



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 481.

31 Maart 1976.

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

No. 20 van 1976: Wysigingswet op Chiropraktisy, 1976.

No. 481.

31 March 1976.

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

No. 20 of 1976: Chiropractors Amendment Act, 1976.

Wet No. 20, 1976

WYSIGINGSWET OP CHIROPRAKTISYNS, 1976

WET

Tot wysiging van die Wet op Chiropraktisyns, 1971, ten einde nuwe voorsiening te maak met betrekking tot 'n persoon wat by die inwerkingtreding van daardie Wet besig was om te studeer ten einde hom as chiropraktisyn te bekwaam; voorsiening te maak vir die uitvaardiging van reëls vir die beoefening van chiropraktyk; en genoemde Wet in die gebied Suidwes-Afrika toe te pas; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Maart 1976.)

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

Wysiging van
artikel 2 van
Wet 76 van 1971,
soos gewysig deur
artikel 2 van
Wet 96 van 1972.

1. Artikel 2 van die Wet op Chiropraktisyns, 1971 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur subparagraaf (i) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
 - „(i) dat sodanige persoon by gemelde inwerkingtreding vir wins as 'n chiropraktisyn in die Republiek gepraktiseer het; en”;
- (b) deur na paragraaf (a) van subartikel (1) die volgende paragrawe in te voeg:
 - „(aA) ten genoë van daardie beampte bewys voorlê dat—
 - (i) by genoemde inwerkingtreding sodanige persoon 'n Suid-Afrikaanse burger was en besig was om in die Republiek of elders te studeer ten einde hom as chiropraktisyn te bekwaam; en
 - (ii) die Vereniging ten opsigte van sodanige persoon so 'n aanbeveling gedoen het as wat in paragraaf (a) (ii) bedoel word; of
 - (aB) binne drie maande na die inwerkingtreding van die Wysigingswet op Chiropraktisyns, 1976, ten genoë van daardie beampte bewys voorgelê het dat—
 - (i) sodanige persoon by genoemde inwerkingtreding vir wins as 'n chiropraktisyn in die gebied Suidwes-Afrika (hieronder 'die gebied' genoem) gepraktiseer het; en
 - (ii) die Vereniging ten opsigte van sodanige persoon so 'n aanbeveling gedoen het as wat in paragraaf (a) (ii) bedoel word; of

CHIROPRACTORS AMENDMENT ACT, 1976

Act No. 20, 1976

ACT

To amend the Chiropractors Act, 1971, so as to make new provision in regard to any person studying at the commencement of that Act in order to qualify as a chiropractor; to provide for the making of rules for the practice of chiropractic; and to apply the said Act in the territory of South West Africa; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 15 March 1976.)

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

1. Section 2 of the Chiropractors Act, 1971 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 76 of 1971, as amended by section 2 of Act 96 of 1972.

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

“(i) that at the said commencement such person was practising for gain as a chiropractor in the Republic; and”;

- (b) by the insertion after paragraph (a) of subsection (1) of the following paragraphs:

“(aA) submits proof to the satisfaction of such officer that—

(i) at the said commencement such person was a South African citizen and was studying, in the Republic or elsewhere, in order to qualify as a chiropractor; and

(ii) the Association has in respect of such person made such a recommendation as is referred to in paragraph (a) (ii); or

(aB) within three months after the commencement of the Chiropractors Amendment Act, 1976, submitted proof to the satisfaction of such officer that—

(i) at the said commencement such person was practising for gain as a chiropractor in the territory of South West Africa (hereinafter referred to as ‘the territory’); and

(ii) the Association has in respect of such person made such a recommendation as is referred to in paragraph (a) (ii); or

