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DEPARTMENT OF THE PRIME MINISTER

No. 945. 9 May 1980.

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

No. 40 of 1980: Homeopaths, Naturopaths, Osteopaths and Herbalists Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 945. 9 Mei 1980.

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

No. 40 van 1980: Wysigingswet op Homeopate, Naturopate, Osteopate en Kruie kundiges, 1980.

Wet No. 40, 1980

WYSIGINGSWET OP HOMEOPATE, NATUROPATE, OSTEOPATE
EN KRUIEKUNDIGES, 1980**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Homeopate, Naturopate, Osteopate en Kruiekundiges, 1974, ten einde sekere uitdrukkings te omskryf; die benaming „lys” deur die benaming „register” te vervang; die uitvaardiging van reëls vir die beoefening van sekere praktyke verder te reël; voorsiening te maak vir tugondersoeke en sekere optrede in gevalle van sekere wangedrag of sekere onbekwaamheid van die kant van persone wat sekere praktyke beoefen; en sekere misdrywe meer in besonderhede te omskryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 April 1980.)

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

Wysiging van
artikel 1 van
Wet 52 van 1974.

1. Artikel 1 van die Wet op Homeopate, Naturopate, Osteopate en Kruiekundiges, 1974 (hieronder die Hoofwet genoem), word 5
hierby gewysig—

- (a) deur voor die omskrywing van „lys” die volgende omskrywing in te voeg:
„aangewese beampte” die beampte in artikel 3 (1) vermeld;”;
- (b) deur die omskrywing van „lys” te skrap;
- (c) deur voor die omskrywing van „praktyk” die volgende omskrywing in te voeg:
„praktisyn” ’n persoon wie se naam in die register ingeskryf is en ook ’n persoon wie se naam onmiddellik voor die inwerkingtreding van artikel 3 van die Wysigingswet op Homeopate, Naturopate, Osteopate en Kruiekundiges, 1980, op die lys vermeld in genoemde artikel 3 ingeskryf was;”;
- (d) deur na die omskrywing van „praktyk” die volgende omskrywing in te voeg:
„register” die register in artikel 3 (1) vermeld.”.

Wysiging van
artikel 2 van
Wet 52 van 1974.

2. Artikel 2 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde „op die lys” en „in die lys” deur die woorde „in die register” te vervang.

Wysiging van
artikel 3 van
Wet 52 van 1974,
soos gewysig deur
artikel 4 van
Wet 36 van 1977.

- 3. (1) Artikel 3 van die Hoofwet word hierby gewysig—**
- (a) deur in subartikels (1), (3), (4) en (5) die woord „lys”, oral waar dit voorkom, deur die woord „register” te vervang;
 - (b) deur in subartikel (2) die woorde „in die lys”, oral waar hulle voorkom, deur die woorde „in die register” en die woorde „van die lys” deur die woorde „uit die register” te vervang;

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GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974, so as to define certain expressions; to substitute the appellation "register" for the appellation "list"; to further regulate the making of rules for the pursuit of certain practices; to provide for disciplinary inquiries and certain action in cases of certain misconduct or certain disability on the part of persons pursuing certain practices; and to define certain offences with greater particularity; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 28 April 1980.)

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

1. Section 1 of the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 52 of 1974.

- (a) by the insertion of the following definition after the definition of "Association":
 "designated officer" means the officer mentioned in section 3 (1);"
- (b) by the deletion of the definition of "list"; and
- (c) by the addition of the following definitions:
 "practitioner" means a person whose name has been entered in the register and includes any person whose name was immediately prior to the commencement of section 3 of the Homeopaths, Naturopaths, Osteopaths and Herbalists Amendment Act, 1980, entered on the list mentioned in the said section 3;
- "register" means the register mentioned in section 3 (1)."

2. Section 2 of the principal Act is hereby amended by the substitution in subsection (1) for the words "on the list", wherever they occur, of the words "in the register".

Amendment of
section 2 of
Act 52 of 1974.

3. (1) Section 3 of the principal Act is hereby amended—

Amendment of
section 3 of
Act 52 of 1974,
as amended by
section 4 of
Act 36 of 1977.

