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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

No. 1635.

31 July 1985

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

No. 108 of 1985: Associated Health Service Professions Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1635.

31 Julie 1985

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

No. 108 van 1985: Wysigingswet op Geassosieerde Gesondheidsdiensberoep, 1985.

Act No. 108, 1985

ASSOCIATED HEALTH SERVICE PROFESSIONS AMENDMENT
ACT, 1985

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 Associated Health Service Professions Act, 1982, so as to define "qualification" and to amend the definition of "practitioner"; to regulate the keeping of registers of practitioners and students in chiropractic and homeopathy; to further regulate the registration of chiropractors and homeopaths; to provide for the exercise of control over the training of, and for the prescribing of qualifications necessary for registration as, chiropractors or homeopaths; to provide for limited registration as a chiropractor or homeopath; to provide for the investigation of matters relating to the education and training of certain classes of persons; to provide for the registration of certain persons so as to enable them to give educational demonstrations; to determine the particulars to be furnished by certain educational institutions to the South African Associated Health Service Professions Board; to further regulate the registration of students in chiropractic or homeopathy; to further regulate the power of the said board to remove the name of a practitioner or student from the relevant register; to further regulate the imposition of a fine and related matters at disciplinary inquiries; to adapt and extend the powers of the Minister of Health and Welfare relating to the making of regulations; to exclude students in chiropractic or homeopathy from certain provisions of the Act; and to provide for control over charges for the rendering of professional services by practitioners; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 10 July 1985.)*

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

Amendment of
section 1 of
Act 63 of 1982.

1. Section 1 of the Associated Health Service Professions Act, 1982 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "profession" of the following definition:
"'qualification' means any degree, diploma or certificate awarded after examination of a person's proficiency in a particular subject;"; and
- (b) by the substitution for the definition of "practitioner" of the following definition:
"'practitioner' means any person registered as such under [section 14 (2)] this Act;".

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ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Wet op Geassosieerde Gesondheidsdiensberoep, 1982, ten einde "kwalifikasie" te omskryf en die omskrywing van "praktisyn" te verbeter; die hou van registers van praktisyns en studente in chiropraktyk en homeopatie te reël; die registrasie van chiropraktisyns en homeopate verder te reël; voorsiening te maak vir die uitoefening van beheer oor die opleiding van, en vir die voorskryf van kwalifikasies nodig vir registrasie as, chiropraktisyns of homeopate; voorsiening te maak vir beperkte registrasie as 'n chiropraktisyn of homeopaat; voorsiening te maak vir die ondersoek van sake betreffende die onderrig en opleiding van sekere kategorieë persone; voorsiening te maak vir die registrasie van sekere persone ten einde hulle in staat te stel om opvoedkundige demonstrasies te gee; die besonderhede wat sekere opleidingsinrigtings aan die Suid-Afrikaanse Raad vir Geassosieerde Gesondheidsdiensberoep moet verstrek, te bepaal; die registrasie van studente in chiropraktyk of homeopatie verder te reël; die bevoegdheid van genoemde Raad om 'n praktisyn of student se naam uit die betrokke register te skrap, verder te reël; die oplegging van 'n boete en aanverwante aangeleenthede by tugondersoeke verder te reël; die bevoegdhede van die Minister van Gesondheid en Welsyn met betrekking tot die uitvaardiging van regulasies aan te pas en uit te brei; studente in chiropraktyk of homeopatie van sekere bepalinge van die Wet uit te sluit; en voorsiening te maak vir beheer oor vorderings vir die lewering van professionele dienste deur praktisyns; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Julie 1985.)*

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

1. Artikel 1 van die Wet op Geassosieerde Gesondheidsdiensberoep, 1982 (hieronder die Hoofwet genoem), word hierby gewysig:

Wysiging van
artikel 1 van
Wet 63 van 1982.

- (a) deur na die omskrywing van "jaarlikse gelde" die volgende omskrywing in te voeg:
"'kwalifikasie' 'n graad, diploma of sertifikaat toegeken na eksaminering van iemand se bedrewenheid in 'n bepaalde vak';" en
- (b) deur die omskrywing van "praktisyn" deur die volgende omskrywing te vervang:
 "'praktisyn' iemand wat as sodanig kragtens [artikel 14 (2)] hierdie Wet geregistreer is;"

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Amendment of
section 10 of
Act 63 of 1982.

2. Section 10 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) No penalty imposed by any committee established under subsection (1), other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect until confirmed by the board: Provided that an order made by any such committee **[under section 30 (2)]** shall, if the committee so directs in the public interest, come into operation forthwith, but shall then lapse after the expiration of a period of six months unless confirmed by the board within 10 that period."

