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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

Om iemand wie se naam nie verskyn nie op 'n lys wat gepos word
dient 'n besonderse aanwysing deur die Minister van Gesond-
heid te word, om dit as 'n mediese of natuurlike
osteopaat of kruiekundige te gebruik; en hierdie aanwysing
kan slegs deur 'n persoon wat 'n mediese of natuurlike
osteopaat of kruiekundige is, gegee word.

(Afrikaanse teks deur die Staatspresident gesien)
(Goedgekeur op 9 Oktober 1974)

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys

Overseas 30c Oorsee

POST FREE—POSVRY

Vol. 112]

CAPE TOWN, 16 OCTOBER 1974

[No. 4441

KAAPSTAD, 16 OKTOBER 1974

DEPARTMENT OF THE PRIME MINISTER

No. 1870.

16 October 1974.

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

No. 52 of 1974: Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1870.

16 Oktober 1974.

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

No. 52 van 1974: Wet op Homeopate, Naturopate, Osteopate en Kruiekundiges, 1974.

Wet No. 52, 1974

WET OP HOMEOPATE, NATUROPATE, OSTEOPATE
EN KRUIEKUNDIGES, 1974.

WET

Om iemand wie se naam nie verskyn nie op 'n lys wat gehou word deur 'n beampte aangewys deur die Minister van Gesondheid, te verbied om vir wins as homeopaat, naturopaat, osteopaat of kruiekundige te praktiseer; om Bantoegenees- en -kruiekundiges van bedoelde verbod en sekere ander wette vry te stel; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 Oktober 1974.)

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

Woord-
omskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „lys” die lys vermeld in artikel 3 (1); (ii)
- (ii) „praktyk” die praktyk van homeopaat, naturopaat, osteopaat of kruiekundige; (iii)
- (iii) „Vereniging” die Suid-Afrikaanse Homeopatiese Vereniging. (i)

Verbod op
beoefening van
praktyke, behalwe
deur sekere
persone.

2. (1) Niemand mag vir wins 'n praktyk beoefen nie, tensy sy naam op die lys ten opsigte van daardie praktyk verskyn en hy deur die beampte in artikel 3 bedoel, skriftelik in kennis gestel is dat sy naam in die lys ten opsigte van daardie praktyk ingeskryf is.

(2) Iemand wat die bepalinge van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Lys van persone
wat geregtig is
om praktyke
te beoefen.

3. (1) 'n Beampte in die Departement van Gesondheid wat deur die Minister van Gesondheid aangewys is, moet 'n lys hou waarin die naam van elke persoon ingeskryf word wat—

- (a) binne ses maande na die inwerkingtreding van hierdie Wet ten genoë van daardie beampte bewys voorgelê het dat genoemde persoon by genoemde inwerkingtreding—
 - (i) vir wins die een of ander praktyk in die Republiek beoefen het; of
 - (ii) 'n Suid-Afrikaanse burger was en besig was om in die Republiek of elders te studeer ten einde hom vir die een of ander praktyk te bekwaam; of
- (b) binne een maand na die datum bedoel in subparagraaf (ii), ten genoë van daardie beampte bewys voorgelê het dat—
 - (i) genoemde persoon by genoemde inwerkingtreding—
 - (aa) 'n Suid-Afrikaanse burger was; en
 - (bb) vir wins die een of ander praktyk elders as in die Republiek beoefen het; en

HOMEOPATHS, NATUROPATHS, OSTEOPATHS
AND HERBALISTS ACT, 1974.

Act No. 52, 1974

ACT

To prohibit any person whose name does not appear on a list kept by an officer designated by the Minister of Health, from practising for gain as a homeopath, a naturopath, an osteopath or a herbalist; to exempt Bantu medicine men and herbalists from that prohibition and certain other laws; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 9 October 1974.)