- (a) by the substitution in subsection (1) for the words "a list on which" of the words "a register in which" and for the words "on such list" of the words "on such register";
- (b) by the substitution in subsection (2) for the words "on the list", wherever they occur, of the words "in the register", and for the words "from the list" of the words "from the register";

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(c) deur in die Engelse teks—

- (i) in subartikel (1) die woorde „a list on which” deur die woorde „a register in which” en die woorde „on such list” deur die woorde „in such register” te vervang; 5
 - (ii) in subartikel (2) die woorde „on the list”, oral waar hulle voorkom, deur die woorde „in the register” en die woorde „from the list” deur die woorde „from the register” te vervang;
 - (iii) in subartikels (3) en (4) die woorde „on the list”, 10 oral waar hulle voorkom, deur die woorde „in the register” te vervang;
 - (iv) in subartikel (5) die woorde „The list” deur die woorde „The register” en die woorde „on the list” deur die woorde „in the register” te vervang. 15
- (2) Die lys bedoel in artikel 3 van die Hoofwet voor die inwerkingtreding van subartikel (1) van hierdie artikel, word geag die register te wees bedoel in artikel 3 van die Hoofwet soos gewysig deur subartikel (1) van hierdie artikel.

Vervanging van
artikel 4 van
Wet 52 van 1974.

4. (1) Artikel 4 van die Hoofwet word hierby deur die volgende 20 artikel vervang:

„Reëls.

4. (1) Die Vereniging kan met die goedkeuring van die Minister van tyd tot tyd reëls **【maak】 uit-vaardig** wat nie met die bepalings van hierdie Wet onbestaanbaar is nie en waarby voorgeskryf word— 25
- (a) die voorwaardes waarop **【persone wie se name op die lys verskyn】** praktisyns die praktyke mag beoefen ten opsigte waarvan hul name in die **【lys】** register ingeskryf is;
 - (b) die **tarief van** gelde wat gehef **【moet】 kan** word **【vir】** ten opsigte van dienste wat **【ingevoelge hierdie Wet gelewer is】** 'n praktisyn in die loop van die beoefening van sy praktyk as praktisyn lewer; 30
 - (c) behoudens die bepalings van die Wet op die 35 Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), en na oorlegpleging met die Medisynebeheerraad ingestel by daardie Wet, die middels wat 'n **【persoon wie se naam op die lys verskyn, mag voorskryf】** 40 praktisyn ten opsigte van elke praktyk ten opsigte waarvan sy naam in die register ingeskryf is vir 'n pasiënt van hom kan voorskryf, voorberei of verskaf of vir doeleindes van sy praktyk as praktisyn in sy besit of onder sy 45 beheer kan hê;
 - (d) die handelinge of versuime ten opsigte waarvan tugstappe kragtens artikel 4A teen 'n praktisyn gedoen kan word: Met dien verstande dat die bevoegdhede van die Vereniging en die aangewese beampte om onderskeidelik ondersoek in te stel na en tugstappe te doen ten opsigte van 'n klagte, beskuldiging of bewering, nie beperk is tot die handeling of versuime aldus voorgeskryf nie; 50
 - (e) die betaling van jaarlikse gelde deur praktisyns aan die Vereniging, en vrystelling van sodanige betaling of vermindering van sodanige gelde. 55
- (2) Reëls kragtens subartikel (1) (c) kan—
- (a) van toepassing verklaar word op 'n vermeldde 60 kategorie praktisyns;
 - (b) voorsiening maak, in die geval van 'n praktisyn wat by die inwerkingtreding van hierdie Wet vir die doeleindes van sy praktyk wettiglik gebruik gemaak het van enige middel nie in die reëls 65 vermeld nie, vir vrystelling van die reëls vir sover dit so 'n middel betref.

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- (c) by the substitution in subsections (3) and (4) for the words "on the list", wherever they occur, of the words "in the register"; and
- (d) by the substitution in subsection (5) for the words "The list" of the words "The register", and for the words "on the list" of the words "in the register".

(2) The list referred to in section 3 of the principal Act prior to the commencement of subsection (1) of this section, shall be deemed to be the register referred to in section 3 of the principal Act as amended by subsection (1) of this section.

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

Substitution of
section 4 of
Act 52 of 1974.

"Rules.