Substitution of
section 14 of
Act 63 of 1982.

3. The following section is hereby substituted for section 14 of the principal Act:

"Keeping of registers.

14. (1) (a) The registrar shall keep registers in respect of all persons whose applications for registration have been approved by the board after the commencement of the Associated Health Service Professions Amendment Act, 1985. 15
- (b) Separate registers shall be so kept in respect of the different professions as well as in respect of practitioners and students, respectively. 20
- (c) The registrar shall enter the prescribed particulars regarding each such person in the appropriate register.
- (2) The registers kept by the registrar in terms of this Act up to the date immediately preceding the date of the commencement of the Associated Health Service Professions Amendment Act, 1985, shall be incorporated with and form part of the appropriate registers required to be kept in terms of subsection (1). 25
- (3) The registrar shall, at intervals to be determined by the board and according to the instructions and under the authority of the board—
- (a) publish a list containing such particulars as the board may determine of the entries in each register required to be kept in terms of subsection (1): and 35
- (b) publish a supplementary list containing such particulars as the board may determine of the additions, amendments and deletions effected in each such register since the last publication of a list in terms of paragraph (a) or in terms of this paragraph. 40
- (4) Copies of a list or supplementary list published in terms of subsection (3) are obtainable from the registrar on payment of such amount as the board may determine." 45

Substitution of
section 15 of
Act 63 of 1982.

4. The following section is hereby substituted for section 15 of the principal Act: 50

"Registration of chiropractors and homeopaths.

15. (1) Any person who **[intends]** desires to be registered as a **[practitioner]** chiropractor or homeopath in terms of this Act, shall in the prescribed manner apply **[in writing]** to the board for registration, and such application shall be accompanied by— 55
- (a) the qualification which in the applicant's submission entitles him to registration;
- (b) the prescribed registration fee;
- (c) proof of identity, citizenship, good character and the authenticity and validity of the qualification submitted; and 60
- (d) such further documents and information as may be prescribed.

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2. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van
artikel 10
van Wet 63
van 1982.

“(3) Geen straf opgelê deur ’n komitee kragtens subartikel (1) ingestel, uitgesonderd ’n waarskuwing of ’n berisping of ’n berisping en ’n waarskuwing, is van krag voordat dit deur die raad bekragtig is nie: Met dien verstande dat ’n bevel deur so ’n komitee **[kragtens artikel 30 (2)]** gegee, onmiddellik in werking tree indien die komitee in die openbare belang aldus gelas, maar dan na die verstryking van ’n tydperk van ses maande verval tensy dit binne daardie tydperk deur die raad bekragtig word.”.

3. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 14 van
Wet 63 van 1982.

“Hou van registers. 14. (1) (a) Die registrateur moet registers hou ten opsigte van alle persone wie se aansoeke om registrasie na die inwerkingtreding van die Wysigingswet op Geassosieerde Gesondheidsdiensberoep, 1985, deur die raad goedgekeur is.

(b) Afsonderlike registers moet aldus gehou word ten opsigte van die onderskeie beroepe asook ten opsigte van, onderskeidelik, praktisyns en studente.

(c) Die registrateur moet die voorgeskrewe besonderhede aangaande elke sodanige persoon in die toepaslike register inskrywe.

(2) Die registers wat deur die registrateur ingevolge hierdie Wet tot op die datum onmiddellik voor die datum van inwerkingtreding van die Wysigingswet op Geassosieerde Gesondheidsdiensberoep, 1985, gehou is, word ingelyf by en maak deel uit van die toepaslike registers wat ingevolge subartikel (1) gehou moet word.

(3) Die registrateur moet, by tussenpose wat die raad bepaal en ooreenkomstig die opdragte en op gesag van die raad—

(a) ’n lys publiseer bevattende die besonderhede wat die raad bepaal van die inskrywings in elke register wat ingevolge subartikel (1) gehou moet word; en

(b) ’n aanvullende lys publiseer bevattende die besonderhede wat die raad bepaal van die toevoegings, veranderings en skappings in elke sodanige register aangebring sedert die jongste publikasie van ’n lys ingevolge paragraaf (a) of ingevolge hierdie paragraaf.

(4) Afskrifte van ’n lys of aanvullende lys wat ingevolge subartikel (3) gepubliseer is, is by die registrateur verkrygbaar teen betaling van die bedrag wat die raad bepaal.”.

4. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 15 van
Wet 63 van 1982.

“Registrasie van chiropraktisyns en homeopate. 15. (1) Iemand wat ingevolge hierdie Wet as ’n **[praktisyn]** chiropraktisyn of homeopaat geregistreer wil word, moet **[skriftelik]** op die voorgeskrewe wyse by die raad om registrasie aansoek doen en bedoelde aansoek gaan vergesel van—

(a) die kwalifikasie wat, na die aansoeker beweer, aan hom die reg verleen op registrasie;

(b) die voorgeskrewe registrasiegeld;

(c) bewys van identiteit, burgerskap, goeie karakter en die egtheid en geldigheid van die voorgelegde kwalifikasie; en

(d) enige verdere stukke en inligting wat voorgeskryf is.

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(2) For the purposes of considering any application contemplated in subsection (1), the board may require the applicant in support of the application to furnish such further proof, whether orally or in writing [or in the form of an examination], regarding his identity, good character, training and experience, as the board may deem necessary. 5

(3) If the board after consideration of an application in terms of subsection (1) and after such investigation and enquiries as it may deem necessary, is satisfied that the applicant concerned may be registered in terms of this Act, it shall approve the application, and the registrar shall thereupon register the applicant by— 10

(a) issuing an appropriate certificate of registration to him; and 15

(b) entering the prescribed particulars in respect of him in the appropriate register.

(4) (a) The said registration of a person shall be subject to the provisions of this Act and such further conditions as the board may determine in each case. 20

(b) Such conditions may—

(i) relate to the kind of work which a person who is registered in terms of this Act may perform; 25

(ii) include requirements to be complied with in the practice of the profession in question; or

(iii) contain provisions regarding compulsory practical experience which a person who has before the date of his registration as a practitioner in terms of this Act— 30

(aa) not yet practised; or

(bb) in the opinion of the board not yet gained sufficient practical experience, shall acquire, including the determination of a period during which, and the designation of a place or places where and the person or persons under whose supervision, such compulsory practical experience shall be acquired. 35 40

(5) If the board refuses to approve an application, the applicant concerned shall be notified in writing of such decision and of the grounds on which it is based. 45

(6) Any person who is registered or deemed to be registered in terms of this Act shall, in the practice of his profession, only state particulars of those degrees, diplomas or certificates entered in the appropriate register against his name. 50

(7) (a) The board may delegate any of the powers conferred upon it by this section to the registrar, but shall not be divested of any power so delegated. 55

(b) Any registration or refusal of registration by the registrar in the exercise of a power delegated to him in terms of paragraph (a), shall be of full force and effect, unless it is set aside or amended by the board at its first meeting following upon the date on which such registration or refusal of registration occurred.” 60

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(2) Die raad kan vir die doeleindes van 'n aansoek in subartikel (1) beoog, van die aansoeker vereis om ter staving van die aansoek die verdere bewys betreffende sy identiteit, goeie karakter, opleiding en ondervinding te verskaf, hetsy mondeling of skriftelik [of in die vorm van 'n eksamen], wat die raad nodig ag.

(3) Indien die raad na oorweging van 'n aansoek ingevolge subartikel (1) en na die ondersoek en navraag wat hy nodig ag, daarvan oortuig is dat die betrokke aansoeker ingevolge hierdie Wet geregistreer kan word, moet hy die aansoek goedkeur, en die registrateur moet daarop die aansoeker registreer deur—

(a) 'n toepaslike sertifikaat van registrasie aan hom uit te reik; en

(b) die voorgeskrewe besonderhede ten opsigte van hom in die toepaslike register in te skryf.

(4) (a) Genoemde registrasie van 'n persoon is onderworpe aan die bepalings van hierdie Wet en die verdere voorwaardes wat die raad in elke geval bepaal.

(b) Sodanige voorwaardes kan—

(i) betrekking hê op die soort werk wat iemand kan verrig wat ingevolge hierdie Wet geregistreer is;

(ii) vereistes insluit wat nagekom moet word by die beoefening van die betrokke beroep; of

(iii) bepalings bevat betreffende verpligte praktiese ondervinding wat 'n persoon wat voor die datum van sy registrasie as 'n praktisyn ingevolge hierdie Wet—

(aa) nog nie gepraktiseer het nie; of

(bb) na die oordeel van die raad nog nie genoegsame praktiese ondervinding opgedoen het nie,

moet opdoen, met inbegrip van die vasstelling van 'n tydperk waartydens, en die aanwysing van 'n plek of plekke waar en die persoon of persone onder wie se toesig, sodanige verpligte praktiese ondervinding deur sodanige praktisyn opgedoen moet word.

