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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 907

27 June 2003

LABOUR RELATIONS ACT, 1995

THE SOUTH AFRICAN COTTON TEXTILE PROCESSING AND MANUFACTURING BARGAINING COUNCIL: RENEWAL OF PERIOD OF OPERATION OF MAIN COLLECTIVE AGREEMENT

I, THEMBINKOSI MKALIPI, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32(6)(a)(ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 582 of 15 June 2000, R. 1336 of 8 December 2000, R. 1379 of 21 December 2001, R. 323 of 22 March 2002, R. 1079 of 23 August 2002 and R. 1447 of 22 November 2002 to be effective from the date of publication of this notice and for the period ending 30 June 2004.

EXECUTIVE MANAGER: COLLECTIVE BARGAINING

No. R. 907

27 Junie 2003

WET OP ARBEIDSVERHOUDINGE, 1995

BEDINGINGSRAAD VIR DIE SUID-AFRIKAANSE KATOENTEKSTIEL VERWERKINGS- EN VERVAARDIGINGSNYWERHEID: HERNUWING VAN PERIODE VAN HOOF KOLLEKTIEWE OOREENKOMS.

Ek, THEMBINKOSI MKALIPI, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32(6)(a)(ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermentskennisgewings Nos. R. 582 van 15 Junie 2000, R. 1336 van 8 Desember 2000, R. 1379 van 21 Desember 2001, R. 323 van 22 Maart 2002, R. 1079 van 23 Augustus 2002 en R. 1447 van 22 November 2002, van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 2004 eindig.

UITVOERENDE BESTUURDER: KOLLEKTIEWE BEDINGING

No. R. 924

27 June 2003

LABOUR RELATIONS ACT, 1995
JEWELLERY AND PRECIOUS METAL INDUSTRY (CAPE):
RENEWAL OF MAIN COLLECTIVE AGREEMENT

I, THEMBINKOSI MKALIPI, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32(6)(a)(ii) of the Labour Relations Act, 1995, declare the provisions of Government Notice Nos. R. 1178 of 15 October 1999, R. 169 of 23 February 2001, R. 163 of 15 February 2002 and R. 1110 of 30 August 2002, to be effective from 1 July 2003 and for the period ending 30 June 2004.

THEMBINKOSI MKALIPI
EXECUTIVE MANAGER: COLLECTIVE BARGAINING

No. R. 924

27 Junie 2003

WET OP ARBEIDSVERHOUDINGE, 1995
JUWELIERSWARE- EN EDELMETAALNYWERHEID (KAAP):
HERNUWING VAN HOOF KOLLEKTIEWE OOREENKOMS

Ek, THEMBINKOSI MKALIPI, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32(6)(a)(ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermentskennisgewing Nos. R. 1178 van 15 Oktober 1999, R. 169 van 23 Februarie 2001, R. 163 van 15 Februarie 2002 en R. 1110 van 30 Augustus 2002 van krag is vanaf 1 Julie 2003 en vir die tydperk wat op 30 Junie 2004 eindig.

THEMBINKOSI MKALIPI
UITVOERENDE BESTUURDER: KOLLEKTIEWE BEDINGING

No. R. 926

27 June 2003

LABOUR RELATIONS ACT, 1995
**BARGAINING COUNCIL FOR THE LAUNDRY, CLEANING AND DYEING
INDUSTRY (CAPE):
RENEWAL OF MAIN COLLECTIVE AGREEMENT**

I, THEMBINKOSI MKALIPI, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32(6)(a)(ii) of the Labour Relations Act, 1995, declare the provisions of Government Notice Nos. R. 936 of 6 August 1999, R. 781 of 11 August 2000, R. 297 of 6 April 2001 and R 162 of 15 February 2002, to be effective from the date of publication of this notice and for the period ending 31 October 2003.

THEMBINKOSI MKALIPI
EXECUTIVE MANAGER: COLLECTIVE BARGAINING

No. R. 926

27 Junie 2003

WET OP ARBEIDSVERHOUDINGE, 1995
**BEDINGINGSRAAD VIR DIE WAS, SKOONMAAK- EN KLEURBEDRYF
(KAAP): HERNUWING VAN HOOF KOLLEKTIEWE OOREENKOMS**

Ek, THEMBINKOSI MKALIPI, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32(6)(a)(ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermmentskennisgewing Nos. R.936 van 6 Augustus 1999, R. 781 van 11 Augustus 2000, R. 297 van 6 April 2001 en R 162 van 15 Februarie 2002, van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 2003 eindig.

THEMBINKOSI MKALIPI
UITVOERENDE BESTUURDER: KOLLEKTIEWE BEDINGING

LABOUR RELATIONS ACT, 1995**LAUNDRY, CLEANING AND DYEING INDUSTRY (CAPE): EXTENSION
OF MAIN COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the collective amending agreement which appears in the Schedule hereto, which was concluded in the Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Cape) and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the collective agreement, shall be binding on the other employers and employees in that Industry, with effect from 7 July 2003 and for the period ending 31 October 2003.

**M. M. S. MDLADLANA
MINISTER OF LABOUR**

WET OP ARBEIDSVERHOUDINGE, 1995**WAS-, SKOONMAAK- EN KLEURBEDRYF (KAAP): UITBREIDING VAN
HOOF KOLLEKTIEWE WYSIGINGSOORENKOMS NA NIE-PARTYE**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, verklaar hierby, kragtens artikel 32(2) van die Wet op Arbeidsverhoudinge, 1995, dat die kollektiewe wysigingsooreenkoms wat in die Engelse Bylae hiervan verskyn en wat in die Bedingingsraad vir die Was-, Skoonmaak- en Kleurbedryf (Kaap) aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die kollektiewe ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Bedryf, met ingang van 7 Julie 2003 en vir die tydperk wat op 31 Oktober 2003 eindig.

**M. M. S. MDLADLANA
MINISTER VAN ARBEID**

SCHEDULE**LAUNDRY, CLEANING AND DYEING INDUSTRY (CAPE)****MAIN COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995 made and entered into by and between the

CAPE TOWN AND DISTRICT LAUNDRY, CLEANERS' AND DYERS' ASSOCIATION

(herein referred to as the "employers" or the "employers' organisation"), of the one part, and the

LAUNDRY, CLEANING AND DYEING WORKERS' UNION (CAPE)

(herein referred to as the "employees" or the "trade union"), of the other part, being parties to the Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Cape), to amend the Agreement published under Government Notice R. 936 of 6 August 1999 as extended, renewed and amended by Government Notices R. 260 of 24 March 2000, R. 781 of 11 August 2000, R. 1210 of 1 December 2000, R. 297 of 6 April 2001 and R. 162 of 15 February 2002.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Laundry, Cleaning and Dyeing Industry (Cape) in which employers and employees are associated for the purpose of laundering, cleaning, or dyeing all types of woven, spun, knitted, crocheted fabrics; or articles made from such fabrics, including upholstery or upholstered articles, and includes all operations, incidental thereto or consequent thereon, if carried out by such employers and their employees.

(a) by all employers who are members of the employers' organisation and who are engaged in the Laundry, Cleaning and Dyeing Industry, and by all employees who are members of the trade union and who are employed in the said Industry;

(b) in the Magisterial Districts of The Cape, Bellville, Goodwood, Kuils River, Simonstown, Paarl, Somerset West, Strand, Wynberg, Stellenbosch, Wellington and that portion of the Magisterial District of Malmesbury which portion, prior to publication of Government Notice No.171 of 8 February 1957, fell within the Magisterial District of Bellville.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall only apply in respect of those employees for whom remuneration is stipulated in this Agreement.

(3) Clauses 1(1)(a) and 2, of this Agreement shall not apply to employers and employees who are not members of the employers organisation and trade union, respectively.

2. PERIOD OF OPERATION

This Agreement shall come into operation in respect of the parties on 1 November 2002 and in respect of the non-parties on such date as the Minister of Labour may extend the Agreement to non-parties, and the Agreement shall remain in force until 31 October 2003.

3. CLAUSE 4 REMUNERATION

Substitute the current clause 4 with the following.

"(1) The minimum wage per week which an employer shall pay to and which shall be accepted by each member of the undermentioned classes of his employees shall be set out hereunder:"

(a) Artisan	932.55
Artisan's assistant, Unqualified	327.97
Artisan's assistant, Qualified	400.06
Boiler Attendant	391.47
Canvasser	485.62
Chargehand R6 per week more than the highest wage stipulated in this Agreement for and employee under his supervision.	
Checker in the dry cleaning section, Unqualified	340.08
Checker in the dry cleaning section, Qualified	355.81
Checker in the laundry section, Unqualified	340.08
Checker in the laundry section, Qualified	355.81
Clerk, Unqualified	488.61
Clerk, Qualified	540.50
Coin Operated Machine Operator, Unqualified	362.19
Coin Operated Machine Operator, Qualified	400.12
Depot Assistant, Unqualified	362.19
Depot Assistant, Qualified	401.10
Despatcher / Ironer, Qualified	356.25

Driver of a motor vehicle, the unladen mass of which: -

(i) does not exceed 501 kg	437.46
(ii) exceed 501 kg but not 2724 kg	485.59
(iii) exceed 2724 kg	515.70
Dyer, 1 st year	404.78
Dyer, 2 nd year	530.56
Dyer, 3 rd year	580.08
Dyer, Qualified	931.66
Factory Invoice Clerk, Unqualified	351.20
Factory Invoice Clerk, Qualified	396.14
Foreman	816.74
Grade 1 Employee, Unqualified	316.63
Grade 1 Employee, Qualified	347.81
Handyman	540.89
Machine Operator, Unqualified	362.19
Machine Operator, Qualified	400.12
Perchlor Machine Operator, Unqualified	364.42
Perchlor Machine Operator, Qualified	416.27
Presser: Dry Cleaning, Unqualified	365.16
Presser: Dry Cleaning, Qualified	413.18
Tea Person	332.48
Security Guard	402.98
Sewer, Unqualified	362.19

Sewer, Qualified	403.77
Vanguard of a motor vehicle, the unladen mass of which: -	
(i) does not exceed 501 kg	332.48
(ii) exceeds 501 kg	357.24

4. CLAUSE 5 PAYMENT OF REMUNERATION

Substitute subclause (1) with the following: -

"(1) Save as provided in clause 7 (4), any amount due to an employee shall be paid in cash weekly, during the hours of work or within 10 minutes of cessation of work, on the stipulated pay day of the establishment for such employee or on termination of employment if this takes place before the stipulated pay day, except that with the consent of the employee any amount due may be paid either by bank transfer (provided that bank charges incurred in the transfer of wages are borne by the employer) or monthly by cheque. Provided when an employee is being paid by bank transfer monthly, this amount must be made available by 12h00 on the stipulated payday. Provided further that if the stipulated pay day for monthly paid employees falls on a Saturday or Sunday, the amount must be made available by the previous Friday. Such amount if paid in cash shall be contained in an envelope or container and be accompanied by a statement, in the case of bank transfer statement on which shall be recorded: -

- (a) the employer's name;
- (b) the employee's name or payroll number, and occupation;
- (c) the number of ordinary hours of work worked by the employee;
- (d) the number of overtime worked by the employee;

- (e) the employee's wage;
- (f) details of any other remuneration arising out of the employee's employment;
- (g) details of any deductions made;
- (h) the actual amount paid to the employee; and
- (i) the period in respect of which payment is made, and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee."

5. CLAUSE 8 SICK LEAVE

- (1) Substitute the following for subclause (1):

"(1) Subject to the provisions of the Sick Benefit Fund Agreement originally established in terms of Regulation No. R.1710 of 21 August 1981 which is hereby continued, the employer shall grant his employees 11 days sick leave during each 12-month sick leave cycle."

- (2) Substitute the following for subclause (2)(a):

"(2)(a) For the first 11 days of each sick leave cycle, the employee shall receive 100 per cent of his daily rate from the employer, who shall be refunded by the Fund at R27.50 per day from the Sick Benefit Fund provided that the employee submits a medical certificate covering the days absent to the employer."

- (3) Delete clause (2) (b)

- (4) Insert the following new sub clause (4)

"(4) It is a condition of employment in the industry that every employee is a member of the Sick Benefit Fund. Contributions and deductions start from the

first day of employment with the employer.

6. CLAUSE 11 PROVIDENT FUND

Substitute clause 11 with the following: -

"The Provident Fund (hereinafter referred to as the "Fund"), originally established on 5 September 1980, which has been registered on 5 November 2002 with registration number 37135/R in terms of section 4(7) of Pension Fund Act 1956 is hereby continued. It is a condition of employment in the industry to deduct and contribute to the Fund from the first day after the completion of 7 months employment."

7. CLAUSE 14 EXPENSES OF THE COUNCIL

Substitute the clause 14(1)(a) with the following: -

"14(1)(a) deduct an amount of R2.00 per week from the earnings of each of his employees from whom wages are stipulated in clause 4 of this Agreement. To this amount so deducted the employer shall contribute a like amount."

8. CLAUSE 16 TRADE UNION REPRESENTATIVES ON THE COUNCIL

(1) Number existing paragraph as "(a)"

(2) Insert new paragraph (b) with the following: -

"(b) Trade union representatives will have two days paid leave per annum for training. Provided that at least two weeks notice is given."

9. CLAUSE 19 REGISTRATION OF EMPLOYERS

(1) Number the existing paragraph as "(a)"

(2) Insert new paragraph (b) as follows: -

"(b) If an employer has not registered with the Council within the prescribed

period and has been trading for two years or more, the Council shall have the right to calculate and claim back two years of levies for the Council, contributions for Sick Benefit, and Provident Fund and penalties payable for non compliance with this Agreement."

(2) Insert new paragraph (c) as follows: -

"(c) It is compulsory for all employers to register their employees, and it is compulsory for all employees to join the Sick Benefit Fund and Provident Fund."

SIGNED ON THIS 30TH DAY OF OCTOBER TWO THOUSAND AND TWO



N N PHILLIPS
Chairman



B P CROWDER
Vice Chairman



M M CROTZ
Secretary

**DEPARTMENT OF SOCIAL DEVELOPMENT
DEPARTEMENT VAN MAATSKAPLIKE ONTWIKKELING**

No. R. 917

27 June 2003

**REGULATIONS REGARDING THE CONDUCTING OF INQUIRIES INTO ALLEGED
UNPROFESSIONAL CONDUCT**

The Minister of Social Development has in terms of section 28(1)(d) and (e) of the Social Service Professions Act, 1978 (Act No. 110 of 1978), and on the recommendation of the South African Council for Social Professions, made the regulations in the Schedule hereto.

SCHEDULE

DEFINITIONS

1. In these regulations "the Act" shall mean the Social Service Professions Act, 1978 (Act No 110 of 1978), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

"*certified copy*" shall mean a copy of a document certified by a commissioner of oaths to be a true and just copy of the original;

"*chairperson*" shall mean the person chairing a disciplinary inquiry or a preliminary inquiry;

"*committee of preliminary inquiry*" shall mean a committee referred to in regulation 2(4);

"*designated complainant*" shall mean a legal representative who is not a member of the council or a professional conduct committee and who is designated by the council to act as a prosecutor at a specific disciplinary inquiry or at disciplinary inquiries in general;

"*disciplinary inquiry*" shall mean an inquiry held in terms of Chapter III of the Act and these regulations;

"*inquiring body*" shall mean the council or a committee appointed by the Council to perform any functions in terms of these regulations;

"*preliminary inquiry*" shall mean an inquiry held in terms of regulations 5 - 15 of these regulations;

"*professional conduct committee*" shall mean a committee referred to in regulation 2(1);

"*registered person*" shall mean a person registered with the council in terms of the Act;

"*respondent*" shall mean a registered person against whom a complaint of unprofessional conduct has been lodged.

**CONSTITUTION OF A PROFESSIONAL CONDUCT COMMITTEE AND A COMMITTEE
OF PRELIMINARY INQUIRY**

2. (1) Subject to the provisions of subregulation (2) a committee appointed in terms of section 21(7) of the Act, functioning as a professional conduct committee, shall consist

of not more than five, but not less than three persons, who are designated by the council, and of whom at least one person shall be a member of the council and one other person shall be a member of the professional board concerned when such a board has been established: Provided that the majority of the members be members of the council and/or professional board concerned.

(2) If, during any stage of a disciplinary inquiry, a member of the inquiring body dies or becomes incapable of acting or is absent for any reason, the disciplinary inquiry shall proceed before the remaining members of the inquiring body if they form a majority of the members before whom the inquiry initially started, and if those remaining members do not form such a majority or only one member remains, the disciplinary inquiry shall start anew unless all the parties at the proceedings agree in writing and unconditionally to accept the decision of the majority of such remaining members or remaining member as the decision of the inquiring body.

(3) Subject to the provisions of subregulation (2) the finding of the majority of the members of the inquiring body shall be the finding of such body.

(4) A committee established in terms of section 10 of the Act, functioning as a committee of preliminary inquiry shall, notwithstanding the provisions of rule 2(1) of the Rules concerning the institution, powers, functions and procedures of committees as published by Board Notice 57 of 18 September 1987, consist of not more than three members who are not members of the professional conduct committee and of whom at least one member shall be a member of the council and one other member shall be a member of the professional board concerned, when such a board has been established.

(5) The chairperson of the committee of preliminary inquiry shall be appointed by the council, but if he or she is absent for any reason during the proceedings of the committee of preliminary inquiry, the committee shall appoint a chairperson from amongst themselves.

(6) The recommendations of the majority of the members of a committee of preliminary inquiry shall be the recommendations of such committee.

(7) A member of the inquiring body shall at all times remain objective. Should at any stage during a preliminary or disciplinary inquiry the objectivity of any member be infringed upon, due to whatever reason, such a member shall recuse him- or herself from such an inquiry.

PROCESS TO INSTITUTE A PRELIMINARY OR DISCIPLINARY INQUIRY

3. (1) A complaint of alleged unprofessional conduct on the part of a registered person shall be lodged with the registrar or designated official by way of –

- (a) a written explanation by the person lodging such complaint; or
- (b) the submission of any facts, circumstances, allegations or indications that in any way whatsoever may have come to the knowledge of the council; or
- (c) the reference of a record or portion thereof by a court of law as contemplated in section 23 of the Act or any other body.

(2) Any person who lodges a complaint referred to in subregulation (1) shall give a brief explanation of the act(s) or omission(s) giving rise to the complaint and be prepared to give verbal evidence in support of his or her complaint at a preliminary or disciplinary inquiry of the council or its committees if so required.

PROCEDURE AFTER RECEIVING A COMPLAINT

4. (1) The Registrar, or designated official, shall investigate the complaint referred to the Council in terms of regulation 3(1).

(2) The registrar or designated official, may at his or her discretion during his or her investigation of the complaint, if he or she deems it necessary –

(a) consult with or seek further information regarding the complaint from any person or organisation, including the respondent and/or his or her employer;

(b) forward to the respondent copies of the documents received from the complainant and inform the respondent of the nature of such complaint and request a written explanation from him or her within 21 days and warn him or her that such explanation may be supplied to the professional conduct committee and the complainant and that it may be used in evidence during an investigation and a disciplinary inquiry which may follow;

(c) subpoena any person, who on reasonable grounds, is believed to be in possession of any information or a document, photo, computer record, contract, book, item, article, administrative or financial record, computer data, audio and/or video recording relevant to the complaint in order to make same available to the registrar or designated official before the date determined by the registrar or designated official in the subpoena for the purpose of investigating a complaint in terms of these regulations;

(d) seek legal advice or any other assistance to enable the registrar to perform his or her functions in terms of these regulations; and

(e) on the request of the complainant; and as far as the registrar is legally obliged to, furnish the complainant with a copy of the respondent's reply if the registrar or designated official received a response from the respondent, or in the absence of such request at his or her discretion.

(3) Following an investigation subject to the provisions of subregulation (4) the registrar or designated official may –

(a) if he or she is of the opinion that a further inquiry in terms of these regulations would not be appropriate, inform the complainant and the respondent, if applicable, accordingly;

(b) if he or she is of the opinion that the matter can be resolved amicably, procure a settlement between the complainant, respondent and/or any other parties involved;

(c) if he or she is of the opinion that the matter does not fall within the jurisdiction of the council, refer the matter to an appropriate body;

(d) if he or she is of the opinion that further inquiry in terms of these regulations would be appropriate, refer the matter to the committee of preliminary inquiry, with the relevant documentation; and

(e) if he or she is of the opinion that a disciplinary inquiry would be appropriate refer the matter directly to the professional conduct committee.

(4) In the event of a dispute between the registrar or designated official and the complainant and/or respondent, the complaint shall be referred to the committee of preliminary inquiry for further investigation.

REFERRAL TO THE COMMITTEE OF PRELIMINARY INQUIRY

5. The committee of preliminary inquiry or the chairperson of such committee may -

(1) consult with or seek further information regarding the complaint from any person or organisation, including the respondent and/or his or her employer;

(2) forward to the respondent copies of the documents received from the complainant or inform the respondent of the nature of such complaint and request a written explanation from him or her within 21 days and warn him or her that such explanation may be supplied to the professional conduct committee and the complainant and may be used in evidence during an investigation and a disciplinary inquiry which may follow;

(3) subpoena or instruct the registrar to subpoena any person who on reasonable grounds is believed to be in possession of any information or a document, photo, computer record, contract, book, item, article, administrative or financial record, computer data and/or audio or video recording relevant to the complaint, in order to make same available to the committee of preliminary inquiry before the date determined by the registrar or designated official in the subpoena, for the purpose of investigating a complaint in terms of these regulations;

(4) seek legal advice or any other assistance to enable the committee to perform its functions in terms of these regulations; and

(5) on the request of the complainant, and in so far as the committee is legally obliged to, furnish the complainant with a copy of the respondent's reply if the registrar or designated official received a response from the respondent or, in the absence of such request, at his or her discretion.