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

(a) the conditions subject to which **[persons whose names appear on the list]** practitioners may pursue the practices in respect of which their names have been entered **[on]** in the **[list]** register;

(b) the tariff of fees **[to]** that may be charged **[for]** in respect of services **[rendered in terms of this Act]** that a practitioner renders in the course of pursuing his practice as a practitioner;

(c) subject to the provisions of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), and after consultation with the Medicines Control Council established by the said Act, the remedies which **[may be prescribed by a person whose name appears on the list]** a practitioner may in respect of each practice in respect of which his name has been entered in the register, prescribe, prepare for or supply to a patient of his, or may have in his possession or under his control for purposes of his practice as a practitioner;

(d) the acts or omissions in respect of which disciplinary steps may be taken against a practitioner under section 4A: Provided that the powers of the Association and the designated officer to inquire into and take disciplinary steps in respect of any complaint, charge or allegation, respectively, shall not be limited to the acts or omissions so prescribed;

(e) the payment of annual fees by practitioners to the Association, and exemption from such payment or reduction of such fees.

(2) Rules under subsection 1 (c) may—

(a) be declared to apply to a specified category of practitioners;

(b) provide, in the case of a practitioner who at the commencement of this Act was lawfully making use, for the purposes of his practice, of any remedy not specified in the rules, for exemption from the rules in so far as any such remedy is concerned.

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

(2) Paragraaf (e) van subartikel (1) van artikel 4 van die Hoofwet, soos bygevoeg deur subartikel (1) van hierdie artikel, word geag op 2 Desember 1974 in werking te getree het.

Invoeging van artikels 4A, 4B, 4C, 4D en 4E in Wet 52 van 1974.

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

- „Onderzoek na beskuldigings van wangedrag en na sekere praktisyns se verstandelike of liggaamlike toestand.
- 4A. (1) Die Vereniging is bevoeg om 'n ondersoek in te stel—
- (a) na 'n klagte, beskuldiging of bewering van onbetaamlike of skandelijke gedrag teen 'n praktisyn of gedrag wat, indien sy beroep in aanmerking geneem word, onbetaamlik of skandelik is; of
- (b) ten opsigte van 'n praktisyn wat volgens bewering verstandelik of liggaamlik 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.
- (2) Aan iedereen wie se gedrag die onderwerp van 'n ondersoek kragtens subartikel (1) (a) uitmaak, moet die geleentheid gegun word om òf in eie persoon òf deur sy regsvertegenwoordiger op die beskuldiging te antwoord en sy verdediging aan te voer.
- (3) (a) Die Vereniging kan, vir die doeleindes van 'n ondersoek wat kragtens subartikel (1) gehou word, getuienis afneem en kan, onder die handtekening van die voorsitter of die registrateur van die Vereniging, getuies dagvaar en die voorlegging van enige boek, aantekening, dokument of voorwerp eis, en kan, deur die voorsitter, 'n getuie 'n eed oplê of 'n bevestiging van hom aanneem en kan 'n boek, aantekening, dokument of voorwerp waarvan die voorlegging van 'n getuie vereis is, ondersoek.
- (b) 'n Dagvaarding om as 'n getuie voor die Vereniging te verskyn of om aan hom 'n boek, aantekening, dokument of voorwerp voor te lê, moet so na as moontlik in die vorm by regulasie kragtens subartikel (6) voorgeskryf, wees, moet deur die voorsitter of die registrateur van die Vereniging onderteken wees en moet bestel word òf deur versending per pos in 'n aangetekende brief, òf op dieselfde wyse as dié waarop dit bestel sou gewees het indien dit 'n getuiedagvaarding was wat deur 'n landdroshof uitgereik is.
- (c) Iedereen wat ingevolge hierdie subartikel gedagvaar word, is verplig om die dagvaarding te gehoorsaam 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 tersaaklik getuienis te lewer;
- (ii) weier om die eed of 'n bevestiging af te lê wanneer hy deur die voorsitter van die Vereniging versoek word om dit te doen;
- (iii) weier om 'n boek, aantekening, dokument of voorwerp voor te lê wat hy ingevolge die dagvaarding verplig is om voor te lê; of
- (iv) voor die Vereniging verskyn maar weier om 'n vraag wettiglik aan hom gestel, te beantwoord of volledig en bevredigend na sy beste wete en oortuiging te beantwoord,

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

- 5 (2) Paragraph (e) of subsection (1) of section 4 of the principal Act, as added by subsection (1) of this section, shall be deemed to have come into operation on 2 December 1974.

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

Insertion of
sections 4A, 4B,
4C, 4D and 4E in
Act 52 of 1974.