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- (aC) ten genoeë van daardie beamppte bewys voorlê dat—
- (i) by die inwerkingtreding van die Wysigingswet op Chiropaktisyns, 1976, sodanige persoon 'n Suid-Afrikaanse burger blywend woonagtig in die gebied was en besig was om in die Republiek (met inbegrip van die gebied) of elders te studeer ten einde hom as chiropaktisyn te bekwaam; en
 - (ii) die Vereniging ten opsigte van sodanige persoon so 'n aanbeveling gedoen het as wat in paragraaf (a) (ii) bedoel word; of”;
- (c) deur na paragraaf (b) van subartikel (1) die volgende paragraaf in te voeg:
- „(bA) binne een maand na die datum bedoel in subparagraaf (ii), ten genoeë van daardie beamppte bewys voorlê dat—
- (i) sodanige persoon by die inwerkingtreding van die Wysigingswet op Chiropaktisyns, 1976—
 - (aa) 'n Suid-Afrikaanse burger was; en
 - (bb) vir wins as 'n chiropaktisyn elders as in die gebied gepraktiseer het;
 - (ii) sodanige persoon vanaf 'n datum na genoemde inwerkingtreding blywend woonagtig in die gebied geword het; en
 - (iii) die Vereniging ten opsigte van sodanige persoon so 'n aanbeveling gedoen het as wat in paragraaf (a) (ii) bedoel word; of”;
- (d) deur subparagraaf (aa) van paragraaf (c) (i) van subartikel (1) deur die volgende subparagraaf te vervang:
- „(aa) wat verblyf in die Republiek betref, in staat was om Suid-Afrikaanse burgerskap te verkry; en”;
- (e) deur die woord „of” aan die einde van paragraaf (c) van subartikel (1) by te voeg; en
- (f) deur die volgende paragraaf by subartikel (1) te voeg:
- „(d) ten genoeë van daardie beamppte bewys voorlê dat—
- (i) by die inwerkingtreding van die Wysigingswet op Chiropaktisyns, 1976, sodanige persoon—
 - (aa) wat verblyf in die gebied betref, in staat was om Suid-Afrikaanse burgerskap te verkry; en
 - (bb) besig was om in die Republiek (met inbegrip van die gebied) of elders te studeer ten einde hom as chiropaktisyn te bekwaam;
 - (ii) sodanige burgerskap binne twee jaar na genoemde inwerkingtreding aan sodanige persoon verleen is; en
 - (iii) die Vereniging ten opsigte van sodanige persoon so 'n aanbeveling gedoen het as wat in paragraaf (a) (ii) bedoel word.”.

Invoeging van
artikel 2A in
Wet 76 van 1971.

2. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

„Reëls.

2A. (1) Die Vereniging kan van tyd tot tyd reëls uitvaardig wat nie met die bepalings van hierdie Wet onbestaanbaar is nie—

- (a) wat die voorwaardes voorskryf onderworpe waaraan 'n persoon wie se naam op die in artikel 2 bedoelde lys verskyn en wat deur die beamppte in dié artikel bedoel skriftelik in kennis gestel is dat sy naam in daardie lys ingeskryf is, vir wins as chiropaktisyn mag praktiseer;

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(aC) submits proof to the satisfaction of such officer that—

- (i) at the commencement of the Chiropractors Amendment Act, 1976, such person was a South African citizen permanently resident in the territory and was studying, in the Republic (including the territory) or elsewhere, in order to qualify as a chiropractor; and
- (ii) the Association has in respect of such person made such a recommendation as is referred to in paragraph (a) (ii); or”;

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

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

- (i) such person was at the commencement of the Chiropractors Amendment Act, 1976—
 - (aa) a South African citizen; and
 - (bb) practising for gain as a chiropractor elsewhere than in the territory;
- (ii) such person became permanently resident in the territory from a date after the said commencement; and
- (iii) the Association has in respect of such person made such a recommendation as is referred to in paragraph (a) (ii); or”;

(d) by the substitution for subparagraph (aa) of paragraph

(c) (i) of subsection (1) of the following subparagraph:

“(aa) as far as residence in the Republic is concerned, capable of acquiring South African citizenship; and”;

(e) by the addition of the word “or” at the end of paragraph (c) of subsection (1); and

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

“(d) submits proof to the satisfaction of such officer that—

- (i) at the commencement of the Chiropractors Amendment Act, 1976, such person was—
 - (aa) as far as residence in the territory is concerned, capable of acquiring South African citizenship; and
 - (bb) studying in the Republic (including the territory) or elsewhere, in order to qualify as a chiropractor;
- (ii) such citizenship was granted to such person within two years after such commencement; and
- (iii) the Association has in respect of such person made such a recommendation as is referred to in paragraph (a) (ii).”.

2. The following section is hereby inserted in the principal Act after section 2:

Insertion of section 2A in Act 76 of 1971.

“Rules.

2A. (1) The Association may from time to time make rules, not inconsistent with the provisions of this Act—

- (a) prescribing the conditions subject to which any person whose name appears on the list referred to in section 2 and who has been informed in writing by the officer referred to in that section that his name has been entered on that list, may practise for gain as a chiropractor;

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(b) wat die tarief van gelde voorskryf wat betaalbaar is ten opsigte van dienste gelewer deur sodanige persoon in die loop van sy praktyk as chiropraktisyn.

(2) 'n Reël aldus uitgevaardig, kan vir 'n oortreding van die bepalings daarvan of 'n versuim om daaraan te voldoen, strawwe voorskryf van, by 'n eerste skuldigbevinding, 'n boete van hoogstens vyftig rand en, by 'n tweede of daaropvolgende skuldigbevinding, 'n boete van hoogstens honderd rand.