(5) Indien die raad weier om 'n aansoek goed te keur, moet die betrokke aansoeker skriftelik van sodanige beslissing en van die gronde waarop dit gebaseer is, in kennis gestel word.

(6) Iemand wat ingevolge hierdie Wet geregistreer is of geag word aldus geregistreer te wees, mag by die beoefening van sy beroep slegs besonderhede van die grade, diplomas of sertifikate vermeld wat in die toepaslike register teenoor sy naam ingeskryf is.

(7) (a) Die raad kan enige van die bevoegdhede by hierdie artikel aan hom verleen aan die registrateur deleger, maar word nie ontdoen van 'n bevoegdheid aldus gedelegeer nie.

(b) Enige registrasie of weiering van registrasie deur die registrateur by die uitoefening van 'n bevoegdheid ingevolge paragraaf (a) aan hom gedelegeer, is ten volle van krag tensy dit deur die raad tersyde gestel of gewysig word by die eerste vergadering van die raad wat volg op die datum waarop 'n registrasie of weiering van registrasie geskied het."

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Insertion of
sections 16A,
16B, 16C, 16D,
16E and 16F in
Act 63 of 1982.

6. The following sections are hereby inserted in the principal Act after section 16:

"Control
over train-
ing.

16A. (1) Notwithstanding anything to the contrary in any law contained, no person, excluding a university or technikon established by or under an Act of Parliament, shall offer or provide any education or training which is intended to qualify any person for the practising of any profession to which the provisions of this Act apply, unless such education or training has been approved by the board. 5 10

(2) Any person wishing to offer or to provide the education or training referred to in subsection (1) shall, before offering or providing such education or training, apply to the board in writing for its approval of such education or training and shall furnish such particulars regarding such education or training as the board may require. 15

(3) The board may grant or refuse any application made in terms of subsection (2) and may, if it has granted such application, prescribe such conditions and requirements as it may deem fit subject to which the education or training in question may be provided. 20

(4) Any decision made by the board in terms of subsection (3) shall be final. 25

(5) Any person who contravenes or fails to comply with any provision of this section, or any condition or requirement prescribed thereunder, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 30

Prescribing
of qualifica-
tions.

16B. (1) Subject to the provisions of subsection (2) the Minister may from time to time, on the recommendation of the board, prescribe the qualifications obtained by virtue of examinations conducted by a university or other examining authority which, when held singly or conjointly with any other qualification, shall entitle any holder thereof to registration under this Act as a chiropractor or homeopath, as the case may be, if he has, before or in connection with or after the acquisition of the qualification in question, complied with such conditions or requirements as may be so prescribed. 35 40

(2) No qualification obtained by virtue of examinations conducted by a university or other examining authority situated outside the Republic shall be prescribed under this section unless— 45

(a) such qualification entitles the holder thereof to practise as a chiropractor or homeopath, as the case may be, in the country or state in which such university or other examining authority is situated; 50

(b) the board is satisfied that possession of such qualification indicates a standard of professional training not lower than that prescribed in respect of the training of chiropractors or homeopaths within the Republic. 55

Limited
registration.

16C. (1) The board may accept a qualification other than a qualification referred to in section 16B, for the purposes of registration under this subsection, if such qualification, in the opinion of the board, indicates a satisfactory standard of professional education, and may, subject to the provisions of subsections (2) and (3) and section 15 (1) and (2), 60 65

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6. Die volgende artikels word hierby in die Hoofwet na artikel 16 ingevoeg:

Invoeging van
artikels 16A,
16B, 16C, 16D,
16E en 16F in
Wet 63 van 1982.

"Beheer oor
opleiding.

16A. (1) Ondanks andersluidende wetsbepalings

mag niemand, uitgesonderd 'n universiteit of teknikon ingestel by of kragtens 'n Wet van die Parlement, onderrig of opleiding aanbied of verskaf wat bedoel is om iemand te bekwaam vir die beoefening van 'n beroep waarop die bepalinge van hierdie Wet van toepassing is nie, tensy sodanige onderrig of opleiding deur die raad goedgekeur is.

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

(3) Die raad kan 'n aansoek wat ingevolge subartikel (2) gedoen is, toestaan of weier en kan, indien hy so 'n aansoek toegestaan het, die voorwaardes en vereistes voorskryf wat hy goed ag en onderworpe waaraan die betrokke onderrig of opleiding verskaf mag word.

