



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price

Oorsee 30c Overseas

POSVRY—POST FREE

VOL. 159]

KAAPSTAD, 14 SEPTEMBER 1978

[No. 6159]

CAPE TOWN, 14 SEPTEMBER 1978

## ALGEMENE KENNISGEWING

### DEPARTEMENT VAN GESONDHEID

Die volgende Konsepwetsontwerp tot wysiging van die Wetsontwerp op Tandtegnici word ter inligting en vir kommentaar gepubliseer:

Die Konsepwetsontwerp bevat voorstelle wat aan die Departement gedoen is vir moontlike wysigings aan die betrokke Wet. Daar is nog geen besluit oor enige van die voorstelle of beginsels vervat in die voorstelle geneem nie.

Belanghebbendes word uitgenooi om voor 6 Oktober 1978 die Sekretaris van Gesondheid, Privaatsak X88, Pretoria, 0001, van gemotiveerde kommentaar oor die Konsepwetsontwerp te voorsien.

## GENERAL NOTICE

### DEPARTMENT OF HEALTH

The following Draft Bill to amend the Dental Technicians Bill is published for information and comments:

The Draft Bill contains proposals made to the Department for possible amendments to the Act concerned. No decision on any of the proposals has been made nor have any of the principles embodied in the proposals been accepted.

Interested parties are invited to furnish the Secretary for Health, Private Bag X88, Pretoria, 0001, with motivated comments on the Draft Bill, before 6 October 1978.

# BILL

**To consolidate and amend the laws relating to the profession of registered dental technicians; and to provide for matters incidental thereto.**

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

Definitions.

1. In this Act, unless the context otherwise indicates—
  - (i) “Approved” means approved by the council under this Act; (iii)
  - (ii) “approved institution” means a training institution approved by the council under section 4; (iv)
  - (iii) “council” means the South African Dental Technicians Council established under section 2; (xiii)
  - (iv) “dental laboratory” means any place where artificial dentures or other dental appliances are made, repaired, altered or worked upon, or where any apparatus for the manufacture, repair or alteration of or the working upon such dentures or appliances is installed; (viii)
  - (v) “dental laboratory assistant” means any person employed as such by a dentist or dental technician in terms of section 28; (xxi)
  - (vi) “dental technician” means any person who is registered as a dental technician under section 18; (xx)
  - (vii) “dental technician contractor” means a dental technician who exercises the calling of a dental technician—
    - (a) on his own account; or
    - (b) while being a director or shareholder of a company which at the commencement of this Act carries on any business in which is performed any act specially pertaining to the profession of a dental technician; (xxi)
  - (viii) “dentist” means a person registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); (xix)
  - (ix) “inquiry” means an inquiry in terms of section 35; (x)
  - (x) “inspector” means an inspector appointed under section 31; (vi)
  - (xi) “Minister” means the Minister of Health; (ix)
  - (xii) “prescribed” means prescribed by regulation; (xxiii)
  - (xiii) “qualification” means any degree, diploma or certificate awarded after examination of a person’s proficiency in a particular subject; (vii)
  - (xiv) “register”, when used as a noun, means a register kept in terms of this Act, and when used in relation to any class or any member of any class of person in respect of whom a register is kept, the register kept for that class; and when used as a verb, means to enter in a register in

## WETSONTWERP

**Tot samevatting en wysiging van die wetsbepalings met betrekking tot die beroep van geregistreerde tandtegnici; en om vir bykomstige aangeleenthede voorsiening te maak.**

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

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing beteken—

- (i) „aanvullende kursus” gespesialiseerde of gevorderde opleiding in 'n aspek of vertakking van die werk van 'n tandtegnikus; (xx)
- (ii) „gelyste stof”, „gelyste stof” soos in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), omskryf; (xviii)
- (iii) „goedgekeur” deur die raad kragtens hierdie Wet goedgekeur; (i)
- (iv) „goedgekeurde inrigting” 'n opleidingsinrigting deur die raad ingevolge artikel 4 goedgekeur; (ii)
- (v) „hierdie Wet” ook die regulasies; (xxi)
- (vi) „inspekteur” 'n inspekteur kragtens artikel 31 aangestel; (x)
- (vii) „kwalifikasie” 'n graad, diploma of sertifikaat toegeken na eksaminering van iemand se bedrewendheid in 'n bepaalde vak; (xiii)
- (viii) „laboratorium vir tandkundige werk” enige plek waar kunstande of ander tandtoestelle vervaardig, herstel, verander of aan gewerk word, of waar enige apparaat vir die vervaardiging, herstel, of verandering van, of werk aan sodanige tande of toestelle geïnstalleer is; (iv)
- (ix) „Minister” die Minister van Gesondheid; (xi)
- (x) „ondersoek” 'n ondersoek ingevolge artikel 35; (ix)
- (xi) „ongemonteerde kunstande” kunstande wat nie vir die gebruik van 'n bepaalde persoon in 'n gebit of tandtoestel gevoeg is nie, of welke kunstande wat daarna weer verwijder is van sodanige gebit of tandtoestel; (xxiii)
- (xii) „opleidingsinrigting” 'n inrigting waar persone vir die beroep van tandtegnikus onderrig en opgelei word; (xxii)
- (xiii) „raad” die kragtens artikel 2 ingestelde Raad vir Tandtegnici; (ii)
- (xiv) „register” 'n register gehou dienooreenkomsdig hierdie Wet, en indien gebruik in verband met 'n kategorie of 'n lid van 'n kategorie persone ten opsigte van wie 'n register gehou word, die register wat vir daardie

- terms of the Act, and the words "registered", "registerable", "registration" and all other words derived from the word "register" have a corresponding meaning; (xiv)
- (xv) "registrar" means the registrar appointed under section 13; (xv)
- (xvi) "regulation" means a regulation made in terms of this Act; (xvi)
- (xvii) "Secretary" means the Secretary for Health; (xvii)
- (xviii) "scheduled substance" means a "scheduled substance" as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965); (ii)
- (xix) "student dental technician" means any person who is studying dental technology at an approved institution or is undergoing practical training in an approved dental laboratory and who has been registered under section 19; (xviii)
- (xx) "supplementary course" means a specialized or advanced training in any aspect of the work of a dental technician; (i)
- (xxi) "this Act" includes the regulations; (v)
- (xxii) "training institution" means an institution where persons are educated and trained for the profession of a dental technician; (xii)
- (xxiii) "unmounted artificial teeth" means artificial teeth which have not been fitted in any denture or dental appliance for the use of a particular person, or which artificial teeth have thereafter again been removed from any such denture or dental appliance; (xi)
- (xxiv) "work of a dental technician" means all fixed or removable dental prosthesis made, repaired, altered or worked upon by a dental technician. (xxiv)

## CHAPTER 1

### CONTINUED EXISTENCE AND OBJECTS, FUNCTIONS AND POWERS OF THE SOUTH AFRICAN DENTAL TECHNICIANS COUNCIL

Continued existence  
of Dental  
Mechanicians Board.

**2.** (1) The Dental Mechanicians Board established by section 2 of the Dental Mechanicians Act, 1945 (Act No. 30 of 1945), shall, notwithstanding the provisions of section 51 (1) of this Act, continue to be a juristic person under the name of "The South African Dental Technicians Council".

(2) The Head Office of the Council shall be situated at Pretoria, but may, with the consent of the Minister, be moved to any other place in the Republic.

Objects of Council.

**3.** The objects of the Council shall be—

- (a) to assist in the promotion of dentistry in the Republic;
- (b) to control, and to exercise authority in respect of, all matters affecting the education and training of dental technicians and the practices pursued in supplying, making, altering or repairing artificial dentures or other dental appliances or in performing any other work pertaining to such dentures or appliances;
- (c) to promote liaison of the education and training, and the manner of the exercise of the practices, referred to in paragraph (b) both in the Republic and elsewhere, and to promote the standards of such education and training and the manner of the exercise of such practices in the Republic;
- (d) to promote good relationships between dentists and dental technicians and other dental supplementary health service personnel;

- kategorie gehou word; en beteken „registreer” in 'n register ingevolge hierdie Wet inskryf en het die woorde „geregistreer”, „registreerbaar”, „registrasie” en alle ander woorde wat van die woord „register” afgelei is 'n ooreenstemmende betekenis; (xiv)
- (xv) „registrateur” die registrateur aangestel kragtens artikel 13; (xv)
- (xvi) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig; (xvi)
- (xvii) „Sekretaris” die Sekretaris van Gesondheid; (xvii)
- (xviii) „student-tandtegnikus” 'n persoon wat tandtegnologie aan 'n goedgekeurde instigting bestudeer of praktiese opleiding in 'n goedgekeurde laboratorium vir tandkundige werk ontvang en wat kragtens artikel 19 geregistreer is; (xix)
- (xix) „tandarts” iemand wat ingevolge die Wet op Geneeskunde, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (Wet No. 56 van 1974) as sodanig geregistreer is; (viii)
- (xx) „tandtegnikus” iemand wat kragtens artikel 18 as tandtegnikus geregistreer is; (vi)
- (xxi) „tandtegnikus-kontrakteur” 'n tandtegnikus wat die beroep van tandtegnikus beoefen—  
 (a) vir eie rekening; of  
 (b) terwyl hy 'n direkteur of aandeelhouer is van 'n maatskappy wat by die inwerkingtreding van hierdie Wet, 'n besigheid dryf waarby 'n handeling verrig word wat spesiaal tot die beroep van tandtegnikus behoort; (vii)
- (xxii) „tandkundige laboratorium-assistent” enige persoon as sodanig in diens by 'n tandarts of tandtegnikus kragtens artikel 28; (v)
- (xxiii) „voorgeskryf” of „voorgeskrewe” by regulasie voorgeskryf; (xii)
- (xxiv) „werk van 'n tandtegnikus” alle vaste of verwijderbare tandkundige prosteses wat vervaardig, herstel, verander of aan gewerk word deur 'n tandtegnikus. (xxiv)

## HOOFSTUK 1

### VOORTBESTAAN EN OOGMERKE, WERKSAAMHEDE EN BEVOEGDHEDE VAN DIE SUID-AFRIKAANSE RAAD VIR TANDTEGNICI

2. (1) Die Raad vir Tandwerktuigkundiges ingestel by Artikel 2 Voortbestaan van Raad van die Wet op Tandwerktuigkundiges, 1945 (Wet No. 30 van 1945), bly, ondanks die bepalings van Artikel 51 (1) van hierdie Wet, met die naam „Die Suid-Afrikaanse Raad vir Tandtegnici” voortbestaan as 'n regspersoon.

(2) Die hoofkantoor van die Raad is in Pretoria geleë, maar kan met die toestemming van die Minister na enige ander plek in die Republiek verskuif word.

#### 3. Die oogmerke van die Raad is—

- (a) om behulpsaam te wees met die bevordering van tandheelkunde in die Republiek;
- (b) om alle aangeleenthede rakende die onderrig en opleiding van tandtegnici, en die uitoefening van die praktyke in die voorsiening, vervaardiging, verandering of herstelling van kunsgebit of ander tandheelkundige toestelle of ander werk wat betrekking het op sodanige gebit of toestel, te beheer en gesag ten opsigte daarvan uit te oefen;
- (c) om skakeling van die onderrig en opleiding en die wyse van uitoefening van die praktyke bedoel in paragraaf (b), in die Republiek sowel as elders, en die standarde van sodanige onderrig en opleiding en die wyse van uitoefening van sodanige praktyke in die Republiek te bevorder;
- (d) om goeie verhoudinge tussen tandartse en tandtegnici en personeel van ander aanvullende tandheelkundige gesondheidsdienste te bevorder;

Oogmerke van Raad.

- (e) to advise the Minister on any matter falling within the scope of this Act; and
- (f) to communicate to the Minister information on matters of public importance acquired by the council in the course of the performance of its functions under this Act.

General powers of the council.

**4. The council may—**

- (a) cause copies of the registers and supplementary lists, and copies thereof, showing all alterations to the registers, to be printed and published;
- (b) make extracts from the registers and charge the prescribed fees in respect thereof;
- (c) where authorized by this Act, remove any name from a register or, upon payment of the prescribed fee, restore it thereto;
- (d) appoint examiners and moderators, conduct examinations and grant certificates, and charge the prescribed fees in respect of such examinations and the issue of such certificates;
- (e) approve training institutions in accordance with the prescribed conditions, inspect such institutions, or withdraw or suspend approval of any such institution if the education or training thereat is not, in the opinion of the council, satisfactorily carried out, or if any condition imposed has not been complied with: Provided that the council shall not refuse to approve, or shall not withdraw or suspend the approval of any such institution without the consent of the Minister;
- (f) charge the prescribed fees in respect of any inspection it may deem necessary to enable it to consider any application for the approval of a training institution or the registration of a dental laboratory or any variation of a condition imposed in respect of an approved training institution or a dental laboratory;
- (g) acquire, hire or dispose of property, borrow money on the security of the assets of the council, accept any donation or accept and administer any trust;
- (h) consider any matter affecting dental technology, and make representations or take such action in connection therewith as the council may deem necessary;
- (i) conduct or arrange courses for the supplemental training of dental technicians and for a master dental technicians certificate and render financial assistance for such courses;
- (j) perform such other functions as may be prescribed, and, generally, do all such things as it may deem necessary or expedient to achieve the objects of this Act.

Constitution of council.

**5. (1) After the date referred to in section 51 (3) the council shall consist of the following members, namely—**

- (a) The Chief of the section Dental Services of the Department of Health;
- (b) six persons appointed by the Minister, of whom—
  - (i) four shall be dentists, one of whom shall be attached to a university at which a dental faculty has been established and two of whom shall be appointed from a list of at least four names submitted by the Dental Association of South Africa;
  - (ii) one shall be a dental technician attached to an institution at which dental technicians are educated and trained; and
  - (iii) one shall be a person who is not registered in terms of this Act or the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

- (e) om die Minister van advies te dien aangaande enige aangeleentheid wat binne die bestek van hierdie Wet val; en
- (f) om inligting aan die Minister oor te dra aangaande aangeleenthede van openbare belang wat deur die raad in die loop van die verrigting van sy werksaamhede kragtens hierdie Wet ingewin word.

**4. Die raad kan—**

- (a) afskrifte van die registers en aanvullende lyste, en afskrifte daarvan, wat alle veranderings aan die registers aantoon, laat druk en uitgee;
- (b) uittreksels van die registers maak en die voorgeskrewe gelde ten opsigte daarvan vra;
- (c) waar deur hierdie Wet daartoe gemagtig, 'n naam van 'n register verwyder, of dit by betaling van die voorgeskrewe gelde daarop terugplaas;
- (d) eksaminatore en moderatore aanstel, eksamens afneem en sertifikate toeken, en die voorgeskrewe gelde ten opsigte van sodanige eksamens en die uitreiking van sodanige sertifikate vra;
- (e) opleidingsinrigtings ooreenkomsdig die voorgeskrewe voorwaardes goedkeur, sodanige inrigtings inspekteer, of goedkeuring van so 'n inrigting intrek of opskort indien die onderrig of opleiding daarin, na die mening van die raad, nie op 'n bevredigende wyse geskied nie, of indien 'n opgelegde voorwaarde nie nagekom is nie: Met dien verstande dat die raad nie sonder die toestemming van die Minister weier om so 'n inrigting goed te keur of die goedkeuring daarvan intrek of opskort nie;
- (f) die voorgeskrewe gelde vra ten opsigte van 'n inspeksie wat die raad nodig ag om hom in staat te stel om 'n aansoek om goedkeuring van 'n opleidingsinrigting, of die registrasie van 'n laboratorium vir tandkundige werk, of 'n wysiging van 'n voorwaarde opgelê ten opsigte van 'n goedgekeurde opleidingsinrigting of laboratorium vir tandkundige werk te oorweeg;
- (g) eiendom verkry, huur of daaroor beskik, geld op sekuriteit van die bates van die raad leen, 'n skenking aanvaar of 'n trust aanvaar en administreer;
- (h) enige aangeleentheid oorweeg wat tandtegnologie raak en in verband daarmee die vertoë rig of die stappe doen wat die raad gerade ag;
- (i) kursusse vir die aanvullende onderrig van tandtegnici en vir 'n meester-tandtegnikus-bedrewendheidssertifikaat hou of reël en finansiële bystand vir sodanige kursusse aanbied;
- (j) die ander werksaamhede verrig wat voorgeskryf mag word, en, oor die algemeen, alles doen wat hy nodig of dienstig ag om die oogmerke van hierdie Wet te bereik.

**5. (1) Na die datum vermeld in artikel 51 (3) bestaan die raad uit die volgende lede, naamlik—**

- (a) die Hoof van die afdeling Tandheelkundige dienste van die Departement van Gesondheid;
- (b) ses persone deur die Minister aangestel, van wie—
  - (i) vier tandartse moet wees, een waarvan verbonde is aan 'n Universiteit waar 'n tandheelkundige fakulteit ingestel is en twee waarvan aangestel word uit 'n lys van minstens vier name wat die Tandheelkundige Vereniging van Suid-Afrika voorlê;
  - (ii) een 'n tandtegnikus verbonde aan 'n inrigting waar tandtegnici onderrig en opgelei word, moet wees; en
  - (iii) een 'n persoon moet wees wat nie kragtens hierdie Wet of die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is nie;

Algemene  
bevoegdhede van  
raad.