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

1. In this Act, unless the context otherwise indicates—**Definitions.**

- (i) "Association" means the South African Homeopathic Association; (iii)
- (ii) "list" means the list mentioned in section 3 (1); (i)
- (iii) "practice" means the practice of a homeopath, a naturopath, an osteopath or a herbalist. (ii)

2. (1) No person shall for gain pursue a practice unless his name appears on the list in respect of that practice and he has been informed in writing by the officer referred to in section 3 that his name has been entered on the list in respect of that practice.

**Prohibition of
pursuit of
practices, except
by certain persons.**

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

3. (1) An officer in the Department of Health designated by the Minister of Health shall keep a list on which shall be entered the name of every person who—

**List of persons
entitled to pursue
practices.**

(a) within six months after the commencement of this Act submitted proof to the satisfaction of such officer that at the said commencement such person—

- (i) was pursuing for gain any practice in the Republic; or
- (ii) was a South African citizen and was studying, in the Republic or elsewhere, in order to qualify in any practice; or

(b) within one month after the date referred to in subparagraph (ii), submitted proof to the satisfaction of such officer that—

- (i) such person was at the said commencement—
 - (aa)** a South African citizen; and
 - (bb)** pursuing for gain any practice elsewhere than in the Republic; and

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- (ii) genoemde persoon vanaf 'n datum na genoemde inwerkingtreding blywend in die Republiek woonagtig geword het; of
 - (c) ten genoeë van daardie beampte bewys voorgelê het dat—
 - (i) by genoemde inwerkingtreding genoemde persoon—
 - (aa) wat verblyf betref, in staat was om Suid-Afrikaanse burgerskap te verkry; en
 - (bb) besig was om in die Republiek of elders te studeer ten einde hom vir die een of ander praktyk te bekwaam; en
 - (ii) sodanige burgerskap binne twee jaar na genoemde inwerkingtreding aan genoemde persoon verleen is; en,
- tesame met daardie bewys, ten genoeë van daardie beampte bewys voorgelê het dat die Vereniging 'n aanbeveling gedoen het dat genoemde persoon se naam, op grond van—
- (i) die opleiding wat hy ondergaan of ondergaan het, na gelang van die geval;
 - (ii) sy goeie inbors; en
 - (iii) sy bedrewenheid in minstens een van die amptelike tale van die Republiek,
- in die lys ingeskryf word.

(2) Indien die Vereniging van oordeel is dat iemand op wie die bepalinge van paragraaf (a) of (b) van subartikel (1) van toepassing is, nie behoorlike opleiding ondergaan of ondergaan het nie, kan die Vereniging aanbeveel dat sy naam voorlopig in die lys ingeskryf word, onderworpe aan die voorwaardes wat die Vereniging bepaal, in watter geval genoemde beampte daardie persoon se naam voorlopig in die lys inskryf, en hy dieselfde regte het as wat iemand wie se naam anders as voorlopig in die lys ingeskryf is, ingevolge hierdie Wet het: Met dien verstande dat indien eersgenoemde persoon versuim om aan genoemde voorwaardes te voldoen, sy naam van die lys geskrap word.

(3) Iemand wat homself veronreg ag deur die weiering of versuim van die Vereniging om 'n aanbeveling te doen dat sy naam in die lys ingeskryf word, of deur 'n aanbeveling dat dit voorlopig aldus ingeskryf word, kan verhoë rig tot die Sekretaris van Gesondheid, wat, na oorlegpleging met die Vereniging, kan gelas dat so iemand se naam of sonder voorbehoud of voorlopig en onderworpe aan die voorwaardes wat genoemde Sekretaris bepaal, in die lys ingeskryf word.

(4) Indien iemand se naam ingevolge subartikel (3) voorlopig in die lys ingeskryf word, is die bepalinge van subartikel (2) *mutatis mutandis* ten opsigte daarvan van toepassing.