6. The committee of preliminary inquiry shall take the following factors into consideration in deciding whether it would be appropriate to hold a preliminary or disciplinary inquiry:

(1) The nature of the complaint.

(2) The consequences of the alleged unprofessional conduct of the respondent for the complainant, the general public, council, the respondent, the profession and/or any other interested parties.

(3) The complexity of the unprofessional conduct.

(4) The penalty which the committee of preliminary inquiry anticipates could be imposed by the professional conduct committee.

(5) Any other matter not referred to above which, in the opinion of the committee of preliminary inquiry, warrants the holding of a preliminary or disciplinary inquiry in terms of the appropriate regulations.

7. The committee of preliminary inquiry, after having investigated the complaint, if necessary, and after having considered all relevant documentation in terms of regulation 4(3)(d), may -

(1) if it is of the opinion that a complaint, even if it is proven, does not constitute unprofessional conduct, or that the complaint for any other reason should not be subjected to an inquiry, the committee shall take such steps as it may deem necessary and report such steps to the council;

- (2) if it is of the opinion that the matter can be resolved amicably, procure a settlement between the complainant, respondent and/or any other parties involved;
- (3) if it is of the opinion that the matter does not fall within the jurisdiction of the council, refer the matter to an appropriate body;
- (4) if it is of the opinion that a further preliminary inquiry be held, instruct the registrar to prepare the inquiry in terms of regulation 8; and
- (5) refer the matter for a disciplinary inquiry in terms of regulation 16.

INQUIRY BY THE COMMITTEE OF PRELIMINARY INQUIRY

8. The Registrar shall, on receipt of the directive referred to in regulation 7(4) inform the respondent, by notice essentially in the form of Annexure A of –

- (1) the date, time and place of the preliminary inquiry;
- (2) his or her right to be present at the preliminary inquiry and to present his or her case to the committee of preliminary inquiry;
- (3) the fact that he or she is not entitled to legal representation at the preliminary inquiry; and
- (4) a written exposition containing –
 - (a) the nature of the complaint;
 - (b) the consequences of the alleged unprofessional conduct for the complainant, the general public, council, the respondent, the profession or any other interested party;
 - (c) the severity of the alleged unprofessional conduct;
 - (d) the penalty which the committee of preliminary inquiry anticipates could be imposed by the professional conduct committee; and
 - (e) any other matter not referred to above which, in the opinion of the committee of preliminary inquiry, warrants the holding of a preliminary or disciplinary inquiry in terms of the appropriate regulations.

9. The committee of preliminary inquiry, the complainant and the respondent may request the presence of any person or documentary evidence as is set out in regulation 5(3) which, on reasonable grounds, could assist in the assessment of the complaint during the preliminary inquiry and subpoena or request the registrar to subpoena the person(s) concerned.

10. During this stage neither party shall be entitled to legal representation.

11. The respondent shall be entitled to exercise one of the following three options:

- (1) If he or she agrees with the contents of the exposition referred to in regulation 8(4), he or she shall complete and sign it in the presence of a commissioner of oaths and return it to the committee of preliminary inquiry before the date of the preliminary inquiry, in which case the said committee shall, on the date scheduled for such inquiry make a finding and impose a penalty in accordance with the exposition. Such penalty shall be limited to a penalty in terms of section 22(1)(a) of the Act.

(2) If he or she disagrees with the contents of the exposition attached to the notice and prefer to present his or her case to the committee of preliminary inquiry, he or she shall appear in person at the preliminary inquiry to –

- and/or (a) hand in written submissions to the committee of preliminary inquiry;
- (b) lead oral evidence; and/or
- (c) present argument;

in order to rebut the contents of the exposition.

(3) If he or she prefers that the complaint be adjudicated by the professional conduct committee, he or she shall request so in writing, in which case the matter shall on the date scheduled for such inquiry be referred to the professional conduct committee.

12. If the respondent fails to exercise any of the options in regulation 11, or fails to respond to the notice referred to in regulation 8, the committee of preliminary inquiry may refer the matter to the professional conduct committee.

13. No finding made or penalty imposed by the committee of preliminary inquiry in terms of an exposition shall constitute a previous conviction in any subsequent inquiry of a complaint against the respondent in terms of these regulations.

14. If a committee of preliminary inquiry finds that a complaint, even if it is proven, does not constitute unprofessional conduct or that the complaint for any other reason should not be subjected to an inquiry, the committee shall take such steps as it may deem necessary and report such steps to the council.

15. (1) If it is clear to a committee of preliminary inquiry that a disciplinary inquiry as envisaged in regulation 16 should be held into the conduct of the respondent, the committee shall direct the registrar or designated official as envisaged in regulation 16 to arrange the constitution of a professional conduct committee in terms of section 21(7) of the Act.

(2) No evidence gathered by the committee of preliminary inquiry, with the exception of the complaint referred to in regulation 3(1) and the information or explanation received in terms of regulation 4(2)(a) and (b), shall be submitted to a professional conduct committee.

PREPARATORY PROCEDURES TO A DISCIPLINARY INQUIRY

16. On receipt of a directive referred to in regulation 7(5), 11(3) or 15(1), the registrar or designated official shall arrange for a disciplinary inquiry to be held and he or she shall submit the supporting documents in preparation of the charge sheet to the designated complainant.

17. (1) The registrar or designated official shall issue a summons essentially in the form of Annexure B hereto, addressed to the respondent informing him or her –

- (a) of the date, time and place of the disciplinary inquiry;
- (b) of the particulars of the complaint;

(c) that he or she may reply in writing to the complaint set forth in the summons, but warning him or her at the same time that any such reply may be used as evidence in the disciplinary inquiry; and

(d) what document, photo, computer record, contract, book, item, article, administrative or financial record or computer data relevant to the complaint should be brought to the inquiry.

(2) The summons referred to in subregulation (1), shall be served on the respondent at his or her residential address or forwarded to him or her at his or her postal address by registered letter, or confirmed fax or electronic mail, as the case may be, as entered into the register referred to in section 19 of the Act.

(3) A registered person duly notified in accordance with this regulation shall appear at the time and place specified in the summons unless, before the disciplinary inquiry he or she has informed the registrar in writing by means of a personally signed letter that he or she pleads guilty to the complaint against him or her.

(4) Any person referred to in subregulation (3) who has been duly notified in accordance with this regulation, and who refuses or, without a reason acceptable to the inquiring body, fails to appear at the time and place specified in the summons, shall be guilty of an offence and liable, on conviction, to a fine not exceeding R1 000 or, in default of payment, imprisonment for a period not exceeding three months, or both such fine and such imprisonment.

PROCEDURE AT A DISCIPLINARY INQUIRY

18. (1) Every disciplinary inquiry shall be conducted by the council or by the professional conduct committee.

(2) If the summons referred to in regulation 17(1) has been served on or forwarded to the respondent as prescribed by regulation 17(2), the inquiring body may proceed with the disciplinary inquiry even if the respondent is not present.

(3) If the respondent is present, the designated complainant shall read out the complaint contained in the summons addressed to the respondent.

(4) (a) The respondent, if present, shall then be asked by the chairperson to plead guilty or not guilty to the complaint against him or her: Provided that if, before the disciplinary inquiry, the respondent has informed the registrar or designated official in writing by means of a personally signed letter that he or she pleads guilty to the complaint, such plea of guilty may be entered as a plea in his or her absence.

(b) If the respondent pleads not guilty, the inquiring body shall proceed to hear evidence pertaining to the complaint.

(c) If the respondent pleads guilty, it shall be for the inquiring body to decide whether or not it wishes to hear evidence regarding the complaint.

(d) If the respondent refuses or fails to plead directly to the complaint, or if the respondent is absent and the summons has been served on or forwarded to him or her as prescribed by regulation 17(2) and he or she has not informed the registrar or designated official in writing that he or she pleads guilty as referred to in paragraph (a), the chairperson shall make a note of such fact and enter a plea of not guilty on behalf of the respondent, and a plea thus entered shall have the same effect as if it had in fact been so pleaded.

(5) (a) Where evidence pertaining to any complaint is to be adduced either because the respondent has pleaded not guilty or because the inquiring body has resolved that evidence is to be adduced, the designated complainant shall be given the opportunity of stating his or her case and thereafter of leading evidence in support thereof.

(b) Should a complainant not be summoned as a witness, he or she may be granted the opportunity to address the inquiring body.

(c) Upon conclusion of leading such evidence referred to in subregulation (a), or the complainant's evidence in subregulation (b), the designated complainant's case shall be closed.

(6) (a) If the respondent is present or is represented by a legal representative, he or she or his or her legal representative shall be given the opportunity of stating his or her case and thereafter of leading evidence in support thereof.

(b) If the respondent is neither present nor represented, any writing, statement, explanation or defence submitted by him or her as a result of a request in terms of regulation 4(b) or as a result of the summons issued in terms of regulation 17(1), or both, shall be read out to the inquiring body and received as evidence.

(c) After the respondent or his or her legal representative has led his or her evidence or, in the place thereof, his or her written submission, statement, explanation or defence has been read, his or her case shall be closed.

(7) If the inquiring body deems it advisable that further evidence be adduced in order to enable it to arrive at a just decision, it may call further witnesses as it deems fit and may allow further evidence to be led either by the designated complainant or by the respondent or his or her legal representative, or by both parties, after their cases have been closed.

(8) After all the evidence has been led, the designated complainant shall be allowed to address the inquiring body on the evidence and the legal position, and this shall be allowed whether or not the respondent has led evidence.

(9) Thereafter the respondent or his or her legal representative, if present, shall, likewise be allowed to address the inquiring body.

(10) If it deems fit, the inquiring body may allow the designated complainant to reply.

19. (1) Members of the inquiring body may, with the consent of the chairperson, put such questions as they may consider relevant to witnesses while they are giving evidence or are under cross-examination.

(2) (a) (i) After a witness has given evidence the opposing party or his or her representative shall be entitled to cross-examine such witness.

(ii) Likewise, the respondent if he or she prefers to give evidence and any witness called by him or her on his or her behalf shall, after he or she has given evidence, be subject to cross-examination by the designated complainant.

(b) If evidence has been led, the person who led the evidence shall be entitled to re-examine the witness after cross-examination, but this re-examination shall be confined to matters arising from cross-examination or from questions put by the chairperson or members of the inquiring body.

20. If the respondent is present and the complainant is not present but has filed an affidavit, the respondent or his or her legal representative may reply to the affidavit so as to enable the inquiring body to deal with the matter as may be necessary.

21. (1) All oral evidence shall be given under oath or on affirmation and the inquiring body may decline to admit as evidence a document where the person who gives evidence regarding the document is not present for cross-examination or who declines to submit thereto.

(2) (a) The statement which a complainant or witness not present in person, makes in support of a complaint shall be in the form of an affidavit, but the respondent may object to such evidence if he or she is not given the opportunity to cross-examine such witness: Provided that, where such statement or complaint has been based on the record of a lawfully constituted court, a copy of such record shall at face value be accepted as evidence if it has been certified to be a true copy or if acceptance thereof has been agreed by both parties.

(b) If it is practicable and appears just, the inquiring body may postpone the inquiry in order to subpoena, for the purpose of cross-examination, the witnesses whose evidence appears in the said court.

22. (1) Upon the conclusion of the case, the inquiring body shall deliberate thereon in the absence of any other party attending the hearing.

(2) If the respondent is found not guilty on the charge against him or her, he or she shall be notified accordingly as soon as reasonably possible.

(3) If the inquiring body has determined, regarding a complaint, that sufficient facts have been proved to its satisfaction to support such complaint, it shall decide whether the conduct that is the subject of the complaint so supported, constitutes unprofessional conduct, and it shall announce its finding in this regard.

(4) After a finding referred to in subregulation (3) has been announced or after the respondent has pleaded guilty and the inquiring body has resolved that no evidence shall be led, the designated complainant shall adduce evidence of previous convictions of the respondent under the Act, if any such convictions have been recorded previously against him or her.

(5) (a) (i) Proof of previous convictions under the Act shall be adduced by means of a certificate to be issued under the hand of the registrar.

(ii) Such certificate shall specify the complaint brought against the respondent at the time, as well as the finding, the date thereof and the penalty imposed.

(b) The respondent shall be entitled to challenge the correctness of such certificate, in which case a certified copy of the minutes of such previous disciplinary inquiry shall be produced or, if such minutes have been destroyed, a certified copy of the relevant extract from the register concerned, referred to in section 19 of the Act.

(6) The chairperson shall afford the designated complainant the opportunity of making a representation in regard to the imposition of a suitable penalty.

(7) The chairperson shall then afford the respondent or his or her legal representative, if present, the opportunity of addressing the inquiring body in mitigation of the penalty to be imposed and of leading or giving evidence in mitigation.

(8) After the inquiring body has again deliberated in the absence of any other party attending the hearing, it shall impose the penalty on which it decides.

(9) Where the professional conduct committee finds a respondent guilty, it shall report its finding to the council and arrange for the requirements of subregulation (10) to be complied with.

(10) (a) If a penalty is imposed on a registered person in terms of section 22(1) of the Act, such penalty shall be put in writing and signed by the chairperson, and the respondent and complainant informed thereof by the Registrar.

(b) The registrar shall, after the registered person has been informed of his or her penalty, publish in the Government Gazette the name of such person and the penalty so imposed.

23. (1) If recommendations regarding complaints against more than one respondent are submitted to the chairperson of the professional conduct committee as referred to in regulation 15 (1), and the chairperson in his or her discretion is of the opinion that –

(a) a duplication of disciplinary inquiries may be avoided or limited by a simultaneous hearing of two or more such respondents; and

(b) none of the respondents would be detrimentally affected by such a simultaneous disciplinary inquiry, he or she may direct that the complaint or complaints against such respondents, be heard simultaneously.

(2) The chairperson, at a simultaneous disciplinary inquiry referred to in subregulation (1), shall apply the provisions of regulations 18 to 22 on the basis that every reference in it to the respondent or his or her legal representative shall be applied alternately on the respondents in the order determined by the chairperson.

(3) (a) Any respondent may, at any time prior to or during a simultaneous disciplinary inquiry, request a separate hearing.

(b) If the inquiring body is of the opinion that the respondent concerned has indicated good reasons for such separation of the disciplinary inquiry, the proceedings relating to that respondent shall be suspended and the respondent concerned shall be heard separately by an inquiring body constituted of other members.

(4) If the inquiring body deems it advisable, separation of a disciplinary inquiry referred to in subregulation (3) may take place on the basis that the remaining two or more respondents may be heard anew together.

24. (1) (a) In case of common relevancy of facts or circumstances between two or more disciplinary inquiries, no member of any inquiring body shall serve at more than one such disciplinary inquiry.

(b) If such commonality is revealed during the course of a disciplinary hearing and it appears further that the same member is serving at more than one such disciplinary inquiry that have already commenced and the circumstances are such that he or she may possibly be influenced by the proceedings at one disciplinary inquiry concerning his or her view of another, the proceedings concerned at such disciplinary inquiry shall take place anew before an inquiring body consisting of different members.

(2) The provisions of this regulation shall not be interpreted so as to preclude a simultaneous hearing referred to in regulation 23.

25. (1) The proceedings of a disciplinary inquiry shall be accessible to the public:
Provided that –

(a) any decision of the inquiring body with regard to any matter relating to or arising during an inquiry may be taken in the absence of any other party attending the hearing;

(b) any evidence submitted during a disciplinary inquiry, upon submission of valid reasons, may, at the discretion of the inquiring body, be heard in the absence of any other party attending the hearing.

(c) upon submission of valid reasons, the inquiring body may, at its discretion, direct that no person shall, at any time and in any manner, publish any information that is likely to reveal the identity of a specific person, excluding that of the respondent.

(2) Any person who contravenes or fails to obey a directive issued in terms of subregulation (1) shall be guilty of an offence and liable, on conviction in a court of law, to a fine not exceeding R1000.

SUBPOENA

26. (1) A subpoena issued by the registrar or a committee of preliminary inquiry in terms of the regulations, to a person to appear as a witness at any investigation or inquiry, or to produce a book, document or record at any investigation or inquiry shall be essentially in the form of Annexure C to these regulations.

(2) A subpoena referred to in subregulation (1) shall be served on the witness at his or her residential or working address or forwarded to him or her at his or her residential, postal or working address by prepaid registered letter or confirmed fax or electronic mail.

(3) The fees payable to a witness subpoenaed in terms of subregulation (1) shall be in accordance with the tariff applicable to criminal cases in a magistrate's court.

(4) If witnesses are subpoenaed at the request of the respondent, the registrar shall require from the respondent a deposit that is sufficient to cover the expenses involved.

REPEAL

27 (1) Regulations made under the *Social Work Act, 1978*, published as Government Notice R. 3026 in Government Gazette 12919 of 28 December 1990, as amended by Government Notices R. 3214 in Government Gazette 14225 of 27 November 1992 and R. 1516 in Government Gazette 15954 of 9 September 1994 are repealed.

(2) A disciplinary inquiry in terms of the regulations referred to in subregulation (1) which started immediately prior to the commencement of these regulations before the council or a disciplinary committee of the council constituted in terms of regulation 2 of those regulations shall be conducted and concluded in terms of the procedures prescribed by those regulations as if they were not repealed.

COMMENCEMENT

These regulations shall come into operation on the date of publication thereof.

Annexure A

SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS

FORM OF NOTICE TO A RESPONDENT TO APPEAR BEFORE A COMMITTEE OF
PRELIMINARY INQUIRY IN TERMS OF REGULATION 8 OF THE REGULATIONS
REGARDING THE CONDUCTING OF INQUIRIES INTO ALLEGED UNPROFESSIONAL
CONDUCT

To:
..... (name and address of respondent)

You are hereby instructed to appear before the Committee of Preliminary Inquiry of the
S A Council for Social Service Professions at (place) on the day
of 20..... at (time).

You are hereby informed of your right to present your case to the above-mentioned
committee. A copy of the exposition referred to in regulation 8(4) is attached hereto as
Annexure A.

In terms of regulations 9 and 10 of the *Regulations regarding the conducting of inquiries
into alleged unprofessional conduct*, you may request the presence of any person, or
production of any documentary evidence, or any evidence, which on reasonable
grounds, could assist in the assessment of the complaint, and request the Registrar to
subpoena the person(s) concerned. You are, however, not entitled to legal
representation.

Should you desire your letter dated (or any further written communication
you may wish to submit) to constitute your explanation or defence, please notify the
Registrar of the S A Council for Social Service Professions to that effect not later than
..... You are hereby warned that any such communication may be used as
evidence in the preliminary inquiry or any other subsequent disciplinary inquiry.

In your own interest you are advised to appear at the preliminary inquiry, unless before
the date thereof you plead guilty to the complaint as set out in the exposition attached
hereto as Annexure A, by signing the said document in the presence of a Commissioner
of Oaths and forwarding it to the Registrar.

Please note that if you sign the exposition, the penalty that could be imposed, is in
terms of regulation 11(1) limited to a reprimand or a caution.

Given under my hand this day of 20.....

.....
REGISTRAR

Annexure B

SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS

FORM OF SUMMONS TO A RESPONDENT TO APPEAR BEFORE THE PROFESSIONAL CONDUCT COMMITTEE IN TERMS OF REGULATION 17 OF THE REGULATIONS REGARDING THE CONDUCTING OF INQUIRIES INTO ALLEGED UNPROFESSIONAL CONDUCT

Summons

To:
 (name and address of respondent)

You are hereby instructed to appear before the S A Council for Social Service Professions or a Professional Conduct Committee of the S A Council for Social Service Professions at (place) on the day of 20..... at (time), when a disciplinary inquiry will be held to inquire into the following complaint which has been lodged against you:

.....

You are further instructed to bring with you in terms of regulation 17(1)(d) the following items:

In terms of section 21(6) of the *Social Service Professions Act, 1978* (Act 110 of 1978), you are entitled, either in person or through your legal representative,* to answer to the complaint at the disciplinary inquiry and be heard in your defence. You are entitled to call witnesses, provided you secure their presence at the inquiry, unless prior arrangements with the Registrar in terms of Regulation 26 to subpoena such witnesses, have been made.

If you fail to appear at the disciplinary inquiry without an acceptable reason you will be guilty of a contravention of regulation 17(4) of the *Regulations regarding the conducting of inquiries into alleged unprofessional conduct* read together with section 28(3) of Act 110 of 1978, and on conviction will be liable to a fine not exceeding R1000 or to imprisonment for a period not exceeding three months. In your absence, the inquiring body may proceed with the disciplinary inquiry and make a finding.

Should you desire your letter dated (or any further written communication you may wish to submit) to constitute your explanation or defence, please notify me to that effect as soon as possible and not later than You are hereby warned that any such communication may be used as evidence in the disciplinary inquiry.

In your own interest you are advised to appear at the disciplinary inquiry, unless before the date thereof you plead guilty to the complaint in a letter signed by you personally and addressed to the registrar.

Given under my hand this day of 20.....

.....
 REGISTRAR

* Legal representative means an advocate or an attorney.

Annexure C

SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS

FORM OF SUBPOENA TO APPEAR BEFORE:

1. THE S A COUNCIL FOR SOCIAL SERVICE PROFESSIONS;
2. THE REGISTRAR OR DESIGNATED OFFICIAL OF THE COUNCIL;
3. A COMMITTEE OF PRELIMINARY INQUIRY OF THE COUNCIL; OR
4. THE PROFESSIONAL CONDUCT COMMITTEE OF THE COUNCIL

To:
..... (name and address of person subpoenaed)

You are hereby instructed to appear before the of the Council, established in terms of the *Social Service Professions Act*, 1978 (Act 110 of 1978), at (place) on the day of 20..... at (time), to give evidence regarding and you are directed to bring with you (specify the book, document or record).