- 10 "Inquiry into charges of misconduct and into mental or physical condition of certain practitioners.
- 15 4A. (1) The Association shall have power to institute an inquiry—
- (a) into any complaint, charge or allegation of improper or disgraceful conduct against any practitioner or conduct which, when regard is had to his profession, is improper or disgraceful; or
- 20 (b) in respect of any practitioner who has allegedly become mentally or physically disabled to such an extent that it would be contrary to the public interest to allow him to continue to practise.
- (2) Every person whose conduct is the subject of an inquiry under subsection (1) (a), shall be afforded an opportunity, by himself or through his legal representative, of answering the charge and of being heard in his defence.
- 25 (3) (a) For the purposes of any inquiry held in terms of subsection (1), the Association may take evidence and may, under the hand of the chairman or the registrar of the Association, summon witnesses and require the production of any book, record, document or thing and may, through the chairman, administer an oath to any witness or accept an affirmation from him and may examine any book, record, document or thing which any witness has been required to produce.
- 30 (b) A summons to appear before the Association as a witness or to produce to it any book, record, document or thing shall be, as nearly as practicable, in the form prescribed by regulation under subsection (6), shall be signed by the chairman or the registrar of the Association 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 were a subpoena issued by a magistrate's court.
- 35 (c) Every person summoned in terms of this subsection shall be bound to obey the summons and any person who, having duly been summoned—
- 40 (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;
- 45 (ii) refuses to take the oath or to make an affirmation when required by the chairman of the Association to do so;
- 50 (iii) refuses to produce any book, record, document or thing which he has in terms of the summons been required to produce; or
- 55 (iv) attends before the Association but refuses to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, any question lawfully put to him,
- 60

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is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand: Met dien verstande dat iedereen wat aldus gedagvaar is, op al die privilegies geregtig is waarop 'n getuie wat gedagvaar is om voor 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika getuienis af te lê, geregtig is.

(4) Die voorsitter van die Vereniging kan iemand met voldoende ondervinding van die regspleging aanstel om as assessor teenwoordig te wees by so 'n ondersoek en om die Vereniging in verband met regsrae, prosedure of bewyslewering van advies te dien.

(5) Iemand wat by 'n ondersoek wat kragtens subartikel (1) gehou word valse getuienis onder eed aflê met die wete dat daardie getuienis vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdryf van meened voorgeskryf word.

(6) Die Minister van Gesondheid kan na oorlegpleging met die Vereniging regulasies uitvaardig betreffende die instelling van 'n ondersoek gehou ingevolge die bepalinge van subartikel (1), met inbegrip van—

- (a) die wyse waarop klagtes, beskuldigings of bewerings ingebring teen 'n praktisyn aanhangig gemaak moet word;
- (b) die metode waarvolgens 'n beskuldigde persoon gedagvaar moet word en die strawwe vir 'n versuim of weiering van die kant van so 'n persoon om ingevolge die dagvaarding te verskyn of vir dwarsboming of versteuring van die verrigtinge;
- (c) die vorm van 'n dagvaarding om as 'n getuie te verskyn of om 'n boek, aantekening, dokument of voorwerp voor te lê;
- (d) enige ander aangeleentheid in verband met die instelling van so 'n ondersoek.

(7) 'n Regulasie kragtens subartikel (6) uitgevaardig, kan vir 'n oortreding daarvan of versuim om dit na te kom, strawwe van 'n boete van hoogstens R200 voorskryf.

Optrede na
ondersoek.

4B. (1) Die Vereniging lê na 'n ondersoek gehou ingevolge artikel 4A (1) (a) of (b), die notule van die verrigtinge by sodanige ondersoek, tesame met alle stukke wat op die ondersoek betrekking het, aan die aangewese beampte voor.

(2) Die aangewese beampte kan, na oorweging van sodanige notule—

- (a) die aangeleentheid verder afhandel ingevolge subartikel (3); of
- (b) verdere ondersoek na goeë dunnke instel; of
- (c) die aangeleentheid na die Vereniging terugverwys vir die verdere ondersoek wat die aangewese beampte nodig ag, op welke ondersoek die bepalinge van artikel 4A (1) tot (5) en subartikel (1) van hierdie artikel van toepassing is.