(5) Die lys moet, benewens die naam van die betrokke persoon, die praktyk vermeld ten opsigte waarvan sy naam in die lys ingeskryf is, en ook die ander besonderhede bevat wat die Sekretaris van Gesondheid na oorlegpleging met die Vereniging bepaal.

Reëls deur
Vereniging.

4. Die Vereniging kan, met die goedkeuring van die Minister van tyd tot tyd reëls maak wat nie met die bepalinge van hierdie Wet onbestaanbaar is nie en waarby voorgeskryf word—

- (a) die voorwaardes waarop persone wie se name op die lys verskyn, die praktyke mag beoefen ten opsigte waarvan hul name in die lys ingeskryf is;
- (b) die gelde wat gehef moet word vir dienste wat ingevolge hierdie Wet gelewer is;
- (c) behoudens die bepalinge van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), en na oorlegpleging met die Medisyne-beheerraad ingestel by daardie Wet, die middels wat 'n persoon wie se naam op die lys verskyn, mag voorskryf.

HOMOEOPATHS, NATUROPATHS, OSTEOPATHS
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- (ii) such person became permanently resident in the Republic from a date after the said commencement; or
- (c) submitted proof to the satisfaction of such officer that—
 - (i) at the said commencement such person was—
 - (aa) as far as residence is concerned, capable of acquiring South African citizenship; and
 - (bb) studying, in the Republic or elsewhere, in order to qualify in any practice; and
 - (ii) such citizenship was granted to such person within two years after such commencement; and, together with such proof, submitted proof to the satisfaction of such officer that the Association has made a recommendation that such person's name, by virtue of—
 - (i) the training he receives or received, as the case may be;
 - (ii) his good character; and
 - (iii) his proficiency in at least one of the official languages of the Republic, be entered on the list.

(2) If the Association is of opinion that a person to whom the provisions of paragraph (a) or (b) of subsection (1) apply, does not or did not receive proper training, the Association may recommend that such person's name be entered provisionally on the list, subject to such conditions as the Association may determine, in which case the said officer shall enter the name of such person provisionally on the list, and he shall have the same rights as a person whose name has been entered on the list otherwise than provisionally, has in terms of this Act: Provided that if such first-mentioned person fails to comply with the said conditions, his name shall be removed from the list.

(3) Any person who feels aggrieved by the refusal or failure of the Association to make a recommendation that his name be entered on the list, or by a recommendation that it be so entered provisionally, may make representations to the Secretary for Health, who may, after consultation with the Association, order that such person's name be entered on the list, either without reservation or provisionally and subject to such conditions as the said Secretary may determine.

(4) If a person's name is provisionally entered on the list in terms of subsection (3), the provisions of subsection (2) shall *mutatis mutandis* apply in respect thereof.

(5) The list shall, in addition to the name of the person concerned, specify the practice in respect of which his name has been entered on the list, and also contain such other particulars as the Secretary for Health may, after consultation with the Association, determine.

4. The Association may, with the approval of the Minister, Rules by from time to time make rules, not inconsistent with the provisions of this Act, prescribing—

- (a) the conditions subject to which persons whose names appear on the list may pursue the practices in respect of which their names have been entered on the list;
- (b) the fees to be charged for services rendered in terms of this Act;
- (c) subject to the provisions of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), and after consultation with the Medicines Control Council established by the said Act, the remedies which may be prescribed by a person whose name appears on the list.

Wet No. 52, 1974

WET OP HOMEOPATE, NATUROPATE, OSTEOPATE
EN KRUIEKUNDIGES, 1974

Misdrywe deur
persone wie se
name op lys
verskyn, en
strawwe.