- (c) two dental technician contractors nominated and elected in the prescribed manner by dental technician contractors; and
- (d) two dental technicians who carry on the calling of dental technicians as employees and who are nominated and elected in the prescribed manner by dental technicians thus employed.

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

(3) The Dental Association of South Africa shall within two months after being so requested by the registrar by registered post submit to the registrar the list of names referred to in subsection 1 (b) (i), for submission to the Minister.

(4) If the Dental Association of South Africa fails to make a submission in terms of the provisions of subsection (3), or if the persons referred to in subsection 1 (c) and 1 (d), fail to elect a member under those subsections as the case may be, the Minister shall make the necessary designation and any designation so made by the Minister shall be deemed to have been properly made in terms of the appropriate paragraph of subsection (1).

(5) The registrar shall give notice in the *Gazette* of the appointment or election of any member of the council, the date of such appointment or election and the period for which such member has been appointed or elected.

**Disqualification,  
vacation of office and  
filling of vacancies.**

**6.** (1) No person shall be elected or appointed as a member of the council—

- (a) who is an unrehabilitated insolvent;
  - (b) who is disqualified under this Act or the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), from carrying out his profession, while so disqualified;
  - (c) who is not a South African citizen permanently resident in the Republic;
- (2) A member of the council shall vacate his office if—
- (a) he becomes subject to any disqualification referred to in subsection (1);
  - (b) he ceases to hold any qualification necessary for his appointment;
  - (c) he has been absent from more than two consecutive ordinary meetings of the council without the council's leave;
  - (d) (i) being an elected member, he tenders his resignation in writing to the registrar; or  
(ii) being a member appointed or designated by the Minister, he tenders his resignation in writing to the Minister and the Minister accepts his resignation;
  - (e) he becomes a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
  - (f) he is convicted of an offence, whether in the Republic or elsewhere, in respect whereof he is sentenced to imprisonment without the option of a fine;
  - (g) the State President in the public interest, terminates his membership.

(3) Every vacancy on the council arising from a circumstance referred to in subsection (2) and every vacancy caused by the death of a member, shall be filled by appointment, or election, as the case may be, by the person or body by whom and in the manner in which the vacating member was required to be appointed, or elected, and every member so appointed or elected shall hold office for the unexpired portion of the period for which the vacating member was appointed, or elected.

**Office-bearers.**

**7.** (1) At the first meeting of every newly constituted council the members of the council shall elect a president and a vice-president, and a treasurer from among themselves.

- (c) twee tandtegnikus-kontrakteurs wat deur tandtegnikus-kontrakteurs op die voorgeskrewe wyse benoem en verkies word; en
- (d) twee tandtegnici wat die beroep van tandtegnici as werknemers beoefen en wat deur tandtegnici wat aldus in diens is, op die voorgeskrewe wyse benoem en verkies word.

(2) Behoudens die bepalings van artikel 6, beklee die lede van die raad hulle amp vir 'n tydperk van vyf jaar, maar kan weer aangestel of verkies word, na gelang van die geval.

(3) Die Tandheelkundige Vereniging van Suid-Afrika moet binne twee maande na 'n versoek deur die registrateur per aangetekende pos, die lys van name bedoel in subartikel 1 (b) (i) aan die registrateur voorlê vir voorlegging aan die Minister.

(4) Indien die Tandheelkundige Vereniging van Suid-Afrika versuim om 'n voorlegging ingevolge die bepalings van subartikel (3) te doen of indien die persone in subartikel 1 (c) en 1 (d) genoem, na gelang van die geval, versuim om 'n lid kragtens daardie subartikels te verkies, word die nodige aanwysing deur die Minister gedoen en 'n aanwysing wat aldus deur die Minister gedoen is, word geag behoorlik gedoen te gewees het ingevolge die toepaslike paragrawe van subartikel (1).

(5) Die registrateur moet in die *Staatskoerant* kennis gee van die aanstelling of verkiesing van 'n lid van die raad, die datum van die aanstelling of verkiesing en die tydperk waarvoor daardie lid aangestel of verkies is.

**6. (1)** Niemand word as lid van die raad verkies of aangestel nie

- (a) wat 'n ongerehabiliteerde insolvente persoon is;
  - (b) wat ingevolge hierdie Wet of die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), onbevoeg is om sy beroep te beoefen, terwyl hy aldus onbevoeg is;
  - (c) wat nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie.
- (2) 'n Lid van die raad ontruim sy amp indien—
- (a) hy aan 'n subartikel (1) bedoelde onbevoegdheid onderhewig word;
  - (b) hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is;
  - (c) hy sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad afwesig is;
  - (d) hy
    - (i) as hy 'n verkose lid is, skriftelik sy bedanking by die registrateur indien; of
    - (ii) as hy deur die Minister as lid aangestel of aangewys is, skriftelik sy bedanking by die Minister indien en die Minister sy bedanking aanvaar;
  - (e) hy 'n pasiënt of 'n Presidentspasiënt word soos omskryf in artikel (1) van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
  - (f) hy aan 'n misdryf skuldig bevind word, hetsoy in die Republiek of elders, ten opsigte waarvan hy gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
  - (g) die Staatspresident in die openbare belang sy lidmaatskap beëindig.

Onbevoegdheid,  
ontruiming van amp  
en aanvulling van  
vakatures.

(3) Elke vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (2) bedoel en elke vakature wat veroorsaak word deur die dood van 'n lid, word gevul by wyse van aanstelling of verkiesing, na gelang van die geval, deur die persoon of instansie deur wie en op die wyse waarop die lid wie se amp vakant geword het, aangestel of verkies moes word, en elke lid wat aldus aangestel of verkies word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel of verkies was.

**7. (1)** Die lede van elke nuut saamgestelde raad moet op die Ampsdraers eerste vergadering van daardie raad 'n president en 'n vice-president, en 'n penningmeester uit hulle midde kies.

(2) The president, vice-president and treasurer shall hold office during the term of office of the members of the council, unless the president, vice-president or treasurer shall sooner resign or cease to be a member of the council.

(3) The vice-president may, if the president is absent or is for any reason unable to act as president, perform all the functions and exercise all the powers of the president.

(4) If both the president and vice-president are absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so presiding may, during that meeting and until the president or the vice-president resumes duty, perform all the functions and exercise all the powers of the president.

(5) If both the president and vice-president have been given leave of absence, the members of the council shall elect one of their number, or, if the council is not in session, the executive committee shall designate a member of the council, to act as president until the president or vice-president resumes duty or vacates office.

(6) If the office of president, vice-president or treasurer becomes vacant, the members of the council shall at the first meeting after such vacancy has occurred, elect from among themselves a new president, vice-president or treasurer, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his predecessor was elected.

(7) A president, vice-president or treasurer may vacate office as such without such vacation by itself terminating his membership of the council.

**Meetings of council.**

**8.** (1) The council shall hold at least two meetings in each year at venues to be determined by the council, and may in addition hold such further meetings as the council may from time to time determine.

(2) (a) The president may at any time convene a special meeting of the council, to be held on such date and at such place as he may determine and he shall, upon a written request by the Minister or a written request signed by at least six members, convene a special meeting to be held, within thirty days after the date of receipt of the request, on such date and at such place as he may determine.

(b) Such written request shall state clearly the purpose for which the meeting is to be convened.

**Quorum and procedure at meetings.**

**9.** (1) A majority of the members shall constitute a quorum at any meeting of the council.

(2) A decision of the majority of the members of the council present at any meeting shall constitute a decision of the council: Provided that in the event of an equality of votes the member presiding shall have a casting vote in addition to a deliberative vote.

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

**Executive committee.**

**10.** (1) There shall be an executive committee of the council consisting of the president, the vice-president, the treasurer and such other members of the council as the council may designate of whom at least one shall be a dental technician and one a dentist.

(2) The executive committee may, subject to the directions of the council, exercise all the powers other than a power referred to in section 36 (6) and perform all the functions of the council during periods between meetings of the council but shall not have

(2) Die president, vise-president en penningmeester beklee hulle amp vir die duur van die ampstermy van die lede van die raad tensy die president, vise-president of penningmeester eerder bedank of ophou om 'n lid van die raad te wees.

(3) Die vise-president kan, indien die president afwesig is of om die een of ander rede nie as president kan optree nie, al die werkzaamhede van die president verrig en al sy bevoegdhede uitoefen.

(4) Indien die president sowel as die vise-president van 'n vergadering afwesig is, kies die aanwesige lede iemand uit hulle midde om op daardie vergadering voor te sit en die persoon wat aldus voorsit, kan gedurende daardie vergadering en totdat die president of vise-president sy pligte hervat, al die werkzaamhede van die president verrig en al sy bevoegdhede uitoefen.

(5) Indien aan die president sowel as die vise-president verlof verleen is om afwesig te wees, kies die lede van die raad iemand uit hulle midde, of wys die uitvoerende komitee, indien die raad nie in sitting is nie, 'n lid van die raad aan, om as president waar te neem totdat die president of die vise-president sy pligte hervat of sy amp ontruim.

(6) Indien die amp van president, vise-president of penningmeester vakant word, kies die lede van die raad op die eerste vergadering nadat die vakature ontstaan het, uit hulle midde 'n nuwe president, vise-president of penningmeester, na gelang van die geval, en die aldus verkose lid beklee sy amp vir die onversstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

(7) 'n President, vise-president of penningmeester kan sy amp as sodanig ontruim sonder dat sodanige ontruiming vanself sy lidmaatskap van die raad beëindig.

**8.** (1) Die raad moet minstens twee vergaderings per jaar hou Vergaderings van raad, op die plekke wat die raad bepaal en kan daarbenewens die verdere vergaderings hou wat die raad van tyd tot tyd bepaal.

(2) (a) Die president kan te eniger tyd 'n spesiale vergadering van die raad belê wat gehou moet word op die datum en plek wat hy bepaal en hy moet, op skriftelike versoek van die Minister of 'n skriftelike versoek wat deur minstens ses lede onderteken is, 'n spesiale vergadering belê wat binne dertig dae na die datum van ontvangs van die versoek gehou moet word op die datum en plek wat hy bepaal.

(b) Bedoelde skriftelike versoek moet die doel waarvoor die vergadering belê moet word duidelik vermeld.

**9.** (1) 'n Meerderheid van die lede maak 'n kworum op 'n Kворум en prosedure vergadering van die raad uit by vergaderings.

(2) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit: Met dien verstande dat by 'n staking van stemme die voorsittende lid, benewens 'n beraadslagende stem, 'n beslissende stem kan uitbring.

(3) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike vakature in die raad of vanweë die feit dat iemand wat nie geregtig was om as 'n lid van die raad sitting te neem, as 'n 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 raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

**10.** (1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die president, die vise-president, die penningmeester, en die ander lede van die raad wat die raad aanwys, van wie ten minste een 'n tandarts en een 'n tandtegnikus moet wees.

(2) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, gedurende tydperke tussen vergaderings van die raad al die bevoegdhede van die raad uitoefen, behalwe 'n in artikel 36 (6) bedoelde bevoegdheid, en al sy werkzaamhede

the power, save in so far as the council otherwise directs, to set aside or amend any decision of the council, and any act performed or decision taken by the executive committee shall be of force and effect unless it is set aside or amended by the council at its next ensuing meeting.

Other committees.

**11.** (1) The council shall—

- (a) establish disciplinary committees, each consisting of so many persons, appointed by the council, as the council may determine but including at least two members of the council who shall be the chairman and vice-chairman of such committee, to investigate and report to the council on any complaint, charge or allegation referred to in section 35 (1);
- (b) establish an education committee which shall consist of so many persons, appointed by the council, as the council may determine but which shall include at least one member of the council who shall be the chairman of such committee and at least one representative of each institution where dental technicians are trained;
- (c) establish a service conditions committee for the purpose of investigating and determining conditions of employment of dental technicians, which shall consist of so many persons appointed by the council as the council may determine but which shall include the president of the council who shall be the chairman of such committee;
- (d) establish a tariff committee for the purpose of investigating and determining the tariff of fees payable by a dentist to a dental technician contractor for work done as a dental technician, which shall consist of so many persons appointed by the council as the council may determine but which shall include the president of the council who shall be the chairman of such committee.

(2) A committee established in terms of subsection (1) shall, subject to the provisions of subsection (5), exercise such of the council's powers and perform such of the council's functions as the council may from time to time assign to it.

(3) The council may from time to time establish such other committees as it may deem necessary, each consisting of so many persons, appointed by the council, as the council may determine but including at least two members of the council who shall be the chairman and vice-chairman of such committee, to investigate and report to the council on any matter falling within the scope of the council's functions under this Act.

(4) Subject to the provisions of subsection (5), the council may delegate to any committee established in terms of subsection (3) such of its powers, in addition to the powers conferred upon such committee by subsection (3), as it may from time to time determine, but the council shall not be divested of any power so delegated.

(5) The council shall not delegate to a committee any power referred to in section 36 (6) and no penalty imposed by any committee established in terms of subsection (1) (a), other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect until confirmed by the council: Provided that an order made by any such committee under section 43 (2) shall, if the committee so directs in the public interest, come into operation forthwith, but shall lapse after the expiration of a period of six months unless confirmed within that period by the council.

Determination of conditions of employment and tariff of fees.

**12.** (1) The council may, notwithstanding anything to the contrary in any law contained, conduct an inquiry into, and determine—

- (a) the conditions of employment of dental technician employees; and
- (b) the tariff of fees payable to a dental technician contractor by a dentist for work done as a dental technician.

(2) Any association or body of persons which, in the opinion of the council, is representative of the majority of dentists, dental technician contractors or dental technician employees may make

verrig, maar is nie, behalwe vir sover die raad anders gelas, bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie, en enige handeling verrig of besluit geneem deur die uitvoerende komitee is van krag tensy dit deur die raad by sy eersvolgende vergadering tersyde gestel of gewysig word.

**11. (1) Die raad moet—**

- (a) tugkomitees instel, elkeen waarvan bestaan uit die aantal persone, deur die raad aangestel, wat die raad bepaal, maar wat ten minste twee lede van die raad, wat as voorsitter en vise-voorsitter van die komitee dien, moet insluit, om ondersoek in te stel na en aan die raad verslag te doen oor enige klagte, beskuldiging of bewering in artikel 35 (1) bedoel;
- (b) 'n onderwyskomitee instel wat bestaan uit die aantal persone deur die raad aangestel, wat die raad bepaal, maar wat ten minste een lid van die raad, wat as voorsitter van die komitee dien, en ten minste een verteenwoordiger van elke inrigting waar tandtegnici opgelei word, moet insluit;
- (c) 'n komitee insake diensvoorraades instel ten einde die diensvoorraades van tandtegnici te ondersoek en vas te stel, wat bestaan uit die aantal persone deur die raad aangestel, wat die raad bepaal, maar wat die president van die raad, wat die voorsitter van sodanige komitee moet wees, insluit;
- (d) 'n tariewe-komitee instel ten einde tariewe van gelde betaalbaar deur 'n tandarts aan 'n tandtegnikus-kontrakteur vir werk gedoen as 'n tandtegnikus te ondersoek en te bepaal, wat bestaan uit die aantal persone deur die raad aangestel, wat die raad bepaal, maar wat die president van die raad, wat die voorsitter van sodanige komitee moet wees, insluit.

Ander komitees.

(2) 'n Komitee kragtens subartikel (1) ingestel, moet, behoudens die bepalings van subartikel (5), die bevoegdhede van die raad uitoefen en die werksaamhede van die raad verrig wat die raad van tyd tot tyd aan hom opdra.

(3) Die raad kan van tyd tot tyd die ander komitees instel wat hy nodig ag, elkeen waarvan bestaan uit die aantal persone, deur die raad aangestel, wat die raad bepaal, maar wat ten minste twee lede van die raad, wat as voorsitter en vise-voorsitter van die komitee dien, moet insluit, om ondersoek in te stel na en aan die raad verslag te doen oor enige aangeleentheid wat binne die bestek van die raad se werksaamhede kragtens hierdie Wet val.

(4) Behoudens die bepalings van subartikel (5) kan die raad aan 'n kragtens subartikel (3) ingestelde komitee, benewens die bevoegdhede deur subartikel (3) aan sodanige komitee verleen, sodanige van sy bevoegdhede deleger as wat hy van tyd tot tyd bepaal, maar die raad word nie onthef van 'n bevoegdheid wat aldus gedelegeer is nie.

(5) Die raad deleger nie aan 'n komitee 'n in artikel 36 (6) bedoelde bevoegdheid nie en geen straf opgelê deur 'n komitee wat ingevolge subartikel (1) (a) ingestel is, uitgesonderd 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing, is van krag totdat dit deur die raad bekragtig is nie: Met dien verstande dat 'n bevel deur so 'n komitee kragtens artikel 43 (2) gegee, onmiddellik in werking tree indien die komitee in die openbare belang aldus gelas, maar na die verstryking van 'n tydperk van ses maande verval tensy dit binne daardie tydperk deur die raad bekragtig word.