(3) Die aangewese beampte kan—

- (a) ooreenkomstig subartikel (2) (a); of
- (b) nadat hy na die verdere ondersoek in subartikel (2) (b) vermeld tot 'n finale beslissing oor die aangeleentheid gekom het; of
- (c) na oorweging van die notule van die verrigtinge by die verdere ondersoek in subartikel (2) (c) vermeld,
- (i) in die geval van 'n ondersoek kragtens artikel 4A (1) (a) ingestel, die betrokke praktisyn skuldig bevind aan onbetaamlike of skandelijke gedrag en

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shall be guilty of an offence and on conviction liable to a fine not exceeding R100: Provided that every 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 of South Africa is entitled.

(4) The chairman of the Association may appoint a person with adequate experience in the administration of justice to be present as an assessor at such an inquiry and to advise the Association on matters of law, procedure or evidence.

(5) Any person who gives false evidence on oath at any inquiry held under subsection (1), knowing such evidence to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.

(6) The Minister of Health may after consultation with the Association make regulations relating to the conduct of an inquiry held in terms of the provisions of subsection (1), including—

- (a) the manner in which complaints, charges or allegations brought against a practitioner shall be lodged;
- (b) the method of summoning an accused person and the penalties for failure or refusal on the part of any such person to attend as summoned or for obstructing or interrupting the proceedings;
- (c) the form of a summons to appear as a witness or to produce any book, record, document or thing;
- (d) any other matter relating to the conduct of such an inquiry.

(7) Any regulation made under subsection (6) may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of R200.

Action after
inquiry.

4B. (1) After an inquiry held in terms of section 4A (1) (a) or (b), the Association shall submit the minutes of the proceedings at such inquiry, together with all documents relating to the inquiry, to the designated officer.

(2) The designated officer may, after having considered such minutes—

- (a) dispose of the matter further in terms of subsection (3); or
- (b) institute further inquiries as he may deem fit; or
- (c) remit the matter to the Association for such further inquiry as the designated officer may consider necessary, to which inquiry the provisions of section 4A (1) to (5) and subsection (1) of this section shall apply.

(3) The designated officer may—

- (a) in accordance with subsection (2) (a); or
 - (b) after having come to a final decision on the matter, after the further inquiries mentioned in subsection (2) (b); or
 - (c) after having considered the minutes of the proceedings at the further inquiry mentioned in subsection (2) (c),
- (i) in the case of an inquiry instituted under section 4A (1) (a), find the practitioner concerned guilty of improper or disgraceful conduct and impose any of

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enige van die in subartikel (4) van hierdie artikel
vermelde strawwe oplê;

- (ii) in die geval van 'n ondersoek kragtens paragraaf
(b) van subartikel (1) van artikel 4A ingestel,
bevind dat enige omstandigheid in daardie para- 5
graaf beoog ten opsigte van die betrokke prak-
tisyne bestaan en 'n bevel kragtens subartikel (5)
van hierdie artikel uitreik; of
- (iii) bevind dat die betrokke gedrag of omstandigheid
nie bewys is nie, en bedoelde beslissing is 10
afdoende.

(4) 'n Praktisyn wat na die hou van 'n ondersoek in
artikel 4A (1) (a) bedoel, skuldig bevind word aan
onbetaamlike of skandelige gedrag of gedrag wat,
indien sy praktyk in ag geneem word, onbetaamlik of 15
skandelik is, is strafbaar met die een of ander van die
volgende strawwe:

- (a) 'n Waarskuwing of 'n berisping of 'n berisping
en 'n waarskuwing; of
- (b) skorsing vir 'n vasgestelde tydperk in die 20
beoefening van enige van of al die praktyke ten
opsigte waarvan sy naam in die register in-
geskryf is; of
- (c) skrapping van sy naam uit die register ten 25
opsigte van enige van of al die praktyke ten
opsigte waarvan sy naam ingeskryf is.

(5) Waar die aangewese beampte na die hou van 'n
ondersoek in artikel 4A (1) (b) bedoel, bevind dat die
betrokke praktisyn verstandelik of liggaamlik in so 'n
mate onbekwaam geword het dat dit vir die openbare 30
belang nadelig sou wees om hom toe te laat om sy
praktyk voort te sit, kan hy by bevel—

- (a) daardie praktisyn vir 'n vasgestelde tydperk
skors in die beoefening van die praktyk ten 35
opsigte waarvan sy naam in die register in-
geskryf is;
- (b) die voorwaardes oplê wat hy goedvind, onder-
worpe waaraan daardie praktisyn geregtig sal
wees om voort te gaan met die beoefening van
die praktyk ten opsigte waarvan sy naam in die 40
register ingeskryf is.