(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 voorgeskryf, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Voorskryf
van kwalifikasies.

16B. (1) Behoudens die bepalinge van subartikel (2) kan die Minister van tyd tot tyd op aanbeveling van die raad die kwalifikasies, verwerf uit hoofde van eksamens afgeneem deur 'n universiteit of ander instansie wat eksamens afneem, 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 chiropraktisyn of 'n homeopaat, na gelang van die geval, 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.

(2) Geen kwalifikasie verwerf uit hoofde van eksamens afgeneem deur 'n universiteit of ander instansie wat eksamens afneem wat buite die Republiek geleë is, word kragtens hierdie artikel voorgeskryf nie tensy—

(a) daardie kwalifikasie aan die besitter daarvan die reg verleen om as 'n chiropraktisyn of homeopaat, na gelang van die geval, te praktiseer in die land of staat waarin daardie universiteit of ander instansie wat eksamens afneem, geleë is;

(b) die raad oortuig is dat besit van so 'n kwalifikasie getuig van 'n standaard van professionele opleiding nie laer nie as dié wat ten opsigte van die opleiding van chiropraktisyns of homeopate binne die Republiek voorgeskryf word.

Beperkte re-
gistrasie.

16C. (1) Die raad kan 'n ander kwalifikasie as 'n kwalifikasie bedoel in artikel 16B vir die doel van registrasie kragtens hierdie subartikel aanvaar indien sodanige kwalifikasie, na die oordeel van die raad, getuig van 'n bevredigende standaard van professionele opleiding, en kan, onderworpe aan die bepalinge van subartikels (2) en (3) en artikel 15 (1) en (2),

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register any person as a chiropractor or homeopath who possesses such qualification and who, in the opinion of the board, possesses sufficient professional knowledge and ability and is proficient in at least one of the official languages of the Republic.

(2) A person referred to in subsection (1) may only practise as a chiropractor or homeopath, as the case may be—

(a) for such period, not exceeding five years, as the board may determine and before the expiration of which he shall satisfy the board that—

(i) he possesses professional knowledge and skill which is of a standard not lower than that prescribed in terms of this Act in respect of chiropractors or homeopaths, as the case may be, in the Republic; and

(ii) he is conversant with the laws of the Republic relating to chiropractic or homeopathy and the practising of the profession of a chiropractor or homeopath, as the case may be;

(b) in such area or areas as the board may determine; and

(c) subject to such further conditions as the board may determine.

(3) The board may for the purposes of subsection (2) (a) require the person concerned to sit for such examination or examinations as the board may determine.

(4) The Minister may from time to time, on the recommendation of the board, make regulations—

(a) prescribing the fee to be paid by persons intending to sit for an examination; and

(b) prohibiting a person who has failed such examination a prescribed number of times, from sitting again for such an examination.

(5) If at the expiration of the period referred to in subsection (2) (a) the board is satisfied that a person registered in terms of subsection (1) complies with the requirements of subsection (2) (a) (i) and (ii), it shall exempt such person from all restrictions imposed in respect of him under subsection (2), and if the board is not so satisfied, he shall remove the name of such person from the register.

Investigation of matters relating to education or training of certain classes of persons.

16D. (1) Notwithstanding anything to the contrary in any law contained, any person who has been authorized by the board in writing to investigate any matter relating to the education or training of any class of persons registered under this Act, may, for the purpose of making such investigation, enter any institution or premises, excluding a university or a technikon established by or under an Act of Parliament and any premises of such a university or technikon, utilized in the education or training of any such class of persons.

(2) Any person who prevents any person authorized in terms of subsection (1) from entering any institution or premises referred to in that subsection or who hinders him in the making therein or thereon of any investigation contemplated in that subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding R100.

Registration of certain persons so as to enable them to give educational demonstrations.

16E. (1) For the purposes of promoting education or training in chiropractic or homeopathy, the board may, notwithstanding the provisions of this Act, register any person not permanently resident within the Republic as a chiropractor or homeopath for such period as the board may determine.

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enige persoon wat sodanige kwalifikasie besit en wat, na die oordeel van die raad, oor genoegsame professionele kennis en vaardigheid beskik en minstens een van die amptelike tale van die Republiek magtig is, as 'n chiropraktisyn of homeopaat registreer.