In the absence of sufficient cause, failure to comply with this subpoena shall constitute an offence and the offender shall be liable on conviction to a fine as provided for in section 51(2) of the Magistrate's Courts Act, 1944 (Act 32 of 1944).

Given under my hand this day of 20.....

.....
REGISTRAR

No. R. 917

27 Junie 2003

**REGULASIES BETREFFENDE ONDERSOEKE RAKENDE BEWEERDE
ONPROFESSIONELE GEDRAG**

Die Minister van Maatskaplike Ontwikkeling het ingevolge artikel 28(1)(d) en (e) van die Wet op Maatskaplike Diensberoepe, 1978 (Wet No. 110 van 1978), op aanbeveling van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, die regulasies in die Bylae hiervan uiteengesit uitgevaardig.

BYLAE**WOORDOMSKRYWING**

1. In hierdie regulasies beteken "die Wet" die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), en het enige uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken –

"aangewese klaer" 'n regsverteenvoerder wat nie 'n lid van die raad of 'n professionele gedragskomitee is nie en wat deur die raad aangestel word om as aanklaer by 'n bepaalde tugondersoek of by tugondersoeke in die algemeen op te tree;

"geregistreerde persoon" iemand wat kragtens die Wet by die raad geregistreer is;

"gesertifiseerde afskrif" 'n afskrif van 'n dokument wat deur 'n kommissaris van ede as 'n ware en juiste afskrif van die oorspronklike gesertifiseer is;

"komitee van voorlopige ondersoek" 'n komitee in regulasie 2(4) bedoel;

"ondersoekliggaam" die raad of 'n komitee deur die raad aangestel om enige funksies ingevolge hierdie regulasies te vervul;

"professionele gedragskomitee" 'n komitee in regulasie 2(1) bedoel;

"respondent" 'n geregistreerde persoon teen wie 'n klagte van onprofessionele gedrag ingebring word;

"tugondersoek" 'n ondersoek wat kragtens Hoofstuk III van die Wet en hierdie regulasies gehou word;

"voorlopige ondersoek" 'n ondersoek wat ingevolge regulasies 5 – 15 van hierdie regulasies gehou word;

"voorsitter" die persoon wat by 'n tugondersoek of voorlopige ondersoek voorsit.

**SAMESTELLING VAN 'N PROFESSIONELE GEDRAGSKOMITEE EN 'N KOMITEE
VAN VOORLOPIGE ONDERSOEK**

2. (1) Behoudens die bepalings van subregulasie (2) bestaan 'n professionele gedragskomitee kragtens artikel 21(7) van die Wet aangestel, uit hoogstens vyf maar nie minder as drie persone wat deur die raad aangewys word en van wie ten minste een persoon 'n lid van die raad en een ander persoon 'n lid van die betrokke beroepsraad is wanneer sodanige

beroepsraad ingestel is: Op voorwaarde dat die meerderheid van die lede, lede van die raad en/of betrokke beroepsraad is.

(2) Indien 'n lid van die ondersoekliggaam in enige stadium gedurende 'n tugonderzoek te sterwe kom of onbekwaam word om op te tree of weens enige rede afwesig is, word die tugonderzoek, indien die oorblywende lede van die ondersoekliggaam 'n meerderheid uitmaak van die lede voor wie dit begin het, voor daardie oorblywende lede voortgesit, en indien daardie oorblywende lede nie so 'n meerderheid uitmaak nie, of indien slegs een lid oorbly, word die tugonderzoek van vooraf begin, tensy al die partye by die verrigtinge skriftelik en onvoorwaardelik ooreenkom om die beslissing van die meerderheid van bedoelde oorblywende lede of oorblywende lid as die beslissing van die ondersoekliggaam te aanvaar.

(3) Behoudens die bepalinge van subregulasie (2) is die bevinding van die meerderheid van die lede van die ondersoekliggaam die bevinding van die ondersoekliggaam.

(4) 'n Komitee van voorlopige ondersoek kragtens artikel 10 van die Wet ingestel, bestaan, ondanks die bepalinge van reël 2(1) van die Reëls betreffende die instelling, werksaamhede, bevoegdhede en prosedure van komitees afgekondig by Raadskennisgewing 57 van 18 September 1987, uit hoogstens drie lede wat nie ook lede van die professionele gedragskomitee is nie en van wie minstens een lid 'n lid van die raad en een ander lid 'n lid van die betrokke beroepsraad moet wees, wanneer sodanige beroepsraad ingestel is.

(5) Die voorsitter van die komitee van voorlopige ondersoek word deur die raad aangewys, maar indien hy of sy tydens die verrigtinge van die komitee van voorlopige ondersoek afwesig is, wys die komitee 'n voorsitter uit sy midde aan.

(6) Die aanbevelings van die meerderheid van die lede van 'n komitee van voorlopige ondersoek is die aanbevelings van die komitee van voorlopige ondersoek.

(7) 'n Lid van die ondersoekliggaam moet te alle tye objektief bly. Indien die objektiwiteit van enige lid gedurende die voorlopige of tugonderzoek, as gevolg van enige rede, beïnvloed word, moet sodanige lid hom of haarself van die ondersoek verskoon.

PROSES VIR DIE INSTELLING VAN 'N VOORLOPIGE OF 'N TUGONDERSOEK

3. (1) 'n Klagte oor beweerde onprofessionele gedrag teen 'n geregistreerde persoon moet by die registrateur of daartoe gemagtigde amptenaar ingedien word by wyse van –

- (a) 'n skriftelike verduideliking deur die persoon wat die klagte inbring;
- (b) die voorlegging van enige feite, omstandighede, bewerings of aanduidings wat op enige wyse hoegenaamd tot die raad se kennis gekom het; of
- (c) die verwysing van 'n oorkonde of gedeelte daarvan deur 'n geregshof soos in artikel 23 van die Wet bedoel, of enige ander liggaam.

(2) 'n Persoon wat 'n klagte inbring soos in subregulasie (1) bedoel moet 'n bondige uiteensetting gee van die handeling(e) of versuim(e) wat tot die klagte aanleiding gegee het en moet bereid wees om, indien die raad of sy komitees dit vereis, mondelinge getuienis ter stawing van die klagte by 'n voorlopige- of tugonderzoek af te lê.

PROSEDURE NADAT 'N KLAGTE ONTVANG IS

4. (1) Die registrateur, of daartoe gemagtigde amptenaar, moet die klagte wat na die raad toe verwys is in terme van regulasie 3(1) ondersoek.

(2) Die registrateur of daartoe gemagtigde amptenaar kan volgens sy of haar diskresie gedurende sy of haar ondersoek van die klagte, indien hy of sy dit nodig ag –

(a) konsulteer met of nadere inligting aangaande die klagte van enige persoon of organisasie, insluitende die respondent en/of sy of haar werkgever inwin;

(b) afskrifte van die dokumente wat van die klaer ontvang is aan die respondent stuur, en die respondent van die aard van sodanige klagte in kennis stel, en hom of haar versoek om binne 21 dae 'n skriftelike verduideliking te verskaf en hom of haar waarsku dat sodanige verduideliking voorsien kan word aan die professionele gedragskomitee en die klaer en dat dit as getuigenis gebruik kan word by 'n ondersoek of 'n tugondersoek wat mag volg;

(c) enige persoon wie op redelik gronde vermoed word om in besit te wees van enige inligting of 'n dokument of foto, rekenaarsverslag, kontrak, boek, item, artikel, administratiewe of finansiële verslag, rekenaardata, oudio en/of video opname relevant tot die klagte dagvaar, ten einde dit aan die registrateur of daartoe gemagtigde amptenaar beskikbaar te stel voor die datum wat deur die registrateur of daartoe gemagtigde amptenaar in die dagvaarding bepaal is met die doel om in terme van hierdie regulasies die klagte te ondersoek;

(d) regsadvies inwin of enige hulp om die registrateur in staat te stel om sy of haar funksies ingevolge hierdie regulasies te verrig inroep; en

(e) op versoek van die klaer, en in soverre die registrateur regtens daartoe gemagtig is, die klaer van 'n kopie van die respondent se verduideliking voorsien, indien die registrateur of daartoe gemagtigde amptenaar 'n verduideliking van die respondent ontvang het, of in die afwesigheid van sodanige versoek, op sy of haar diskresie.

(3) Na 'n ondersoek ingevolge die bepalinge van subregulasie (4) kan die registrateur of daartoe gemagtigde amptenaar –

(a) indien hy of sy van mening is dat 'n verdere ondersoek ingevolge hierdie regulasies nie gepas sal wees nie, die klaer en die respondent, indien van toepassing, dienooreenkomstig inlig;

(b) indien hy of sy van mening is dat die aangeleentheid vriendskaplik opgelos kan word, 'n ooreenkoms tussen die klaer, respondent en/of enige ander betrokke partye verkry;

(c) indien hy of sy van mening is dat die aangeleentheid nie binne die jurisdiksie van die raad val nie, die aangeleentheid na 'n gepaste liggaam verwys;

(d) indien hy of sy van mening is dat verdere ondersoek ingevolge hierdie regulasies gepas is, die aangeleentheid, met die relevante dokumentasie, na die komitee van voorlopige ondersoek verwys; en

(e) indien hy of sy van mening is dat 'n tugondersoek gepas is die aangeleentheid na die professionele gedragskomitee verwys.

(4) In geval van 'n dispuut tussen die registrateur of die daartoe gemagtigde amptenaar en die klaer en/of respondent, moet die klagte vir verdere ondersoek na die komitee van voorlopige ondersoek verwys word.

VERWYSING NA DIE KOMITEE VAN VOORLOPIGE ONDERSOEK

5. Die komitee van voorlopige ondersoek of die voorsitter van sodanige komitee kan –

(1) konsulteer met of nadere inligting aangaande die klagte van enige persoon of organisasie, insluitende die respondent en/of sy of haar werkgewer inwin;

(2) afskrifte van die dokumente wat van die klaer ontvang is aan die respondent stuur, of die respondent van die aard van sodanige klagte in kennis stel, en hom of haar versoek om binne 21 dae 'n skriftelike verduideliking te verskaf en hom of haar waarsku dat sodanige verduideliking voorsien kan word aan die professionele gedragskomitee en die klaer en as getuienis gebruik kan word by 'n ondersoek of 'n tugondersoek wat mag volg;

(3) enige persoon wie op redelike gronde vermoed word om in besit te wees van enige inligting of 'n dokument of foto, rekenaarverslag, kontrak, boek, item, artikel, administratiewe of finansiële verslag, rekenaardata, audio en/of video opname relevant tot die klagte, dagvaar of die registrateur gelas om te dagvaar, ten einde dit aan die komitee van voorlopige ondersoek beskikbaar te stel voor die datum wat deur die registrateur of daartoe gemagtigde amptenaar in die dagvaarding bepaal is met die doel om in terme van hierdie regulasies die klagte te ondersoek;

(4) regsadvies inwin of enige hulp om die komitee in staat te stel om sy funksies ingevolge hierdie regulasies te verrig, inroep; en

(5) op versoek van die klaer, en in soverre die komitee regtens daartoe gemagtig is, die klaer van 'n kopie van die respondent se verduideliking voorsien, indien die registrateur of daartoe gemagtigde amptenaar 'n verduideliking van die respondent ontvang het, of in die afwesigheid van sodanige versoek, op sy of haar diskresie.

6. Die komitee van voorlopige ondersoek moet die volgende faktore oorweeg wanneer besluit word of dit gepas is om 'n voorlopige of 'n tugondersoek te hou:

(1) Die aard van die klagte.

(2) Die gevolge van die beweerde onprofessionele gedrag van die respondent vir die klaer, die algemene publiek, die raad, die respondent, die professie en/of enige ander belanghebbende party.

(3) Die kompleksiteit van die onprofessionele gedrag.

(4) Die straf wat die komitee van voorlopige ondersoek van mening is die professionele gedragskomitee kan opleë.

(5) Enige ander aangeleentheid waarna nie hier bo verwys word nie, wat na die mening van die komitee van voorlopige ondersoek die hou van 'n voorlopige of 'n tugondersoek ingevolge die toepaslike regulasies regverdig.

7. Na 'n ondersoek van die klagte, indien nodig, en na oorweging van alle relevante dokumentasie ingevolge regulasie 4(3)(d), kan die komitee van voorlopige ondersoek –

(1) indien dit van mening is dat 'n klagte, selfs al word dit bewys, nie onprofessionele gedrag uitmaak nie of dat die klagte om enige ander rede nie aan 'n ondersoek onderwerp behoort te word nie, moet die komitee sodanige stappe doen as wat dit goetvind en sodanige stappe aan die raad rapporteer;

(2) indien dit van mening is dat die aangeleentheid vriendskaplik opgelos kan word, 'n ooreenkoms tussen die klaer, respondent en/of enige ander betrokke partye verkry;

(3) indien dit van mening is dat die aangeleentheid nie binne die jurisdiksie van die raad val nie, die aangeleentheid na 'n gepaste liggaam verwys;

(4) indien dit van mening is dat 'n verdere voorlopige ondersoek gehou moet word, die registrateur gelas om 'n ondersoek ingevolge regulasie 8 voor te berei; en

(5) die aangeleentheid vir 'n tugondersoek ingevolge regulasie 16 verwys.

ONDERSOEK DEUR DIE KOMITEE VAN VOORLOPIGE ONDERSOEK

8. Die registrateur moet na ontvangs van die lasgewing bedoel in regulasie 7(4) die respondent by wyse van die kennisgewing bedoel in Aanhangsel A in kennis stel van –

(1) die datum, tyd en plek van die voorlopige ondersoek;

(2) sy of haar reg om persoonlik tydens die voorlopige ondersoek teenwoordig te wees ten einde sy of haar saak aan die komitee van voorlopige ondersoek te stel;

(3) die feit dat hy of sy nie tydens die voorlopige ondersoek op regsverteenvoording geregtig is nie; en

(4) 'n geskrewe uiteensetting wat insluit –

(a) die aard van die klagte;

(b) die gevolge van die beweerde onprofessionele gedrag vir die klaer, die algemene publiek, die raad, die respondent, die professie of enige ander belanghebbende party;

(c) die erns van die beweerde onprofessionele gedrag;

(d) die straf wat die komitee van voorlopige ondersoek voorsien deur die professionele gedragskomitee opgelê mag word; en

(e) enige ander aangeleentheid wat na die mening van die komitee van voorlopige ondersoek die hou van 'n voorlopige of tugondersoek in terme van die gepaste regulasies regverdig en waarna nie hierbo verwys word nie.

9. Die komitee van voorlopige ondersoek, die klaer en die respondent kan die teenwoordigheid versoek van enige persoon of dokumentêre bewys soos uiteengesit in regulasie 5(3) wat op redelike gronde in die assessering van die klagte tydens die voorlopige ondersoek kan help en die betrokke persoon(e) dagvaar of die registrateur versoek om die betrokke persoon(e) te dagvaar.

10. Gedurende hierdie fase sal geen party op regsverteenvoording geregtig wees nie.

11. Die respondent sal daarop geregtig wees om een van die volgende drie opsies uit te oefen:

(1) Indien hy of sy met die inhoud van die uiteensetting waarna in regulasie 8(4) verwys word saamstem, moet hy of sy dit voltooi en in die teenwoordigheid van 'n kommissaris van ede onderteken en aan die komitee van voorlopige ondersoek terugbesorg, voor die datum van die voorlopige ondersoek in geval waarvan die genoemde komitee op die datum waarop sodanige ondersoek geskeduleer is 'n bevinding moet maak en 'n straf wat beperk is tot die straf ingevolge artikel 22(1)(a) van die Wet in ooreenstemming met die uiteensetting moet opleë.

(2) Indien hy of sy nie met die inhoud van die uiteensetting wat aan die kennisgewing aangeheg is saamstem nie en verkies om sy of haar saak aan die komitee van voorlopige ondersoek te stel moet hy of sy persoonlik by die voorlopige ondersoek verskyn om –

(a) geskrewe voorleggings by die komitee van voorlopige ondersoek in te handig; en/of

(b) mondelinge getuienis te lei; en/of

(c) betoog voor te dra;

ten einde die inhoud van die uiteensetting te weerlê.

(3) Indien hy of sy verkies dat uitspraak oor die klagte deur die professionele gedragskomitee gelewer moet word, moet hy of sy sodanige versoek skriftelik doen, in welke geval die aangeleentheid op die datum wat vir sodanige ondersoek geskeduleer is na die professionele gedragskomitee verwys moet word.

12. Indien die respondent nalaat om enige van die opsies in regulasie 11 uit te oefen, of nalaat om te reageer op die kennisgewing in regulasie 8 bedoel, kan die komitee van voorlopige ondersoek die aangeleentheid na die professionele gedragskomitee verwys.

13. Geen bevinding gemaak of straf opgelê deur die komitee van voorlopige ondersoek ingevolge 'n uiteensetting, sal 'n vorige skuldigbevinding in enige daaropvolgende ondersoek of 'n klagte teen die respondent ingevolge hierdie regulasies uitmaak nie.

14. Indien 'n komitee van voorlopige ondersoek besluit dat 'n klagte, selfs al word dit bewys, nie onprofessionele gedrag uitmaak nie, of, om enige ander rede, nie aan 'n ondersoek onderwerp behoort te word nie, moet die komitee sodanige stappe doen as wat dit goedvind, en sodanige stappe aan die raad rapporteer.

15. (1) Indien dit vir 'n komitee van voorlopige ondersoek duidelik is dat 'n ondersoek ingevolge regulasie 16 na die gedrag van 'n respondent gehou moet word, moet die komitee die registrateur of daartoe gemagtigde amptenaar soos in regulasie 16 bedoel, gelas om reëlins te tref vir die samestelling van 'n professionele gedragskomitee ingevolge artikel 21(7) van die Wet.

(2) Geen getuienis wat deur die komitee van voorlopige ondersoek ingewin is, met uitsondering van die klagte bedoel in regulasie 3(1) en die inligting of verduideliking verkry ingevolge regulasies 4(2)(a) en (b), word aan 'n professionele gedragskomitee voorgelê nie.

VOORBEREIDENDE PROSEDURES TOT 'N TUGONDERSOEK

16. Nadat 'n lasgewing in regulasies 7(5), 11(3) of 15(1) bedoel, ontvang is, tref die registrateur of daartoe gemagtigde amptenaar reëlins vir die hou van 'n tugondersoek en lê hy of sy die stawende dokumente ter voorbereiding van die klagstaat aan die aangewese klaer voor.

17. (1) Die registrateur of daartoe gemagtigde amptenaar reik 'n dagvaarding wesenlik in die vorm van Aanhangsel B hiervan uit, gerig aan die respondent waarin hy of sy in kennis gestel word –

(a) van die datum, tyd en plek van die tugondersoek;

(b) van die besonderhede van die klagte; en

(c) dat hy of sy skriftelik op die klagte, soos in die dagvaarding uiteengesit, mag antwoord, maar waarin hy of sy terselfdertyd gewaarsku word dat enige sodanige antwoord as getuienis tydens die tugondersoek gebruik kan word; en

(d) watter dokument, foto, rekenaaruitdruk, kontrak, boek, item, artikel, administratiewe of finansiële verslag of rekenaardata wat op die klagte betrekking het na die ondersoek gebring moet word.

(2) Die dagvaarding in subregulasie (1) bedoel, word aan die respondent beteken by sy of haar woonadres of per geregistreerde brief gerig aan sy of haar posadres, of bevestigde faks of elektroniese pos, na gelang van die geval, soos aangeteken in die betrokke register in artikel 19 van die Wet bedoel.

(3) 'n Geregistreerde persoon wat behoorlik ooreenkomstig hierdie regulasie kennis gegee is, moet op die tyd en plek in die dagvaarding vermeld, verskyn, tensy hy of sy die registrateur voor die tugondersoek skriftelik by wyse van 'n brief, deur hom of haar persoonlik onderteken, verwittig het dat hy of sy skuldig pleit op die klagte teen hom of haar.

(4) 'n Persoon bedoel in subregulasie (3) wat behoorlik ooreenkomstig hierdie regulasie kennis gegee is en wat weier of, sonder 'n rede wat vir die ondersoekliggaam aanvaarbaar is, versuim om op die tyd en plek in die dagvaarding vermeld te verskyn, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens drie maande, of daardie boete sowel as daardie gevangenisstraf.

PROSEDURE BY 'N TUGONDERSOEK

18. (1) Elke tugondersoek word gehou deur die raad of deur die professionele gedragskomitee.

(2) Indien die dagvaarding in regulasie 17(1) bedoel aan die respondent beteken of versend is soos by regulasie 17(2) voorgeskryf, kan die ondersoekliggaam met 'n tugondersoek voortgaan al is die respondent nie teenwoordig nie.

(3) Indien die respondent teenwoordig is, lees die aangewese klaer die klagte voor soos vervat in die dagvaarding gerig aan die respondent.

(4) (a) Die respondent, indien teenwoordig, word dan deur die voorsitter gevra om skuldig of onskuldig te pleit op die klagte teen hom of haar: Met dien verstande dat indien die respondent voor die tugondersoek die registrateur of daartoe gemagtigde amptenaar skriftelik by wyse van 'n brief deur hom of haar persoonlik onderteken, verwittig het dat hy of sy op die klagte skuldig pleit, sodanige pleit van skuldig in sy of haar afwesigheid as sy of haar pleit aangeteken kan word.