(6) Die aangewese beampte kan die geldingsduur
van 'n bevel wat hy kragtens subartikel (5) uitgereik
het, vir 'n tydperk wat hy bepaal, verleng of so 'n
bevel intrek of op enige ander manier wysig. 45

(7) 'n Praktisyn wat 'n bevel wat kragtens subar-
tikel (5) uitgereik is, oortree of versuim om daaraan te
voldoen, is aan 'n misdryf skuldig en by skuldigbe-
vinding strafbaar met 'n boete van hoogstens R100.

(8) Wanneer die aangewese beampte kragtens 50
subartikel (3) opgetree het, moet hy dit aan die
betrokke praktisyn bekend maak en die naam van die
praktisyn en die aard van bedoelde optrede in die
Staatskoerant laat publiseer.

(9) Iemand wat hom veronreg voel deur die optrede 55
van die aangewese beampte ingevolge hierdie artikel,
kan, binne 30 dae nadat bedoelde optrede ingevolge
subartikel (8) aan hom bekend gemaak is, skriftelik
by die Minister teen sodanige optrede appèl aan-
teken, en daarop kan die Minister daardie optrede 60
bekragtig, tersyde stel of wysig, of in verband
daarmee die bevel uitreik wat hy goedvind.

Kennisge-
wing
van sekere
skrapping
van name
uit register.

4C. Die aangewese beampte moet kennis van die
skrapping ingevolge artikel 3 (2) of 5 (3) van die
naam van 'n persoon uit die register aan die betrokke 65
persoon gee, en sodanige skrapping in die *Staatskoe-
rant* laat publiseer.

Gevolg van
skorsing of
skrapping
uit register.

4D. 'n Praktisyn—

- (a) wat ingevolge die bepalinge van artikel 4B
geskors is, is onbevoeg om die betrokke praktyk

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the penalties mentioned in subsection (4) of this section;

- (ii) in the case of an inquiry instituted under paragraph (b) of subsection (1) of section 4A, find that any circumstance contemplated in that paragraph exists in respect of the practitioner concerned and issue an order under subsection (5) of this section; or
- (iii) find that the conduct or circumstance concerned has not been proved, and such decision shall be final.

(4) A practitioner who is found guilty, after the holding of an inquiry referred to in section 4A (1) (a), of improper or disgraceful conduct or conduct which, when regard is had to his profession, is improper or disgraceful, shall be liable to one or other of the following penalties:

- (a) A caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from pursuing any or all of the practices in respect of which his name has been entered in the register; or
- (c) removal of his name from the register in respect of any or all of the practices in respect of which his name has been entered.

(5) Where the designated officer, after the holding of an inquiry in terms of section 4A (1) (b), finds that the practitioner concerned 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, he may by order—

- (a) suspend such practitioner for a specified period from pursuing the practice in respect of which his name has been entered in the register; or
- (b) impose such conditions as he may deem fit, subject to which such practitioner shall be entitled to continue pursuing the practice in respect of which his name has been entered in the register.

(6) The designated officer may extend for any period determined by him, the period of operation of, or withdraw, or in any other manner amend, any order made by him under subsection (5).

(7) Any practitioner who contravenes or fails to comply with any order made under subsection (5) shall be guilty of an offence and on conviction liable to a fine not exceeding R100.

(8) Whenever the designated officer has taken any action under subsection (3), he shall notify the practitioner concerned thereof and cause the name of the practitioner and the nature of such action to be published in the *Gazette*.

(9) Any person feeling aggrieved by any action by the designated officer in terms of this section may, within 30 days after he has been notified of such action in terms of subsection (8), appeal to the Minister in writing against such action, and thereupon the Minister may confirm, set aside or vary such decision or issue such order in connection therewith as he may deem fit.

Notice of
certain re-
moval of
names from
register.

4C. The designated officer shall give notice, of the removal in terms of section 3 (2) or 5 (3) of the name of any person from the register, to the person concerned, and cause such removal to be published in the *Gazette*.

Effect of
suspension
or removal
from regis-
ter.