(2) Iemand bedoel in subartikel (1) mag slegs as chiropraktisyn of homeopaat, na gelang van die geval, praktiseer—

(a) vir die tydperk, wat nie vyf jaar mag oorskry nie, wat die raad bepaal en voor die verstryking waarvan 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 dié wat ingevolge hierdie Wet ten opsigte van chiropraktisyns of homeopate, na gelang van die geval, in die Republiek voorgeskryf word; en

(ii) hy vertrou is met die wette van die Republiek wat op chiropraktyk of homeopatie en die beoefening van die beroep van chiropraktisyn of homeopaat, na gelang van die geval, 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) vereis dat die betrokke persoon die eksamen of eksamens wat die raad bepaal, aflê.

(4) Die Minister kan van tyd tot tyd, op aanbeveling van die raad, regulasies uitvaardig—

(a) wat die gelde voorskryf wat betaal moet word deur persone wat van voorneme is om 'n eksamen af te lê; en

(b) wat 'n persoon wat 'n voorgeskrewe getal kere in sodanige eksamen gedruip het, verbied om weer sodanige eksamen af te lê.

(5) Indien die raad by verstryking van die tydperk bedoel in subartikel (2) (a) oortuig is dat 'n persoon wat ingevolge subartikel (1) geregistreer is aan die vereistes van subartikel (2) (a) (i) en (ii) voldoen, moet hy sodanige persoon 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 so 'n persoon se naam uit die register skrap.

Onderzoek van sake wat betrekking het op onderrig of opleiding van sekere kategorieë persone.

16D. (1) Ondanks andersluidende wetsbepalings kan iemand wat skriftelik deur die raad gemagtig is om 'n saak te ondersoek wat betrekking het op die onderrig of opleiding van 'n kategorie persone wat kragtens hierdie Wet geregistreer is, enige inrigting of perseel, uitgesonderd 'n universiteit of teknikon ingestel by of kragtens 'n Wet van die Parlement en enige perseel van 'n universiteit of teknikon, wat gebruik word in verband met die onderrig of opleiding van so 'n kategorie persone, binnegaan ten einde so 'n ondersoek te doen.

(2) Iemand wat 'n kragtens subartikel (1) gemagtigde persoon verhinder om 'n inrigting of perseel in daardie subartikel bedoel, binne te gaan of wat hom by die instelling van 'n in daardie subartikel beoogde ondersoek daarin of daarop hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100.

Registrasie van sekere persone ten einde hulle in staat te stel om opvoedkundige demonstrasies te gee.

16E. (1) Ten einde opleiding of onderrig in chiropraktyk of homeopatie te bevorder, kan die raad, ondanks die bepalinge van hierdie Wet, iemand wat nie permanent in die Republiek woonagtig is nie, as 'n chiropraktisyn of homeopaat registreer vir die tydperk wat die raad bepaal.

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(2) Any person registered in terms of subsection (1), may give demonstrations, at institutions approved for that purpose by the board, relating to chiropractic or homeopathic techniques, as the case may be, for such period as the board may determine. 5

Educational institutions to furnish board with certain particulars.

16F. (1) Every educational institution at which a qualification can be obtained which entitles any holder thereof to registration under this Act as a chiropractor or homeopath, excluding a university or technikon established by or under an Act of Parliament, shall furnish the board on its request with such information relating to entrance requirements, curricula and syllabuses, examinations and any related matter as the board may from time to time require. 10 15

(2) If any educational institution referred to in subsection (1) fails or refuses to furnish any information requested by the board under that subsection, or if it appears to the board that any provision of this Act is not being properly complied with by any such educational institution and that such improper compliance is having or may have an adverse effect on the standards of education in chiropractic or homeopathy maintained at that educational institution, the Minister may, on the recommendation of the board, by notice in the *Gazette* declare that any specified qualification granted by such educational institution after a date specified in the notice shall not entitle any holder thereof to registration under this Act. 20 25

(3) The Minister may, when it appears to him upon representations made by the board that satisfactory provision has been made for complying with the requirements of this Act by any educational institution referred to in subsection (1) in respect of any qualification which is the subject of a notice issued under subsection (2), withdraw the said notice. 30 35

(4) A qualification specified in a notice issued under subsection (2) which has been granted by the educational institution to which such notice relates between the date specified in that notice and the date of withdrawal of that notice, shall not entitle the holder thereof to registration under this Act. 40

(5) The board may appoint a person to be present whenever tests are being conducted by any educational institution referred to in subsection (1) in respect of the academic progress made by students in chiropractic or homeopathy at such educational institution and to report to the board upon such tests. 45

(6) The person in charge of an educational institution referred to in subsection (1) shall forthwith notify the board of the termination of the education or training of a student in chiropractic or homeopathy at such institution, whether by reason of the abandonment or completion of education or training or the transfer of such student to another such institution, or for any other reason." 50 55

Substitution of section 18 of Act 63 of 1982.

