 47 van 1953), die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963), die Wet op Onderwys vir Kleurlinge in Suidwes-Afrika, 1972 (Wet No. 63 van 1972), die Wet op Onderwys vir Basters van Rehoboth, 1972 (Wet No. 85 van 1972), die Wet op 35
 Onderwys vir Namas in Suidwes-Afrika, 1972 (Wet No. 86 van 1972), en die Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965)]**,”; en
- (d) deur paragrawe (c) en (d) van subartikel (4) deur die volgende 40
 paragrawe te vervang:
 “(c) die verrigting van ’n handeling deur ’n **[verpleegster] verpleegkundige** geregistreer kragtens die Wet op Verpleging, **[1957] 1978**, mits dit verrig word in die gewone loop van die beoefening van die beroep van ’n **[verpleegster] verpleegkundige;** 45
 (d) die verrigting van ’n handeling deur of onder toesig van ’n maatskaplike werker geregistreer kragtens die **[Nasionale Wetsynswet, 1965 (Wet No. 79 van 1965), of deur of onder toesig van ’n beamppte in diens van die Staat wat maatskaplike werk soos omskryf in artikel 1 van bedoelde Wet, verrig, mits 50
 dit verrig word in die gewone loop van die beoefening van die beroep van so ’n maatskaplike werker of so ’n beamppte of van die opleiding van ’n maatskaplike werker] Wet op Maatskaplike Werk, 1978 (Wet No. 110 van 1978)**,”.

Wysiging van artikel 38 van Wet 56 van 1974 55

14. Artikel 38 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

- “(a) ’n geneesheer wat nie ook as ’n tandarts geregistreer is nie, belet om in die loop van sy praktyk, in noodgevalle of waar geen tandarts

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- “(b) a pharmacist registered under the Pharmacy Act, 1974 (Act No. 53 of 1974), from performing any act falling within the scope of his profession as contemplated in that Act; or”.

Amendment of section 37 of Act 56 of 1974, as substituted by section 6 of Act 33 of 1976

13. Section 37 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (c) of subsection (1) for the words preceding subparagraph (i) of the following words:
 “except in accordance with the provisions of the Nursing Act, **[1957 (Act No. 69 of 1957)] 1978 (Act No. 50 of 1978)**, and sections 32, 33, 34 and 39 of this Act, performs any act whatsoever having as its object—”;
- (b) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
 “(f) except in accordance with the provisions of the Nursing Act, **[1957] 1978**, and sections 32, 33, 34 and 39 of this Act, by words, conduct or demeanour holds himself out to be able, qualified or competent to diagnose, treat or prevent mental defects, illnesses or deficiencies in man or to prescribe or supply any medicine, substance or thing in respect of such defects, illnesses or deficiencies.”;
- (c) by the substitution in subsection (4) for subparagraph (ii) of paragraph (a) of the following subparagraph:
 “(ii) a member of the academic staff of a university or a technikon or a teacher on the staff of a school established **[by a provincial administration or established under the Educational Services Act, 1967 (Act No. 41 of 1967), the Black Education Act, 1953 (Act No. 47 of 1953), the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), the Coloured Persons in South-West Africa Education Act, 1972 (Act No. 63 of 1972), the Basters of Rehoboth Education Act, 1972 (Act No. 85 of 1972), the Nama in South-West Africa Education Act, 1972 (Act No. 86 of 1972), and the Indians Education Act, 1965 (Act No. 61 of 1965)] under any law**,”; and
- (d) by the substitution for paragraphs (c) and (d) of subsection (4) of the following paragraphs:
 “(c) the performance of any act by a nurse registered under the Nursing Act, **[1957] 1978**, provided it is performed in the ordinary course of the practice of the profession of a nurse;
 (d) the performance of any act by or under the supervision of a social worker registered under the **[National Welfare Act, 1965 (Act No. 79 of 1965), or by or under the supervision of an officer in the service of the State performing social work as defined in section 1 of the said Act, provided it is performed in the ordinary course of the practice of the profession of such a social worker or such an officer or of the training of a social worker] Social Work Act, 1978 (Act No. 110 of 1978)**.”.