**12. (1) Die raad kan ondanks andersluidende wetsbepalings, ondersoek instel na en 'n bepaling maak aangaande—**

Bepaling van diensvoorraades en geldetarief.

- (a) die diensvoorraades van tandtegnikus-werknemers;
- (b) die geldetarief betaalbaar aan 'n tandtegnikus-kontrakteur deur 'n tandarts vir werk gedoen as 'n tandtegnikus.

(2) Enige vereniging of liggaam van persone wat na die oordeel van die raad verteenwoordigend is van die meerderheid van tandartse, tandtegnikus-kontrakteurs of tandtegnikus-werknemers,

representations to the council that the council conduct an inquiry for the purposes of a determination under paragraph 1 (a) or 1 (b) as the case may be, of subsection (1), or for the purposes of any amendment in terms of subsection (5) and any such association or body may, with the approval of the council, make representations, oral or written, to the council with regard to any such determination or any amendment thereof.

(3) The provisions of section 36 (4) shall *mutatis mutandis* apply with reference to an inquiry under this section.

(4) Any determination under subsection (1) and any amendment thereof under subsection (5) shall be published by the registrar in the *Gazette*.

(5) The council shall as often as it may become necessary, review a determination under subsection (1), or review any particular item or items thereof and may amend such determination or any such item or items.

(6) A determination in terms of subsection (1) or any amendment thereof published under subsection (4) shall, subject to the provisions of subsection (7), as from the date of such publication, or a date, if any, fixed by the council for the purpose and specified in such publication, be binding on every person practising the profession to which such conditions of employment or tariff of fees, as the case may be, or any amendment thereof, relates.

(7) (a) The council may, subject to such conditions as it may determine, grant exemption to any person from any determination referred to in subsection (6);

(b) the council may withdraw such exemption on one month's notice in writing to the person concerned.

**Appointment of registrar and staff.**

**13.** (1) The council shall appoint a registrar, and may appoint such other persons as it may deem necessary, for carrying out its functions under this Act, and may dismiss any of such other persons.

(2) The registrar shall act as secretary to the council and shall perform the functions and carry out the duties assigned to, or imposed upon him under this Act, as well as such functions and duties as may from time to time be assigned to, or imposed upon, him by the council.

(3) The appointment or dismissal of the registrar shall be subject to the approval of the Minister.

(4) No appointment shall be made in terms of this section unless the person appointed is proficient in both official languages.

**Financing of council.**

**14.** (1) All registration and examination fees and any other fees payable under this Act, shall be paid to the council and shall constitute its funds and the council shall utilize its funds for defraying expenses incurred in connection with the performance of its functions.

(2) The council may invest any unexpended portion of its moneys and may establish such reserve funds, and pay therein such amounts, as it may deem necessary or expedient.

**Minister may rectify defects.**

**15.** If anything required to be done under this Act in connection with the appointment, or election of any member is omitted or not done within the time or in the manner required by this Act, the Minister may order all such steps to be taken as may be necessary to rectify the omission or error, or may validate anything done in an irregular manner or form, in order to give effect to the objects of this Act.

## CHAPTER 2

### EDUCATION, TRAINING AND REGISTRATION OF DENTAL TECHNICIANS

**Control over education and training.**

**16.** (1) Notwithstanding anything to the contrary in any law contained, no person or institution may offer or provide any education or training which is intended to qualify any person to

kan vertoe tot die raad rig dat die raad ondersoek instel ten einde 'n bepaling ingevolge paragraaf (a) of (b), na gelang van die geval, van subartikel (1), of enige wysiging ingevolge subartikel (5), te maak, en enige sodanige vereniging of liggaam kan, met goedkeuring van die raad, vertoe hetsy mondeling of skriftelik, tot die raad rig met betrekking tot enige sodanige bepaling of enige wysiging daarvan.

(3) Die bepalings van artikel 36 (4) is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek ingevolge hierdie artikel.

(4) Enige bepaling ingevolge subartikel (1) en enige wysiging daarvan ingevolge subartikel (5) word deur die registrator in die *Staatskoerant* gepubliseer.

(5) Die raad moet so dikwels as wat dit nodig word, 'n bepaling ingevolge subartikel (1) of enige spesifieke item of items daarvan hersien en mag sodanige bepaling of enige sodanige item of items wysig.

(6) 'n Bepaling ingevolge subartikel (1) of enige wysiging daarvan ingevolge subartikel (4) gepubliseer, is, onderworpe aan die bepalings van subartikel (7) vanaf die datum van sodanige publikasie, of 'n datum, indien enige, vir die doel deur die raad bepaal en in sodanige publikasie vermeld, bindend vir elke persoon wat die beroep beoefen waarop sodanige diensvoorraades of geldetarie, na gelang van die geval, of enige wysiging daarvan betrekking het.

- (7) (a) Die raad kan, onderworpe aan sodanige voorwaarde as wat dit mag bepaal, vrystelling van enige bepaling bedoel in subartikel (6) aan enige persoon verleen;
- (b) die raad kan sodanige vrystelling terugtrek op een maand skriftelike kennis aan die betrokke persoon.

**13.** (1) Die raad stel 'n registrator aan, en kan die ander persone aanstel wat hy nodig ag, vir die verrigting van sy werksaamhede ingevolge hierdie Wet en kan enige van bedoelde ander persone ontslaan.

Aanstelling van  
registrator en  
personeel.

(2) Die registrator dien as sekretaris van die raad en verrig die werksaamhede en die pligte wat ingevolge hierdie Wet aan hom toegewys of opgelê is, sowel as die werksaamhede en pligte wat van tyd tot tyd deur die raad aan hom toegewys of opgelê word.

(3) Die aanstelling of ontslag van die registrator is onderworpe aan die goedkeuring van die Minister.

(4) Geen aanstelling word ingevolge hierdie artikel gedoen nie tensy die persoon wat aangestel word beide amptelike tale magtig is.

**14.** (1) Alle registrasie- en eksamengelde en enige ander geldte kragtens hierdie Wet betaalbaar, word aan die raad betaal en maak sy fondse uit en die raad wend sy fondse aan ter bestryding van uitgawes aangegaan in verband met die verrigting van sy werksaamhede.

Finansiering van raad.

(2) Die raad kan enige onbestede gedeelte van sy geld belê en kan die reserwefonds instel, en die bedrae daarin stort, wat hy nodig of wenslik ag.

**15.** Indien enigiets wat ingevolge hierdie Wet in verband met Minister kan foute die aanstelling of verkiesing van 'n lid gedoen moet word, herstel nagelaat word of nie binne die tydperk of op die wyse deur hierdie Wet vereis, gedoen word nie, kan die Minister gelas dat al die nodige stappe gedoen word om die versuim of fout te herstel, of kan hy enigiets wat op 'n onreëlmataige wyse of in 'n onreëlmataige vorm gedoen is, geldig verklaar, ten einde aan die oogmerke van hierdie Wet gevvolg te gee.

## HOOFSTUK 2

### ONDERRIG, OPLEIDING EN REGISTRASIE VAN TANDTEGNICI

**16.** (1) Ondanks andersluidende wetsbepalings, mag geen Beheer oor onderrig persoon of inrigting onderrig of opleiding aanbied of verskaf wat en opleiding bedoel is om iemand te bekwaam om die beroep van tandtegnikus

practise the profession of a dental technician to which the provisions of this Act apply, unless such education and training have been approved by the council.

(2) Any person or institution wishing to offer or to provide the education and training referred to in subsection (1) shall, before offering or providing the education and training, apply to the council in writing for its approval of the education and training and shall furnish such particulars regarding the education and training as the council may require.

(3) The council may approve or refuse any application made in terms of subsection (2) and may, where it approves the application, determine any condition or requirement it deems fit, to which the education or training shall be subject.

(4) Any decision made by the council in terms of subsection (3) shall be final.

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

**Registration a  
prerequisite for  
practising or training.**

**17.** No person shall be entitled to practise within the Republic the profession of a dental technician, or be educated or trained within the Republic as a student dental technician, unless he is in terms of this Act registered, as a dental technician or student dental technician, as the case may be.

**Registration of dental  
technicians.**

**18.** (1) Any person who wishes to be registered as a dental technician in terms of this Act shall apply to the council in writing and shall submit the qualification which, in his submission, entitles him to registration together with such proof of identity and of the authenticity and validity of the qualification submitted as may be required by the council.

(2) If the council is satisfied that the qualification and the other documents submitted in support of the application satisfy the requirements of this Act, it shall, upon payment of the prescribed fee, cause the necessary entry to be made in the register and the registrar shall thereupon issue a registration certificate, authorizing the applicant, subject to the provisions of this Act and to any other legal provisions, to practise within the Republic the profession in respect of which he has applied for registration.

**Registration of  
student dental  
technicians.**

**19.** (1) Any person who desires to be registered as a student dental technician in terms of this Act shall make written application to the council and shall together with his application submit the prescribed particulars and the prescribed registration fee.

(2) If the council is satisfied that the applicant is entitled to registration, it shall cause the necessary entry to be made in the register, and the registrar shall thereupon issue to the applicant a registration certificate in the prescribed form.

(3) The person in charge of an approved institution where dental technicians are trained shall forthwith notify the council of the termination of the education and training of a student dental technician, whether by reason of abandonment or completion of education and training or a transfer or for any other reason.

**Keeping of registers.**

**20.** (1) The council shall keep the separate registers in respect of dental technicians and student dental technicians, and shall enter in the appropriate register the prescribed particulars of every person whose application under section 18 or 19 for registration has been granted.

(2) The council shall keep the registers correctly and in accordance with the provisions of this Act and shall remove therefrom the names of all registered persons in terms of section 24 and shall from time to time make the necessary alterations in the names and addresses or qualifications of registered persons.

(3) Every registered person who changes his name or address shall in writing notify the registrar thereof within thirty days after such change.

waarop die bepalings van hierdie Wet van toepassing is, te beoefen nie, tensy sodanige onderrig en opleiding deur die raad goedgekeur is.

(2) Iemand of 'n inrigting wat die onderrig en opleiding bedoel in subartikel (1) wil aanbied of verskaf, moet, alvorens hy die onderrig en opleiding aanbied of verskaf, skriftelik by die raad om sy goedkeuring vir die onderrig en opleiding aansoek doen en die besonderhede aangaande die onderrig en opleiding verstrek wat die raad vereis.

(3) Die raad kan 'n aansoek wat ingevolge subartikel (2) gedoen is, goedkeur of weier en kan, wanneer hy die aansoek goedkeur, enige voorwaarde of vereiste bepaal wat hy goed ag waaraan die onderrig of opleiding onderhewig is.

(4) 'n Besluit ingevolge subartikel (3) deur die raad geneem, is afdoende.

(5) Iemand wat 'n bepaling van hierdie artikel, of 'n voorwaarde of vereiste daarkragtens bepaal, oortree of versuim om daarvan te voldoen, 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.

**17.** Niemand mag binne die Republiek die beroep van 'n tandtegnikus beoefen of binne die Republiek as 'n student-tandtegnikus onderrig of opgelei word nie, tensy hy ingevolge hierdie Wet geregistreer is, as 'n tandtegnikus of student-tandtegnikus, na gelang van die gevval.

**18.** (1) Enige persoon wat ingevolge hierdie Wet as 'n tandtegnikus geregistreer wil word, moet by die raad skriftelik aansoek doen en moet die kwalifikasie wat, na hy meen, aan hom die reg op registrasie verleen, voorlê, tesame met die bewys van identiteit en van die egtheid en geldigheid van die voorgelegde kwalifikasie, wat die raad vereis.

(2) Indien die raad oortuig is dat die kwalifikasie en die ander stukke wat ter stawing van die aansoek voorgelê is, aan die vereistes van hierdie Wet voldoen, laat hy, by betaling van die voorgeskrewe geld, die nodige inskrywing in die register doen en die registrateur reik daarop 'n registrasiesertifikaat uit wat die aansoeker magtig om, behoudens die bepalings van hierdie Wet en enige ander wetsbepaling, die beroep ten opsigte waarvan hy om registrasie aansoek gedoen het, in die Republiek te beoefen.

**19.** (1) Enige persoon wat begerig is om as 'n student-tandtegnikus ingevolge hierdie Wet geregistreer te word, moet by die raad skriftelik aansoek doen en moet tesame met sy aansoek die voorgeskrewe besonderhede en die voorgeskrewe registrasiegeld voorlê.

(2) Indien die raad oortuig is dat die aansoeker geregtig is op registrasie, laat hy die nodige inskrywing in die register doen, en die registrateur reik daarop aan die aansoeker 'n registrasiesertifikaat uit in die voorgeskrewe vorm.

(3) Die persoon in beheer van 'n goedgekeurde inrigting waar tandtegnici opgelei word, moet die raad onverwyld van die beëindiging van die onderrig en opleiding van 'n student-tandtegnikus in kennis stel, hetsy weens staking of voltooiing van onderrig en opleiding of 'n oorplasing of om 'n ander rede.

**20.** (1) Die raad moet die afsonderlike registers ten opsigte van tandtegnici en student-tandtegnici hou, en moet die voorgeskrewe besonderhede van elke persoon wie se aansoek ingevolge artikel 18 of 19 om registrasie toegestaan is, in die toepaslike register inskryf.

(2) Die raad moet die registers korrek en ooreenkomsdig die bepalings van hierdie Wet hou en moet die name van alle geregistreerde persone ingevolge artikel 24 daaruit skrap en moet van tyd tot tyd daarin die nodige veranderingen aan die name en adresse of kwalifikasies van geregistreerde persone aanbring.

(3) Elke geregistreerde persoon wat sy naam of adres verander, moet binne dertig dae na die verandering aan die registrateur skriftelik kennis daarvan gee.

- (4) (a) No qualification shall be entered in the register if the council is satisfied that the person claiming to possess such qualification is not entitled thereto.
- (b) Any registration which is proved to the satisfaction of the council to have been made in error or through misrepresentation or in circumstances not authorized by this Act, may be removed from the register and an endorsement of the reason for every such removal shall be made in the register, and the person in respect of whose registration such removal has been made shall be notified thereof in the manner contemplated in section 24 (2).
- (c) Any certificate issued in respect of the registration in question shall be deemed to be cancelled as from the date on which notice is so given.

Council may refuse registration.

**21.** Notwithstanding any provision of this Act, the council may refuse to register any person under section 18 or 19 or to restore the name of any person to a register, if, in the opinion of the council, such person is by reason of a conviction, in the Republic or elsewhere, for a prescribed offence, not fit to practise as a dental technician, or to undergo education and training as a student dental technician.

Qualifications prescribed for registration.

**22.** The Minister may, from time to time on the recommendation of the council, prescribe the qualifications obtained by virtue of examinations conducted by an approved institution which shall, if possessed alone or together with another qualification, entitle the possessor thereof to registration as a dental technician in terms of this Act, if he complies, before or in connection with or after the acquisition of the relative qualification, with the conditions or requirements as so prescribed.

Limited registration.

**23.** (1) The Council may, subject to the provisions of subsections (2) and (3) register as a dental technician any person who acquired a qualification or underwent training outside the Republic if such qualification or training entitled the person to practise as a dental technician in the country or state in which he acquired the qualification or underwent the training.

(2) A person registered in terms of subsection (1) as a dental technician is entitled to practise as such, only—

- (a) for the period or periods determined by the council during which he shall satisfy the council that—
  - (i) he possesses professional knowledge and ability of a standard not lower than that prescribed in respect of dental technicians in the Republic; and
  - (ii) he is conversant with the laws of the Republic regarding dental practice and the practising of the profession of a dental technician;
- (b) in the area or areas determined by the council; and
- (c) subject to any further conditions determined by the council.

(3) The council may for purposes of subsection (2) (a) (i) and shall for the purposes of subsection 2 (a) (ii) require the relative person to undergo an examination (whether oral, written or practical or all three) before examiners appointed by the council.

(4) If the council is satisfied that an applicant referred to in subsection (1) complies with the requirements of this Act, it shall exempt such applicant from all restrictions imposed in respect of him in terms of subsection (2) and if the council is not so satisfied it shall remove such person's name from the register.

Removal from, rectification in and restoration to register of names.

**24.** (1) The council may order the registrar to remove the name of any person from the register if the council is satisfied that such person—

- (a) has died;

- (4) (a) Geen kwalifikasie word geregistreer nie indien die raad oortuig is dat die persoon wat aanspraak maak op besit van so 'n kwalifikasie, nie daarop geregtig is nie.
- (b) Enige registrasie wat tot oortuiging van die raad bewys word weens 'n vergissing of as gevolg van wanvoorstelling of in omstandighede wat nie by hierdie Wet gemagtig is nie, gemaak te gewees het, kan uit die register geskrap word en 'n aantekening van dié rede vir iedere sodanige skrapping moet in die register gemaak word en die persoon ten opsigte van wie se registrasie daardie skrapping gedoen is, moet daarvan in kennis gestel word op die wyse in artikel 24 (2) beoog.
- (c) 'n Sertifikaat wat ten opsigte van die betrokke registrasie uitgereik is, word geag ingetrek te wees vanaf die datum waarop kennis aldus gegee word.