7. The following section is hereby substituted for section 18 of the principal Act:

"Registration of students in chiropractic or
18. (1) Any person who desires to be registered as a student in chiropractic or homeopathy shall in writing apply therefor to the board, and such appli- 60

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(2) Iemand wat ingevolge subartikel (1) geregi-
streer is, kan by inrigtings wat vir daardie doel deur
die raad goedgekeur is, demonstrasies lewer wat be-
trekking het op chiropraktiese of homeopatiese teg-
nieke, na gelang van die geval, vir die tydperk wat
die raad bepaal.

Opvoedkun-
dige inrig-
tings moet
seker be-
sonderhede
aan raad
verstrek.

16F. (1) Elke opvoedkundige inrigting, uitgeson-
derd 'n universiteit of teknikon ingestel by of krag-
tens 'n Wet van die Parlement, waar 'n kwalifikasie
verwerf kan word wat aan 'n besitter daarvan die reg
verleen op registrasie kragtens hierdie Wet as 'n chi-
ropraktisyn of homeopaat, moet aan die raad op sy
versoek die inligting betreffende toelatingsvereistes,
leerplanne en sillabusse, eksamens en enige aanver-
wante saak verstrek wat van tyd tot tyd deur die raad
vereis word.

(2) Indien 'n opvoedkundige inrigting bedoel in
subartikel (1) versuim of weier om enige inligting
wat kragtens daardie subartikel deur die raad aange-
vra word, te verstrek, of indien dit aan die raad
blyk dat 'n bepaling van hierdie Wet nie deur so 'n
opvoedkundige inrigting behoorlik nagekom word
nie en dat bedoelde onbehoorlike nakoming 'n
nadelige uitwerking op die standarde van opleiding
in chiropraktyk of homeopatie wat aan daardie op-
voedkundige inrigting gehandhaaf word, het of kan
hê, kan die Minister op aanbeveling van die raad by
kennisgewing in die *Staatskoerant* verklaar dat 'n ver-
melde kwalifikasie wat na 'n in die kennisgewing ver-
melde datum deur so 'n opvoedkundige inrigting toe-
geken word, nie aan die besitter daarvan 'n reg op
registrasie kragtens hierdie Wet verleen nie.

(3) Die Minister kan, wanneer dit op grond van
vertoë deur die raad gerig aan hom blyk dat bevre-
digende voorsiening deur 'n opvoedkundige inrig-
ting bedoel in subartikel (1) gemaak is om, ten op-
sigte van 'n kwalifikasie wat die onderwerp van 'n
kragtens subartikel (2) uitgevaardigde kennisgewing
uitmaak, aan die vereistes van hierdie Wet te vol-
doen, genoemde kennisgewing intrek.

(4) 'n Kwalifikasie vermeld in 'n kennisgewing uit-
gevaardig kragtens subartikel (2) wat deur die op-
voedkundige inrigting waarop bedoelde kennisge-
wing betrekking het, tussen die datum in daardie
kennisgewing vermeld en die datum van intrekking
van daardie kennisgewing toegeken is, verleen nie
aan die besitter daarvan 'n reg op registrasie krag-
tens hierdie Wet nie.

(5) Die raad kan iemand aanstel om teenwoordig
te wees wanneer toetse deur 'n opvoedkundige inrig-
ting bedoel in subartikel (1) afgeneem word ten op-
sigte van die akademiese vordering wat deur studen-
te in chiropraktyk of homeopatie aan daardie
opvoedkundige inrigting gemaak is, en om aan-
gaande sodanige toetse aan die raad verslag te doen.

(6) Die persoon in beheer van 'n opvoedkundige
inrigting bedoel in subartikel (1) moet die raad on-
verwyld in kennis stel van die beëindiging van die
onderrig of opleiding van 'n student in chiropraktyk
of homeopatie aan daardie inrigting, hetsy weens die
staking of voltooiing van onderrig of opleiding of die
oorplasing van so 'n student na 'n ander sodanige in-
rigting, of om enige ander rede."

7. Artikel 18 van die Hoofwet word hierby deur die volgende
65 artikel vervang:

"Registrasie
van studente
in chiroprak-
tyk of

18. (1) Enige persoon wat as 'n student in chiro-
praktyk of homeopatie geregistreer wil word, moet
skriftelik by die raad daarom aansoek doen, en soda-

Vervanging
van artikel
18 van Wet
63 van 1982.