(3) Geen reël kragtens subartikel (1) uitgevaardig of enige wysiging of intrekking daarvan is van krag nie totdat dit deur die Minister van Gesondheid goedgekeur en in die *Staatskoerant* gepubliseer is.

(4) Die hof wat 'n persoon aan 'n in subartikel (2) van hierdie artikel bedoelde misdryf skuldig bevind, kan, benewens of in plaas van 'n in daardie subartikel bedoelde straf, gelas dat die naam van daardie persoon vir die tydperk wat die hof goedvind, van die lys in artikel 2 bedoel, geskrap word en, in die geval van 'n derde of daaropvolgende skuldigbevinding aan so 'n misdryf, moet die hof gelas dat die naam van daardie persoon van die lys geskrap word."

Vervanging van artikel 3 van Wet 76 van 1971.

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Voorbehoude.

3. (1) Die bepalings van artikel 39C van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), of van artikel 39 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (Wet No. 56 van 1974), word nie so uitgelê nie dat dit 'n persoon wie se naam op die in artikel 2 van hierdie Wet bedoelde lys verskyn, belet om vir wins 'n handeling in die Republiek te verrig wat by die inwerkingtreding van hierdie Wet gewoonlik deur chiropraktisyns in die Republiek verrig word.

(2) Die bepalings van artikel 39 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974, word nie so uitgelê nie dat dit 'n persoon wie se naam op die in artikel 2 van hierdie Wet bedoelde lys verskyn, belet om vir wins 'n handeling in die gebied te verrig wat by die inwerkingtreding van die Wysigingswet op Chiropraktisyns, 1976, gewoonlik deur chiropraktisyns in die gebied verrig word."

Vervanging van artikel 4 van Wet 76 van 1971.

4. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vermoeuens.

4. Wanneer 'n persoon aangekla word van 'n oortreding van artikel 39C van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), of van artikel 39 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (Wet No. 56 van 1974), rus die las om te bewys dat 'n handeling by die inwerkingtreding van—

(a) hierdie Wet gewoonlik deur chiropraktisyns in die Republiek; of

(b) die Wysigingswet op Chiropraktisyns, 1976, gewoonlik deur chiropraktisyns in die gebied, verrig is, op die persoon wat dit beweer."

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(b) prescribing the tariff of fees payable in respect of services rendered by such person in the course of his practice as a chiropractor.

(2) Any rule so made may prescribe penalties for any contravention of or failure to comply with its provisions, not exceeding, on a first conviction, a fine of fifty rand and, on a second or subsequent conviction, a fine of one hundred rand.

(3) No rule made under subsection (1) or any amendment or withdrawal thereof shall be of force and effect until approved by the Minister of Health and published in the *Gazette*.

(4) The court convicting any person of any offence referred to in subsection (2) of this section may, in addition to or in lieu of any sentence referred to in that subsection, order that the name of that person be removed from the list referred to in section 2 for such period as the court may think fit and, in the case of a third or subsequent conviction of any such offence, the court shall order that the name of that person be removed from the said list."

3. The following section is hereby substituted for section 3 of the principal Act:

Substitution of section 3 of Act 76 of 1971.

"Savings.

3. (1) The provisions of section 39C of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or of section 39 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), shall not be construed so as to prohibit any person whose name appears on the list referred to in section 2 of this Act from performing for gain in the Republic any act usually performed by chiropractors in the Republic at the commencement of this Act.

(2) The provisions of section 39 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 referred to in section 2 of this Act from performing for gain in the territory any act usually performed by chiropractors in the territory at the commencement of the Chiropractors Amendment Act, 1976."

4. The following section is hereby substituted for section 4 of the principal Act:

Substitution of section 4 of Act 76 of 1971.

"Presumptions.

4. When any person is charged with a contravention of section 39C of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or of section 39 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), the onus of proving that any act was at the commencement of—

(a) this Act usually performed by chiropractors in the Republic; or

(b) the Chiropractors Amendment Act, 1976, usually performed by chiropractors in the territory,

shall be upon the person alleging it."

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Invoeging van
artikel 4A in
Wet 76 van 1971.

5. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

„Toepassing
van Wet in
Suidwes-
Afrika.

4A. Hierdie Wet en 'n wysiging daarvan en die reëls van tyd tot tyd daarkragtens uitgevaardig, is ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.”

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Chiropraktisyns, 1976.

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5. The following section is hereby inserted in the principal Act after section 4:

Insertion of
section 4A in
Act 76 of 1971.

"Applica-
tion
of Act in
South West
Africa.

4A. This Act and any amendment thereof and the rules made thereunder from time to time, shall apply also in the territory, including the Eastern Caprivi Zipfel."

6. This Act shall be called the Chiropractors Amendment Act, 1976. Short title.