**21.** Ondanks enige bepaling van hierdie Wet kan die raad weier om iemand ingevolge artikel 18 of 19 te registreer, of om die naam van iemand op 'n register terug te plaas, indien, na die oordeel van die raad, so iemand, uit hoofde van skuldigbevinding in die Republiek of elders aan 'n voorgeskrewe misdryf, nie geskik is om as 'n tandtegnikus te praktiseer of om opleiding as 'n student-tandtegnikus te ontvang nie. Raad kan registrasie weier.

**22.** Die Minister kan van tyd tot tyd op aanbeveling van die Raad die kwalifikasies, verwerf uit hoofde van eksamens afgeneem deur 'n goedgekeurde inrigting, voorskryf wat, indien alleen of saam met 'n ander kwalifikasie besit, aan 'n besitter daarvan die reg verleen op registrasie kragtens hierdie Wet as 'n tandtegnikus, indien hy voor of in verband met of na die verwerwing van die betrokke kwalifikasie voldoen het aan die voorwaardes of vereistes wat aldus voorgeskryf word. Kwalifikasies voorgeskryf vir registrasie.

**23.** (1) Die raad kan, onderworpe aan die bepalings van subartikels (2) en (3), enige persoon wat buite die Republiek 'n kwalifikasie verwerf of opleiding ondergaan het as 'n tandtegnikus registreer, indien sodanige kwalifikasie of opleiding aan die persoon die reg verleen om in die land of staat waar hy die kwalifikasie verwerf of die opleiding ondergaan het, as tandtegnikus te praktiseer. Beperkte registrasie.

(2) Iemand wat kragtens subartikel (1) as 'n tandtegnikus geregistreer is, is slegs geregtig om as sodanig te praktiseer—

- (a) vir die tydperk of tydperke wat die raad bepaal, waarbinne hy die raad moet oortuig dat—
- (i) hy oor professionele kennis en vaardigheid beskik wat van 'n standaard is wat nie laer is nie as die wat ten opsigte van tandtegnici in die Republiek voorgeskryf word; en
  - (ii) hy vertroud is met die wette van die Republiek wat op tandheelkundige praktyk en die beoefening van die beroep van 'n tandtegnikus betrekking het;
- (b) in die gebied of gebiede wat die raad bepaal; en
- (c) onderworpe aan enige verdere voorwaardes wat die raad bepaal.

(3) Die raad kan vir die doeleindes van subartikel (2) (a) (i) en moet vir die doeleindes van subartikel (2) (a) (ii) die betrokke persoon verplig om 'n eksamen (hetsy mondeling of geskrewe of prakties of al drie) af te lê voor eksaminatore deur die raad aangestel.

(4) Indien die raad oortuig is daarvan dat 'n aansoeker in subartikel (1) bedoel aan die vereistes van hierdie Wet voldoen, moet hy sodanige aansoeker vrystel van alle beperkings wat ten opsigte van hom kragtens subartikel (2) opgelê is en indien die raad nie aldus oortuig is nie, moet hy die inskrywing van die persoon se naam uit die register skrap.

**24.** (1) Die raad kan die registrateur gelas om die naam van iemand uit die register te skrap, indien die raad oortuig is dat so iemand—

- (a) gesterf het;

verbetering en herstel van name uit of op register.

- (b) has left the Republic permanently or that he has been absent from the Republic for a continuous period of more than three years without the council's permission;
- (c) has failed to pay any money which he owes to the council within three months after the date on which a reminder has been sent to him by the registrar by registered post to his address as entered in the register;
- (d) who has failed to notify the registrar, within a period of three months as from the date of a written enquiry sent by the registrar to the address appearing in the register in respect of such person, of his present address;
- (e) who has requested that his name be removed from the register, in which case such person may be required by the registrar to lodge with the registrar an affidavit or affirmation to the effect that no disciplinary or criminal proceedings are being or are likely to be taken against him.

(2) Notice of the removal in terms of subsection (1) of his name from the register or the removal in terms of section 20 (4) or 23 (4) of an entry from the register, shall be given by the registrar to the person concerned by way of a letter addressed to such person at the address appearing in respect of him in the register.

(3) As from the date on which notice has been given in terms of subsection (2)—

- (a) any registration certificate issued in terms of this Act to the person concerned shall be deemed to be cancelled; and
- (b) such person shall cease to practise the profession in respect of which he was registered or to perform any act which he, in his capacity as a registered person, was entitled to perform,

until such time as his name or the entry removed from the register in terms of section 20 (4) as the case may be, is restored to the register.

(4) If—

- (a) it appears to the judge from the documents submitted to him in terms of section 18 (3) of the Mental Health Act, 1973 (Act No. 18 of 1973), or it is brought to his notice in any other manner, that the person to whom the documents relate is a person registered under this Act and such person is declared mentally ill as contemplated in section 19 (1) (b) of the said Mental Health Act; or
- (b) it is brought to the notice of a court that an accused person appearing before it is registered in terms of this Act, and the court in terms of section 77 (6) or 78 (6) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), directs that the accused person be detained pending the signification of the decision of the State President,

the judge shall direct that a copy of the order declaring the person concerned mentally ill, or the court shall direct that a copy of the direction that the accused person be detained pending the signification of the decision of the State President, be transmitted to the registrar, and the registrar shall on receipt of the copy remove the name of the person concerned from the register.

(5) The name of a person whose name has in terms of this section been removed from the register, or an entry removed from the register in terms of section 20 (4), shall be restored to the register by the registrar if the person concerned—

- (a) applies on the prescribed form for such restoration;
- (b) pays any fee prescribed in respect of such restoration;
- (c) where his name has been removed from the register in terms of subsection (4), submits proof to the satisfaction of the council of his discharge in terms of the provisions

- (b) die Republiek permanent verlaat het of sonder toestemming van die raad vir 'n ononderbroke tydperk van meer as drie jaar uit die Republiek afwesig is;
- (c) in gebreke gebly het om enige geld wat hy aan die raad verskuldig is, te betaal binne drie maande na die datum waarop 'n aanmaning deur die registrator per aangegetekende pos aan hom by sy adres soos in die register aangeteken, gestuur is;
- (d) wat versuim het om die registrator van sy huidige adres in kennis te stel binne 'n tydperk van drie maande vanaf die datum van 'n skriftelike navraag wat deur die registrator gestuur is na die adres wat in die register ten opsigte van daardie persoon verskyn;
- (e) wat versoek het dat sy naam uit die register geskrap word, in welke geval so 'n persoon deur die registrator aangesê kan word om by die registrator 'n beëdigde verklaring of bevestiging in te dien met die strekking dat geen tug- of strafregtelike stappe teen hom gedoen word of waarskynlik gedoen sal word nie.

(2) Kennis van die skrapping ingevolge subartikel (1) van sy naam uit die register of van die skrapping ingevolge artikel 20 (4) of 23 (4) van 'n inskrywing uit die register, moet deur die registrator aan die betrokke persoon gegee word deur middel van 'n brief aan bedoelde persoon geadresseer na die adres wat ten opsigte van hom in die register verskyn.

(3) Vanaf die datum waarop kennis ingevolge subartikel (2) gegee is—

- (a) word 'n registrasiesertifikaat wat involge hierdie Wet aan die betrokke persoon uitgereik is, geag gekanselleer te wees; en
- (b) moet bedoelde persoon ophou om die beroep te beoefen ten opsigte waarvan hy geregistreer was of om enige handeling te verrig wat hy, in sy hoedanigheid van 'n geregistreerde persoon, geregtig was om te verrig,

tot tyd en wyl sy naam of die inskrywing wat ingevolge artikel 20 (4) uit die register geskrap is, na gelang van die geval op die register teruggeplaas word.

(4) Indien—

- (a) dit aan die regter uit die stukke blyk wat ingevolge artikel 18 (3) van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), aan hom voorgelê is, of dit op enige ander wyse onder sy aandag gebring word dat die persoon op wie die stukke betrekking het iemand is wat kragtens hierdie Wet geregistreer is en so iemand geestesongesteld verklaar word soos beoog in artikel 19 (1) (b) van genoemde Wet op Geestesgesondheid; of
- (b) dit tot die kennis van 'n hof gebring word dat 'n beskuldigde persoon wat voor hom verskyn, kragtens hierdie Wet geregistreer is, en die hof kragtens artikel 77 (6) of 78 (6) van die Strafproseswet, 1977 (Wet No. 51 van 1977), gelas dat die beskuldigde persoon aangehou word hangende die beskikking van die Staatspresident, moet die regter gelas dat 'n afskrif van die bevel wat die betrokke persoon geestesongesteld verklaar, of moet die hof gelas dat 'n afskrif van die lasgewing dat die beskuldigde persoon aangehou word hangende die beskikking van die Staatspresident, aan die registrator gestuur word, en die registrator moet by ontvangs van die afskrif die naam van die betrokke persoon uit die register skrap.

(5) Die naam van iemand wie se naam ingevolge hierdie artikel uit die register geskrap is, of 'n inskrywing wat ingevolge artikel 20 (4) uit die register geskrap is, moet deur die registrator op die register teruggeplaas word indien die betrokke persoon—

- (a) op die voorgeskrewe vorm om sodanige terugplasing aansoek doen;
- (b) enige geldige betaal wat ten opsigte van sodanige terugplasing voorgeskryf is;
- (c) waar sy naam ingevolge subartikel (4) uit die register geskrap is, tot oortuiging van die raad bewys voorlê van sy ontslag ingevolge die bepalings van die Wet op

of the Mental Health Act, 1973, from the institution at which he was detained; and

- (d) complies with such other requirements as the council may determine.

Custody and publication of registers.

**25.** The registers shall be kept at the office of the council, and the registrar shall, at intervals to be determined by the council and in accordance with the instructions and the authority of the council, cause copies of the registers and of any supplementary lists showing any alterations, additions, revisions and deletions made since the last publication of the complete registers, to be printed and published.

Receipt as proof.

**26.** A receipt issued by or on behalf of the council in respect of the payment of annual fees shall be *prima facie* proof in legal proceedings that such person is registered according to the provisions of this Act: Provided that in the case of any person whose name—

- (a) appears in such register, but who is unable to produce such receipt, a certificate under the hand of the registrar shall be proof that such person is registered under the provisions of this Act;
- (b) has been removed from the register since the date of issue of such receipt and has not been restored to the register, a certificate under the hand of the registrar that the name of such person has been removed from the register, shall be proof that such person is not registered under the provisions of this Act.

### CHAPTER 3

#### OFFENCES BY UNREGISTERED PERSONS AND THE CONTROL OVER ARTIFICIAL TEETH

Acts which may only be performed by dentists or dental technicians.

- 27.** (1) No person other than a dentist shall, for gain—
  - (a) supply or undertake to supply any artificial denture or other dental appliance to any person for use by that person; or
  - (b) make, repair, alter or work upon, or undertake to make, repair, alter or work upon any artificial denture or other dental appliance unless the denture or appliance, or the impression, model or other guide for the making, repairing or altering of or the working upon the denture or appliance has been or is to be delivered to him by a dentist, and the denture or appliance is to be returned or delivered, as the case may be, by him to the dentist.
- (2) No person other than a dentist shall—
  - (a) pretend or by any means whatsoever hold himself out to be entitled or prepared to supply, make, repair, alter or work upon any artificial denture or other dental appliance otherwise than in accordance with the provisions of subsection (1); or
  - (b) solicit or accept, for execution by any person, in contravention of subsection (1), any order for the supply, making, repair or alteration of or the working upon any artificial denture or other dental appliance.
- (3) No person (other than a person referred to in subsection (8)) shall for gain carry on the work of a dental technician or perform any act specially pertaining to the work of a dental technician, unless he has been registered as a dental technician under section 18.
- (4) In any prosecution for a contravention of any provision of subsection (1) or (3), the accused shall, unless the contrary is proved, be deemed to have performed the act in respect of which the prosecution is instituted, for gain.
- (5) No person who is not registered under section 18 shall hold himself out to be registered as a dental technician or use any

Geestesgesondheid, 1973, uit die inrigting waar hy aangehou was; en

- (d) aan die ander vereistes voldoen wat deur die raad bepaal word.

**25.** Die registers word in die kantoor van die raad gehou, en die Bewaring en registrateur moet, by tussenposes wat die raad bepaal en publikasie van ooreenkomstig die opdragte en die magtiging van die raad, afskrifte van die registers en van enige aanvullende lyste wat enige wysigings, toevoegings, hersienings en skrappings aantoon wat gedoen is sedert die laaste publikasie van die volledige registers, laat druk en publiseer.

**26.** 'n Kwitansie deur of namens die raad uitgereik ten opsigte Kwitansie as bewys van die betaling van jaarlikse gelde is inregsverrigtinge *prima facie*-bewys dat so iemand ooreenkomstig die bepalings van hierdie Wet geregistreer is: Met dien verstande dat in die geval van iemand wie se naam—

- (a) in so 'n register verskyn, maar wat nie in staat is om bedoelde kwitansie voor te lê nie, 'n sertifikaat deur die registrateur onderteken bewys is dat bedoelde persoon kragtens die bepalings van hierdie Wet geregistreer is;
- (b) uit die register geskrap is sedert datum van uitreiking van bedoelde kwitansie en nie op die register teruggeplaas is nie, 'n sertifikaat deur die registrateur onderteken dat die naam van daardie persoon uit die register geskrap is, bewys is dat bedoelde persoon nie kragtens die bepalings van hierdie Wet geregistreer is nie.

### HOOFTUK 3

#### MISDRYWE DEUR ONGEREGSTREERDE PERSONE EN DIE BEHEER OOR ONGEMONTEERDE KUNSTANDE

**27.** (1) Niemand, behalwe 'n tandarts mag vir wins—

- (a) kunstante of 'n ander tandtoestel aan enige persoon vir gebruik deur daardie persoon verskaf of onderneem om dit aan hom te verskaf nie; of
- (b) kunstante of 'n ander tandtoestel vervaardig, herstel of verander, of daarvan werk, of onderneem om dit te vervaardig, te herstel, te verander, of om daarvan te werk nie, tensy die tande of toestel, of die afdruk, model of ander leidraad waarvolgens die kunstante of toestel vervaardig, herstel of verander of daarvan gewerk moet word, aan hom deur 'n tandarts oorhandig is of moet word, en die tande of toestel deur hom aan die tandarts, na gelang van die geval, terugbesorg of afgeliever moet word.

Handelinge wat alleen deur tandartse of tandtegnici verrig mag word.

(2) Niemand behalwe 'n tandarts mag—

- (a) hom voordoen as, of op watter manier ook uitgee vir iemand wat geregtig of bereid is om kunstante of 'n ander tandtoestel te verskaf, vervaardig, herstel of verander of daarvan te werk nie, anders as ooreenkomstig die bepalings van subartikel (1); of
- (b) 'n bestelling vir die verskaffing, vervaardiging, herstel of verandering van of die werk aan kunstante of 'n ander tandtoestel, vra of aanneem, om deur enigiemand instryd met subartikel (1) uitgevoer te word nie.

(3) Niemand (behalwe 'n in subartikel (8) bedoelde persoon) mag vir wins die werk van 'n tandtegnikus doen of 'n handeling verrig wat spesiala by die werk van 'n tandtegnikus behoort nie, tensy hy ingevolge artikel 18 as 'n tandtegnikus geregistreer is.

(4) By 'n vervolg weens 'n oortreding van 'n bepaling van subartikel (1) of (3), word die beskuldigde geag, tensy die teendeel bewys word, die handeling ten opsigte waarvan die vervolg ingestel word, vir wins te verrig het.

(5) Niemand wat nie ingevolge artikel 18 geregistreer is nie, mag hom uitgee vir iemand wat as 'n tandtegnikus geregistreer is nie, of gebruik maak van 'n naam, titel, beskrywing of teken wat

name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a dental technician.

(6) (a) The prohibitions in subsections (1) and (2) shall be in addition to and not in substitution for those contained in section 38 (1) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974).

(b) The provisions of subsection (2) shall not imply that any dentist who solicits or allows any person to solicit on his behalf, any order referred to in that subsection, or accepts any such order so solicited, is not guilty of improper conduct, or that an inquiry under Chapter IV of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), may not be instituted against any such dentist.

(7) Subject to the provisions of sections 19, 23 and 28 no person shall employ any other person to perform the work of a dental technician or any act specially pertaining to the profession of a dental technician, unless such other person is registered under section 18.

(8) The prohibition in subsection (3) shall not apply—

- (a) to a dentist;
- (b) to any student dental technician, if the act in question is performed for the purposes of his training in dental technology;
- (c) to any person to whom limited registration in terms of section 23 has been granted whilst acting within the limits of such registration;
- (d) to any person who is employed in the work of a dental technician as a dental laboratory assistant referred to in section 28 whilst acting within the scope of his employment.

Dental Laboratory assistants.

**28.** (1) Notwithstanding the provisions contained in section 27 a dentist and a dental technician may employ an unregistered person as a dental laboratory assistant to perform work pertaining to a dental technician: Provided that the scope of activities of such laboratory assistant shall be confined to the following, namely—

- (a) all plaster work, excluding—
  - (i) articulation of models on an articulator; and
  - (ii) casting of plaster models for crown and bridge work;
- (b) flasking and deflasking of a dental prosthesis or appliance using either plaster or stone plaster;
- (c) separating of dental flasks and boiling of wax contents;
- (d) polishing only of plastic and metal dentures.