Amendment of section 38 of Act 56 of 1974

- 14. Section 38 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:**
 “(a) a medical practitioner, not registered also as a dentist, from performing in the course of his practice acts pertaining to the

geredelik beskikbaar is nie, handelinge te verrig wat by die tandheelkundige praktyk tuishoort, of dat dit 'n tandarts belet om iemand geregistreer kragtens die Wet op **[Tandwerktuigkundiges, 1945 (Wet No. 30 van 1945)]** Tandtegnici, 1979 (Wet No. 19 van 1979), in diens te neem om onder sy toesig kunstande of ander tandtoestelle te vervaardig of te herstel, of dat dit iemand belet om kunstande of ander tandtoestelle vir eie voordeel te vervaardig of te herstel, mits daardie werk in opdrag en op bestelling van 'n tandarts uitgevoer word en nie die neem van 'n afdruk of byt of 'n beproef of inpas in die mond insluit nie;”.

Wysiging van artikel 42 van Wet 56 van 1974, soos gewysig deur artikel 8 van Wet 33 van 1976 en artikel 7 van Wet 79 van 1990

15. Artikel 42 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) Die raad kan, vir die doeleindes van 'n ondersoek wat ingevolge artikel 41 gehou word, getuienis afneem en kan, onder die handtekening van die president of die registrateur, getuies dagvaar en die voorlegging van enige boek, aantekening, dokument of voorwerp eis, en kan, deur die president of die persoon wat by die ondersoek voorsit, 'n getuie 'n eed oplê of 'n bevestiging van hom aanneem en kan 'n boek, aantekening, dokument of voorwerp waarvan die voorlegging van 'n getuie vereis is, ondersoek.”; en

- (b) deur in subartikel (4) subparagraaf (ii) van paragraaf (c) deur die volgende subparagraaf te vervang:

“(ii) weier om die eed of 'n bevestiging af te lê wanneer hy deur die president of die persoon wat by die ondersoek voorsit, versoek word om dit te doen;”.

Invoeging van artikel 54A in Wet 56 van 1974

- 16. Die volgende artikel word hierby in die Hoofwet na artikel 54 ingevoeg:**

“Vrystelling van toepassing van bepalings van Wet

54A. (1) Die Minister kan, op aanbeveling van die raad, by kennisgewing in die *Staatskoerant* 'n regspersoon of klas regspersone in die kennisgewing vermeld, of in die algemeen of onderworpe aan die voorwaardes wat in die kennisgewing vermeld word, van die toepassing van enige van die bepalings van hierdie Wet vrystel, ten einde so 'n regspersoon in staat te stel om 'n beroep, insgelyks vermeld, ten opsigte waarvan registrasie ingevolge hierdie Wet 'n voorvereiste is om te praktiseer, te beoefen.

(2) 'n Verwysing in hierdie Wet of in enige ander wet na 'n persoon wat ingevolge hierdie Wet geregistreer is om 'n beroep bedoel in subartikel (1) te beoefen of na 'n vennoot van of 'n vennootskap met betrekking tot so 'n geregistreerde persoon, word geag 'n verwysing in te sluit na 'n regspersoon bedoel in subartikel (1) of na 'n lid van so 'n regspersoon, na gelang van die geval, tensy uit die samehang anders blyk.

(3) Die Minister kan, op aanbeveling van die raad, te eniger tyd by kennisgewing in die *Staatskoerant* 'n kennisgewing kragtens subartikel (1) uitgevaardig, wysig of intrek.”.

Wysiging van artikel 55 van Wet 56 van 1974

- 17. Artikel 55 van die Hoofwet word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te vervang:**

“(g) 'n instrument of toestel wat gebruik kan word, of ten opsigte waarvan daarop aanspraak gemaak word dat dit doeltreffend is, vir die doel van die diagnosering, behandeling of voorkoming van

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5 practice of dentistry in cases of emergency or where no dentist is readily available, or as prohibiting the employment by and under the supervision of a dentist or any person registered under the Dental **[Mechanicians Act, 1945 (Act No. 30 of 1945)]** Technicians
10 Act, 1979 (Act No. 19 of 1979), for the purpose of making or repairing dentures or other dental appliances, or as prohibiting any person from making or repairing any artificial denture or other dental appliances for his own profit, provided such work is carried out on the instructions and to the order of a dentist, and does not include the taking of any impression or bite or any trying in or fitting in the mouth;”.