(b) Indien die respondent onskuldig pleit, hoor die ondersoekliggaam getuienis ten opsigte van die klagte aan.

(c) Indien die respondent skuldig pleit, berus dit by die ondersoekliggaam of hy getuienis oor die klagte wil aanhoor of nie.

(d) Indien die respondent weier of in gebreke bly om regstreeks op 'n klagte te pleit, of indien die respondent afwesig is en 'n dagvaarding aan hom of haar beteken of versend is soos in regulasie 17(2) voorgeskryf en hy of sy nie die registrateur of daartoe gemagtigde amptenaar skriftelik verwittig het dat hy of sy skuldig pleit soos bedoel in paragraaf (a) nie, maak die voorsitter 'n aantekening daarvan en teken hy of sy voorts 'n pleit van onskuldig namens die respondent aan, en 'n pleit aldus aangeteken, het dieselfde gevolg asof dit inderdaad aldus gepleit is.

(5) (a) Waar getuienis ten opsigte van 'n klagte aangebied moet word omdat die respondent onskuldig gepleit het of die ondersoekliggaam besluit het dat

getuienis aangebied moet word, word die aangewese klaer die geleentheid gegee om sy of haar saak uiteen te sit en daarna getuienis ter stawing daarvan te lei.

(b) Indien die klaer nie as 'n getuie gedagvaar is nie, kan hy of sy die geleentheid om die ondersoekliggaam toe te spreek, gebied word.

(c) Na beeëindiging van sodanige getuienis in subregulasie (a) of die klaer se getuienis in subregulasie (b) bedoel, is die aangewese klaer se saak gesluit.

(6) (a) Indien die respondent teenwoordig is of deur 'n regsverteenwoordiger verteenwoordig word, word hy of sy of haar regsverteenwoordiger die geleentheid gegee om sy of haar saak uiteen te sit en daarna getuienis ter stawing daarvan te lei.

(b) Indien die respondent afwesig is en hy of sy ook nie verteenwoordig word nie, word enige skrywe, verklaring, verduideliking of verweer wat hy of sy voorgelê het na aanleiding van 'n versoek kragtens regulasie 4(b) of na aanleiding van die dagvaarding uitgereik kragtens regulasie 17(1), of albei, aan die ondersoekliggaam voorgelees en as getuienis ontvang.

(c) Nadat die respondent of sy of haar regsverteenwoordiger sy of haar getuienis gelei het of in die plek daarvan, sy of haar skriftelike voorlegging, verklaring, verduideliking of verweer voorgelees is, is sy of haar saak gesluit.

(7) Indien die ondersoekliggaam dit raadsaam ag dat verdere getuienis aangevoer word ten einde die ondersoekliggaam in staat te stel om tot 'n regverdige beslissing te kom, kan hy toelaat dat verdere getuienis gelei word deur óf die aangewese klaer óf die respondent óf sy of haar regsverteenwoordiger óf albei partye nadat hulle sake reeds gesluit is.

(8) Nadat alle getuienis afgelê is, word die aangewese klaer toegelaat om die ondersoekliggaam toe te spreek oor die getuienis en die regsposisie, en dit word toegelaat afgesien daarvan of die respondent getuienis gelei het of nie.

(9) Daarna word die respondent of sy of haar regsverteenwoordiger, indien teenwoordig, insgelyks toegelaat om die ondersoekliggaam toe te spreek.

(10) Die ondersoekliggaam kan na goeëddunke die aangewese klaer toelaat om repliek te lewer.

19. (1) Lede van die ondersoekliggaam kan, met die toestemming van die voorsitter, sodanige vrae aan getuies tydens getuienislewering of kruisondervraging stel as wat hulle relevant ag.

(2) (a) (i) Nadat 'n getuie getuig het, is die teenparty of sy of haar regsverteenwoordiger geregtig om die getuie te kruisvra.

(ii) Net so is die respondent, indien hy of sy verkies om getuienis af te lê, en enige getuie wat deur of namens hom of haar opgeroep word om te getuig, onderworpe aan kruisondervraging deur die aangewese klaer nadat hy of sy getuienis gelewer het.

(b) Indien getuienis gelei is, is die persoon wat die getuienis gelei het daarop geregtig om die getuie na kruisondervraging te herondervra, maar hy of sy moet sy of haar herondervraging beperk tot aangeleenthede voortspruitende uit kruisondervraging of uit die vrae gestel deur die voorsitter of lede van die ondersoekliggaam.

20. In 'n geval waar die respondent teenwoordig is en die klaer nie teenwoordig is nie maar 'n beëdigde verklaring ingedien het, kan die respondent of sy of haar regsvertegenwoordiger antwoord op die beëdigde verklaring ten einde die ondersoekliggaam in staat te stel om die aangeleentheid te behandel soos wat nodig is.

21. (1) Alle mondelinge getuienis word onder eed of bevestiging afgelê en die ondersoekliggaam kan weier om die getuienis toe te laat rakende 'n dokument waar die persoon wat die getuienis moet lewer nie vir kruisondervraging teenwoordig is nie, of wat weier om hom of haar daaraan te onderwerp.

(2) (a) Die verklaring van die klagte gedoen deur 'n klaer of getuie wat nie persoonlik teenwoordig is nie, moet in die vorm van 'n beëdigde verklaring wees, maar die respondent kan teen sodanige getuienis beswaar maak indien hy of sy nie in die geleentheid gestel word om die klaer of getuie te kruisvra nie: Met dien verstande dat waar die verklaring of klagte gegrond is op die oorkonde van 'n wetlike ingestelde hof, 'n afskrif van sodanige oorkonde as weerlegbare getuienis aanvaar moet word indien dit as 'n ware afskrif gesertifiseer is of indien albei partye ooreengekom het om dit te aanvaar.

(b) Indien dit uitvoerbaar is en regverdig blyk, kan die ondersoekliggaam die ondersoek uitstel ten einde die getuie wie se getuienis in sodanige oorkonde verskyn, vir doeileindes van kruisondervraging te dagvaar.

22. (1) Na afloop van die saak moet die ondersoekliggaam alleen daaroor beraadslaag sonder die teenwoordigheid van enige persone wat die verhoor bygewoon het.

(2) Indien die respondent onskuldig bevind word aan die klagte teen hom of haar, word hy of sy so gou as wat redelik moontlik is dienoreenkomstig in kennis gestel.

(3) Indien die ondersoekliggaam met betrekking tot 'n klagte vasgestel het dat voldoende feite tot sy tevredenheid bewys is om sodanige klagte te staaf, moet hy besluit of die gedrag wat die onderwerp is van die klagte aldus gestaaf, onprofessionele gedrag uitmaak, en moet hy sy bevinding in hierdie verband bekend maak.

(4) Na bekendmaking van 'n bevinding, soos in subregulasie (3) bedoel, of nadat die respondent skuldig gepleit het en die ondersoekliggaam beslis het dat geen getuienis gelei word nie, moet die aangewese klaer bewys aanvoer van vorige skuldigbevindings van die respondent ingevolge die Wet indien enige sodanige skuldigbevindings voorheen teen hom of haar aangeteken is.

(5) (a) (i) Bewys van vorige skuldigbevindings ingevolge die Wet moet aangevoer word deur middel van 'n sertifikaat uitgereik onder die hand van die registrateur.

(ii) Sodanige sertifikaat moet die klagte aangee wat indertyd teen die respondent ingebring is, asook die bevinding, die datum daarvan en die opgelegde straf.

(b) Die respondent het die reg om die korrektheid van sodanige sertifikaat te betwis, in welke geval 'n gesertifiseerde afskrif van die notule van sodanige vorige tugondersoek voorgelê moet word, of indien sodanige notule reeds vernietig is, 'n gesertifiseerde afskrif van die relevante gedeelte uit die betrokke register in artikel 19 van die Wet bedoel.

(6) Die voorsitter gee aan die aangewese klaer die geleentheid om vertoë te rig in verband met die oplegging van 'n gepaste straf.

(7) Die voorsitter gee dan aan die respondent of sy of haar regsverteenvoerder, indien teenwoordig, die geleentheid om die ondersoekliggaam ter versagting van die straf wat opgelê staan te word, toe te spreek en getuienis ter versagting te lei of te lewer.

(8) Na verdere beraadslaging alleen, sonder die teenwoordigheid van enige persone wat die verhoor bygewoon het, lê die ondersoekliggaam sodanige straf op as waarop hy besluit.

(9) Waar die professionele gedragskomitee 'n respondent skuldig bevind, rapporteer die professionele gedragskomitee sy bevinding aan die raad en reël hy verder dat die vereistes van subregulasie (10) nagekom word.

(10) (a) Indien 'n geregistreerde persoon 'n straf kragtens artikel 22(1) van die Wet opgelê word, moet sodanige straf op skrif gestel en deur die voorsitter onderteken word en moet die registrateur die respondent en klaer daarvan in kennis stel.

(b) Die registrateur moet nadat 'n geregistreerde persoon van sy of haar straf in kennis gestel is, sy of haar naam en die straf aldus opgelê is in die Staatskoerant laat publiseer.

23. (1) Indien aanbevelings wat met klagtes teen meer as een respondent verband hou aan die voorsitter van die professionele gedragskomitee voorgelê word soos bedoel in regulasie 15(1), en die voorsitter in sy of haar diskresie van oordeel is dat –

(a) 'n duplisering van tugondersoeke vermy of beperk kan word deur 'n gelyktydige verhoor van twee of meer van sodanige respondente; en

(b) nie een van sodanige respondente deur so 'n gelyktydige tugondersoek benadeel behoort te word nie, kan hy of sy gelas dat sodanige klag of klagtes teen sodanige respondente, gelyktydig verhoor word.

(2) Die voorsitter by 'n gelyktydige tugondersoek bedoel in subregulasie (1), pas die bepalings van regulasies 18 tot 22 toe op die basis dat elke verwysing daarin na die respondent of sy of haar regsverteenvoerder, beurtelings op die respondente toegepas word, in die volgorde deur die voorsitter bepaal.

(3) (a) 'n Respondent kan te eniger tyd voor of tydens 'n gelyktydige tugondersoek aansoek doen vir 'n afsonderlike verhoor.

(b) Indien die ondersoekliggaam van oordeel is dat die betrokke respondent goeie gronde vir sodanige skeiding van die tugondersoek aangetoon het, word die verrigtinge wat daardie respondent betref, opgeskort en word die betrokke respondent daarna afsonderlik verhoor deur 'n ondersoekliggaam saamgestel uit ander lede.

(4) Indien die ondersoekliggaam dit raadsaam ag, kan die skeiding van 'n tugondersoek bedoel in subregulasie (3) plaasvind op die basis dat die twee of meer oorblywende respondente gesamentlik van vooraf verhoor word.

24. (1) (a) In geval van 'n gemeenskaplike relevantheid van feite of omstandighede tussen twee of meer tugondersoeke, dien geen lid van enige ondersoekliggaam by meer as een van sodanige tugondersoeke nie.

(b) Indien sodanige gemeenskaplikheid tydens die verloop van 'n tugondersoek na vore tree, en dit verder blyk dat dieselfde lid by meer as een van sodanige tugondersoeke wat reeds daadwerklik 'n aanvang geneem het dien, en die omstandighede sodanig is dat hy of sy moontlik beïnvloed mag word deur die verrigtinge by een tugondersoek ten opsigte van sy of haar siening betreffende 'n ander, word die betrokke verrigtinge by elke sodanige tugondersoek, opgeskort en vind tugondersoeke van vooraf plaas voor 'n ondersoekliggaam bestaande uit verskillende lede.

(2) Die bepalinge van hierdie regulasie word nie so uitgelê dat dit 'n gelyktydige verhoor, bedoel in regulasie 23, belet nie.

25. (1) Die verrigtinge by 'n tugondersoek is vir die publiek toeganklik: Met dien verstande dat –

(a) enige besluit van die ondersoekliggaam ten opsigte van enige aangeleentheid wat in verband met of gedurende 'n ondersoek ontstaan, alleen, sonder die teenwoordigheid van persone wat die verhoor bygewoon het, geneem kan word;

(b) enige getuienis voorgelê gedurende 'n tugondersoek by voorlegging van gegronde redes in die diskresie van die ondersoekliggaam alleen, sonder die teenwoordigheid van enige persone wat die verhoor bygewoon het, aangehoor kan word;

(c) die ondersoekliggaam by voorlegging van gegronde redes in sy diskresie kan beveel dat niemand te eniger tyd en op enige wyse enige inligting wat die identiteit van 'n bepaalde persoon, uitgesonderd die respondent, waarskynlik aan die lig sal bring, openbaar maak nie.

(2) Iemand wat 'n bevel kragtens subregulasie (1) uitgereik oortree of versuim om dit na te kom, is aan 'n misdryf skuldig en by skuldigbevinding in 'n geregshof strafbaar met 'n boete van hoogstens R1000.

DAGVAARDING

26. (1) 'n Dagvaarding uitgereik ingevolge die regulasies deur die registrateur of 'n komitee van voorlopige ondersoek aan 'n persoon om as 'n getuie by enige ondersoek of verhoor te verskyn of om 'n boek, dokument of verslag by enige ondersoek of verhoor te lewer, moet wesenlik wees in die vorm van Aanhangsel C tot hierdie regulasies.

(2) 'n Dagvaarding verwys na in subregulasie (1) sal op die getuie by sy of haar woon- of werkadres beteken word, of aan hom of haar by sy of haar woon-, werk- of posadres per voorafbetaalde geregistreerde brief gestuur word, of per bevestigde faks of elektroniese pos.

(3) Die gelde betaalbaar aan 'n getuie wat ingevolge subregulasie (1) gedagvaar is sal wees in ooreenstemming met die tarief van toepassing op kriminele sake in 'n landdroshof.

(4) Indien getuies op versoek van die respondent gedagvaar word, moet die registrateur van die respondent 'n deposito wat voldoende is om die uitgawe wat betrokke is te dek, verlang.

HERROEPING

27. (1) Regulasies ingevolge die Wet op Maatskaplike Werk, 1978, gepubliseer as Goewermenskennisgewing R. 3026 in Staatskoerant 12919 van 28 Desember 1990, soos gewysig deur Goewermenskennisgewings R. 3214 in Staatskoerant 14225 van 27 November 1992 en R. 1516 in Staatskoerant 15954 van 9 September 1994 word herroep.

(2) 'n Tugondersoek kragtens regulasies in subregulasie (1) bedoel wat onmiddellik voor die inwerkingtreding van hierdie regulasies daadwerklik 'n aanvang geneem het voor die raad of 'n tugkomitee van die raad soos saamgestel kragtens regulasie 2 van daardie regulasies, word kragtens die prosedures by daardie regulasies voorgeskryf, gevoer en afgehandel asof daardie regulasies nie herroep is nie.

INWERKINGTREDING

Hierdie regulasies tree in werking op die datum van publikasie daarvan.

Aanhangsel A

SUID-AFRIKAANSE RAAD VIR MAATSKAPLIKE DIENSBEROEPE

VORM VAN KENNISGEWING AAN 'N RESPONDENT OM VOOR 'N KOMITEE VAN
VOORLOPIGE ONDERSOEK INGEVOLGE REGULASIE 8 VAN DIE REGULASIES
BETREFFENDE ONDERSOEKE RAKENDE BEWEERDE ONPROFESSIONELE GEDRAG
TE VERSKYN

Aan:
..... (naam en adres van respondente)

U word hierby aangesê om op die dag van 20..... om
(tyd) te (plek) voor die Komitee van Voorlopige Onderzoek
van die S A Raad vir Maatskaplike Diensberoepe te verskyn.

U word hiermee in kennis gestel van u reg om u saak aan die bogenoemde Komitee voor
te lê. 'n Kopie van die uiteensetting soos in regulasie 8(4) bedoel is hierby aangeheg as
Bylae A.

Ingevolge regulasies 9 en 10 van die *Regulasies betreffende ondersoeke rakende
beweerde onprofessionele gedrag* mag u die teenwoordigheid versoek van enige persoon
of die verskaffing van dokumentêre bewys wat op redelike gronde in die assessering van
die klagte kan help en die Registrateur versoek om die betrokke persoon(e) te dagvaar. U
is egter nie op regsverteenvoordiging geregtig nie.

As u verkies dat u brief gedateer (of enige verdere skriftelike mededeling wat
u wil indien) as u verduideliking of verweer moet dien, geliewe die Registrateur van die
S A Raad vir Maatskaplike Diensberoepe dienoreenkomstig en nie later as ... in kennis
te stel. U word hierby gewaarsku dat enige sodanige mededeling as getuienis by die
voorlopige ondersoek of enige ander daaropvolgende tugondersoek gebruik kan word.

In u eie belang word u aangeraai om by die voorlopige ondersoek te verskyn tensy u
voor die datum daarvan skuldig pleit op die klagte soos aangedui in die uiteensetting
wat as Bylae A hierby aangeheg is, deur die genoemde dokument in die teenwoordigheid
van 'n Kommissaris van Ede te onderteken en aan die Registrateur terug te stuur.

Geliewe kennis te neem dat, indien u die uiteensetting teken, die straf wat ingevolge
regulasie 11(1) opgelê kan word, beperk is tot 'n berisping of 'n waarskuwing.

Gegee onder my hand op hede die dag van
20.....

.....
REGISTRATEUR

Aanhangsel B

SUID-AFRIKAANSE RAAD VIR MAATSKAPLIKE DIENSBEROEPE

VORM VAN DAGVAARDING AAN 'N RESPONDENT INGEVOLGE REGULASIE 17 VAN
DIE REGULASIES BETREFFENDE ONDERSOEKE RAKENDE BEWEERDE
ONPROFESSIONELE GEDRAG OM TE VERSKYN VOOR DIE PROFESSIONELE
GEDRAGSKOMITEE

Dagvaarding

Aan:
..... (naam en adres van respondent)

U word hierby aangesê om op die dag van (tyd) te
..... (plek) voor die S A Raad vir Maatskaplike Diensberoepe of 'n
professionele gedragskomitee van die S A Raad vir Maatskaplike Diensberoepe te
verskyn waartydens 'n tugverhoor gehou sal word ten einde ondersoek in te stel na die
volgende klagte wat teen u aanhangig gemaak is:

U word verder gelas om ingevolge regulasie 17(1)(d) die volgende items saam te bring:

Ingevolge artikel 21(6) van die Wet op Maatskaplike Diensberoepe, 1978 (Wet nr 110 van 1978), is u daarop geregtig om óf self óf deur u regsverteenwoordiger,* tydens die tugondersoek op die klagte te antwoord en u verdediging aan te voer. U is daarop geregtig om getuies te roep, maar u moet self hulle teenwoordigheid by die tugondersoek verseker tensy u vooraf kragtens regulasie 26 met die Registrateur gereël het om sodanige getuies te dagvaar.

As u sonder 'n aanvaarbare rede versuim om by die tugondersoek te verskyn, maak u uself skuldig aan 'n oortreding van regulasie 17(4) van die Regulasies betreffende ondersoeke rakende beweerde onprofessionele gedrag, gelees met artikel 28(3) van Wet 110 van 1978, en is u by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of, gevangenisstraf vir 'n tydperk van hoogstens drie maande. Die ondersoekliggaam kan dan ook in u afwesigheid voortgaan met die tugondersoek en uitspraak lewer.

As u verkies dat u brief gedateer (of enige verdere skriftelike mededeling wat u wil indien) as u verduideliking of verweer moet dien, geliewe my dienooreenkomstig so spoedig moontlik en nie later as in kennis te stel. U word hierby gewaarsku dat enige sodanige mededeling as getuienis by die tugondersoek gebruik kan word.

In u eie belang word u aangeraai om by die tugondersoek te verskyn tensy u voor die datum daarvan per brief deur u persoonlik onderteken, gerig aan die Registrateur, skuldig pleit op die klagte.

Gegee onder my hand op hede die dag van 20.....

.....
REGISTRATEUR

* Regsverteenwoordiger beteken 'n advokaat of 'n prokureur

Aanhangsel C

SUID-AFRIKAANSE RAAD VIR MAATSKAPLIKE DIENSBEROEPE

VORM VAN DAGVAARDING OM TE VERSKYN VOOR:

1. DIE S A RAAD VIR MAATSKAPLIKE DIENSBEROEPE;
2. DIE REGISTRATEUR OF DAARTOE GEMAGTIGDE AMPTENAAR VAN DIE RAAD;
3. 'N KOMITEE VAN VOORLOPIGE ONDERSOEK VAN DIE RAAD; OF
4. DIE PROFESSIONELE GEDRAGSKOMITEE VAN DIE RAAD.

Aan:
.....
(naam en adres van die persoon wat gedagvaar word)

U word hierby aangesê om op die dag van 20
(tyd) te (plek) te verskyn voor die van die Raad,
ingestel ingevolge die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978) ten
einde getuienis te lewer rakende en word gelas om saam met u te bring
..... (spesifiseer die boek, dokument of oorkonde)

Versuim om sonder genoegsame rede aan hierdie getuiedagvaarding gehoor te gee, is 'n
misdryf en die oortreder is by skuldigbevinding strafbaar met 'n boete soos bepaal in
artikel 51(2) van die *Wet op Landdroshowe*, 1944 (Wet No 32 van 1944).

Gegee onder my hand op hede die dag van 20.....

.....
REGISTRATEUR

No. R. 918

27 June 2003

REGULATIONS REGARDING THE ELECTION AND APPOINTMENT OF MEMBERS OF A PROFESSIONAL BOARD

The Minister of Social Development has, in terms of section 28(1)(gD)(viii) of the Social Services Professions Act, 1978 (Act No 110 of 1978) and on the recommendation of the South African Council for Social Service Professions, made the regulations in the Schedule hereto.