(2) A dental laboratory assistant may only work as such as an employee in a dental laboratory under the continuous personal supervision of a dentist or dental technician.

Dental laboratories.

**29.** (1) Subject to the provisions of section 32 (2) no person shall own a dental laboratory unless he is a dentist or dental technician.

(2) The provision of subsection (1) shall not be applicable to—

- (a) the State;
- (b) a Provincial Administration;
- (c) a local authority as contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);
- (d) a university, or an approved institution for the training of dental technicians; or
- (e) any medical benefit scheme registered under the Medical Schemes Act, 1967 (Act No. 72 of 1967),

who may own a dental laboratory for the purpose of training of dentists or dental technicians or the rendering of dental services for its employees, members or members of the public as the case may be.

aandui of mense sou kan laat aflei dat hy as 'n tandtegnikus geregistreer is nie.

- (6) (a) Die verbodsbeplings in subartikels (1) en (2), word bygevoeg by en vervang nie dié wat in artikel 38 (1) van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep 1974 (Wet No. 56 van 1974), vervat is nie.
- (b) Uit die beplings van subartikel (2) word nie aangeleid nie dat 'n tandarts wat 'n bestelling in daardie subartikel bedoel vra, of iemand toelaat om dit ten behoeve van hom te vra, of so 'n bestelling wat aldus gevra is aanneem, nie aan onbetaamlike gedrag skuldig is nie, of dat 'n ondersoek ingevolge Hoofstuk IV van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), nie teen so 'n tandarts ingestel kan word nie.
- (7) Behoudens die beplings van artikels 19, 23 en 28 mag niemand enige ander persoon in diens neem om die werk van 'n tandtegnikus of enige handeling wat spesiaal by die beroep van 'n tandtegnikus tuishoort te verrig nie tensy sodanige ander persoon ingevolge artikel 18 geregistreer is.
- (8) Die verbod in subartikel (3) is nie van toepassing nie op—
  - (a) 'n tandarts;
  - (b) enige student-tandtegnikus indien die betrokke handeling uitgevoer word vir die doeleindes van sy opleiding in tandtegnologie;
  - (c) enige persoon aan wie beperkte registrasie ingevolge artikel 23 verleen is solank hy binne die perke van sy sodanige registrasie handel;
  - (d) enige persoon wat as 'n assistent in 'n tandheelkundige laboratorium in diens is in die werk van 'n tandtegnikus soos bedoel in artikel 28 solank hy binne die perke van sy diens handel.

**28.** (1) Nieteenstaande die beplings van artikel 27 mag 'n Tandkundige tandarts en 'n tandtegnikus 'n ongeregistreerde persoon as 'n laboratoriumassistent in diens neem om werk wat by 'n tandtegnikus behoort te doen: Met dien verstande dat die omvang van die aktiwiteite van sodanige assistent beperk sal wees tot die volgende naamlik—

- (a) alle gipswerk, uitsluitende—
    - (i) artikulering van modelle op 'n artikulator; en
    - (ii) giet van gipsmodelle vir kroon- en brugwerk;
  - (b) infles en ontfles van 'n tandheelkundige protheses of toestel deur die gebruik van of gips of steengips;
  - (c) oopmaak van kunstandefles en die uitkook van was;
  - (d) polering alleenlik van plastiek en metaal kunsgebitte.
- (2) 'n Tandkundige laboratoriumassistent kan alleenlik as sodanig werk terwyl in diens by 'n laboratorium vir tandkundige werk en onder die aaneenlopende persoonlike toesig van 'n tandarts of 'n tandtegnikus.

**29.** (1) Behoudens die beplings van artikel 32 (2) mag geen Laboratoria vir persoon behalwe 'n tandarts of 'n tandtegnikus die eienaar wees tandkundige werk van 'n laboratorium vir tandkundige werk nie.

- (2) Die beplings van subartikel (1) is nie van toepassing nie op—
  - (a) die Staat;
  - (b) 'n Provinciale Administrasie;
  - (c) 'n plaaslike bestuur soos beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961);
  - (d) 'n universiteit of 'n goedgekeurde inrigting vir die opleiding van tandtegnici; of
  - (e) enige mediese bystandsksema geregistreer ingevolge die Wet op Mediese Skemas, 1967 (Wet No. 72 van 1967), wat die eienaar van 'n laboratorium vir tandkundige werk kan wees met die doel om tandartse en tandtegnici op te lei en tandheelkundige dienste aan hul werknemers, lede of lede van die publiek, na gelang van die geval, te lever.

- (3) Subject to the provisions of subsection (4), no person—  
 (a) shall conduct a dental laboratory except under the continuous personal supervision of a dentist or dental technician;  
 (b) who is not a dentist or dental technician, shall supervise any dental laboratory.

(4) As from a date to be fixed by the Minister by notice in the *Gazette*, any dental technician who is not the holder of a master dental technician's certificate of competency issued by the council, shall not supervise any dental laboratory, unless he supervises a dental laboratory on such date.

(5) No dentist shall own, conduct or supervise a dental laboratory unless such dental laboratory is owned by himself or a partnership of which he is a partner or supervise and all work in such a laboratory is performed for the patient of a dentist or partnership concerned.

Registration of dental laboratories.

**30.** (1) No person shall conduct a dental laboratory unless it is registered in terms of subsection (2) or has been exempted from registration under subsection (6): Provided that the Registrar may in writing authorize the owner of a dental laboratory who has applied for the registration of such laboratory in terms of subsection (3), to conduct such laboratory for a period not exceeding six months, pending final registration of the laboratory by the council.

(2) The council shall keep a register in which shall be entered the name under which every registered dental laboratory is conducted, the address or place at which such laboratory is conducted, the name and address of the owner of such laboratory and such other particulars relating to such laboratory or such person as the council may determine.

(3) Any person who desires that a dental laboratory be registered in terms of subsection (2), shall apply for such registration in the prescribed manner.

(4) The council shall not register a dental laboratory in terms of subsection (2) unless the registration fees prescribed have been paid and the council is satisfied—

- (a) that the laboratory complies with the prescribed conditions and requirements; and
- (b) in the case of a laboratory supervised by a dental technician who at the commencement of this section is not a dental technician contractor and was at no time prior to such commencement a dental technician contractor, that—
  - (i) such dental technician was for a period of at least three years after his registration as a dental technician under section 18 employed in a dental laboratory to perform the work of a dental technician: Provided that the provisions of this subparagraph shall, in the case where the owner of the dental laboratory is a partnership or a body corporate, be applicable to every dental technician who is a partner or a director or a shareholder of such partnership or body corporate as the case may be; and
  - (ii) at least one dentist will avail himself of such laboratory in regard to activities specially pertaining to the work of a dental technician.

(5) The council may cancel the registration of a dental laboratory—

- (a) if the prescribed annual fee in respect of the laboratory has not been paid within the period so prescribed; or
- (b) if the council is satisfied that the laboratory no longer complies with the conditions and requirements referred to in subsection (4) (a): Provided that the council shall

- (3) Behoudens die bepalings van subartikel (4) mag niemand—  
 (a) 'n laboratorium vir tandkundige werk dryf nie, anders as onder die voortdurende persoonlike toesig van 'n tandarts of tandtegnikus;  
 (b) wat nie 'n tandarts of tandtegnikus is nie, toesig hou oor 'n laboratorium vir tandkundige werk nie.

(4) Vanaf 'n datum wat deur die Minister by kennisgewing in die *Staatskoerant* vasgestel moet word, mag 'n tandtegnikus wat nie die besitter is van 'n deur die raad uitgereikte meester-tandtegnikus-bedrewenheidsertifikaat nie, nie toesig hou oor 'n laboratorium vir tandkundige werk nie tensy hy op bedoelde datum oor so 'n laboratorium toesig hou.

(5) Geen tandarts is die eienaar van of bedryf of hou toesig oor 'n laboratorium vir tandkundige werk behalwe as hy of 'n vennootskap waarvan hy 'n vennoot is die eienaar daarvan is nie en alle werk gedoen in sodanige laboratorium gedoen word vir 'n pasiënt van die betrokke tandarts of vennootskap.

**30.** (1) Niemand mag 'n laboratorium vir tandkundige werk dryf nie tensy dit ingevolge subartikel (2) geregistreer is of registrasie van laboratoria vir tandkundige werk.  
 ingevolge subartikel (6) van registrasie vrygestel is: Met dien verstande dat die Registrateur die eienaar van 'n laboratorium vir tandkundige werk, wat aansoek ingevolge subartikel (3) gedoen het vir die registrasie van sodanige laboratorium, skriftelik kan magtig om sodanige laboratorium vir 'n tydperk wat nie ses maande oorskry nie te bedryf, in afwagting op finale registrasie van die laboratorium deur die raad.

(2) Die raad hou 'n register waarin die naam waaronder elke geregistreerde laboratorium vir tandkundige werk, die adres of plek waar sodanige laboratorium bedryf word, die naam en adres van die eienaar van sodanige laboratorium en die ander besonderhede met betrekking tot sodanige laboratorium of daardie persoon wat die raad bepaal, ingeskryf word.

(3) Iemand wat verlang dat 'n laboratorium vir tandkundige werk ingevolge subartikel (2) geregistreer word, moet op die voorgeskrewe wyse, om daardie registrasie aansoek doen.

(4) Die raad registreer nie 'n laboratorium vir tandkundige werk ingevolge subartikel (2) nie tensy die voorgeskrewe registrasiegelde betaal is, en die raad oortuig is—

- (a) dat die laboratorium voldoen aan die voorgeskrewe voorwaardes en vereistes; en
- (b) in die geval van 'n laboratorium waaroor toesig gehou word deur 'n tandtegnikus wat by die inwerkingtreding van hierdie artikel nie 'n tandtegnikus-kontrakteur is nie en te gener tyd voor daardie inwerkingtreding 'n tandtegnikus-kontrakteur was nie, dat—
  - (i) sodanige tandtegnikus vir 'n tydperk van minstens drie jaar na sy registrasie as 'n tandtegnikus kragtens artikel 18, by 'n laboratorium vir tandkundige werk in diens was om die werk van 'n tandtegnikus te doen: Met dien verstande dat in die geval van 'n tandkundige laboratorium waarvan die eienaar 'n vennootskap of 'n regspersoon is die bepalings van hierdie subparagraaf van toepassing is op elke tandtegnikus wat 'n vennoot of 'n direkteur of 'n aandeelhouer van sodanige vennootskap of regspersoon, na gelang van die geval, is; en
  - (ii) minstens een tandarts gebruik sal maak van sodanige laboratorium betreffende bedrywigheude wat spesiaal tot die werk van 'n tandtegnikus behoort.

(5) Die raad kan die registrasie van 'n laboratorium vir tandkundige werk intrek—

- (a) indien die jaarlikse voorgeskrewe gelde ten opsigte van die laboratorium, nie binne die aldus voorgeskrewe tydperk betaal is nie; of
- (b) indien die raad oortuig is dat die laboratorium nie meer aan die in subartikel (4) (a) bedoelde voorwaardes en vereistes voldoen nie: Met dien verstande dat die raad

grant reasonable extension of time to the owner of such laboratory to comply with such conditions and requirements, in the case of a dental laboratory registered before the date of promulgation of the relevant condition or requirement prescribed in terms of that subsection; or

(c) in the case of a dental laboratory owned by a dental technician or by a partnership of which all the partners are dental technicians or by a body corporate referred to in section 32 (2) if the council is satisfied that not at least one dentist is availing himself of that laboratory in regard to activities specially pertaining to the work of a dental technician.

(6) The council may in writing exempt any dental laboratory of a prescribed category from registration in terms of this section, subject to such conditions as the council may think fit.

(7) On a change of ownership of a registered dental laboratory, the new owner shall apply for registration of such laboratory in terms of subsection (3).

**Appointment, general duties and powers of inspectors.**

**31.** (1) The council may appoint inspectors to exercise and perform the powers and functions referred to in subsection (5).

(2) An inspector shall be furnished with a certificate, signed by the registrar, stating that such person has been appointed as an inspector under this Act.

(3) Any inspector shall exhibit the certificate referred to in subsection (2) to any person affected by the exercise or the performance by such inspector of any power or function referred to in subsection (5).

(4) No inspector shall, except for the purposes of this Act or when required to do so as a witness in a court of law, disclose any information relating to any person, firm or business acquired in the performance of his duties.

(5) An inspector may, for the purposes of this Act—

- (a) without previous notice, at any time enter any registered dental laboratory or any other premises whatsoever where he has reasonable cause to believe that any act pertaining to the work of a dental technician is being performed or has been performed, and make such examination and enquiry as he deems necessary;
- (b) while he is on the premises or at any other time require from any person, the production then and there, or at a time and place fixed by the inspector of any book, document or thing which by this Act is required to be kept or exhibited or which relates to or which he has reasonable cause to suspect of relating to matters dealt with in this Act and which is or has been on the premises or in the possession or custody or under the control of any such person or his employee;
- (c) at any time and at any place require from any person who has or is believed to have the possession or custody or control of any book, document or thing relating to any matter dealt with in this Act, the production thereof then and there, or at a time and place fixed by the inspector; and
- (d) examine and make extracts from and copies of any such book or document and may require from any person an explanation of any entry therein and may attach any such book, document or thing as in his opinion may afford evidence of an offence under this Act.

**Commission, partnership and companies.**

**32.** (1) No dental technician shall pay to a dentist any commission or any remuneration whatsoever or carry on any business in partnership with a dentist in connection with his work

redelike uitstel aan die eienaar van sodanige laboratorium verleen om aan sodanige voorwaardes en vereistes te voldoen, in die geval van 'n laboratorium vir tandkundige werk wat geregistreer is voor die datum van publikasie van die toepaslike voorwaarde en vereiste voorgeskryf kragtens daardie subartikel; of

- (c) in die geval van 'n laboratorium vir tandkundige werk wat die eiendom is van 'n tandtegnikus of 'n vennootskap waarvan al die vennote tandtegnici is of 'n regspersoon soos bedoel in artikel 32 (2) indien die raad oortuig is dat nie minstens een tandarts gebruik maak nie van daardie laboratorium betreffende bedrywighede wat spesiaal tot die werk van 'n tandtegnikus behoort.

(6) Die raad kan 'n laboratorium vir tandkundige werk wat in 'n voorgeskrewe kategorie val, onderworpe aan die voorwaardes wat die raad goedvind, skriftelik vrystel van registrasie ingevolge hierdie artikel.

(7) By 'n verandering van eiendomsreg van 'n geregistreerde laboratorium vir tandkundige werk doen die nuwe eienaar ingevolge subartikel (3) aansoek vir registrasie van die laboratorium.

**31.** (1) Die raad kan inspekteurs aanstel om die bevoegdhede en werksaamhede in subartikel (5) bedoel, uit te oefen en te verrig.

(2) 'n Inspekteur moet van 'n sertifikaat voorsien word wat deur die registrator onderteken is en waarin verklaar word dat bedoelde persoon as 'n inspekteur kragtens hierdie Wet aangestel is.

(3) 'n Inspekteur moet die sertifikaat in subartikel (2) bedoel, toon aan iemand wat geraak word deur die uitoefening of die verrigting deur sodanige inspekteur van 'n bevoegdheid of werksaamheid in subartikel (5) bedoel.

(4) Behalwe vir die doeleinades van hierdie Wet of wanneer dit van hom as 'n getuie in 'n gereghof vereis word, mag geen inspekteur enige inligting openbaar wat hy by die verrigting van sy pligte met betrekking tot enige persoon, maatskappy of besigheid te wete gekom het nie.

(5) 'n Inspekteur kan, by die toepassing van hierdie Wet—

- (a) te eniger tyd sonder voorafgaande kennisgewing enige geregistreerde laboratorium vir tandkundige werk of enige ander perseel hoegenaamd betree waar hy 'n redelike vermoede het dat enige handeling wat tot die werk van 'n tandtegnikus behoort uitgevoer word of uitgevoer is, en die ondersoek instel en die navrae doen wat hy nodig ag;
- (b) terwyl hy op die perseel is of te eniger ander tyd eis dat enige persoon daar en dan of op 'n deur die inspekteur bepaalde tyd en plek enige boek, dokument of ding wat kragtens hierdie Wet gehou of vertoon moet word of wat betrekking het op of wat na hy op redelike gronde vermoed betrekking het op aangeleenthede waaraan hierdie Wet handel, en wat op die perseel of in besit of bewaring of onder beheer van enige sodanige persoon of sy werknemer is of was, voorlê;
- (c) te eniger tyd en op enige plek van enige persoon wat 'n boek, dokument of ding wat betrekking het op aangeleenthede waaraan hierdie Wet handel, in sy besit of bewaring of onder sy beheer het of vermoed word te hê, die voorlegging daarvan daar en dan of op 'n deur die inspekteur bepaalde tyd en plek eis; en
- (d) enige sodanige boek of dokument ondersoek en uittreksels daaruit of afskrifte daarvan maak, en kan van enige persoon 'n uitleg vorder van enige inskrywing daarin en kan beslag lê op enige sodanige boek, dokument of ding wat volgens sy oordeel bewys kan oplewer van 'n misdryf kragtens hierdie Wet.