5. (1) Iemand wie se naam op die lys verskyn, mag nie—
- (a) vir wins 'n operasie op iemand uitvoer of iemand 'n binnearse inspuiting toedien nie;
 - (b) vir wins verloskunde beoefen nie;
 - (c) 'n bloedmonster van iemand neem nie;
 - (d) kanker behandel of aanbied om dit te behandel of 'n middel vir kanker voorskryf of voorgee dat 'n voorwerp, apparaat of stof van nut is of kan wees vir die verligting van die gevolge of die genesing of behandeling van kanker nie;
 - (e) 'n inwendige ondersoek op iemand uitvoer nie;
 - (f) 'n handeling verrig nie wat beoog word in artikel 37 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974;
 - (g) homself voordoen as, of op watter wyse ook al uitgee vir, 'n geneesheer, of gebruik maak nie van die naam geneesheer of dokter of enige naam, titel, beskrywing of teken wat aandui of persone sou kon laat aflei dat hy die kwalifikasies van 'n geneesheer besit;
 - (h) iemand verhinder om behandel te word deur, of iemand op onbehoorlike wyse beïnvloed nie om hom te onthou van behandeling deur, iemand wat geregistreer is ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974;
 - (i) sy praktyk adverteer nie deur middel van 'n advertensie in 'n nuusblad of ander publikasie of in of op enige ander stof wat onder lede van die publiek versprei word, of op enige ander wyse.

(2) Iemand wie se naam op die lys verskyn en wat—

- (a) 'n reël wat ingevolge artikel 4 gemaak is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en—
 - (i) by 'n eerste skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand; en
 - (ii) by 'n tweede skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand;
- (b) 'n bepaling van subartikel (1) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens vier maande of met daardie boete sowel as daardie gevangenisstraf.

(3) Die hof wat iemand aan 'n misdryf kragtens paragraaf (a) van subartikel (2) skuldig bevind, kan, benewens of in plaas van 'n straf kragtens subparagraaf (ii) van daardie paragraaf, gelas dat die naam van daardie persoon van die lys geskrap word vir die tydperk wat die hof goetvind, en indien die hof iemand skuldig bevind aan so 'n misdryf en dit 'n derde of daaropvolgende skuldigbevinding is, of aan 'n misdryf kragtens subartikel (2) (b), moet die hof gelas dat die naam van daardie persoon van die lys geskrap word.

Voorbehoud.

6. Die bepalings van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974, word nie so uitgelê nie dat dit iemand wie se naam op die lys verskyn, belet om vir wins 'n handeling te verrig wat by die inwerkingtreding van hierdie Wet gewoonlik verrig word deur iemand wat 'n praktyk beoefen, en die verrigting waarvan deur sodanige eersgenoemde persoon nie by hierdie Wet verbied is nie.

Vermoede.

7. Wanneer iemand aangekla word weens 'n oortreding van 'n bepaling van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974, en daar beweer word dat 'n handeling by die inwerkingtreding van hierdie Wet gewoonlik deur iemand verrig is wat 'n praktyk beoefen, rus die las om dit te bewys op die persoon wat dit beweer.

HOMEOPATHS, NATUROPATHS, OSTEOPATHS
AND HERBALISTS ACT, 1974.

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5. (1) A person whose name appears on the list shall not—
- (a) for gain perform an operation on or administer an intravenous injection to any person;
 - (b) for gain practise midwifery;
 - (c) withdraw blood from any person;
 - (d) treat or offer to treat cancer or prescribe a remedy for cancer or pretend that any article, apparatus or substance will be or may be of value for the alleviation of the effects or the curing or treatment of cancer;
 - (e) perform an internal examination on any person;
 - (f) perform an act contemplated in section 37 of the Medical, Dental and Supplementary Health Service Professions Act, 1974;
 - (g) pretend, or by any means whatsoever hold himself out, to be a medical practitioner, or use the name medical practitioner or doctor or any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses the qualifications of a medical practitioner;
 - (h) prevent a person from being treated by, or improperly influence a person to abstain from treatment by, a person registered in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974;
 - (i) advertise his practice by means of an advertisement in a newspaper or any other publication or in or on any other matter distributed to members of the public or in any other manner.
- (2) A person whose name appears on the list and who—
- (a) contravenes or fails to comply with a rule made in terms of section 4, shall be guilty of an offence and liable—
 - (i) on a first conviction, to a fine not exceeding fifty rand; and
 - (ii) on a second conviction, to a fine not exceeding one hundred rand;
 - (b) contravenes or fails to comply with a provision of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding four months or to both such fine and such imprisonment.
- (3) The court convicting any person of an offence under paragraph (a) of subsection (2) may in addition to or in lieu of any sentence under subparagraph (ii) of that paragraph, order that the name of that person be removed from the list for such period as the court may think fit, and if the court convicts any person of such offence and it is a third or subsequent conviction, or of any offence under subsection (2) (b), the court shall order that the name of that person be removed from the list.