SCHEDULE**DEFINITIONS**

1. In this Schedule "the Act" means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the content –

"agent" means any person designated in writing by a candidate to represent him or her at an event referred to in regulation 18 or 19;

"ballot paper" means the ballot paper referred to in regulation 17;

"candidate" means any person nominated in terms of regulation 11;

"community" means all South African citizens;

"council" means the South African Council for Social Service Professions (SACSSP) established in terms of section 2(1) of the Act;

"cover envelope" means the cover envelope referred to in regulation 17(3);

"election" means the election of the members of the professional board concerned;

"identification envelope" means the identification envelope referred to in regulation 16;

"member" means a member of the professional board concerned;

"member of the profession concerned" means a member of the profession for which the professional board is to be established;

"Minister" means the Minister of Social Development;

"nomination form" means the nomination form referred to in regulation 10;

"nomination time" means the date and hour specified in regulation 10;

"polling day" means the day on which the period specified in the notice published in terms of regulation 15 expires;

"polling officer" means a polling officer appointed in terms of regulation 21(1);

"professional board" means a professional board established in terms of section 14A of the Act;

(b) in the case of the members to be appointed by the Minister, not later than the date indicated by the Minister in Annexure B.

NOMINATION OF CANDIDATES

11. (1) No person shall be accepted as a candidate for election unless –

(a) he or she is nominated in writing in the form of Annexure A as such a candidate before the expiry of the nomination time;

(b) he or she is nominated by a person whose name appears on a register kept by the council for the profession concerned: Provided that in the case of a professional board for which the council has not yet instituted a register, the nominations be made by a person whose name is on the list of voters provided in terms of regulation 6;

(c) he or she accepts such nomination in writing, in the form of Annexure A, before the expiry date of the nomination time specified on the nomination form; and

(d) he or she deposits with the returning officer an amount of R50 before the expiry of the nomination time.

(2) The amount referred to in paragraph (d) above shall be refunded to a candidate –

(a) if he or she is elected in terms of these regulations; or

(b) if he or she receives a number of votes greater than or equal to at least one third of the total number of votes received by the elected candidate.

12. A nomination in terms of regulation 11 shall be invalid –

(a) unless it contains all the particulars as required in Annexure A; and

(b) if a voter signs the nomination form of more candidates than the total number of members to be elected.

13. (1) If the number of persons accepted as candidates is equal to or less than the number of members to be elected, the returning officer shall forthwith declare the candidates who were so accepted to be duly elected members and shall cause a notice to that effect to be published in the Gazette.

(2) (a) If the number of duly elected members referred to in subregulation (1) is less than the number of members to be elected, the returning officer shall, within 14 days of the publication of the notice referred to in subregulation (1), publish a notice referred to in regulation 9(1) with regard to the election of the members still to be elected.

(b) The provisions of these regulations shall apply in the same manner to the nomination and election of such members.

14. (1) If, on or before the polling day, a candidate dies or notifies the returning officer in writing of the withdrawal of his or her candidature, and the remaining number of candidates is equal to or less than the number of members to be elected, the election shall be stopped immediately and the returning officer shall forthwith declare the said candidates to be duly elected members and shall cause a notice as contemplated in regulation 13 to be published.

(2) If, on or before the polling day, a candidate dies or notifies the returning officer in writing of the withdrawal of his or her candidature, and the remaining number of candidates

exceeds the number of members to be elected, the elections shall notwithstanding be proceeded with: Provided that any votes which have been or are recorded in his or her favour will be ignored in the determination of the result of the election.

NOTICE OF ELECTION

15. If the number of candidates is more than the number of members to be elected, the returning officer shall, within 14 days of the nomination time, cause a notice to be published in the manner specified in regulation 9, to the effect that during the period of 30 days immediately preceding the polling day an election of the number of members to be elected shall be held from amongst the said candidates and that such election shall take place by secret ballot, which shall be provided by the returning officer.

ISSUING OF BALLOT PAPERS

16. (1) If an election by ballot becomes necessary, the returning officer shall send by post to the registered postal address of each voter not less than 30 days before the polling day, a ballot paper, unmarked envelope, identification envelope in the form of Annexure C and cover envelope together with directions concerning the procedure to be followed by the voter in order to vote and the procedure to be followed for the return of the said documents.

(2) The returning officer shall allocate a serial number to each ballot paper despatched in terms of subregulation (1) and shall record the date of despatch thereof.

(3) Where a letter or identification envelope so despatched is lost or destroyed or spoilt, the returning officer shall, if on the strength of an affidavit he or she is satisfied of such loss or destruction or spoilage, despatch or deliver to the voter to whom the original documents were despatched, at his or her request, a new ballot paper or identification envelope or both.

BALLOT PAPERS

17. (1) A voter shall cast his or her vote by personally making an X mark in the square appearing on the ballot paper opposite the name of the candidate for whom he or she wants to vote.

(2) A ballot paper referred to in subregulation (1) shall be in the form of Annexure D.

(3) A voter shall –

(a) place his or her ballot paper in the unmarked envelope and seal it;

(b) place the unmarked envelope in the identification envelope and seal it;

(c) complete and sign the declaration on the identification envelope in the presence of two witnesses, who shall certify his or her signature; and

(d) place the identification envelope in a cover envelope addressed to the returning officer and post or otherwise convey it to him or her.

(4) On the counterfoil of the ballot paper referred to in subregulation (2) only the serial number of the ballot paper concerned shall be specified.

EXAMINATION AND SAFE-KEEPING OF PAPERS RECEIVED BY THE RETURNING OFFICER

18. The returning officer shall place each identification envelope received by him or her unopened in a ballot box previously sealed by him or her in the presence of a candidate, agent or polling officer while it was empty, and shall keep such ballot box in safe custody up to and on the polling day so that no person other than himself or herself shall have access to it.

DETERMINATION OF RESULT OF ELECTION

19. (1) The returning officer shall, as soon as possible after polling day, but not later than the first working day thereafter, in the presence of the candidates, agents and polling officers who are then present, commence to determine the result of the election and shall –

(a) examine the identification envelopes to determine whether the declarations were completed in accordance with the provisions of regulation 17(3);

(b) open such identification envelopes as in his or her opinion meet the requirements of regulation 17(3) and place the unmarked envelopes in a ballot box sealed in the manner referred to in regulation 18;

(c) open the unmarked envelopes and remove the ballot papers; and

(c) examine the ballot papers and determine the validity of each such ballot paper.

(2) The returning officer shall reject a ballot paper in each instance where the voter –

(a) has not returned such ballot paper in the identification envelope;

(b) has neglected to complete the declaration on the identification envelope in every particular in accordance with the provisions of regulation 17(3);

(c) has not marked his or her ballot paper, or his or her ballot paper is invalid, owing to any uncertainty;

(d) has voted for more candidates than the number of members to be elected;

(e) has cast more than one vote per candidate or has returned more than one ballot paper; or

(f) has voted for a person who was not a candidate;

and no votes cast on such ballot paper shall be taken into account at the counting of the votes recorded at the election.

(3) No vote cast on a ballot paper which is not received by the returning officer before the hour on the polling day determined by him or her shall be taken into account at the counting of the votes recorded at the election.

(4) Notwithstanding the provisions of subregulation (2), no ballot paper or vote shall be rejected solely on account of the fact that a vote thereon or such vote has been recorded otherwise than by means of the X mark referred to in subregulation 17(1), unless the returning officer is of the opinion that a vote for a particular candidate has been changed to a vote for another candidate.

(5) No vote on a ballot paper which has been rejected in terms of these regulations and no vote which has thus been rejected shall be counted at the determination of the result of the election.

(6) The returning officer shall endorse on every ballot paper which he or she rejects as invalid that it has been so rejected, and he or she shall, opposite every vote which he or she rejects, endorse the name of the candidate for whom such vote was cast.

(7) If an objection against the rejection of a ballot paper or vote has been registered, the returning officer shall endorse on the ballot paper that such objection has been registered.

(8) If any objection is raised by or on behalf of a candidate against the acceptance of a ballot paper or vote, the returning officer shall endorse on the ballot paper concerned that an objection has thus been registered.

(9) As soon as the returning officer has ascertained the validity or otherwise of all the ballot papers and of all the votes recorded thereby in terms of these regulations, he or she shall determine the number of votes cast for each candidate and which are not rejected in terms of these regulations, and he or she shall, subject to the provisions of subregulation (10) and the number of members to be elected per profession and/or per category, in descending numerical sequence per profession and/or per category, declare those candidates who drew the largest numbers of such votes to be duly elected members of the professional board.

(10) If two or more candidates have received an equal number of votes and as a result it is not possible in terms of subregulation (9) to declare as many candidates as there are members to be elected to the professional board, the returning officer shall declare the candidates in respect of whom such a declaration is possible to be duly elected members of the professional board with effect from the date contemplated in subregulation (13), and the returning officer shall immediately in the presence of the candidates, the agents (if present) and the polling officers determine by drawing lots which of the candidates, who received an equal number of votes shall be declared elected.

(11) The returning officer shall, as soon as possible cause the result of the election, including the number of votes recorded for each candidate, to be published in the Gazette.

(12) As soon as possible after the election of the members referred to in subsection (1), the Minister shall inform the registrar of the names and particulars of the persons who have been appointed by him or her.

(13) The registrar shall, within 30 days of the constitution of the professional board, make known by notice in the *Gazette* the names of the members of the professional board and the dates of their election or their appointment by the Minister as the case may be.

GENERAL PROVISIONS

20. (1) The returning officer shall, immediately after the result of the election has been determined in terms of these regulations –

(a) seal in a separate parcel all the ballot papers which he or she has rejected in terms of these regulations, together with a list of any votes which he or she has so rejected mentioning the number of ballot papers concerned and, if it was possible to ascertain them, the names of the candidates affected by such rejection, and mark the parcel with the expression “rejected ballot papers”;

(b) seal in a separate parcel the counterfoils of all ballot papers which have been issued by him or her and mark the parcel with the expression “counterfoils”;

(c) seal in a separate parcel all other papers relating to the election including the nomination of candidates, and mark the parcel "election papers".

(2) The returning officer shall forthwith deliver the parcels referred to in subregulation (1) to the registrar, who shall keep such parcels unopened for a period of at least one year, unless he or she is otherwise directed by a competent court.

21. (1) The returning officer may at any time appoint such polling officers as he or she may deem necessary to assist him or her in the performance of his or her functions in terms of these regulations.

(2) The said polling officers shall carry out their functions under the supervision and by direction of the returning officer.

(3) No candidate or any person in the service of or under the control of a candidate shall be appointed as a polling officer.

22. The returning officer and every polling officer, candidate or agent who is entitled to be present at the examination of papers or the determination of the result of the election in terms of regulation 19 shall, before he or she assumes the office of returning officer or before he or she may be so present as polling officer, candidate or agent, make a declaration on oath or affirmation in the form of Annexure E.

23. Except in so far as is otherwise provided by or in terms of these regulations, the returning officer shall perform his or her duties in terms of these regulations during the hours between 08:00 and 12:30 and 14:00 and 16:00 on every day of the week that is not a Saturday, a Sunday or a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994).

VACATION OF OFFICE AND FILLING OF VACANCIES

24. (1) A member of a professional board shall vacate his or her office if -

(a) the member's estate is sequestrated or he or she has entered into a composition with the creditors of his or her estate;

(b) the member has been absent from more than two consecutive ordinary meetings of the professional board without the professional board's leave;

(c) the member is disqualified under any law from practising his or her profession;

(d) the member ceases to be a South African citizen or to be permanently resident in the Republic;

(e) the member 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;

(f) the member becomes a patient or a State patient as defined in section 1 of the Mental Health Care Act, 2002 (Act No 17 of 2002);

(g) the member -

- (i) in the case of an elected member who ceases to hold a qualification required for his or her election or who ceases to represent the category voters who elected him or her to the professional board, or submits his or her resignation in writing to the registrar; or
- (ii) in the case where a member appointed by the Minister ceases to hold a qualification required for his or her appointment or who ceases to represent the sector from which he or she was appointed as a member of the professional board, or submits his or her resignation in writing to the Minister; or
- (h) the Minister terminates his or her membership for reasons which are just and fair.

(2) Every vacancy on the professional board shall be filled in the same manner in which the member who vacates office was elected or appointed, as the case may be, and every member so elected or appointed shall hold the office for the unexpired portion of the period for which the member whose office became vacant was elected or appointed.

COMMENCEMENT

25. These regulations shall come into operation on the date of publication thereof.

KWALIFIKASIES VAN KIESERS

5. Onderhewig aan regulasies 6 en 7 is elke persoon wat by die Raad ingevolge artikels 17, 18 en 18A van die Wet geregistreer is om na gelang van die geval die beroep te beoefen waarvoor 'n beroepsraad daargestel moet word, geregtig om een stem tydens die verkiesing uit te bring vir elke lid van die beroepsraad wat ingevolge dieselfde artikel as die betrokke kieser geregistreer is en dieselfde beroep beoefen op dieselfde vlak.

6. In die geval van die verkiesing van lede van 'n beroepsraad waarvoor die registrateur van die raad nog nie 'n register ingevolge artikel 19 hou nie –

(1) moet 'n genommerde kieserslys bestaande uit die name en posadresse van lede van die betrokke beroep aan die raad voorsien word deur die verteenwoordigende liggaam of groep persone wat by die raad aansoek gedoen het vir die daarstelling van die betrokke beroepsraad, op 'n datum nie later as 20 dae van die datum van publikasie in die Staatskoerant, van die kennisgewing ingevolge regulasie 9)1(a); en

(2) slegs die persone wie se besonderhede op die kieserslys waarna verwys word in subregulasie (1), voorkom, is geregtig om een stem tydens die eerste verkiesing van die beroepsraad uit te bring vir elke lid van die beroepsraad wat die betrokke beroep beoefen op dieselfde vlak as hy of sy, soos omskryf in die kieserslys.

7. Ondanks die bepalinge van regulasie 5 en 6 is 'n persoon nie daarop geregtig om by die verkiesing te stem nie indien die persoon op die dag waarop hy of sy stem, nie 'n Suid-Afrikaanse burger is nie.

VERKIESINGSBEAMPTTE

8. Die registrateur of die persoon wat in sy of haar plek waarneem, is die verkiesingsbeampte ingevolge hierdie regulasies.

INDIENING VAN NOMINASIES

9. (1) Nominasies vir kandidate moet soos volg aangevra word:

(a) Die verkiesingsbeampte moet hoogstens 120 dae maar minstens 90 dae voor die verkiesing vir die doeleindes van nominasies vir die verkiesing van lede van die beroep wat verkies moet word, deur middel van 'n geskrewe versoek en deur 'n kennisgewing in die *Staatskoerant* sodanige nominasies van voorgeskrewe instansies en alle lede van die betrokke beroep, aanvra.

(b) Die Minister moet vir die doeleindes van enige nominasies vir persone wat deur hom of haar aangestel moet word uit die gemeenskap, deur die media en deur kennisgewing in die *Staatskoerant* sodanige nominasies aanvra.

(2) Nominasies van kandidate vir die verkiesing van die getal lede wat verkies moet word kan ingedien word by die kiesbeampte tot en met die datum en uur voorgeskryf in Bylae A welke datum nie later as 30 dae na die publikasiedatum van sodanige kennisgewing mag wees nie.

10. Elke kandidaat moet genomineer word op die nominasievorm uiteengesit in Bylae A of B na gelang van die geval, en nominasies moet –

(a) in die geval van lede wat verkies moet word, die verkiesingsbeampte nie later as die uur en datum aangedui in Bylae A bereik; en

(b) in die geval van die lede wat deur die Minister aangestel moet word die Minister nie later nie as die datum deur die Minister aangedui in Bylae B bereik.

NOMINASIE VAN KANDIDATE

11. (1) Geen persoon sal as 'n kandidaat aanvaar word vir die verkiesing nie tensy –

(a) hy of sy skriftelik genomineer word in die vorm van Bylae A as sodanige kandidaat voor die verstryking van die nominasietyd;

(b) hy of sy genomineer is deur 'n persoon wie se naam verskyn op 'n register wat deur die raad vir die betrokke beroep gehou word: Met dien verstande dat in die geval van 'n beroepsraad waarvoor die raad nog nie 'n register ingestel het nie, die nominasie gedoen kan word deur 'n persoon wie se naam op die kieserslys verskyn wat ingevolge regulasie 6 voorsien is;

(c) hy of sy sodanige nominasie in die vorm van Bylae A skiftelik aanvaar voor verstryking van die nominasietyd voorgeskryf op die nominasievorm; en

(d) hy of sy 'n bedrag van R50,00 by die verkiesingsbeampte deponeer voor verstryking van die nominasietyd.

(2) Die bedrag waarna in paragraaf (d) hierbo verwys word, moet aan 'n kandidaat terugbetaal word –

(a) indien hy of sy ingevolge hierdie regulasies verkies word; of

(b) hy of sy 'n getal stemme kry wat meer is as of gelyk is aan minstens een derde van die totale stemme verkry deur die verkose kandidaat.

12. 'n Nominasie ingevolge regulasie 11 is ongeldig –

(a) tensy dit al die besonderhede in Bylae A verlang, bevat; en

(b) indien 'n kieser nominasievorms onderteken van meer kandidate as die totale getal lede wat verkies moet word.

13. (1) Indien die getal persone wat as kandidate aanvaar word, gelyk is aan of minder is as die getal lede wat verkies moet word, verklaar die verkiesingsbeampte onverwyld die kandidate wat aldus aanvaar word, tot behoorlik verkose lede en laat hy of sy 'n kennisgewing te dien effekte in die *Staatskoerant* publiseer.

(2) (a) Indien die getal behoorlik verkose lede in subregulasie (1) bedoel, minder is as die getal lede wat verkies moet word, moet die verkiesingsbeampte binne 14 dae na die publikasie van die kennisgewing in subregulasie (1) bedoel, 'n kennisgewing in regulasie 9(1) bedoel, laat publiseer met betrekking tot die verkiesing van die lede wat nog verkies moet word.

(b) Die bepalinge van hierdie regulasies is met die nodige veranderinge van toepassing op die nominasie en verkiesing van sodanige lede.

14. (1) Indien 'n kandidaat voor of op die stembdag sterf of die terugtrekking van sy of haar kandidatuur skriftelik aan die verkiesingsbeampte meedeel en die oorblywende getal kandidate gelyk is aan of minder is as die getal lede wat verkies moet word, word die verkiesing onmiddelik gestaak en verklaar die verkiesingsbeampte onverwyld bedoelde kandidate tot behoorlike verkose lede en laat hy of sy 'n kennisgewing soos beoog in regulasie 13 publiseer.

(2) Indien 'n kandidaat voor of op die stembdag sterf of die terugtrekking van sy of haar kandidatuur skriftelik aan die verkiesingsbeampte meedeel en die oorblywende getal kandidate meer is as die getal lede wat verkies moet word, word die verkiesing nieteenstaande voortgesit: Met dien verstande dat enige stemme wat op hom of haar uitgebring word, by die bepaling van die uitslag van die verkiesing geïgnoreer word.

KENNISGEWING VAN VERKIESING

15. Indien die getal kandidate meer is as die getal lede wat verkies moet word, moet die verkiesingsbeampte binne 14 dae na die nominasietyd 'n kennisgewing op die wyse voorgeskryf in regulasie 9 vermeld laat publiseer ten effekte dat gedurende die tydperk van 30 dae wat die stembdag onmiddelik voorafgaan 'n verkiesing van die getal lede wat verkies moet word, gehou sal word uit bedoelde kandidate en dat sodanige verkiesing sal geskied by wyse van geslote stembriewe wat deur die verkiesingsbeampte verskaf word.

UITREIKING VAN STEMBRIEWE

16. (1) As 'n verkiesing deur stemming nodig word, moet die verkiesingsbeampte minstens 30 dae voor die stembdag 'n stembrief, ongemerkte koevert, identifikasiekoevert en omslagkoevert in die vorm van Bylae C deur die pos na die geregistreerde posadres van elke kieser stuur tesame met voorskrifte oor hoe die kieser te werk moet gaan om te stem en die prosedure wat by die terugsending van die bedoelde stukke gevolg moet word.

(2) Die verkiesingsbeampte moet aan elke stembrief ingevolge subregulasie (1) uitgestuur, 'n volgnommer toewys en die datum aanteken waarop die stembrief gestuur is.

(3) Indien 'n aldus versende brief of identifikasiekoevert verlore raak of vernietig of bederf word, moet die verkiesingsbeampte, as hy of sy op grond van 'n beëdigde verklaring oortuig is van sodanige verlies of venietiging of bederwing, op versoek van die kieser aan wie die oorspronklike dokumente gestuur is, 'n nuwe stembrief of identifikasiekoevert of albei aan hom of haar stuur of oorhandig.

STEMBRIEWE

17. (1) 'n Kieser bring sy of haar stem uit deur persoonlik in die vierkant wat op die stembrief voorkom teenoor die naam van die kandidaat vir wie hy of sy wil stem 'n X-merk te maak.

(2) 'n Stembrief waarna verwys word in subregulasie (1) moet wees in die vorm van Bylae D.

(3) 'n Kieser moet –

(a) sy of haar stembrief in die ongemerkte koevert plaas en die koevert verseël;

(b) die ongemerkte koevert in die identifikasiekoevert plaas en dit seël;

(c) die verklaring wat op die identifikasiekoevert verskyn, invul en teken in die teenwoordigheid van twee getuies, wat sy of haar handtekening moet sertifiseer; en

(d) die identifikasiekoevert in 'n omslagkoevert plaas wat aan die verkiesingsbeampte geadresseer is en dit aan die verkiesingsbeampte stuur of andersins aan hom of haar besorg.