Aanstelling, algemene pligte en bevoegdhede van inspekteurs.

**32.** (1) 'n Tandtegnikus mag nie in verband met sy werk as 'n Kommissie, tandtegnikus enige kommissie of vergoeding hoegenaamd aan 'n vennootskap en standarts betaal of enige besigheid in vennootskap met hom dryf

as a dental technician, and no dentist shall accept such commission or remuneration or carry on any such business in partnership with a dental technician.

(2) No company shall carry on any business in which is performed any act specially pertaining to the work of a dental technician: Provided that the provisions of this subsection shall not apply to any company which at the commencement of this Act, is legally carrying on a business in which any such act is performed.

(3) Subject to the provisions of subsection (1), no partnership shall carry on any business in which is performed any act specially pertaining to the work of a dental technician unless all the partners are dentists or dental technicians.

Trading in and possession of unmounted artificial teeth.

**33.** (1) No person other than a dentist or a dental technician contractor shall manufacture, import, buy or be in possession of any unmounted artificial teeth except under a permit issued in accordance with subsection (3): Provided that a dentist may manufacture, import, buy or be in possession of unmounted artificial teeth solely for the purpose of supplying such teeth to persons treated by him in the exercise of his practice as a dentist: Provided further that a dental technician contractor may manufacture, import or buy or be in possession of unmounted artificial teeth solely for the purpose of supplying such teeth to a dentist in accordance with the provisions of this Act.

(2) No person shall supply any unmounted artificial teeth to any person who is not a dentist or dental technician contractor or the holder of a permit issued under subsection (3).

(3) The council may, in the form prescribed by regulation, subject to such conditions as it may deem fit, issue a permit to any person authorizing such person to manufacture, import, buy or be in possession of unmounted artificial teeth for the purpose of supplying such artificial teeth to a dentist, dental technician contractor, or a person who is the holder of a permit under this section.

Register of transactions in unmounted artificial teeth.

**34.** The holder of a permit issued under section 33 (3) shall keep a register in the prescribed form wherein he shall enter the prescribed particulars with regard to all unmounted artificial teeth which he has manufactured, imported, bought, sold or supplied, or which he has in his possession, and shall at all reasonable times, at the request of any policeman of or above the rank of sergeant or any inspector, produce such register and any unmounted artificial teeth which are in his possession, for the inspection of such policeman or inspector.

## CHAPTER 4

### DISCIPLINARY POWERS OF THE COUNCIL

Inquiry by council into charges of misconduct.

**35.** (1) The council may institute an inquiry into any complaint, charge or allegation of improper or disgraceful conduct against any person registered under this Act and on finding such person guilty of such conduct, may impose any of the penalties referred to in section 36 (1): Provided that in the case of a complaint, charge or allegation which forms or is likely to form the subject of a criminal case in a court of law, the council may postpone the holding of an inquiry until such case has been disposed of.

(2) Whenever the council is in doubt as to whether an inquiry should be held, it may in connection with the complaint, charge or allegation in question consult with, or seek information from, any person, including the person against whom the complaint, charge or allegation has been lodged.

Matters for, and procedure at, inquiry by council.

**36.** (1) Any person registered under this Act who, after inquiry, is found guilty of improper or disgraceful conduct, or conduct which, when regard is had to such person's profession, is improper or disgraceful, shall be liable to one or other of the following penalties—

nie, en 'n tandarts mag nie so 'n kommissie of vergoeding aanneem of so 'n besigheid in vennootskap met 'n tandtegnikus dryf nie.

(2) Geen maatskappy mag 'n besigheid waarby 'n handeling verrig word wat spesiaal tot die werk van 'n tandtegnikus behoort, dryf nie: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie op 'n maatskappy wat by die inwerkingtreding van hierdie Wet wettiglik 'n besigheid dryf waarby sodanige handelings verrig word.

(3) Behoudens die bepalings van subartikel (1), mag geen vennootskap 'n besigheid waarby 'n handeling verrig word wat spesiaal tot die werk van 'n tandtegnikus behoort, dryf nie, tensy al die vennote tandartse of tandtegnici is.

**33.** (1) Niemand behalwe 'n tandarts of 'n tandtegnikus-kontrakteur mag ongemonteerde kunstante vervaardig, invoer, koop, of in besit daarvan wees nie, dan alleen kragtens 'n permit ooreenkomsdig subartikel (3) uitgereik: Met dien verstande dat 'n tandarts ongemonteerde kunstante mag vervaardig, invoer, koop, of in besit daarvan mag wees slegs ten einde sodanige kunstante te verskaf aan persone wat deur hom in die uitoefening van sy praktyk as tandarts behandel is: Met dien verstande voorts dat 'n tandtegnikus-kontrakteur ongemonteerde kunstante mag vervaardig, invoer of koop of in besit daarvan mag wees slegs ten einde dit te verskaf aan 'n tandarts ooreenkomsdig die bepalings van hierdie Wet.

Handel in en besit van ongemonteerde kunstante.

(2) Niemand mag ongemonteerde kunstante verskaf aan iemand wat nie 'n tandarts, 'n tandtegnikus-kontrakteur of die besitter van 'n kragtens subartikel (3) uitgereikte permit is nie.

(3) Die raad kan, in die vorm wat by regulasie voorgeskryf word, onderworpe aan die voorwaardes wat hy goedvind, 'n permit aan 'n persoon uitrek wat sodanige persoon magtig om ongemonteerde kunstante te vervaardig, in te voer, te koop of in besit daarvan te wees ten einde sodanige kunstante te verskaf aan 'n tandarts, tandtegnikus-kontrakteur of die persoon wat die houer is van 'n permit kragtens hierdie artikel.

**34.** Die besitter van 'n kragtens artikel 33 (3) uitgereikte permit moet 'n register in die voorgeskrewe vorm hou waarin hy die transaksies in voorgeskrewe besonderhede moet opteken in verband met alle ongemonteerde kunstante wat hy vervaardig, ingevoer, gekoop, verkoop of verskaf het, of wat hy in sy besit het, en moet op alle redelike tye op versoek van 'n polisiebeampte met die rang van sersant of hoër of van 'n inspekteur die register en alle ongemonteerde kunstante wat in sy besit is, toon ter besigtiging deur bedoelde polisiebeampte of inspekteur.

Register van ongemonteerde kunstante.

#### HOOFSTUK 4

##### TUGBEVOEGDHEDE VAN DIE RAAD

**35.** (1) Die raad kan ondersoek instel na 'n klage, beskuldiging of bewering van onbetaamlike of skandelike gedrag teen iemand wat kragtens hierdie Wet geregistreer is en kan, by skuldigbevinding van so iemand aan sodanige gedrag, enige van die in artikel 36 (1) bedoelde strawwe ople: Met dien verstande dat in die geval van 'n klage, beskuldiging of bewering wat die onderwerp van 'n strafsaak in 'n gereghof uitmaak of waarskynlik sal uitmaak, die raad die hou van 'n ondersoek kan uitstel totdat daardie saak afgehandel is.

Ondersoek deur raad na beskuldiging van wangedrag.

(2) Wanneer die raad in twyfel verkeer of 'n ondersoek gehou behoort te word, kan hy in verband met die betrokke klage, beskuldiging of bewering oorleg pleeg met of inligting inwin van, enige persoon, met inbegrip van die persoon teen wie die klage, beskuldiging of bewering ingedien is.

**36.** (1) Iemand wat kragtens hierdie Wet geregistreer is wat, na ondersoek, skuldig bevind word weens onbetaamlike of skandelike gedrag, of gedrag wat, indien so iemand se beroep in ag geneem word, onbetaamlik of skandelik is, is strafbaar met die een of ander van die volgende strawwe—

Aangeleenthede vir, en prosedure by, ondersoek deur raad.

- (a) a caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from practising or performing acts specially pertaining to his profession; or
- (c) removal of his name from the register, or
- (d) in the case of a student dental technician, extension of the prescribed period of education and training.

(2) Any person whose conduct is being inquired into under section 35 shall be afforded an opportunity, by himself or through his legal representative, of answering the charge and of being heard in his defence.

(3) Any penalty imposed under subsection (1) shall be reduced to writing, and signed by the president of the council and shall be made known to the bodies and persons prescribed, and thereafter such writing shall be dealt with in the prescribed manner.

(4) (a) The council or a committee referred to in section 11 may, for the purposes of an inquiry, take evidence and may, under the hand of the president of the council or the chairman of such committee or the registrar, summon any witness and require the production of any book, record, document or thing, and may, through the president or such chairman, administer an oath to, or take an affirmation from, any witness, and may examine any book, record, document or thing which a witness has been required to produce.

(b) A summons to appear before the council or the committee as a witness or to produce to it any book, record, document or thing, shall be, as nearly as practicable, in the prescribed form and shall be served either by registered letter sent through the post or in the same manner as it would have been served if it had been a subpoena issued out of a magistrate's court.

(c) Any person summoned under this subsection shall be bound to obey the summons and any person who, having been duly summoned—

(i) refuses, or without sufficient cause fails, to attend and give evidence relevant to the inquiry at the time and place specified in the summons;

(ii) refuses to take the oath or to make an affirmation when required by the president or the chairman to do so;

(iii) refuses to produce any book, record, document or thing which he has in terms of the summons been required to produce; or

(iv) attends before the council or committee but refuses to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, any question lawfully put to him,

shall be guilty of an offence and on conviction liable to a fine not exceeding one hundred rand: Provided that a person so summoned shall be entitled to all the privileges to which a witness subpoenaed to give evidence before a provincial division of the Supreme Court is entitled.

(5) The president of the council, where the council itself holds an inquiry, or the chairman of a committee of the council, where such committee holds an inquiry under powers delegated to it by the council, may appoint a person with adequate experience in the administration of justice as an assessor at such an inquiry to advise the council or such committee, as the case may be, on matters of law, procedure or evidence.

(6) The council may on such conditions as it may determine—

(a) terminate any suspension under subsection (1) before the expiry of the specified period;

(b) on payment of the prescribed fee, restore to the register any name which has been removed therefrom.

- (a) 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing; of
  - (b) skorsing, vir 'n vasgestelde tydperk in sy praktyk of die verrigting van handelinge wat besonderlik op sy beroep betrekking het; of
  - (c) skrapping van sy naam uit die register; of
  - (d) in die geval van 'n student-tandtegnikus, verlenging van die voorgeskrewe tydperk van onderrig en opleiding.
- (2) Iemand wie se gedrag ingevolge artikel 35 ondersoek word, moet die geleentheid gebied word om, of self of deur sy regsvtereenwoordiger, op die beskuldiging te antwoord en sy verdediging aan te voer.
- (3) 'n Straf kragtens subartikel (1) opgelê, word op skrif gestel en deur die president van die raad onderteken en aan die voorgeskrewe liggeme en persone bekend gemaak, en daarna word met daardie geskrif op die voorgeskrewe wyse gehandel.
- (4) (a) Die raad of 'n in artikel 11 bedoelde komitee kan, vir die doeleindes van 'n ondersoek, getuienis afneem en kan, onder die handtekening van die president van die raad of die voorsitter van so 'n komitee of die registrateur, 'n getuie dagvaar en die voorlegging van enige boek, aantekening, dokument of voorwerp eis, en kan, deur die president of so 'n voorsitter, 'n eed aan 'n getuie ople of 'n bevestiging van hom neem, en kan 'n boek, aantekening, dokument of voorwerp ondersoek waarvan die voorlegging van 'n getuie vereis is.
- (b) 'n Dagvaarding om as 'n getuie voor die raad of die komitee te verskyn of om aan hom 'n boek, aantekening, dokument of voorwerp voor te lê, moet so na as moontlik in die voorgeskrewe vorm wees en moet beteken word deur versending per pos in 'n aangetekende brief of op dieselfde wyse as dié waarop dit beteken sou gewees het indien dit 'n getuiedagvaarding was wat by 'n landdroshof uitgereik is.
- (c) Iemand wat ingevolge hierdie subartikel gedagvaar word, is verplig om aan die dagvaarding gehoor te gee en iemand wat, nadat hy behoorlik gedagvaar is—
- (i) weier, of sonder genoegsame rede versuim om op die in die dagvaarding vermelde tyd en plek aanwesig te wees en by die ondersoek tersaaklike getuienis te lewer;
  - (ii) weier om die eed af te lê of om 'n bevestiging te doen wanneer hy deur die president of die voorsitter daar toe versoek word;
  - (iii) weier om 'n boek, aantekening, dokument of voorwerp voor te lê wat hy ingevolge die dagvaarding aangesê is om voor te lê; of
  - (iv) voor die raad of die komitee verskyn maar weier om 'n vraag wettig aan hom gestel, te beantwoord of volledig en bevredigend na sy beste wete en oortuiging te beantwoord,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand: Met dien verstande dat iemand wat aldus gedagvaar is, op al die privileges geregtig is waarop 'n getuie wat gedagvaar is om voor 'n provinsiale afdeling van die Hooggeregshof getuienis af te lê, geregtig is.
- (5) Die president van die raad, waar die raad self 'n ondersoek hou, of die voorsitter van 'n komitee van die raad, waar so 'n komitee 'n ondersoek hou kragtens bevoegdhede wat deur die raad aan hom gedelegeer is, kan iemand met voldoende ondervinding van die regspleging as assessor by so 'n ondersoek aanstel om die raad of so 'n komitee, na gelang van die geval, in verband met regsvrae, prosedure of bewyslewering van advies te dien.
- (6) Die raad kan op die voorwaardes wat hy bepaal—
- (a) 'n skorsing ingevolge subartikel (1) gedoen, voor die verstryking van die vasgestelde tydperk beëindig;
  - (b) by betaling van die voorgeskrewe geldte 'n naam op die register terugplaas wat daaruit geskrap is.

(7) In any case in which the evidence in support of any complaint, charge or allegation is of a documentary nature, and in any other case which the council may think fit, the registrar may act as *pro forma* complainant in terms of this section.

Postponement of imposition, and suspension of operation, of penalty.

- 37.** (1) Where the council finds a person referred to in section 36 (1) guilty of conduct referred to therein, it may—  
 (a) postpone for such period and on such conditions as it may determine, the imposition of a penalty; or  
 (b) impose any penalty mentioned in section 36 (1) (b) or (c) but order the execution of the penalty to be suspended for such period and on such conditions as it may determine.  
 (2) (a) If at the end of the period for which the imposition of a penalty has been postponed in terms of subsection (1) (a), the council is satisfied that the person concerned has observed all the relevant conditions, the council shall inform him that no penalty will be imposed upon him.  
 (b) If the execution of a penalty has been suspended in terms of subsection (1) (b) and the council is satisfied that the person concerned has observed all the relevant conditions throughout the period of suspension, the council shall inform him that the execution of the penalty will not be put into operation.  
 (c) If the execution of a penalty has been suspended in terms of subsection (1) (b) and the person concerned fails to observe any of the conditions of suspension, the council shall put the penalty into operation unless such person satisfies the council that the nonobservance of the condition in question was due to circumstances beyond his control.

Effect of suspension, or removal from register.

**38.** Any person who has been suspended or whose name has been removed from the register in terms of section 36 shall, if his profession is one which cannot be lawfully carried on under this Act by a person who is not registered, be disqualified from carrying on his profession, and his registration certificate shall be deemed to be withdrawn, until the period of suspension has expired or until his name has been restored to the register by the council.

Cognizance by council of conduct of registered persons under certain circumstances.

**39.** (1) Any registered person who, either before or after registration, is convicted of any offence by a court of law in the Republic or elsewhere, may be dealt with by the council in terms of the provisions of this Chapter if the council is of the opinion that such offence constitutes conduct referred to in section 36 (1), and such person shall be liable on proof of the conviction to one or other of the penalties referred to in that section: Provided that such person shall, before imposition of any penalty, be afforded an opportunity of tendering an explanation to the council in extenuation of the conduct in question.

(2) Whenever in the course of any criminal proceedings it appears to the court that there is *prima facie* proof of conduct referred to in section 31 (1) on the part of a registered person, the court shall direct that a copy of the record of such proceedings, or such portion thereof as is material to the conduct be transmitted to the council.

Penalty for false evidence.

**40.** Any person who gives false evidence on oath or affirmation at an inquiry held under this Chapter, knowing such evidence to be false, shall be guilty of an offence and liable on conviction to the penalties that apply in respect of the crime of perjury.

Limitation of liability.

**41.** Save as provided in this Act, no legal proceedings, civil or criminal, shall lie against the council or a committee of the council or any member or officer thereof in respect of any act done in good faith or duty performed in accordance with this Chapter.

(7) In 'n geval waarin die getuienis ter ondersteuning van 'n klakte, beskuldiging of bewering dokumentêr van aard is, en in enige ander geval wat die raad goed ag, kan die registrator as *pro forma*-klaer ingevolge hierdie artikel optree.