Offences by
persons whose
names appear on
list, and penalties.

6. The provisions of the Medical, Dental and Supplementary Health Service Professions Act, 1974, shall not be construed so as to prohibit any person whose name appears on the list from performing for gain any act usually performed at the commencement of this Act by any person who pursues any practice and the performance of which by such first-mentioned person is not prohibited by this Act.

7. When any person is charged with a contravention of any provision of the Medical, Dental and Supplementary Health Service Professions Act, 1974, and it is alleged that any act was at the commencement of this Act usually performed by a person who pursues any practice, the onus of proving it shall be upon the person alleging it.

Presumption.

Wet No. 52, 1974

WET OP HOMEOPATE, NATUROPATE, OSTEOPATE
EN KRUIEKUNDIGES, 1974.Bantoeenees- en
-kruiekundiges.

8. (1) Ondanks andersluidende bepalings van die een of ander wet word 'n lisensie om as Bantoeenees- of -kruiekundige te praktiseer nie uitgereik nie, tensy die magtiging van die Minister van Gesondheid vir die uitreiking daarvan eers verkry is.

(2) Die bepalings van hierdie Wet en van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974, word nie so uitgelê nie dat dit afbreuk doen aan die reg wat 'n Bantoeenees- of -kruiekundige besit uit hoofde van 'n lisensie uitgereik soos in subartikel (1) bedoel.

Kort titel en
inwerkingtreding.

9. Hierdie Wet heet die Wet op Homeopate, Naturopate, Osteopate en Kruiekundiges, 1974, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, wat 'n datum vroeër as die datum van dié proklamasie kan wees.

HOMEOPATHS, NATUROPATHS, OSTEOPATHS
AND HERBALISTS ACT, 1974.

Act No. 52, 1974

8. (1) Notwithstanding anything to the contrary in any law contained a licence to practice as a Bantu medicine man or herbalist shall not be issued unless the authority of the Minister of Health for the issue thereof has first been obtained. Bantu medicine men and herbalists.

(2) The provisions of this Act and of the Medical, Dental and Supplementary Health Service Professions Act, 1974, shall not be construed as derogating from the right which a Bantu medicine man or herbalist may have by virtue of any licence issued as contemplated in subsection (1).

9. This Act shall be called the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*, which may be a date prior to the date of such proclamation. Short title and commencement.

Act No. 52, 1974

HOMOEOPATHY, NATUROPATHY, OSTEOPATHY
AND HERBALISTS ACT, 1974

8. (1) Notwithstanding anything to the contrary in any law contained a licence to practice as a Bantu medicine man or herbalist shall not be issued unless the authority of the Minister of Health for the issue thereof has first been obtained.

(2) The provisions of this Act and of the Medical, Dental and Supplementary Health Service Provisions Act, 1974, shall not be construed as derogating from the right which a Bantu medicine man or herbalist may have by virtue of any licence issued as contemplated in subsection (1).

9. This Act shall be called the Homoeopathy, Naturopathy, Osteopathy and Herbalists Act, 1974, and shall come into operation on a date fixed by the State President by proclamation in the Gazette, which may be a date prior to the date of such proclamation.