(4) Op die teenblad van die in subregulasie (2) bedoelde stembrief moet slegs die volnommer van die betrokke stembrief vermeld word.

NAGAAN EN BEWARING VAN STUKKE WAT DEUR DIE VERKIESINGSBEAMPTES ONTVANG WORD

18. Die verkiesingsbeampte moet elke identifikasiekoevert wat hy of sy ontvang, ongeopen in 'n stembus plaas wat hy of sy vooraf in die teenwoordigheid van 'n kandidaat, agent of stembeampte verseël het terwyl dit leeg was, en moet daardie stembus tot en met die stemdag veilig bewaar sodat niemand anders as hyself of syself toegang daartoe het nie.

BEPALING VAN DIE UITSLAG VAN VERKIESING

19. (1) Die verkiesingsbeampte moet so spoedig moontlik na die stemdag, maar nie later nie as die eerste werkdag na die stemdag, begin om, in die aanwesigheid van die kandidate, agente en stembeamptes wat dan aanwesig is, die uitslag van die verkiesing te bepaal en moet –

(a) die identifikasiekoeverte ondersoek om vas te stel of die verklarings in ooreenstemming met die bepalings van regulasie 17(3) ingevul is;

(b) die identifikasiekoeverte wat na sy of haar mening aan die bepalings van regulasie 17(3) voldoen, oopmaak en die ongemerkte koeverte plaas in 'n stembus wat verseël is soos in regulasie 18 bedoel;

(c) die ongemerkte koeverte oopmaak en die stembriewe uithaal; en

(d) die stembriewe ondersoek en die geldigheid bepaal van iedere sodanige stembrief of stem wat in sodanige stembrief uitgebring is.

(2) Die verkiesingsbeampte verwerp 'n stembrief in elke geval waar die kieser –

(a) nie die stembrief in die identifikasiekoevert terugstuur nie;

(b) nalaat om die verklaring op die identifikasiekoevert volledig in te vul ooreenkomstig die bepalings van regulasie 17(3);

(c) se stembrief nie gemerk is nie of weens onsekerheid ongeldig is;

- (d) vir meer kandidate stem as die getal lede wat verkies moet word;
- (e) meer as een keer vir dieselfde kandidaat stem of meer as een stembrief terugstuur; of
- (f) stem vir iemand wat nie 'n kandidaat is nie;

en die stemme uitgebring op sodanige stembrief word nie in aanmerking geneem by die telling van die stemme wat by die verkiesing uitgebring is nie.

(3) Geen stem uitgebring in 'n stembrief wat die verkiesingbeampte nie voor die uur deur hom of haar bepaal op die stemdag terug ontvang nie, word by die telling van stemme wat by die verkiesing uitgebring is, in aanmerking geneem nie.

(4) Ondanks die bepaling van subregulasie (2) word geen stembrief of stem verwerp bloot vanweë die feit dat 'n stem daarin, of die stem, op 'n ander wyse as by wyse van die X-merk in regulasie 17(1) bedoel, uitgebring is nie, tensy die verkiesingsbeampte van oordeel is dat 'n stem vir 'n bepaalde kandidaat verander is in 'n stem vir 'n ander kandidaat.

(5) Geen stem wat uitgebring is in 'n stembrief wat ingevolge hierdie regulasies verwerp is en geen stem wat aldus verwerp word, word by die bepaling van die uitslag van die verkiesing getel nie.

(6) Die verkiesingsbeampte moet op elke stembrief wat hy of sy as ongeldig verwerp, endosseer dat dit verwerp is, en hy of sy moet teenoor elke stem wat hy of sy verwerp, die naam endosseer van die kandidaat op wie daardie stem uitgebring is.

(7) Indien daar beswaar teen die verwerping van 'n stembrief of stem aangeteken is, moet die verkiesingsbeampte op die stembrief endosseer dat sodanige beswaar aangeteken is.

(8) Indien daar deur of ten behoeve van 'n kandidaat 'n beswaar geopper word teen die aanname van 'n stembrief of stem, moet die verkiesingsbeampte op die betrokke stembrief endosseer dat beswaar aldus aangeteken is.

(9) Sodra die verkiesingsbeampte die geldigheid al dan nie van al die stembriewe en van al die stemme by wyse daarvan uitgebring, ingevolge hierdie regulasies vasgestel het, moet hy of sy die getal stemme bepaal wat op elke kandidaat uitgebring is en ingevolge hierdie regulasies nie verwerp is nie, en moet hy of sy behoudens die bepaling van subregulasie (10) en die getal lede wat per beroep en/of per kategorie verkies moet word, in dalende numeriese volgorde per beroep en/of kategorie, die kandidate op wie die grootste getal sodanige stemme uitgebring is, verklaar tot behoorlik verkose lede van die beroepsraad.

(10) Indien twee of meer kandidate 'n gelyke getal stemme ontvang in 'n betrokke kategorie en dit as gevolg daarvan nie moontlik is om ingevolge subregulasie (9) soveel kandidate as wat daar lede is wat verkies moet word, te verklaar tot verkose lede van die raad nie, verklaar die verkiesingsbeampte die kandidate ten opsigte van wie so 'n verklaring moontlik is, tot behoorlik verkose lede van die raad met ingang van die datum in subregulasie (13) beoog en bepaal die verkiesingbeampte onmiddellik in die teenwoordigheid van die kandidate, die agente (indien teenwoordig) en die stembeamptes deur die lot watter van die kandidate wat 'n gelyke getal stemme ontvang het, as verkose verklaar moet word.

(11) Die verkiesingsbeampte moet die uitslag van die verkiesing, met inbegrip van die getal stemme wat op elke kandidaat uitgebring is, so spoedig moontlik in die Staatskoerant laat publiseer.

(12) So gou as moontlik na die verkiesing van die lede ingevolge subregulasie (1) moet die Minister die registrateur in kennis stel van die name en besonderhede van die persone wat hy of sy aangestel het.

(13) Die registrateur moet binne 30 dae na die samestelling van die beroepsraad, die name van die lede van die beroepsraad en die datum van hulle verkiesing of aanstelling deur die Minister na gelang van die geval bekend maak deur middel van 'n kennisgewing in die *Staatskoerant*.

ALGEMENE BEPALINGS

20. (1) Die verkiesingsbeampte moet onmiddellik nadat die uitslag van die verkiesing ingevolge hierdie regulasies bepaal is –

(a) al die stembriewe wat hy of sy ingevolge hierdie regulasies verwerp het, tesame met 'n lys bevattende enige stemme wat hy of sy aldus verwerp het en die nommer van die betrokke stembrief, en, indien dit vasgestel kon word, die name van die kandidate wat deur sodanige verwerping geraak word, in 'n afsonderlike pakket verseël en die pakket merk met die uitdrukking "verworpe stembriewe";

(b) die teenblaai van alle stembriewe wat hy of sy uitgereik het, in 'n afsonderlike pakket verseël en die pakket merk met die uitdrukking "teenblaai";

(c) alle ander stukke wat op die verkiesing, met inbegrip van die nominasie van kandidate, betrekking het, in 'n afsonderlike pakket verseël en die pakket "verkiesingstukke" merk.

(2) Die verkiesingsbeampte moet die pakkette in subregulasie (1) bedoel onverwyld aan die registrateur oorhandig, wat sodanige pakkette minstens een jaar lank onoorgemaak moet bewaar, tensy hy of sy deur 'n bevoegde hof anders gelas word.

21. (1) Die verkiesingsbeampte kan te eniger tyd sodanige stembeamptes aanstel as wat hy of sy nodig ag om hom of haar met die uitvoering van sy of haar werksaamhede ingevolge hierdie regulasies behulpsaam te wees.

(2) Bedoelde stembeamptes verrig hulle werksaamhede onder die toesig en in opdrag van die verkiesingsbeampte.

(3) Geen kandidaat of iemand in die diens van of onder die beheer van 'n kandidaat word as 'n stembeampte aangestel nie.

22. Die verkiesingsbeampte en elke stembeampte, kandidaat of agent wat daarop geregtig is om by die nagaan van stukke of die bepaling van die uitslag van die verkiesing ingevolge regulasie 19 aanwesig te wees, moet voordat hy of sy as stembeampte, kandidaat of agent aldus teenwoordig kan wees, 'n beëdigde verklaring of 'n bevestiging in die vorm van Bylae E aflê.

23. Behalwe vir sover by of ingevolge hierdie regulasies anders bepaal, verrig die verkiesingsbeampte sy of haar werksaamhede ingevolge hierdie regulasies gedurende

die ure tussen 8:00 en 12:30 en 14:00 en 16:00 op elke weeksdag wat nie 'n Saterdag, Sondag of 'n openbare vakansiedag bedoel in artikel 1 van die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994), is nie.

ONTRUIMING VAN DIE AMP EN VUL VAN VAKATURES

24. (1) 'n Lid van 'n beroepsraad ontruim sy of haar amp indien –

(a) die lid se boedel geseekwestreer word of hy of sy met die skuldeisers van sy of haar boedel 'n akkoord aangegaan het;

(b) die lid sonder verlof van die beroepsraad van meer as twee agtereenvolgende vergaderings van die beroepsraad afwesig was;

(c) die lid kragtens enige wet gediskwalifiseer is om sy of haar beroep te beoefen;

(d) die lid ophou om 'n Suid-Afrikaanse burger te wees of om permanent in die Republiek woonagtig te wees;

(e) die lid aan 'n misdryf skuldig bevind word, hetsy in die Republiek of elders, ten opsigte waarvan hy of sy gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete;

(f) die lid 'n pasiënt of Staatspasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheidsorg, 2002 (Wet No. 17 van 2002);

(g) die lid –

(i) in die geval van 'n verkose lid, ophou om oor 'n kwalifikasie te beskik wat vir sy of haar verkiesing vereis word, of ophou om die kategorie kiesers wat hom of haar tot die beroepsraad verkies het te verteenwoordig, of skriftelik sy of haar bedanking by die registrateur indien; of

(ii) in die geval van 'n lid aangestel deur die Minister, of ophou om die sektor waaruit hy of sy as lid van die beroepsraad aangestel is te verteenwoordig, ophou om oor 'n kwalifikasie te beskik wat vir sy of haar aanstelling vereis word, of skriftelik sy of haar bedanking by die Minister indien; of

(h) die Minister sy of haar lidmaatskap beëindig weens redes wat regverdig en billik is.

(2) Elke vakature in die beroepsraad word gevul op dieselfde wyse waarop die lid wat die amp ontruim, verkies of aangestel is, na gelang van die geval, en elke lid wat aldus verkies of aangestel word, beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp ontruim is verkies of aangestel is.

INWERKINGTREDING

25. Hierdie regulasies tree op die datum van publikasie daarvan in werking.

REGULATIONS REGARDING THE FUNCTIONING OF PROFESSIONAL BOARDS

The Minister of Social Development has, in terms of section 28(1)(gD) of the Social Service Professions Act, 1978 (Act 110 of 1978) and on the recommendation of the South African Council for Social Service Professions, made the regulations in the Schedule hereto.

SCHEDULE**DEFINITIONS**

1. In this Schedule "the Act" means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the content –
 - "*acting chairperson*" means the person acting as chairperson of a professional board in terms of regulation 4 or 6(3);
 - "*attendance register*" means an attendance register of a meeting of a professional board or of a committee of a professional board, kept by the registrar in terms of regulation 17 or 29;
 - "*chairperson*" means the chairperson of a professional board, appointed by the Minister in terms of section 28(1)(gD)(ix) of the Act;
 - "*member*" means a member of a professional board;
 - "*member of a committee*" means a member of a committee of a professional board established in terms of regulation 25;
 - "*Minister*" means the Minister of Social Development;
 - "*minutes*" means the minutes of meetings of a professional board or its committees, kept by the registrar in terms of regulation 22 or 29;
 - "*office bearer*" means a chairperson or vice-chairperson of a professional board;
 - "*professional board*" means a professional board, established in terms of section 14A(1) of the Act;
 - "*section*" means a section of the Act;
 - "*special meeting*" means a meeting of the professional board held in terms of regulation 7;
 - and
 - "*vice chairperson*" means the vice-chairperson of a professional board, appointed by the Minister in terms of section 28(1)(gD)(ix) of the Act.

APPOINTMENT OF OFFICE BEARERS

2. The first meeting of each newly constituted professional board shall be convened and chaired by the registrar and held in Pretoria as soon as possible after the constitution of such a board, in order to nominate office-bearers from amongst the members and to conduct urgent business.

3. As soon as possible after the nomination of a chairperson and a vice-chairperson in terms of regulation 2, the registrar shall inform the Minister of the nominations and request the Minister to appoint the chairperson and vice-chairperson in terms of section 28(1)(gD)(ix) of the Act.

4. Until such time as the Minister has appointed the chairperson, the members of the board may appoint an acting chairperson from among themselves to preside at the meetings of the professional board.

5. The chairperson or vice-chairperson may vacate his or her office without terminating his or her membership of the board.

6. (1) If the position of the chairperson or vice-chairperson becomes vacant, the members of the professional board shall, at the first meeting after such vacancy has occurred or as soon thereafter as may be convenient, nominate from among themselves a new chairperson or vice-chairperson, as the case may be.

(2) As soon as possible after the nomination in terms of subregulation (1), the registrar shall inform the Minister of the nomination and request the Minister to appoint a new chairperson or vice-chairperson as the case may be, in terms of section 28(1)(gD)(ix) of the Act.

(3) In the case of a chairperson to be appointed, the vice-chairperson shall act as chairperson until the Minister has appointed a new chairperson in terms of subregulation (2).

(4) The member so appointed by the Minister as chairperson or vice chairperson shall hold office for the unexpired portion of the period for which his or her predecessor was appointed.

MEETINGS OF PROFESSIONAL BOARD

7 (1) A professional board shall hold at least two meetings in each year at such places and such dates as the chairperson may determine, and may in addition hold such special meetings as the chairperson may from time to time determine.

(2)(a) A special meeting of a professional board may at any time be convened by the chairperson, and shall be convened by him or her at the written request of the Minister or of at least half the number of the total members of the professional board.

(b) A special meeting shall be held at such place in the Republic as the chairperson may determine and shall, in the case of any meeting convened as a result of a request referred to in paragraph (a), be held within thirty days after the date of receipt of such request by the chairperson.

(c) A request referred to in paragraph (a), shall clearly state the purpose for which the meeting is to be convened.

8. (1) Notices convening ordinary and special meetings shall be signed by the registrar and shall specify the business to be transacted at such meetings.

(2) In the case of ordinary meetings, such notices shall be sent by post, by hand or electronic mail to each member at least 14 days before the date scheduled for the meeting.

(3) In the case of special meetings, such notice shall be given as the chairperson may deem adequate and, if necessary, notice may be given by facsimile, electronic mail or telephone.

PROCEDURE OF MEETINGS OF PROFESSIONAL BOARD

9. (1) The majority of the members of the professional board shall constitute a quorum at any meeting of the professional board.

(2) No resolution of the professional board or act performed under authority of the council or professional board shall be invalid by reason only of an interim vacancy on the professional board or by reason of the fact that a person who is not entitled to sit as a member of the professional board sat as a member at the time when the decision was taken or the act was authorised if the decision was taken or the act was authorised by the requisite majority of the members of the professional board who were present at the time and entitled to sit as members.

10. No matter which is not included in the notice issued in terms of regulation 8 shall be considered at any meeting of the professional board, unless the majority of the members present at such meeting consent thereto or the Minister so directs.

11. Any member wishing to bring any matter before the professional board shall forward in writing to the registrar, at least one month before the date appointed for a meeting, a notice of motion thereof, which motion shall be published in the notice convening the meeting and shall be considered with the other business to be brought before the professional board.

12. (1) No matter shall be considered without due notice having been given as required by regulation 11, unless permission has been obtained from the meeting to bring such matter forward as a motion.

(2) Should the motion find no seconder, it shall not be further considered.

13. On the motion of a member which has been duly seconded and agreed to, the professional board may adjourn a meeting to any day or hour, on condition that no other business shall be transacted or considered at an adjourned meeting, except matters which are brought forward in terms of regulation 10.

14. Every member shall attend every meeting of the professional board, unless he or she has been granted leave by the chairperson or, in his or her absence, by the vice-chairperson, to be absent from such meeting.

15. (1) The chairperson, or in his or her absence, the vice-chairperson, shall preside at all meetings of the professional board, except at the first meeting of the newly constituted professional board, which shall be chaired by the registrar in terms of regulation 2.

(2) If both the chairperson and the vice-chairperson are absent from a meeting of the professional board or if both offices are vacant, the members present at the said meeting shall elect a member who is so present to preside at such meeting as acting chairperson.

16. The person so presiding at such meeting shall take the chair at the scheduled hour, and if at the expiration of a quarter of an hour there is no quorum, he or she may postpone the meeting to a day and hour to be fixed by him or her.

17. An attendance register shall be kept by the registrar, who shall enter therein at each meeting the names of all members attending.

18. (1) The decision of the majority of the members present at any meeting of the professional board shall be the decision of the professional board.

(2) Every member, at a meeting of the professional board, shall have one vote and in the event of an equality of votes in regard to any matter, the member so presiding shall have a casting vote.

19. The votes of the members present at a meeting of the professional board shall be cast in the manner determined by the person presiding at such meeting.

20. If a member who is present at a meeting of the professional board does not agree with a resolution of the professional board passed at such meeting, he or she may request to abstain from voting, with or without furnishing the reasons therefor, and the member presiding at such meeting shall comply with such request or ensure that it is complied with.

21. (1) Except in so far as these regulations provide otherwise, the person presiding at a meeting of the professional board shall decide any question of order or procedure at any meeting of the professional board.

(2) If any member objects to such decision, the question shall be put to the vote without further discussion, and the decision of the meeting shall be final.

22. (1) The registrar shall keep typewritten minutes of the proceedings at all meetings of the professional board.

(2) Such minutes shall include a statement of the date and place of the meeting and shall contain a list of the names of all members present at such meeting and a résumé of the subject dealt with and such resolutions as were adopted, but without any comment or observations by the members.

23. A copy of the minutes of a meeting shall, as soon as possible after every such meeting, be forwarded by the registrar to each member.

24. (1) The minutes of a meeting of the professional board shall be presented to the professional board at the first ensuing meeting of the professional board.

(2) If such minutes are confirmed at such ensuing meeting, whether with or without amendments, it shall be signed by the person presiding at such meeting and by the registrar.

COMMITTEES OF PROFESSIONAL BOARD

25. (1) A professional board may, from time to time, establish such committees as it may deem necessary to assist it in the execution of its powers or the performance of its functions.

(2) A committee shall exercise such powers and perform such functions as may from time to time be conferred or imposed upon it or delegated to it under the Act or by the professional board.

26. Such a committee shall, in terms of section 28(1)(gD)(vi) of the Act, consist of as many persons as appointed by the professional board, but including at least one member of the professional board.

27. The chairperson of each committee shall be a member of the professional board, designated as chairperson by the professional board, or if a chairperson is not so designated, the

members of such committee may elect a chairperson from the members of the professional board on the committee.

28. The majority of the members of each committee shall constitute a quorum at any meeting of the committee.

29. The provisions of regulations 9 to 24 shall, as far as they are applicable, apply in the same manner as the procedure at meetings of the committees of professional boards.

ROLE OF REGISTRAR

30. The registrar of the council appointed in terms of section 11 of the Act shall execute the powers and perform the functions relating to a professional board which, from time to time, are conferred or imposed upon him or her under the Act or by the professional board, and shall be assisted by any other person employed by the Council.

COMMENCEMENT

31. These regulations shall come into operation on the date of publication thereof.

No. R. 919

27 Junie 2003

REGULASIES BETREFFENDE DIE FUNKSIONERING VAN BEROEPSRADE

Die Minister van Maatskaplike Ontwikkeling het ingevolge artikel 28(1)(gD) van die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), op aanbeveling van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

BYLAE**WOORDOMSKRYWING**

1. In hierdie regulasies beteken "die Wet" die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), en het 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken –

"ampsdraer" die voorsitter of ondervoorsitter van 'n beroepsraad;

"artikel" 'n artikel van die Wet;

"beroepsraad" 'n beroepsraad ingestel kragtens artikel 14A(1) van die Wet;

"bywoningsregister" 'n bywoningsregister van 'n vergadering van 'n beroepsraad of 'n komitee van 'n beroepsraad, gehou deur die registrateur ingevolge regulasie 17 of 29;

"lid" 'n lid van 'n beroepsraad;

"lid van 'n komitee" 'n lid van 'n komitee van 'n beroepsraad ingestel kragtens regulasie 25;

"Minister" die Minister van Maatskaplike Ontwikkeling;

"notule" die notule van die vergadering van 'n beroepsraad of sy komitees wat die registrateur ingevolge regulasie 22 of 29 hou;

"ondervoorsitter" die ondervoorsitter van 'n beroepsraad aangestel deur die Minister kragtens artikel 28(1)(gD)(ix) van die Wet;

"spesiale vergadering" 'n vergadering van die beroepsraad gehou ingevolge regulasie 7;

"voorsitter" die voorsitter van 'n beroepsraad aangestel deur die Minister kragtens artikel 28(1)(gD)(ix) van die Wet; en

"waarnemende voorsitter" die persoon wat as voorsitter waarneem ingevolge regulasie 4 of 6(3).