**37.** (1) Waar die raad 'n persoon in artikel 36 (1) bedoel, skuldig bevind aan gedrag daarin vermeld, kan hy—

(a) die oplegging van 'n straf uitstel vir die tydperk en op die voorwaardes wat hy bepaal; of

(b) 'n straf vermeld in artikel 36 (1) (b) of (c) oplê maar beveel dat die tenuitvoerlegging van die straf opgeskort word vir die tydperk en op die voorwaardes wat hy bepaal.

(2) (a) Indien die raad oortuig is, na afloop van die tydperk waarvoor die oplegging van 'n straf ingevolge subartikel (1) (a) uitgestel is, dat die betrokke persoon al die toepaslike voorwaardes nagekom het, moet die raad hom medeel dat geen straf opgelê gaan word nie.

(b) Indien die tenuitvoerlegging van 'n straf ingevolge subartikel (1) (b) opgeskort is en die raad oortuig is dat die betrokke persoon gedurende die hele tydperk van die opskorting al die toepaslike voorwaardes nagekom het, moet die raad hom medeel dat die tenuitvoerlegging van die straf nie in werking gestel sal word nie.

(c) Indien die tenuitvoerlegging van 'n straf opgeskort is ingevolge subartikel (1) (b) en die betrokke persoon versuim om enige van die voorwaardes van opskorting na te kom, moet die raad die straf ten uitvoer lê tensy sodanige persoon die raad oortuig dat die nie-nakoming van die betrokke voorwaarde te wyte was aan omstandighede buite sy beheer.

**38.** Iemand wat geskors is of wie se naam uit die register Gevolg van skorsing, geskrap is ingevolge artikel 36, is, indien sy beroep een is wat nie of skrapping uit wettig kragtens hierdie Wet deur 'n persoon beoefen kan word wat nie geregistreer is nie, onbevoeg om sy beroep te beoefen, en sy registrasiesertifikaat word geag ingetrek te wees, totdat die tydperk van skorsing verstryk het of totdat sy naam deur die raad op die register teruggeplaas is.

**39.** (1) Daar kan ingevolge die bepalings van hierdie Hoofstuk Kennisname deur deur die raad opgetree word teen 'n geregistreerde persoon, wat raad van gedrag van hetsy voor of na registrasie, deur 'n gereghof in die Republiek of elders aan 'n misdryf skuldig bevind word, indien die raad van oordeel is dat daardie misdryf gedrag uitmaak soos in artikel 36 (1) bedoel, en so 'n persoon is, by bewys van skuldigbevinding, strafbaar met die een of ander van die strawwe bedoel in daardie artikel: Met dien verstande dat 'n geleentheid aan so 'n persoon voor strafoplegging gebied word om aan die raad 'n verduideliking te verstrek ter verontskuldiging van die betrokke gedrag.

(2) Wanneer dit in die loop van strafregtelike verrigtinge vir die hof blyk dat daar *prima facie*-bewys is van die in artikel 36 (1) bedoelde gedrag aan die kant van 'n geregistreerde persoon, gelas die hof dat 'n afskrif van die oorkonde van die verrigtinge, of dié gedeelte daarvan wat by die gedrag tersaaklik is, aan die raad gestuur word.

**40.** Iemand wat by 'n ondersoek wat kragtens hierdie Hoofstuk Straf vir valse gehou word valse getuienis onder eed of bevestiging aflê met die getuienis. wette dat daardie getuienis vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat ten opsigte van die misdryf meineed van toepassing is.

**41.** Behoudens die bepalings van hierdie Wet, kan geen Beperking van regsgeding, hetsy siviël of strafregtelik, ingestel word teen die aanspreeklikheid. raad of 'n komitee van die raad of 'n lid of beamppte daarvan ten opsigte van 'n handeling te goeder trou verrig of plig uitgevoer ooreenkomsdig hierdie Hoofstuk nie.

Acts or omissions in respect of which disciplinary steps may be taken.

Restriction in, or suspension from, practice of registered person.

**42.** The Minister shall from time to time, on the recommendation of the council, by notice in the *Gazette* specify the acts or omissions in respect of which the council may take disciplinary steps under this Chapter: Provided that the powers of the council to inquire into and deal with any complaint, charge or allegation under this Chapter, shall not be limited to the acts or omissions so specified.

**43.** (1) Whenever it appears to the council that a person registered under this Act—

- (a) has become mentally or physically disabled to such an extent that it would be detrimental to the public interest to allow him to continue to practise; or
- (b) has become addicted to the use of any scheduled substance,

the council shall cause the matter to be investigated and may, if it deems it necessary, hold an inquiry, *mutatis mutandis* in accordance with the provisions of section 35 and the regulations in respect of such a person.

(2) If the council, after holding an inquiry under subsection (1), finds that any circumstance contemplated in subsection (1) exists in respect of the person concerned, it may by order—

- (a) suspend such person for a specified period from practising his profession or performing any act specially pertaining to his profession; or
- (b) impose such conditions as it may deem fit, subject to which such person shall be entitled to continue practising his profession.

(3) The council may extend for any period the period of operation of any order made under subsection (2), or withdraw or in any other manner amend such order.

(4) The provisions of section 38 shall *mutatis mutandis* apply in respect of any person who has been suspended in terms of any provision of subsection (2).

(5) Any person registered under this Act who contravenes or fails to comply with any order made under subsection (2), shall be guilty of an offence, and on conviction liable to a fine not exceeding one hundred rand.

## CHAPTER 5

### GENERAL AND SUPPLEMENTARY PROVISIONS

Penalty for false representation inducing registration, for false entries in register and for impersonation.

**44.** Any person who—

- (a) procures or attempts to procure for himself or any other person registration under this Act, or any certificate, permit or receipt referred to in this Act, by means of a false representation, whether verbally or in writing;
- (b) makes or causes to be made any unauthorized entry or alteration in or removal from a register or certified copy thereof or extract therefrom or on any certificate, permit or receipt issued under this Act;
- (c) wilfully destroys or damages or renders illegible or causes to be destroyed, damaged, or rendered illegible any entry in the register or, without the permission of the holder thereof, any certificate, permit or receipt issued under this Act;
- (d) forges or, knowing it to be forged, utters any document purporting to be a certificate, permit or receipt issued under this Act;
- (e) impersonates any person registered in terms of this Act; and
- (f) makes or causes to be made a false declaration on any identification envelope issued in connection with an election contemplated in section 5 (1) (c) and (d),

shall be guilty of an offence and on conviction be liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

**42.** Die Minister moet van tyd tot tyd, op aanbeveling van die Handelinge of raad, by kennisgewing in die *Staatskoerant* die handelinge of versuime ten opsigte versuime uiteensit ten opsigte waarvan die raad tugstappe kragtens hierdie Hoofstuk kan doen: Met dien verstande dat die bevoegdhede van die raad om kragtens hierdie Hoofstuk ondersoek in te stel na en stappe te doen ten opsigte van 'n klagte, beskuldiging of bewering, nie beperk is tot die handelinge of versuime aldus uiteengesit nie.

**43.** (1) Wanneer dit vir die raad blyk dat iemand wat kragtens hierdie Wet geregistreer is—

(a) verstandelik of liggaaamlik in so 'n mate onbekwaam geword het dat dit vir die openbare belang nadelig sou wees om hom toe te laat om sy praktyk voort te sit; of

(b) aan die gebruik van 'n gelyste stof verslaaf geraak het, moet die raad die saak laat ondersoek en kan, indien hy dit nodig ag, 'n ondersoek *mutatis mutandis* ooreenkomsdig die bepalings van artikel 35 en die regulasies ten opsigte van so 'n persoon hou.

(2) Indien die raad bevind, nadat hy 'n ondersoek kragtens subartikel (1) gehou het, dat enige omstandigheid beoog in subartikel (1) ten opsigte van die betrokke persoon bestaan kan hy by bevel—

(a) daardie persoon vir 'n vasgestelde tydperk skors in die beoefening van sy beroep of die verrigting van 'n handeling wat besonderlik op sy beroep betrekking het; of

(b) die voorwaarde oplê wat hy goedvind, onderworpe waaraan daardie persoon geregtig sal wees om voort te gaan met die beoefening van sy beroep.

(3) Die raad kan die geldingsduur van 'n bevel wat hy kragtens subartikel (2) uitgereik het, vir enige tydperk verleng of so 'n bevel intrek of op enige ander manier wysig.

(4) Die bepalings van artikel 38 is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat ingevolge 'n bepaling van subartikel (2) geskors is.

(5) 'n Kragtens hierdie Wet geregistreerde persoon wat 'n bevel kragtens subartikel (2) gegee is, oortree of versum om daaraan te voldoen, is aan 'n misdryf skuldig, en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

## HOOFSTUK 5

### ALGEMENE EN AANVULLENDE BEPALINGS

**44.** Iemand wat—

Straf vir vals voorstelling wat aanleiding gee tot registrasie, vir vals inskrywings in register en vir identiteitsbedrog.

- (a) deur middel van 'n vals voorstelling, hetsy mondeling of skriftelik, sy eie of iemand anders se registrasie kragtens hierdie Wet, of 'n sertifikaat, permit of kwitansie bedoel in hierdie Wet, verkry of poog om te verkry;
- (b) 'n ongemagtigde inskrywing of verandering in of skrapping uit 'n register of 'n gesertifiseerde afskrif daarvan of uittreksel daaruit of op 'n kragtens hierdie Wet uitgereikte sertifikaat, permit of kwitansie maak of laat maak;
- (c) 'n inskrywing in die register of, sonder die toestemming van die besitter daarvan, 'n sertifikaat, permit of kwitansie kragtens hierdie Wet uitgereik, opsetlik vernietig of beschadig of onleesbaar maak of laat vernietig, beschadig of onleesbaar maak;
- (d) 'n dokument wat heet 'n kragtens hierdie Wet uitgereikte sertifikaat, permit of kwitansie te wees, vervals of, wetende dat dit vervals is, uitgee;
- (e) voorgee iemand anders anders te wees wat kragtens hierdie Wet geregistreer is; en
- (f) 'n vals verklaring aflê of laat aflê op 'n identifikasiekoevert uitgereik in verband met 'n verkiesing beoog in artikel 5 (1) (c) en (d),

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf.

## Presumptions.

**45.** (1) In any criminal proceedings against any person appearing upon a charge of having performed any act which constitutes an offence under this Act if performed by a person who is not registered or who is not in possession of any document specified in the charge, the accused shall be deemed not to have been registered or to have been in possession of such document at the time of the commission of the alleged offence unless he proves the contrary.

(2) In any criminal proceedings against any person appearing upon a charge of having performed an act which constitutes an offence under this Act if performed by him for gain, such person shall be deemed to have performed such act for gain if he has accepted any valuable consideration in respect of such act.

## Limitations in respect of persons not registered.

**46.** (1) No remuneration shall be recoverable in respect of any act specially pertaining to the profession of a registered person when performed by a person who is not authorized under this Act to perform such act for gain.

(2) No person, other than a registered person holding the necessary qualifications, shall be eligible for or entitled to hold any appointment to any establishment, institution, body, organization or association, whether public or private, if such appointment involves the performance of any act which a person who is not registered may in terms of the provisions of this Act not perform for gain: Provided that nothing in this subsection contained shall be construed as prohibiting the education and training of any student in dental technology, or the employment of student dental technicians in any authorized dental laboratory with a view to registration under section 18.

## Penalties.

**47.** (1) Any person who contravenes any provision of this Act or who fails to comply with any such provision with which it is his duty to comply, shall, even where such contravention or failure is not elsewhere declared an offence, be guilty of an offence.

(2) Any person guilty of an offence under this Act shall, where no punishment is expressly provided for such offence, be liable on conviction to a fine not exceeding two hundred rand, or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

(3) Any person who—

- (a) contravenes or fails to comply with the provisions of section 27, 28, 29, 30 or 33;
- (b) contravenes or fails to comply with any condition of a permit issued under section 33;
- (c)
  - (i) hinders or obstructs an inspector in the exercise of his powers or the performance of his duties under section 31;
  - (ii) without valid excuse refuses or fails to answer to the best of his ability any question which an inspector in the exercise of his powers or the performance of his duties under the said section has put to him;
  - (iii) refuses or fails to comply to the best of his ability with any requirement made by an inspector in the exercise of his powers or the performance of his duties under the said section;
  - (iv) wilfully furnishes to any inspector any information which is false or misleading; or
  - (v) falsely holds himself out to be an inspector; or

(d) contravenes or fails to comply with the provisions of any determination made in terms of section 12,

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 twelve months or to both such fine and such imprisonment.

(4) Any person who contravenes or fails to comply with the provisions of section 32 or 34 shall be guilty of an offence and

**45.** (1) In 'n strafsaak teen iemand wat verskyn op 'n aanklag dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet uitmaak indien verrig deur iemand wat nie geregistreer is nie of wat nie in besit is nie van 'n dokument in die aanklag vermeld, word die beskuldigde geag nie ten tyde van die pleging van die beweerde misdryf geregistreer of in besit van bedoelde dokument te gewees het nie, tensy hy die teendeel bewys.

(2) In 'n strafsaak teen iemand wat verskyn op 'n aanklag dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet uitmaak indien deur hom vir wins verrig, word hy geag daardie handeling vir wins te verrig het indien hy enige teenprestasie ten opsigte van daardie handeling aanvaar het.

**46.** (1) Geen vergoeding kan ten opsigte van 'n handeling wat besonderlik op die beroep van 'n geregistreerde persoon betrekking het, verhaal word nie indien dit verrig word deur iemand wat nie kragtens hierdie Wet gemagtig is om so 'n handeling vir wins te verrig nie. Beperking ten opsigte van persone wat nie geregistreer is nie.

(2) Niemand behalwe 'n geregistreerde persoon wat die nodige kwalifikasies besit, is benoembaar of geregtig om 'n amp te beklee by enige instelling, inrigting, liggaam, organisasie of vereniging, hetsy openbaar of privaat, indien daardie amp die verrigting van 'n handeling behels wat iemand wat nie geregistreer is nie, nie ingevolge die bepalings van hierdie Wet vir wins mag verrig nie: Met dien verstande dat die bepalings van hierdie subartikel nie so uitgelê word dat dit die onderrig en opleiding van 'n student in tandtegnologie, of die indiensneming van student-tandtegnici in enige goedgekeurde laboratorium vir tandkundige werk met die oog op registrasie ingevolge artikel 18 belet nie.

**47.** (1) Enigiemand wat 'n bepaling van hierdie Wet oortree of wat versuim om aan enige sodanige bepaling te voldoen waaraan hy verplig is om te voldoen, is, selfs waar sodanige oortreding of versuim nie elders 'n misdryf verklaar is nie, aan 'n misdryf skuldig. Strawwe.

(2) Enigiemand wat aan 'n misdryf ingevolge hierdie Wet skuldig is, is, waar geen straf uitdruklik vir die misdryf bepaal is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sowel sodanige boete as sodanige gevangenisstraf.

(3) Iemand wat—

- (a) die bepalings van artikel 27, 28, 29, 30 of 33 oortree of versuim om daaraan te voldoen;
- (b) 'n voorwaarde van 'n permit kragtens artikel 33 uitgereik, oortree of versuim om daaraan te voldoen;
- (c) (i) 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede kragtens artikel 31 hinder of belemmer;
- (ii) sonder 'n geldige verskoning weier of versuim om 'n vraag wat 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede kragtens gemelde artikel aan hom gestel het, na sy beste vermoë te beantwoord;
- (iii) weier of versuim om na sy beste vermoë aan 'n vereiste deur 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede kragtens gemelde artikel gestel, te voldoen;
- (iv) opsetlik aan 'n inspekteur inligting verstrek wat vals of misleidend is; of
- (v) valslik voorgee dat hy 'n inspekteur is; of
- (d) 'n bepaling gemaak ingevolge artikel 12 oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met 'n gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met sodanige boete sowel as sodanige gevangenisstraf.

(4) Iemand wat die bepalings van artikel 32 of 34 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by

liable on conviction to a fine not exceeding three hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

**Forfeiture.**

**48.** The court convicting any person of a contravention of section 27, 29, 30 or 33 or of a failure to comply with the conditions of a permit issued under section 33 (3) may declare any unmounted artificial teeth with reference to which the contravention has taken place, or any material or equipment used for the purposes of or in connection with the contravention, to be forfeited to the State and such teeth, material or equipment may thereupon be sold or otherwise disposed of as the Secretary may direct.

**Annual fees payable to council.**

**49.** (1) The Minister may, on the recommendation of the council, at any time by notice in the *Gazette* prescribe a fee to be paid annually to the council by every dentist and every registered dental technician: Provided that different fees may be prescribed in respect of dentists and registered dental technicians.

(2) If any person liable to pay any annual fee prescribed in terms of subsection (1), fails or refuses to pay such fee within the period specified in the notice in question, the council may recover such fee by action in a competent court.

(3) If a person's name has been removed from the register in terms of the provisions of section 24 (1) (c) it shall be a condition precedent for the restoration of his name to the register that he pays the outstanding annual fee.

(4) The council may by resolution exempt for an indefinite or definite period any dentist or registered dental technician specified in the resolution from payment of any annual fee prescribed in terms of subsection (1).