4D. Any practitioner—

- (a) who has been suspended in terms of section 4B, shall be disqualified from pursuing the practice

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of praktyke, na gelang van die geval, te beoefen, en die inskrywing van sy naam in die register word geag ingetrek te wees totdat die tydperk van skorsing verstryk het; of

- (b) wie se naam ingevolge die bepalings van artikel 3 (2), 4B of 5 (3) ten opsigte van enige praktyk uit die register geskrap is, is onbevoeg om sodanige praktyk verder te beoefen. 5

Beperking van aanspreeklikheid.

4E. Die aangewese beampte of die Vereniging of 'n lid of beampte daarvan is nie aanspreeklik ten opsigte van 'n handeling te goeder trou verrig of plig uitgevoer ooreenkomstig hierdie Wet nie." 10

Wysiging van artikel 5 van Wet 52 van 1974, soos gewysig deur artikel 5 van Wet 36 van 1977.

6. Artikel 5 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 15

„(c) 'n binneaaarse bloedmonster van iemand neem nie;”;

- (b) deur in paragraaf (a) van subartikel (2) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 20

„'n reël wat ingevolge artikel 4 (1) (a), (b) of (c) gemaak is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldige en—”;

- (c) deur in subartikels (1) en (2) die woorde „op die lys” deur die woorde „in die register” te vervang; en 25

- (d) deur in subartikel (3) die woorde „van die lys”, oral waar hulle voorkom, deur die woorde „uit die register” te vervang.

Invoeging van artikel 5A in Wet 52 van 1974.

7. Die volgende artikel word hierby in die Hoofwet na artikel 5 ingevoeg: 30

„Oordrag van bevoegdheid en pligte.

5A. (1) Die Vereniging kan 'n komitee of enige lede van die Vereniging skriftelik magtig om 'n bevoegdheid of plig uit te oefen of te verrig wat by hierdie Wet aan die Vereniging verleen of hom opgelê is. 35

(2) 'n Bevoegdheid uitgeoefen of 'n plig verrig deur sodanige komitee of lede kragtens bedoelde magtiging word by die toepassing van hierdie Wet geag deur die Vereniging uitgeoefen of verrig te gewees het.” 40

Wysiging van artikel 6 van Wet 52 van 1974, soos vervang deur artikel 6 van Wet 36 van 1977.

8. Artikel 6 van die Hoofwet word hierby gewysig deur die woorde „op die lys”, oral waar hulle voorkom, deur die woorde „in die register” te vervang.

Kort titel.

9. Hierdie Wet heet die Wysigingswet op Homeopate, Naturopate, Osteopate en Kruiiekundiges, 1980. 45

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- or practices, as the case may be, concerned, and the entry of his name in the register shall be deemed to be withdrawn until the period of suspension has expired; or
- 5 (b) whose name has been removed from the register in terms of section 3 (2), 4B or 5 (3) in respect of any practice, shall be disqualified from further pursuing such practice.

Limitation
of liability. 4E. The designated officer or the Association or any member or officer thereof shall not be liable in respect of any act done in good faith or duty performed in accordance with this Act."

6. Section 5 of the principal Act is hereby amended—
- 15 (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
“(c) withdraw an intravenous blood sample from any person;” and
- 20 (b) by the substitution in paragraph (a) of subsection (2) for the words preceding subparagraph (i) of the following words:
“contravenes or fails to comply with a rule made in terms of section 4 (1) (a), (b) or (c), shall be guilty of an offence and liable—”;
- 25 (c) by the substitution in subsections (1) and (2) for the words “on the list” of the words “in the register”; and
- (d) by the substitution in subsection (3) for the word “list”, wherever it occurs, of the word “register”.

Amendment of
section 5 of
Act 52 of 1974,
as amended by
section 5 of
Act 36 of 1977.

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

Insertion of
section 5A in
Act 52 of 1974.

- 30 “Transfer of powers and duties. 5A. (1) The Association may in writing authorize a committee or any members of the Association to exercise or perform any power or duty conferred or imposed upon the Association by this Act.
- 35 (2) Any power exercised or duty performed by such committee or members under such authorization shall for the purposes of this Act be deemed to have been exercised or performed by the Association.”

8. Section 6 of the principal Act is hereby amended by the substitution for the words “on the list”, wherever they occur, of the words “in the register”.

Amendment of
section 6 of
Act 52 of 1974,
as substituted by
section 6 of
Act 36 of 1977.

9. This Act shall be called the Homeopaths, Naturopaths, Osteopaths and Herbalists Amendment Act, 1980.

Short title.