AANSTELLING VAN AMPSDRAERS

2. Die eerste vergadering van elke nuut ingestelde beroepsraad word so gou as moontlik na die instelling van die beroepsraad deur die registrateur, wat ook die voorsitter sal wees, in Pretoria byeengeroep om ampsdraers vanuit die geledere van die lede te nomineer en om dringende sake af te handel.

3. So gou as moontlik na die nominasie van 'n voorsitter en 'n ondervoorsitter ingevolge regulasie 2, moet die registrateur die Minister in kennis stel van die nominasies en die Minister versoek om die voorsitter en ondervoorsitter aan te stel kragtens artikel 28(1)(gD)(ix) van die Wet.

4. Tot tyd en wyl die Minister die voorsitter aangestel het kan die lede van die beroepsraad 'n waarnemende voorsitter uit hulle geledere aanstel om voor te sit by 'n vergadering van die beroepsraad.

5. Die voorsitter of ondervoorsitter kan sy of haar amp ontruim sonder om sy of haar lidmaatskap van die beroepsraad te verloor.

6. (1) Indien die amp van voorsitter of ondervoorsitter vakant word, nomineer die lede van die beroepsraad op die eerste vergadering nadat die vakature ontstaan het of so spoedig daarna as wat gerieflik mag wees uit hul midde 'n nuwe voorsitter of ondervoorsitter, na gelang van die geval.

(2) So spoedig moontlik na die nominasie ingevolge subregulasie (1), moet die registrateur die Minister van die nominasie in kennis stel en die Minister versoek om 'n nuwe voorsitter of ondervoorsitter, na gelang van omstandighede, aan te stel ingevolge artikel 28(1)(gD)(ix) van die Wet.

(3) In die geval van 'n voorsitter wat aangestel moet word, sal die ondervoorsitter waarneem as voorsitter totdat die Minister 'n nuwe voorsitter ingevolge subregulasie (2) aangestel het.

(4) Die lid aldus aangestel deur die Minister beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor sy of haar voorganger aangestel was.

VERGADERING VAN DIE BEROEPSRAAD

7. (1) 'n Beroepsraad hou minstens twee vergadering per jaar op die plekke en datums wat die voorsitter bepaal en kan daarbenewens die spesiale vergaderings hou wat die voorsitter van tyd tot tyd bepaal.

(2)(a) 'n Spesiale vergadering van die beroepsraad kan te eniger tyd deur die voorsitter belê word, en moet deur hom of haar belê word op die skriftelike versoek van die Minister of van minstens die helfte van die lede van die beroepsraad.

(b) 'n Spesiale vergadering word gehou op die plek in die Republiek wat die voorsitter bepaal en word in die geval van 'n vergadering wat belê is as gevolg van 'n versoek in paragraaf (a) bedoel, gehou binne dertig dae na die datum van ontvangs van sodanige versoek deur die voorsitter.

(c) 'n Versoek in paragraaf (a) bedoel, moet die doel waaroor die vergadering belê moet word, duidelik vermeld.

8. (1) Kennisgewings van gewone en buitengewone vergadering moet deur die registrateur onderteken wees en moet die sake vermeld wat op die vergaderings afgehandel moet word.

(2) In die geval van gewone vergaderings moet sodanige kennisgewing 14 dae voor die datum wat vir die vergadering vasgestel is per pos, per hand of per elektroniese pos aan elke lid gestuur word.

(3) Vir buitengewone vergaderings moet sodanige kennis gegee word as wat die voorsitter voldoende ag, en indien nodig, kan dit per telefaks, elektroniese pos of telefoon geskied.

VERGADERINGSPROSEDURE VAN 'N BEROEPSRAAD

9. (1) Die meerderheid van die lede van die beroepsraad vorm 'n kworum by 'n vergadering van die beroepsraad.

(2) Geen besluit deur die beroepsraad geneem of handeling op gesag van die beroepsraad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die beroepsraad of vanweë die feit dat iemand wat nie geregtig is nie om as 'n lid van die beroepsraad sitting te neem, as lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is nie, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die beroepsraad wat toe aanwesig was en geregtig was om as lede sitting te neem.

10. Geen aangeleentheid wat nie in die kennisgewing uitgereik ingevolge regulasie 8 vermeld word nie, word by 'n vergadering van die beroepsraad oorweeg nie, tensy die meerderheid van die lede wat by sodanige vergadering aanwesig is daartoe instem of die Minister dit gelas.

11. 'n Lid wat 'n aangeleentheid voor die beroepsraad wil bring, moet minstens een maand voor die datum bepaal vir 'n vergadering 'n skriftelike kennisgewing van sy of haar aansoek aan die registrateur stuur, en die aansoek moet vermeld staan in die kennisgewing van die vergadering en saam met die ander aangeleenthede wat aan die beroepsraad voorgelê word, oorweeg word.

12. (1) Geen aangeleentheid word oorweeg sonder behoorlike kennisgewing ooreenkomstig regulasie 11 nie, tensy die verlof van die vergadering verkry is om die aangeleentheid as 'n aansoek in te dien.

(2) As daar geen sekondant vir die aansoek is nie, word dit nie verder oorweeg nie.

13. Op grond van 'n aansoek van 'n lid, behoorlik gesekondeer en aangeneem, kan die beroepsraad 'n vergadering tot enige dag of uur verdaag, op voorwaarde dat geen ander aangeleenthede op 'n voortsettingsvergadering behandel sal word nie as dié voorgebring ingevolge regulasie 10.

14. Elke lid moet elke vergadering van die beroepsraad bywoon, tensy hy of sy deur die voorsitter of, in sy of haar afwesigheid deur die ondervoorsitter, verlof verleen is om van sodanige vergadering afwesig te wees.

15. (1) Die voorsitter of, in sy of haar afwesigheid, die ondervoorsitter sit voor by alle vergaderings van die beroepsraad, behalwe tydens die eerste vergadering van die nuut ingestelde beroepsraad, waar die registrateur ingevolge regulasie 2 voorsit.

(2) Indien die voorsitter sowel as die ondervoorsitter van 'n vergadering van die beroepsraad afwesig is, kies die lede wat by die bedoelde vergadering aanwesig is 'n lid wat aldus aanwesig is om by dié vergadering voor te sit as waarnemende voorsitter.

16. Die persoon wat by 'n vergadering voorsit moet op die bepaalde uur die voorsitterstoel inneem, en indien daar na verloop van 'n kwartier geen kworum is nie, kan hy of sy die vergadering uitstel tot 'n dag en uur wat hy of sy bepaal.

17. Die registrateur moet 'n presensielys hou waarin hy of sy by elke vergadering die name opteken van al die lede wat dit bywoon.

18. (1) Die beslissing van die meerderheid van die lede aanwesig by 'n vergadering van die beroepsraad is 'n beslissing van die beroepsraad.

(2) Elke lid het een stem en in die geval van 'n staking van stemme oor 'n aangeleentheid, het die lid wat aldus voorsit 'n beslissende stem.

19. Die stemme van die lede wat by 'n vergadering van die beroepsraad aanwesig is, word uitgebring op die wyse bepaal deur die persoon wat by sodanige vergadering voorsit.

20. Indien 'n lid wat by 'n vergadering van die beroepsraad aanwesig is, dit nie eens is met 'n besluit wat op sodanige vergadering geneem word nie, kan hy of sy versoek om buite stemming te bly, met of sonder opgawe van redes en die lid wat op sodanige vergadering voorsit, moet aan sodanige versoek voldoen of toesien dat daaraan voldoen word.

21. (1) Tensy hierdie regulasies anders bepaal, beslis die persoon wat by 'n vergadering van die beroepsraad voorsit, oor enige vraag rakende orde of prosedure by 'n vergadering van die beroepsraad.

(2) Indien 'n lid teen die beslissing beswaar maak, word die vraag sonder bespreking tot stemming gebring en die beslissing van die vergadering is afdoende.

22. (1) Die registrateur moet getikte notule hou van die verrigtings by alle vergaderings van die beroepsraad.

(2) Elke sodanige notule moet 'n verklaring bevat van die datum en plek van die vergadering, die lede aanwesig by sodanige vergadering en 'n opsomming van die sake wat behandel is en die besluite wat geneem is, maar sonder enige kommentaar of opmerking van die lede.

23. 'n Afskrif van die notule van 'n vergadering moet so spoedig moontlik na afloop van die betrokke vergadering deur die registrateur aan elke lid gestuur word.

24.(1) Die notule van 'n vergadering van die beroepsraad moet op die eersvolgende vergadering van die beroepsraad aan die beroepsraad voorgelê word.

(2) Indien sodanige notule by sodanige eersvolgende vergadering goedgekeur word, hetsy met of sonder wysigings, moet dit deur die persoon wat by sodanige vergadering voorsit en deur die registrateur onderteken word.

KOMITEES VAN 'N BEROEPSRAAD

25. (1) 'n Beroepsraad kan van tyd tot tyd sodanige komitees instel as wat die raad nodig ag om die beroepsraad by te staan in die uitoefening van sy magte en die uitvoering van sy funksies.

(2) 'n Komitee oefen sodanige magte uit en verrig sodanige funksies soos wat van tyd tot tyd aan hom toegeken en opgedra of gedelegeer word ingevolge die Wet of deur die beroepsraad.

26. 'n Komitee bestaan ingevolge artikel 28(1)(gD)(vi) van die Wet uit soveel persone as wat deur die beroepsraad aangestel is maar insluitend minstens een lid van die beroepsraad.

27. Die voorsitter van elke komitee is 'n lid van die beroepsraad wat deur die beroepsraad aangewys is, of indien 'n voorsitter nie so aangewys is nie, verkies die lede van so 'n komitee 'n lid van die beroepsraad as voorsitter van die komitee.

28. Die meerderheid van die lede van elke komitee sal 'n kworum tydens enige vergadering van die komitee, uitmaak.

29. Die bepalings van regulasies 9 en 24 sal in soverre as wat dit toepaslik is, met die nodige veranderinge van toepassing wees op die byeenkomste van die komitees van beroepsrade.

ROL VAN DIE REGISTRATEUR

30. Die registrateur van die raad wat aangestel is kragtens artikel 11 van die Wet oefen die magte uit en voer die funksies uit wat verband hou met die beroepsraad, wat van tyd tot tyd aan hom of haar toegeken of opgedra word ingevolge die Wet of enige ander Wet, of deur die beroepsraad, en hy of sy word bygestaan deur enige persoon in diens van die Raad.

INWERKINGTREDING

31. Hierdie regulasies tree op die datum van publikasie daarvan in werking.

No. R. 920

27 June 2003

**REGULATIONS REGARDING THE ESTABLISHMENT AND CONSTITUTION OF A
PROFESSIONAL BOARD FOR SOCIAL WORK**

The Minister of Social Development has, in terms of section 28(1)(gD) of the Social Service Professions Act, 1978 (Act 110 of 1978) and on the recommendation of the South African Council for Social Service Professions, made the regulations in the Schedule hereto.

SCHEDULE**DEFINITIONS**

1. In this Schedule "the Act" means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the content –

"community" means all South African citizens;

"member of the council" means a member of the South African Council for Social Service Professions (SACSSP) established in terms of section 2(a) of the Act;

"members" means members of the Professional Board for Social Work;

"Minister" means the Minister of Social Development;

"PBSW" means the Professional Board for Social Work established in terms of section 14A(1) of the Act;

"social auxiliary worker" means a person registered in terms of section 18(1) of the Act; and

"social worker" means a person registered in terms of section 17(1) of the Act.

ESTABLISHMENT OF BOARD

2. The Professional Board for Social Work (PBSW) is hereby established.

CONSTITUTION OF THE PBSW

3. The PBSW shall consist of the following members:

- (a) Four social workers nominated and elected by social workers;
- (b) two persons appointed by the Minister from nominations by the community;
- (c) one social worker elected by social workers from nominations by the social work education and training institutions;

(d) one social worker in the employ of a social development department in the provincial sphere of government, appointed by the Minister;

(e) one person versed in law, appointed by the Minister;

(f) one social worker engaged in full-time or part-time private practice, nominated and elected by social workers;

(g) one member of the council, designated by the council in terms of section 5(4) of the Act; and

(h) one social auxiliary worker, nominated and elected by social auxiliary workers.

4. Any nominations in terms of regulations 3(a), (b), (c), (f) and (h) shall be as prescribed.

5. Any election in terms of regulations 3(a), (c), (f) and (h) shall be as prescribed.

6. The term of office of members of the PBSW shall be as prescribed.

COMMENCEMENT

7. These regulations shall come into operation on the date of publication thereof.

No. R. 920

27 Junie 2003

**REGULASIES BETREFFENDE DIE INSTELLING EN SAMESTELLING VAN 'N BEROEPSRAAD
VIR MAATSKAPLIKE WERK**

Die Minister vir Maatskaplike Ontwikkeling het ingevolge artikel 28(1)(gD) van die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), op aanbeveling van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

BYLAE**WOORDOMSKRYWING**

1. In hierdie regulasies beteken "die Wet" die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), en het 'n uitdrukking waaraan 'n betekenis in die wet geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken –

"BMW" die Beroepsraad vir Maatskaplike Diensberoepe ingestel ingevolge artikel 14 A(1) van die Wet;

"gemeenskap" alle Suid-Afrikaanse burgers;

"lede" lede van die BMW;

"lede van die raad" lede van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe (SARMD) daargestel kragtens artikel 2(a) van die Wet

"maatskaplike hulpwerker" 'n persoon geregistreer ingevolge artikel 18(1) van die Wet;

"maatskaplike werker" 'n persoon geregistreer ingevolge artikel 17(1) van die Wet; en

"Minister" die Minister van Maatskaplike Ontwikkeling.

INSTELLING VAN BEROEPSRAAD

2. Die Beroepsraad vir Maatskaplike Werk (BMW) word hiermee ingestel.

SAMESTELLING VAN DIE BMW

3. Die BMW bestaan uit die volgende lede:

- (a) Vier maatskaplike werkers genomineer en verkies deur maatskaplike werkers;
- (b) twee persone aangestel deur die Minister uit nominasies deur die gemeenskap;
- (c) een maatskaplike werker verkies deur maatskaplike werkers uit nominasies deur onderrig- en opleidingsinrigtings vir maatskaplike werk;
- (d) een maatskaplike werker in diens van 'n maatskaplike ontwikkelingsdepartement op provinsiale regeringsvlak, aangestel deur die Minister;
- (e) een persoon vertrouwd met die reg, aangestel deur die Minister;
- (f) een maatskaplike werker voltyds of deelyds betrokke in privaatpraktyk, genomineer en verkies deur maatskaplike werkers;

- (g) een lid van die raad, aangewys deur die raad ingevolge artikel 5(4) van die Wet; en
 - (h) een maatskaplike hulpwerker, genomineer en verkies deur maatskaplike hulpwerkers.
4. Enige nominasie ingevolge regulasies 3(a), (b), (c), (f) en (h) word gedoen soos voorgeskryf.
 5. Enige verkiesing ingevolge regulasies 3(a), (c), (f) en (h) word gedoen soos voorgeskryf.
 6. Die ampstermyn van lede van die BMW sal wees soos voorgeskryf.

INWERKINGTREDING

- 7.** Hierdie regulasies tree op die datum van publikasie daarvan in werking.

No. R. 921

27 June 2003

**REGULATIONS REGARDING THE ESTABLISHMENT AND CONSTITUTION OF A
PROFESSIONAL BOARD FOR CHILD AND YOUTH CARE**

The Minister of Social Development has, in terms of section 28(1)(gD) of the Social Service Professions Act, 1978 (Act 110 of 1978) and on the recommendation of the South African Council for Social Service Professions, made the regulations in the Schedule hereto.

SCHEDULE**DEFINITIONS**

1. In this Schedule "the Act" means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the content –

"child and youth care worker" means a child and youth care worker registered in terms of section 18(A)(1) of the Act;

"community" means all South African citizens;

"member of the council" means a member of the South African Council for Social Service Professions (SACSSP) established in terms of section 2(a) of the Act;

"members" means members of the Professional Board for Child and Youth Care;

"Minister" means the Minister of Social Development; and

"PBCYC" means the Professional Board for Child and Youth Care established in terms of section 14A(1) of the Act.

ESTABLISHMENT OF BOARD

2. The Professional Board for Child and Youth Care (PBCYC) is hereby established.

CONSTITUTION OF THE PBCYC

3. The PBCYC shall consist of the following members:

(a) Five child and youth care workers nominated and elected by child and youth care workers;

(b) two persons appointed by the Minister from nominations by the community;

(c) one child and youth care worker or a person involved in the education and training of child and youth care workers, elected by child and youth care workers from nominations by the child and youth care education and training institutions;

- (d) one child and youth care worker in the employ of a social development department in the provincial sphere of government, appointed by the Minister;
 - (e) one person versed in law, appointed by the Minister; and
 - (f) one member of the council, designated by the council in terms of section 5(4) of the Act.
- 4. Any nominations in terms of regulations 3(a), (b), and (c) shall be as prescribed.
 - 5. Any election in terms of regulations 3(a) and (c) shall be as prescribed.
 - 6. The term of office of the probation PBPS shall be as prescribed.

COMMENCEMENT

- 7. These regulations shall come into operation on the date of publication thereof.

No. R. 921

27 Junie 2003

**REGULASIES BETREFFENDE DIE INSTELLING EN SAMESTELLING VAN 'N BEROEPSRAAD
VIR KINDER- EN JEUGSORG**

Die Minister van Maatskaplike Ontwikkeling het ingevolge artikel 28(1)(gD) van die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), op aanbeveling van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

BYLAE**WOORDOMSKRYWING**

1. In hierdie regulasies beteken "die Wet" die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), en het 'n uitdrukking waaraan 'n betekenis in die wet geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken –

"BKJ" die Beroepsraad vir Kinder- en Jeugsorg ingestel ingevolge artikel 14A(1) van die Wet.

"gemeenskap" alle Suid-Afrikaanse burgers;

"kinder- en jeugsorgwerker" 'n kinder- en jeugsorgwerker geregistreer ingevolge artikel 18(A)(1) van die Wet;

"lede" lede van die Professionele Raad vir Kinder- en Jeugsorg;

"lede van die raad" lede van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe (SARMD) daargestel kragtens artikel 2(a) van die Wet; en

"Minister" die Minister van Maatskaplike Ontwikkeling.

INSTELLING VAN BEROEPSRAAD

2. Die Beroepsraad vir Kinder- en Jeugsorg (BKJ) word hiermee ingestel.

SAMESTELLING VAN DIE BKJ

3. Die BKJ bestaan uit die volgende lede:

(a) Vyf kinder- en jeugsorgwerkers genomineer en verkies deur kinder- en jeugsorgwerkers;

(b) Twee persone aangestel deur die Minister uit nominasies deur die gemeenskap;

(c) Een kinder- en jeugsorgwerker of 'n persoon betrokke by die onderrig en opleiding van kinder- en jeugsorgwerkers, verkies deur kinder- en jeugsorgwerkers uit nominasies deur onderrig- en opleidingsinrigtings vir kinder- en jeugsorgwerkers;

(d) Een kinder- en jeugsorgwerker in diens van 'n maatskaplike ontwikkelingsdepartement op provinsiale regeringsvlak, aangestel deur die Minister;

(e) Een persoon vertrouwd met die reg, aangestel deur die Minister;

(f) Een lid van die raad, aangewys deur die raad ingevolge artikel 5(4) van die Wet.

4. Enige nominasies ingevolge regulasies 3(a), (b) en (c), word gedoen soos voorgeskryf.

5. Enige verkiesings ingevolge regulasies 3(a) en (c) word gedoen soos voorgeskryf.
6. Die ampstermyn van die BKJ sal wees soos voorgeskryf.

INWERKINGTREDING

7. Hierdie regulasies tree op die datum van publikasie daarvan in werking.

No. R. 922

27 June 2003

**REGULATIONS REGARDING THE FEES PAYABLE BY SOCIAL WORKERS, STUDENT
SOCIAL WORKERS AND SOCIAL AUXILIARY WORKERS**

The Minister of Social Development has, in terms of section 28 of the Social Service Professions Act, 1978 (Act 110 of 1978), on the recommendation of the South African Council for Social Service Professions, made the regulations set out in the Schedule hereto.

SCHEDULE

Definition

1. In these regulations "the Act" means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear that the meaning, unless the context otherwise indicates.