**Regulations.**

**50.** (1) The Minister may, on the recommendation of the council, make regulations relating to—

- (a) (i) the election of members of the council who shall be elected in terms of section 5 (1) (c) or (d);  
 (ii) the requirements for a valid nomination of a candidate for election as a member of the council;
- (b) the conduct of the business, and the procedure at meetings, of the council and committees of the council and the manner in which minutes of such meetings shall be kept;
- (c) the allowances which may be paid to members of the council and of committees of the council when engaged in the service of the council: Provided that—  
 (i) the allowances which may be paid to any such member who is in the full-time service of the state shall not exceed the allowances to which he would be entitled under the laws governing the public service;  
 (ii) no such member shall be required to pay into the State Revenue Fund any allowances which may be paid to him by the council in terms of any regulation made under this paragraph;
- (d) the conditions of service of the registrar and other officers appointed by the council in terms of section 13;
- (e) the determination and payment of yearly fees payable by the owner of a dental laboratory and any other fees payable under this Act;
- (f) (i) the registration by the council of students in dental technology who are studying at an approved institution, the fees payable in respect of such registration and the removal by the council of the names of such students so registered from the relative register;  
 (ii) the standards of general education required of such students as a prerequisite for such registration;

skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sodanige boete sowel as sodanige gevangenisstraf.

**48.** Die hof wat iemand aan 'n oortreding van artikel 27, 29, 30 Verbeurdverklaring, of 33 skuldig bevind, of aan 'n versuim om aan die voorwaardes van 'n permit kragtens artikel 33 (3) uitgereik, te voldoen, kan enige ongemonteerde kunstande in verband waarmee die misdryf plaasgevind het, of 'n stof of uitrusting wat vir die doeleindes van of in verband met die oortreding gebruik is, aan die Staat verbeurd verklaar en sodanige tande of stof of uitrusting kan dan verkoop of andersins van die hand gesit word, soos die Sekretaris gelas.

**49.** (1) Die Minister kan op aanbeveling van die raad, te eniger jaarlike gelde tyd by kennisgewing in die *Staatskoerant* gelde voorskryf wat jaarliks aan die raad betaal moet word deur iedere tandarts en iedere geregistreerde tandtegnikus: Met dien verstande dat verskillende gelde voorgeskryf mag word ten opsigte van tandartse en geregistreerde tandtegnici.

(2) Indien iemand wat verplig is om jaarlike gelde wat ingevolge subartikel (1) voorgeskryf is, te betaal, in gebreke bly of weier om sodanige gelde te betaal binne die tydperk in die betrokke kennisgewing vermeld kan die raad sodanige gelde by wyse van aksie in 'n bevoegde hof verhaal.

(3) Indien iemand se naam ingevolge die bepalings van artikel 24 (1) (c) uit die register geskrap is, is dit 'n voorvereiste vir die terugplasing van sy naam op die register dat hy die uitstaande jaarlike gelde betaal.

(4) Die raad kan, by besluit, vir 'n onbepaalde of bepaalde tyd 'n in die besluit vermelde tandarts of geregistreerde tandtegnikus vrystel van betaling van die ingevolge subartikel (1) voorgeskrewe jaarlike gelde.

**50.** (1) Die Minister kan, op aanbeveling van die raad, Regulasies uitvaardig betreffende—

- (a) (i) die verkiesing van lede van die raad wat ingevolge artikel 5 (1) (c) of (d) verkies moet word;
- (ii) die vereistes vir 'n geldige nominasie van 'n kandidaat vir verkiesing as 'n lid van die raad;
- (b) die verrigting van die werksaamhede, en die prosedure by vergaderings, van die raad en komitees van die raad en die wyse waarop notule van sodanige vergaderings gehou moet word;
- (c) die toelaes wat aan lede van die raad en van komitees van die raad betaal kan word wanneer hulle in die diens van die raad werkzaam is: Met dien verstande dat—
  - (i) die toelaes wat betaal mag word aan so 'n lid wat in die heeltydse diens van die staat is, nie die toelaes mag oorskry waarop hy kragtens die wette op die staatsdiens geregellig sou wees nie;
  - (ii) so 'n lid nie verplig is om enige toelaes wat ingevolge 'n kragtens hierdie paragraaf uitgevaardigde regulasie aan hom deur die raad betaal word, in die Staatsinkomstefonds te stort nie;
- (d) die diensvooraardes van die registrateur en ander beampetes deur die raad ingevolge artikel 13 aangestel;
- (e) die bepaling en betaling van jaarlike gelde betaalbaar deur die eienaar van 'n laboratorium vir tandkundige werk en enige ander gelde wat kragtens hierdie Wet betaalbaar is.
- (f) (i) die registrasie deur die raad van studente in tandtegnologie wat aan 'n goedgekeurde inrigting studeer, die gelde betaalbaar ten opsigte van sodanige registrasie en die skrapping deur die raad uit die betrokke registers van die name van sodanige studente wat aldus geregistreer is;
- (ii) die standaarde van algemene onderrig wat van sodanige studente vereis word as voorvereiste vir sodanige registrasie;

- (iii) the duration of the curriculum to be followed by such students at such institutions;
  - (iv) the minimum requirements of the curricula and the standards of tuition and examinations in dental technology which shall be maintained at every institution approved by the council for training in dental technology in order to secure recognition under this Act of the qualifications in dental technology obtained at such institution;
- (g) (i) the nature and duration of the training to be undergone by any person who has obtained a qualification in dental technology prescribed under section 22, but who is not yet registered as a dental technician, the examination which the council may conduct, in order to determine the competency of such a person and the period in which such a person shall pass the examination before he may be registered as a dental technician;
- (ii) the registration by the council of persons undergoing such training and the fees payable in respect of such registration;
- (iii) the fees payable by candidates for such examinations;
- (iv) the appointment and remuneration of examiners for such examinations;
- (v) the issue of certificates by the council and any other matter incidental to such examinations or the issue of such certificates;
- (h) (i) the registers to be kept, and the permits and certificates that may be issued, in terms of this Act, the information which shall be recorded in the registers and the manner in which alterations may be effected in the registers;
- (ii) the conditions under which extracts from the registers and duplicate registration certificates may be made, including the payment of fees in respect thereof;
- (iii) the particulars to be furnished to the council to enable it to keep the registers;
- (iv) the forms of the registers to be kept in terms of the provisions of this Act and the certificates and permits issuable under this Act and the officers of the council who may issue such certificates or permits on instructions of the council;
- (v) the forms to be completed and the documents to be submitted by applicants for registration or for restoration to the registers;
- (i) (i) the approval by the council of registered dental laboratories where persons may undergo practical training in dental technology, the accommodation facilities and equipment and materials to be provided in such laboratories;
- (ii) the information to be rendered to the councils by persons in charge of such laboratories in respect of persons being trained at such laboratories or who have completed or abandoned such training;
- (j) (i) the qualifications required of candidates for supplementary courses or any other courses and examinations, conducted or arranged by the council;
- (ii) the conditions subject to which candidates may be permitted to such courses or examinations, the fees payable by candidates, the appointment and re-

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- (iii) die duur van leerplanne wat deur sodanige studente aan sodanige inrigtings gevvolg moet word;
  - (iv) die minimum vereistes van die leerplanne en standaarde van onderrig en eksamsens in tandtegnologie wat aan iedere inrigting deur die raad goedgekeur vir die opleiding in tandtegnologie, gehandhaaf moet word ten einde kragtens hierdie Wet erkenning te verkry van die kwalifikasies in tandtegnologie wat aan so 'n inrigting verwerf word;
  - (g) (i) die aard en duur van die opleiding wat ondergaan moet word deur iemand wat 'n kragtens artikel 22 voorgeskrewe kwalifikasie in tandtegnologie verwerf het, maar wat nog nie as 'n tandtegnikus geregistreer is nie, die eksamen wat die raad kan afneem ten einde die bevoegdheid van sodanige persoon te bepaal, en die tydperk waarbinne so 'n persoon sodanige eksamen moet slaag, alvorens hy as 'n tandtegnikus geregistreer kan word;
  - (ii) die registrasie deur die raad van persone wat sodanige opleiding ondergaan en die gelde betaalbaar ten opsigte van sodanige registrasie;
  - (iii) die gelde betaalbaar deur kandidate vir sodanige eksamsens;
  - (iv) die aanstelling en besoldiging van eksaminatore by sodanige eksamsens;
  - (v) die uitreiking van sertifikate deur die raad en enige ander aangeleentheid wat in verband staan met sodanige eksamsens of die uitreiking van sodanige sertifikate;
  - (h) (i) die registers wat ingevolge hierdie Wet gehou moet word en die permitte en sertifikate wat daarkragtens uitgereik kan word, die inligting wat in die registers aangeteken moet word en wyse waarop verandering in die registers aangebring kan word;
  - (ii) die voorwaardes waaronder uittreksels uit die registers en duplikaat-registrasiesertifikate gemaak kan word, met inbegrip van die betaling van gelde ten opsigte daarvan;
  - (iii) die besonderhede wat aan die raad verstrek moet word om hom in staat te stel om die registers te hou;
  - (iv) die vorms van die register wat ingevolge die bepalings van hierdie Wet gehou moet word en van die sertifikate en permitte wat kragtens hierdie Wet uitgereik kan word en die beampies van die raad wat sodanige sertifikate of permitte in opdrag van die raad mag uitreik.
  - (v) die vorms wat ingevul moet word en die dokumente wat voorgelê moet word deur aansoekers om registrasie of om terugplasing op die register;
  - (i) (i) die goedkeuring deur die raad van geregistreerde laboratoriums vir tandkundige werk waar persone praktiese opleiding in tandtegnologie mag ondergaan, die akkommodasiefasilitete en die toerusting en materiale wat in sodanige laboratoriums verskaf moet word;
  - (ii) die inligting wat die persoon in beheer van sodanige laboratoriums aan die raad moet verskaf betreffende persone wat by sodanige laboratoriums opgelei word of wat sodanige opleiding voltooi of gestaak het;
  - (j) (i) die kwalifikasies wat van kandidate verlang word vir aanvullende kursusse en enige ander kursusse en eksamsens deur die raad afgeneem of gereël;
  - (ii) die voorwaardes waaronder kandidate toegelaat kan word tot sodanige kursusse of eksamsens, die gelde betaalbaar deur kandidate, die aanstelling en ver-

munition of lecturers and examiners and any other matter incidental to such courses or examinations.

- (k) the conduct of an inquiry under Chapter 4 including—
  - (i) the manner in which a complaint, charge or allegation against a registered person shall be lodged;
  - (ii) the form of subpoena for the attendance of an accused or of a witness at an inquiry, or for the production of any book, record, document or thing; and
  - (iii) the manner of instituting, and the procedure to be followed at, an inquiry, the appointment of a *pro forma* prosecutor and any other matter incidental to the institution or holding of an inquiry;
- (l) the scope of practice of registered persons, and the conditions under which registered persons may carry on their profession;
- (m) the manner in which the accounts of the council shall be kept;
- (n) the circumstances, in addition to the circumstances referred to in this Act, in which any name may be removed from, or restored to, a register;
- (o) the books, accounts and records to be kept and the particulars to be entered therein by—
  - (i) an employer of a dental technician, student dental technician and dental laboratory assistant; and
  - (ii) a dental technician contractor in respect of work done as a dental technician for any dentist, and

generally, any matter which in terms of this Act is required to be, or may be, prescribed by regulation or which the Minister considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) The Minister may, after consultation with the executive committee of the council, if he deems it in the public interest, without the recommendation of the council make regulations relating to any of the matters referred to in subsection (1), or amend or repeal any regulation made in terms of that subsection.

(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one hundred rand.

(4) Any notice issued or order made under this Act may from time to time be amended or revoked by the authority which issued or made it.

#### Repeal of laws.

**51.** (1) Subject to the provisions of subsection (2) the Dental Mechanicians Act, 1945 (Act No. 30 of 1945), the Dental Mechanicians Amendment Act, 1947 (Act No. 33 of 1947), the Dental Mechanicians Amendment Act, 1954 (Act No. 8 of 1954), the Dental Mechanicians Amendment Act, 1972 (Act No. 43 of 1972) and the Dental Mechanicians Amendment Act, 1976 (Act No. 17 of 1976), are hereby repealed.

(2) Any proclamation, notice, regulation, rule, authorization or order issued, made or granted, or any registration, removal from a register, appointment or any other thing done, in terms of a provision of any law repealed by subsection (1) shall, unless inconsistent with any provision of this Act, be deemed to have been issued, made, granted or done under the corresponding provision of this Act, and any reference in the above regard to a dental mechanician, shall be deemed to be a reference to a dental technician.

(3) The members of the council as constituted immediately prior to the commencement of this Act shall continue to be members thereof, and the council shall be deemed to be validly

- goeding van lektors en eksaminatore en enige ander aangeleentheid bykomstig tot sodanige kursusse of eksamens;
- (k) die instelling van 'n ondersoek ingevolge Hoofstuk 4 met inbegrip van—
- (i) die wyse waarop 'n klagte, beskuldiging of bewering teen 'n geregistreerde persoon ingedien moet word;
  - (ii) die vorm van dagvaarding vir die verskyning van 'n beskuldigde of van 'n getuie by 'n ondersoek, of vir die voorlegging van 'n boek, rekord, dokument of voorwerp; en
  - (iii) Die wyse waarop 'n ondersoek ingestel moet word, die prosedure wat daarby gevvolg moet word, die aanstelling van 'n *pro-forma* aanklaer en enige ander aangeleentheid wat met die instel of hou van 'n ondersoek in verband staan;
- (l) die bestek van praktyk van geregistreerde persone en die voorwaardes waaronder geregistreerde persone hulle beroep mag beoefen;
- (m) die manier waarop rekeninge van die raad gehou moet word;
- (n) die omstandighede, benewens die omstandighede in hierdie Wet genoem, waaronder 'n naam uit 'n register geskrap of daarop teruggeplaas kan word;
- (o) die boeke, rekeninge en rekords wat bygehoud moet word en die besonderhede wat daarin aangegetekend moet word deur—
- (i) 'n werkgewer van 'n tandtegnikus, student-tandtegnikus en tandkundige laboratorium-assistent; en
  - (ii) 'n tandtegnikus-kontrakteur ten opsigte van werk gedoen vir 'n tandarts as 'n tandtegnikus, en oor die algemeen, enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Die Minister kan, na oorlegpleging met die uitvoerende komitee van die raad, indien hy dit in die openbare belang ag, sonder die aanbeveling van die raad regulasies uitvaardig betreffende enige van die aangeleenthede in subartikel (1) bedoel, of enige regulasie wysig of herroep wat ingevolge daardie subartikel uitgevaardig is.
- (3) 'n Regulasie ingevolge hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om dit na te kom, strawwe van 'n boete van hoogstens honderd rand voorskryf.
- (4) 'n Kennisgewing uitgereik of 'n bevel gegee kragtens hierdie Wet kan van tyd tot tyd gewysig of ingetrek word deur die gesag wat dit uitgereik of gegee het.

**51.** (1) Behoudens die bepalings van subartikel (2) word die Herroeping van wette, Wet op Tandwerkligkundiges, 1945 (Wet No. 30 van 1945), die Wysigingswet op Tandwerkligkundiges, 1947 (Wet No. 33 van 1947), die Wysigingswet op Tandwerkligkundiges, 1954 (Wet No. 8 van 1954), die Wysigingswet op Tandwerkligkundiges, 1972 (Wet No. 43 van 1972), en die Wysigingswet op Tandwerkligkundiges, 1976 (Wet No. 17 van 1976), hiermee herroep.

(2) 'n Proklamasie, kennisgewing, regulasie, reël, magtiging of bevel uitgevaardig, uitgereik, verleen of gegee, of 'n registrasie of skrapping uit 'n register, aanstelling of enigiets anders gedoen, ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is, word, tensy onbestaanbaar met 'n bepaling van hierdie Wet, geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, verleen, gegee of gedoen te gewees het, en enige verwysing in bestaande verband na 'n tandwerkligkundige sal geag word 'n verwysing na 'n tandtegnikus te wees.

(3) Die lede van die raad, soos saamgestel onmiddellik voor die inwerkingtreding van hierdie Wet bly lede daarvan, en die raad word geag geldiglik saamgestel te wees ingevolge hierdie Wet, tot

constituted in terms of this Act, until a date determined by the Minister and published in the *Gazette*.

(4) If any member referred to in subsection (3) vacates his office the council shall, until the date referred to in that subsection, consist of the remaining members.

Short title and commencement.

**52.** This Act shall be called the Dental Technicians Act, 1979 and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

'n datum wat deur die Minister bepaal en in die *Staatskoerant* bekend gemaak word.

(4) Indien 'n lid in subartikel (3) bedoel sy amp ontruim, bestaan die raad, tot die datum in daardie subartikel bedoel, uit die oorblywende lede.

**52.** Hierdie Wet heet die Wet op Tandtegnici, 1979 en tree in Kort titel en werking op 'n datum wat die Staatspresident by proklamasie in die *inwerkingtreding*. *Staatskoerant* bepaal.

**INHOUD****Departement van Gesondheid****ALGEMENE KENNISGEWING****BLADSY**

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