Amendment of section 42 of Act 56 of 1974, as amended by section 8 of Act 33 of 1976 and section 7 of Act 79 of 1990

- 15 15. Section 42 of the principal Act is hereby amended—
 (a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
 “(a) For the purposes of any inquiry held in terms of section 41, the council may take evidence and may, under the hand of the president or the registrar, summon witnesses and require the
 20 production of any book, record, document or thing, and may, through the president or the person presiding at the inquiry, administer an oath to any witness or accept an affirmation from him, and may examine any book, record, document or thing which any witness had been required to produce.”; and
 25 (b) by the substitution in subsection (4) for subparagraph (ii) of paragraph (c) of the following subparagraph:
 “(ii) refuses to take the oath or to make an affirmation when required by the president or the person presiding at the inquiry to do so;”.

30 Insertion of section 54A in Act 56 of 1974

16. The following section is hereby inserted in the principal Act after section 54:

“Exemption from operation of provisions of Act

- 35 **54A.** (1) The Minister may, on the recommendation of the council, by notice in the *Gazette* exempt any juristic person or class of juristic persons specified in the notice, either generally or subject to such conditions as may be specified in the notice, from the operation of any of the provisions of this Act, so as to enable such juristic person to practise a profession, likewise specified, in respect
 40 of which registration in terms of this Act is a pre-requisite for practising.
 (2) Any reference in this Act or any other law to a person registered in terms of this Act to practise a profession referred to in subsection (1) or to a partner of or a partnership in relation to such
 45 registered person, shall be deemed to include a reference to a juristic person referred to in subsection (1) or to a member of such a juristic person, as the case may be, unless the context otherwise indicates.
 (3) The Minister may, on recommendation of the council, at any time by notice in the *Gazette* amend or repeal any notice issued
 50 under subsection (1).”.

Amendment of section 55 of Act 56 of 1974

17. Section 55 of the principal Act is hereby amended by the substitution for paragraph (g) of the following paragraph:
 55 “(g) supplies or offers to supply any person not registered under this Act or the Nursing Act, **[1957 (Act No. 69 of 1957)]** 1978 (Act No. 50 of 1978), any instrument or appliance which can be used, or is

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liggaamlike of geestesgebreke, ongesteldhede of tekortkominge by die mens, aan iemand wat nie kragtens hierdie Wet of die Wet op Verpleging, **[1957 (Wet No. 69 van 1957)] 1978 (Wet No. 50 van 1978)**, geregistreer is nie verskaf of die verskaffing daarvan aanbied, wetende dat so 'n instrument of toestel deur so 'n 5 ongeregistreerde persoon gebruik gaan word om vir wins 'n handeling te verrig wat so 'n ongeregistreerde persoon ingevolge die bepalings van hierdie Wet of bedoelde Wet op Verpleging verbied word om vir wins te verrig."

**Herroeping van artikel 55A van Wet 56 van 1974, soos ingevoeg deur artikel 11 van 10
Wet 52 van 1978**

18. Artikel 55A van die Hoofwet word hierby herroep.

Herroeping van artikel 65 van Wet 56 van 1974

19. Artikel 65 van die Hoofwet word hierby herroep.

Kort titel

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20. Hierdie Wet heet die Wysigingswet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1992.

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5 claimed to be effective, for the purpose of diagnosing, treating or preventing physical or mental defects, illnesses or deficiencies in man, knowing that such instrument or appliances will be used by such unregistered person for the purpose of performing for gain an act which such unregistered person is in terms of the provisions of this Act or the said Nursing Act prohibited from performing for gain,".

Repeal of section 55A of Act 56 of 1974, as inserted by section 11 of Act 52 of 1978

18. Section 55A of the principal Act is hereby repealed.

10 Repeal of section 65 of Act 56 of 1974

19. Section 65 of the principal Act is hereby repealed.

Short title

20. This Act shall be called the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1992.