Fees payable to the Council

2. (a) The following fees shall be paid to the council by **social workers**:
- (i) Registration fee by applicants who obtained their qualifications at a training institution in the RepublicR117,00
 - (ii) Additional levy in the case of paragraph (a)(i) for a registration which is requested to be finalised within three working daysR 64,00
 - (iii) Registration fee by applicants who obtained their qualifications at a training institution in one of the following countries: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Singapore, Spain, Sweden, Switzerland, United Arab Emirates, United Kingdom, United States of AmericaR2134,00
 - (iv) Registration fee by applicants who obtained their qualifications at training institutions in all foreign countries excluding those mentioned in paragraph (a)(iii)R712,00
 - (v) Reregistration fee by a person whose registration has been cancelled in terms of section 22(1)(c) of the Act.....R117,00
 - (vi) Annual fee, subject to regulation 3.....R 263,00

- (vii) Fee for the restoration of the name of a person whose name has been removed from the register in terms of section 20 of the ActR117,00
- (b) The following fees shall be paid to the council by **social workers registering a speciality in adoption work**:
- (i) Examination feeR498,00
- (ii) Registration feeR100,00
- (iii) Reregistration fee by a person whose registration of the speciality has been cancelled in terms of section 22(1) (c) of the ActR100,00
- (iv) Annual fee, subject to regulation 3.....R 124,00
- (v) Fee for the restoration of the speciality against the name of a social worker in the registerR100,00
- (c) The following fees shall be paid to the council by **student social workers**:
- (i) Registration feeR100,00
- (ii) Reregistration fee by a person whose registration has been cancelled in terms of section 22(1)(c) of the Act..R100,00
- (iii) Fee for the restoration of the name of a person whose name has been removed from the register in terms of section 20 of the ActR100,00
- (d) The following fees shall be paid to the council by **social auxiliary workers**:
- (i) Registration fee by applicants who obtained their qualifications in the Republic.....R 67,00
- (ii) Additional levy in the case of paragraph (d)(i) for a registration which is requested to be finalised within three working daysR 64,00
- (iii) Registration fee by applicants who obtained their qualifications at a training institution in one of the following countries: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Singapore, Spain, Sweden, Switzerland, United Arab Emirates, United Kingdom, United States of AmericaR1062,00
- (iv) Registration fee by applicants who obtained their qualifications in all foreign countries excluding

- those mentioned in paragraph (d)(ii).....R356,00
- (v) Reregistration fee by a person whose registration has been cancelled in terms of section 22(1)(c) of the Act..R 67,00
- (vi) Annual fee, subject to regulation 3.....R124,00
- (vii) Fee for the restoration of the name of a person whose name has been removed from the register in terms of section 20 of the Act.....R 67,00
- (e) The following **miscellaneous** fees shall be paid to the council:
- (i) Fee for a duplicate registration certificate.....R117,00
- (ii) Fee for inspection of the register (per occasion)R117,00
- (iii) Fee for the issue of an extract from the register (per page)R117,00
- (f) The annual fee referred to in paragraphs (a)(vi), (b)(iv) and (d)(vi) shall –
- (i) subject to the provisions of subparagraphs (ii) and (iii) be paid on or before 1 January of every year;
- (ii) in the case of a person who is registered for the first time as a social worker or a social auxiliary worker or a social worker registering a speciality in terms of the Act be calculated *pro rata* for the period extending from the first day of the month during which he or she is registered to the end of the financial year concerned, and be paid in full for the financial year concerned before such person's name is entered in the register;
- (iii) in the case of a person who applies for registration in terms of section 22(4) of the Act or whose name is restored in terms of section 20(3) of the Act to a register referred to in section 19(1) of the Act, be calculated *pro rata* for the period extending from the first day of the month during which the person's name is restored to the register to the end of the financial year concerned and be payable before such person's name is restored to the register: Provided that, in the case of a person whose name has been removed from the register in terms of section 20(1)(d) of the Act and such person has proceeded to practise as a social worker, the annual fee be paid in full for the current financial year as well as an additional amount of R250 in the case of social workers and R124 in the case of social auxiliary workers before such person's name can be restored to the register concerned.
- (g) The fees referred to in these regulations include Value Added Tax.

Reservation

3. Notwithstanding the provisions of paragraphs (a)(vi), (b)(iv) and (d)(vi) of regulation 2 –

(a) any person who in the course of any financial year attains the age of 65 years on or before 31 March of that financial year shall be exempted from the payment of annual fees for the following financial years;

(b) any person who in the opinion of the council does not practise the profession of social work or social auxiliary work because of health reasons and who has applied in writing for exemption of payment of the annual fee shall, for the period and on the conditions determined by the council, be exempted from the payment of annual fees; and

(c) any person who in the course of any financial year ceases to practise the profession of social work or social auxiliary work on or before 31 March of that financial year and who applies in writing to the council for exemption shall be exempted from the following financial year of the full payment of the annual fees and shall pay only an amount which is calculated to be 50 per cent of the annual fees: Provided that before re-entering the profession such a person shall inform the council in writing of such intention and shall pay the outstanding *pro rata* annual fees calculated from the first day of the month of re-entry to the profession, within twenty one days after being notified of the amount payable, after which the said exemption shall fall away.

Repeal

4. The Regulations made under the Social Service Professions Act, 1978, published as Government Notice No. R. 1443 in *Government Gazette* No. 24063 of 15 November 2002 are hereby repealed.

Commencement

5. These regulations shall come into effect on the date of publication of this notice.

No. R. 922

27 Junie 2003

**REGULASIES BETREFFENDE DIE GELDE BETAALBAAR DEUR MAATSKAPLIKE
WERKERS, STUDENT- MAATSKAPLIKE WERKERS EN MAATSKAPLIKE
HULPWERKERS**

Die Minister van Maatskaplike Ontwikkeling het kragtens artikel 28 van die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), op aanbeveling van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

B Y L A E

Woordomskrywing

1. In hierdie regulasies beteken "die Wet" die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), en het 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, tensy dit uit die samehang anders blyk.

Gelde betaalbaar aan die Raad

2. (a) Die volgende gelde moet deur **maatskaplike werkers** aan die raad betaal word:

- (i) Registrasiegeld deur applikante wat hulle kwalifikasies verwerf het aan 'n opleidingsinrigting in die Republiek R117,00
- (ii) Bykomende heffing in geval van paragraaf (a)(i) vir 'n registrasie wat op versoek binne drie werksdae gefinaliseer moet wees R 64,00
- (iii) Registrasiegeld deur applikante wat hulle kwalifikasies verwerf het in een van die volgende lande: Australië, België, Denemarke, Duitsland, Finland, Frankryk, Ierland, Israel, Italië, Japan, Kanada, Nederland, Nieu Zeeland, Oostenryk, Singapoer, Spanje, Swede, Switserland, Verenigde Arabiese Emirate, Verenigde Koninkryk, Verenigde State van Amerika R2134,00
- (iv) Registrasiegeld deur applikante wat hulle kwalifikasies verwerf het aan opleidingsinrigtings in alle buitelandse lande behalwe daardie lande vermeld in paragraaf (a)(iii) R712,00
- (v) Herregistrasiegeld deur 'n persoon wie se registrasie kragtens artikel 22(1)(c) van die Wet ingetrek is R117,00

- (vi) Jaargeld behoudens regulasie 3..... R263,00
 - (vii) Gelde vir die terugplasing van die naam van 'n persoon wie se naam kragtens artikel 20 van die Wet uit die register geskrap is..... R117,00
- (b) Die volgende gelde moet aan die raad betaal word deur **maatskaplike werkers wat 'n spesialiteit in aannemingswerk registreer**:
- (i) Eksamengeld R498
 - (ii) Registrasiegeld..... R100,00
 - (iii) Herregistrasiegeld deur 'n persoon wie se registrasie kragtens artikel 22(1) (c) van die Wet ingetrek is..... R100,00
 - (iv) Jaargeld behoudens regulasie 3..... R124,00
 - (v) Gelde vir die terugplasing van die spesialiteit teenoor die naam van 'n maatskaplike werker in die register.. R100,00
- (c) Die volgende gelde moet deur **student- maatskaplike werkers** aan die raad betaal word:
- (i) Registrasiegeld..... R100,00
 - (ii) Herregistrasiegeld deur 'n persoon wie se registrasie kragtens artikel 22(1)(c) van die Wet ingetrek is..... R100,00
 - (iii) Gelde vir die terugplasing van die naam van 'n persoon wie se naam kragtens artikel 20 van die Wet uit die register geskrap is..... R100,00
- (d) Die volgende gelde moet deur **maatskaplike hulpwerkers** aan die raad betaal word:
- (i) Registrasiegeld deur applikante wat hulle kwalifikasies in die Republiek verwerf het..... R 67,00
 - (ii) Bykomende heffing in geval van paragraaf (d)(i) vir 'n registrasie wat op versoek binne drie werksdae gefinaliseer moet wees..... R 64,00
 - (iii) Registrasiegeld deur applikante wat hulle kwalifikasies verwerf het in een van die volgende lande: Australië, België, Denemarke, Duitsland, Finland, Frankryk, Ierland, Israel, Italië, Japan, Kanada, Nederland, Nieu Zeeland, Oostenryk, Singapoer, Spanje, Swede, Switserland, Verenigde Arabiese

- Emerate, Verenigde Koninkryk, Verenigde State
van Amerika R1062,00
- (iv) Registrasiegeld deur applikante wat hulle kwalifikasies verwerf het aan opleidingsinrigtings in alle buitelandse lande behalwe daardie lande vermeld in paragraaf (d)(ii)..... R356,00
- (v) Herregistrasiegeld deur 'n persoon wie se registrasie kragtens artikel 22(1)(c) van die Wet ingetrek is..... R 67,00
- (vi) Jaargeld, behoudens regulasie 3..... R124,00
- (vii) Gelde vir die terugplasing van die naam van 'n persoon wie se naam kragtens artikel 20 van die Wet uit die register geskrap is R 67,00
- (e) Die volgende **diverse gelde** moet aan die raad betaal word:
- (i) Gelde vir 'n duplikaatregistrasiesertifikaat R117,00
- (ii) Gelde vir insae in die register (per geleentheid) R117,00
- (iii) Gelde vir die uitreiking van 'n uittreksel uit die register (per bladsy)..... R117,00
- (f) Die jaargeld bedoel in paragrawe (a)(vi), (b)(iv) en (d)(vi) moet –
- (i) behoudens die bepalings van subparagrawe (ii) en (iii) jaarliks voor of op 1 Januarie betaal word;
- (ii) in die geval van 'n persoon wat hom of haar vir die eerste keer as 'n maatskaplike werker of 'n maatskaplike hulpwerker of 'n maatskaplike werker wat 'n spesialiteit kragtens die Wet laat registreer, *pro rata* bereken word vir die tydperk wat strek vanaf die eerste dag van die maand waartydens hy of sy geregistreer word tot die einde van die betrokke boekjaar, en wat ten volle vir die betrokke finansiële jaar betaal is alvorens sodanige persoon se naam in die betrokke register aangeteken word;
- (iii) in die geval van 'n persoon wat om herregistrasie kragtens artikel 22(4) van die Wet aansoek doen of wie se naam kragtens artikel 20(3) van die Wet teruggeplaas word op 'n register in artikel 19(1) van die Wet bedoel, *pro rata* bereken word vir die tydperk wat strek vanaf die eerste dag van die maand waartydens die persoon se naam op die register teruggeplaas word tot die einde van die betrokke boekjaar, en is betaalbaar voor die naam van sodanige persoon op die betrokke register teruggeplaas word: Met dien verstande dat, in die geval van 'n persoon wie se naam kragtens

artikel 20(1)(d) van die Wet uit die register geskrap is en sodanige persoon voortgegaan het om as maatskaplike werker of maatskaplike hulpwerker te praktiseer, die jaargeld ten volle vir die lopende boekjaar betaal word sowel as 'n bykomende bedrag van R250 in die geval van maatskaplike werkers en R124 in die geval van maatskaplike hulpwerkers voordat die naam van sodanige persoon op die betrokke register teruggeplaas word.

- (g) Die gelde in hierdie regulasies sluit Belasting op Toegevoegde Waarde in.

Voorbehoud

- 2
word –
3. Ondanks die bepalings van paragrawe (a)(vi), (b)(iv) and (d)(vi) van regulasie

(a) enige persoon wat in die loop van enige boekjaar voor of op 31 Maart van daardie boekjaar die ouderdom van 65 jaar bereik, vir die daaropvolgende boekjare vrygestel van die betaling van jaargeld;

(b) enige persoon wat volgens die oordeel van die raad om gesondheidredes nie die beroep maatskaplike werk of maatskaplike hulpwerk beoefen nie en wat skriftelik aansoek gedoen het om vrystelling van die betaling van jaargeld, vir die tydperk en op die voorwaardes soos deur die raad bepaal, vrygestel van die betaling van jaargeld; en

(c) enige persoon wat in die loop van enige boekjaar voor of op 31 Maart van daardie boekjaar ophou om die beroep maatskaplike werk of maatskaplike hulpwerk te beoefen en wat skriftelik by die raad aansoek om vrystelling gedoen het, vrygestel word vanaf die daaropvolgende boekjaar van die volle betaling van jaargeld en word slegs 'n bedrag wat bereken word as 50 persent van die jaargeld, betaal: Met dien verstande dat so 'n persoon voor enige hertoetrede tot die beroep, die raad skriftelik van sodanige voorneme kennis gee en die uitstaande *pro rata* jaargeld, bereken vanaf die eerste dag van die maand van hertoetrede tot die beroep, binne een en twintig dae vanaf kennisgewing van die bedrag betaalbaar, betaal, waarna genoemde vrystelling verval.

Herroeping

4. Die Regulasies uitgevaardig kragtens die Wet op Maatskaplike Diensberoepe, 1978, gepubliseer as Goewermentskennisgewing No. R. 1443 in *Staatskoerant* No. 24063 van 15 Junie 2002 word hierby herroep.

Inwerkingtreding

5. Hierdie regulasies tree op die datum van publikasie van hierdie kennisgewing in werking.

No. R. 923

27 June 2003

**REGULATIONS UNDER THE CHILD CARE ACT, 1983:
AMENDMENT**

The Minister of Social Development has, in terms of section 60 of the Child Care Act, 1983 (Act No 74 of 1983), made the regulations set out in the Schedule hereto.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 2612 of 12 December 1986, as amended by Government Notice No. R.416 of 31 March 1998 and Government Notice No. R.119 of 3 February 1999.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following subregulation after subregulation (1):

"(2) For the purposes of the definition of "social worker" in section 1 of the Act any government department under the control of the Minister and any organisation registered in terms of the National Welfare Act, 1978 (Act No. 100 of 1978), as a welfare organisation shall be a government department and a welfare organisation, respectively."

Commencement

3. These regulations come into effect on the date of publication thereof.

SOUTH AFRICAN REVENUE SERVICE **SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 902

27 June 2003

CUSTOMS AND EXCISE ACT, 1964.- **AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1199)**

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

M MPAHLWA
DEPUTY MINISTER OF FINANCE

SCHEDULE

Heading	Subheading	C D	Article Description	Statistical Unit	Rate of duty		
					General	EU	SADC
11.06	"1106.10	7	By the substitution for subheading 1106.10 of the following: - Of the dried leguminous vegetables of heading 07.13	kg	free	free	free"

No. R. 902

27 Junie 2003

DOEANE EN AKSYNSWET, 1964.- **WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1199)**

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

M MPAHLWA
ADJUNKMINISTER VAN FINANSIES

BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
11.06	"1106.10	7	Deur subpos 1106.10 deur die volgende te vervang: - Van die gedroogde peulgroente van pos 07.13	kg	vry	vry	vry"

No. R. 903

27 June 2003

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 3 (NO. 3/539)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**M MPAHLWA
DEPUTY MINISTER OF FINANCE**

SCHEDULE

I Rebate Item	II				III Extent of Rebate	Anno= tations
	Tariff Heading	Rebate Code	C. D.	Description		
304.02 "304.02"	 0713.90	 01.06	 69	By the insertion after rebate item 304.01 of the following: Industry: Flour, meal and powder of the dried leguminous vegetables Guar beans, for the manufacture of guar powder, meal or flour of heading 11.06	 Full duty"	

No. R. 903

27 Junie 2003

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 3 (NO. 3/539)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

**M MPAHLWA
ADJUNKMINISTER VAN FINANSIES**

BYLAE

I Korting= Item	II				III Mate van korting	Anno= tasies
	Tariefpos	Korting = kode	T. S.	Beskrywing		
304.02 "304.02"	 "0713.90	 01.06	 69	Deur na kortingitem 304.01 die volgende in te voeg: Nywerheid: Meelblom, meel en poeier van gedroogte peulgroente Guarbone, vir die vervaardiging van guarpoeier, -meel of-meelblom van pos 11.06	 Volle reg"	

No. R. 904

27 June 2003

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 5 (NO. 5/70)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**M MPAHLWA
DEPUTY MINISTER OF FINANCE**

SCHEDULE

Refund Item	Tariff Heading	Code	C. D.	Description	Extent of Refund	Anno=tations
"535.02	00.00	01.00	07	By the insertion after refund item 535.01 of the following: Goods falling within Section XI of Schedule No. 1, entered for home consumption in terms of such Schedule on or after 1 September 2002 but not later than 3 October 2002	The difference between the duty paid and the duty payable in terms of Government Notice No. R. 1223 of 4 October 2002"	

No. R. 904

27 Junie 2003

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 5 (NO. 5/70)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 5 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

**M MPAHLWA
ADJUNK MINISTER VAN FINANSIES**

BYLAE

Terug=beta=ling= item	Tariefpos	Kode	T. S.	Beskrywing	Mate van Terugbetaling	Anno=tasies
"535.02	00.00	01.00	07	Deur na terugbetalingitem 535.01 die volgende in te voeg: Goedere wat binne Afdeling XI van Bylae No. 1 val, geklaar vir binnelandse verbruik ingevolge die bepaling van daardie Bylae op of na 1 September 2002 maar nie later as 3 Oktober 2002 nie	Die verskil tussen die reg betaal en die reg betaalbaar ingevolge die bepaling van Goewernments=kennisgewing No. R. 1223 van 4 Oktober 2002"	

No. R. 905

27 June 2003

CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (NO. DAR/77)

Under section 120 of the Customs and Excise Act, 1964, the rules published in Government Notice R.1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto.

P J GORDHAN

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

(a) By the substitution for item 202.02.05 of the Schedule to the Rules of the following:

"05. **BILL OF ENTRY: SOUTH AFRICAN PRODUCTS (EX WAREHOUSE OR FUEL LEVY GOODS EX DUTY PAID STOCKS) DA610 and DA 611**

Printed on green paper.

Purpose of entry	Purpose code
(Fuel levy goods removed from duty paid stocks as contemplated in rules 19A4.04, 19A4.06, 64F.06 and 64F.07)	
Monthly summary of fuel levy goods removed on form DA 35 by the licensee of a customs and excise manufacturing warehouse by road or rail to any other country in the common customs area	ZDA
Monthly summary of fuel levy goods removed on form DA 35 by the licensee of a customs and excise manufacturing warehouse to such a storage warehouse	ZDS
Monthly summary by supplying warehouse of fuel levy goods removed from one customs and excise manufacturing warehouse to another such warehouse	ZMS
Monthly summary by receiving warehouse of fuel levy goods removed from one customs and excise manufacturing warehouse to another such warehouse	ZMR
Monthly summary by the licensee of the customs and excise storage warehouse receiving fuel levy goods	ZRW
Removal of fuel levy goods by ship to any other country in the common customs area	ZRS
Removal of fuel levy goods by air to any other country in the common customs area	ZRA
Summary of forms DA 35 for fuel levy goods removed by road in respect of which a refund is claimed by a licensed distributor	ZDD
Payment of duty	ZDP
Rewarehousing	ZRW
Removal in bond	ZIB

Specific rebates of excise duties (Schedule No. 6 to the Act)

Ordinary levy

ZGR

ZOL"

- (b) By the substitution of forms DA 611 and DA 614 in accordance with item 202.00 of the Schedule to the Rules.

CONTINUATION SHEET: BILL OF ENTRY (ex warehouse or fuel levy goods ex duty paid stocks)

DA 611

BROUGHT FORWARD

Excise Duty

Duty: Sch. 1 Part 2B

Warehousing Particulars				
Line	B/E No.	Date	Line No.	Accepted at
Tariff Code		Quantity and code		
Sch 1 Part 2				
Sch 6				
Excise value				Excise duty
Duty Sch. 1 part 2B				Additional Information
Description of Goods				

Warehousing Particulars				
Line	B/E No.	Date	Line No.	Accepted at
Tariff Code		Quantity and code		
Sch 1 Part 2				
Sch 6				
Excise value				Excise duty
Duty Sch. 1 part 2B				Additional Information
Description of Goods				

Warehousing Particulars				
Line	B/E No.	Date	Line No.	Accepted at
Tariff Code		Quantity and code		
Sch 1 Part 2				
Sch 6				
Excise value				Excise duty
Duty Sch. 1 part 2B				Additional Information
Description of Goods				

Warehousing Particulars				
Line	B/E No.	Date	Line No.	Accepted at
Tariff Code		Quantity and code		
Sch 1 Part 2				
Sch 6				
Excise value				Excise duty
Duty Sch. 1 part 2B				Additional Information
Description of Goods				

SIGNATURE FOR LICENSEE		CARRIED FORWARD	
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STAATSKOERANT, 27 JUNIE 2003

No. 25109 95

Assessment date

[illegible]

	Customs Code	Name and Address	Removed in bond to
Ex Warehouse		-	
Owner			
To Warehouse / Rebate User			
Remover			

Warehousing Particulars									
Line	B/E No.	Date	Line No.	Accepted at					
Tariff Code			Quantity and code		Excise value	Excise duty	Duty Sch. 1 part 2B	Additional Information	
Sch 1 Part 2									
Sch 6					Description of Goods				

	Amount overpaid on previous account and / or acquitted exports and / or duty paid returns	Amount underpaid on previous account and / or exports not acquitted	Other Payment	Excise duty	Duty Sch. 1 part 2B	Amount Due
TOTALS AFTER CORRECTION						
TOTALS BEFORE CORRECTION						
DIFFERENCES						

I, for (clearing agent / remover) for owner hereby declare that the particulars herein are true and correct and comply with the provisions of the Customs and Excise Act. Date Signature	Payment Code VAT Registration Number 	Endorsements						
I, for (rebate user) hereby undertake to comply with the provisions of the Customs and Excise Act in respect of the goods entered herein. Date Signature	Reason(s) for voucher of correction	<table border="1" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;">Closing date of excise account</td> </tr> <tr> <td colspan="2">Place of Entry:</td> </tr> <tr> <td style="width: 50%; text-align: center;">Date Stamp</td> <td style="width: 50%; text-align: center;">Bill of Entry No</td> </tr> </table>	Closing date of excise account		Place of Entry:		Date Stamp	Bill of Entry No
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Date Stamp	Bill of Entry No							