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homeopathy. cation shall be accompanied by the prescribed particulars and registration fee.

(2) If the board is satisfied that the applicant is entitled to registration as such a student, it shall cause the necessary entry to be made in the register, and the registrar shall thereafter issue to the applicant a registration certificate in the prescribed form.” 5

Repeal of
section 19 of
Act 63 of 1982.

8. Section 19 of the principal Act is hereby repealed.

Repeal of
section 20 of
Act 63 of 1982.

9. Section 20 of the principal Act is hereby repealed.

Amendment of
section 21 of
Act 63 of 1982.

10. Section 21 of the principal Act is hereby amended— 10

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The board may instruct the registrar to remove the name of any practitioner **[or student]** from the register if the board is satisfied that that practitioner **[or student]**—”;

(b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) has failed to notify the registrar of any change in his **[address]** residential address or postal address 20 or in the address of his practice within three months after any such change;”;

(c) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) he shall cease to practise any profession in respect 25 of which he was registered as a practitioner or to perform any act specially pertaining to any profession in respect of which he was registered **[as a student and which he is under this Act authorized to perform]**; and;” and 30

(d) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) he shall **[in the case of a person who was registered as a practitioner]** cease to indicate any profession of his upon his nameplate or in any other man- 35 ner.”.

Amendment of
section 23 of
Act 63 of 1982.

11. Section 23 of the principal Act is hereby amended by the deletion of the words “or student” wherever they occur.

Amendment of
section 24 of
Act 63 of 1982.

12. Section 24 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following 40 subsection:

“(1) Any practitioner **[or student]** who after the holding of an inquiry referred to in section 23 (1) is found guilty of improper or disgraceful conduct or of conduct which in consideration of any profession in re- 45 spect of which that practitioner **[or student]** is registered, is improper or disgraceful, shall be liable to one or other of the following penalties, namely—

(a) a caution or a reprimand or a reprimand and a caution; or 50

(b) suspension for a specified period **[in the case of that practitioner]** from practising any profession in respect of which he is registered or **[in the case of that student]** from performing any act specially pertaining to any profession in respect of which he 55 is registered **[and which he is under this Act authorized to perform]**;

(c) removal of his name from the register; or

(d) a fine not exceeding R2 000.”;

(b) by the deletion, in subsections (2) and (6), of the words 60 “or student” wherever they occur; and

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homeopatie. nige aansoek moet vergesel gaan van die voorgeskrewe besonderhede en registrasiegeld.

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

8. Artikel 19 van die Hoofwet word hierby herroep.

Herroeping van
artikel 19 van
Wet 63 van 1982.

9. Artikel 20 van die Hoofwet word hierby herroep.

Herroeping van
artikel 20 van
Wet 63 van 1982.

10 10. Artikel 21 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

Wysiging van
artikel 21 van
Wet 63 van 1982.

15 "Die raad kan die registrateur opdrag gee om die naam van 'n praktisyn **[of student]** uit die register te skrap indien die raad oortuig is dat daardie praktisyn **[of student]**—";

(b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

20 "(d) versuim het om die registrateur van 'n verandering van sy **[adres]** woonadres en posadres of van die adres van sy praktyk in kennis te stel binne drie maande na so 'n verandering;"

(c) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

25 "(b) moet hy ophou om 'n beroep ten opsigte waarvan hy as praktisyn geregistreer was, te beoefen of om enige handeling te verrig wat spesiaal tuishoort by 'n beroep ten opsigte waarvan hy **[as student]** geregistreer was **[en wat hy kragtens hierdie Wet gemagtig is om te verrig]**; en;" en

30 (d) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

35 "(c) moet hy **[in die geval van iemand wat as 'n praktisyn geregistreer was]** ophou om enige beroep van hom aan te dui op sy naamplaat of op 'n ander wyse,".

11. Artikel 23 van die Hoofwet word hierby gewysig deur die woorde "of student" oral waar dit voorkom, te skrap,

Wysiging van
artikel 23 van
Wet 63 van 1982.

40 12. Artikel 24 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 24 van
Wet 63 van 1982.

45 "(1) 'n Praktisyn **[of student]** wat na die hou van 'n ondersoek in artikel 23 (1) vermeld, skuldig bevind word aan onbetaamlike of skandelijke gedrag of aan gedrag wat met inagneming van 'n beroep ten opsigte waarvan daardie praktisyn **[of student]** geregistreer is, onbetaamlik of skandelik is, is strafbaar met die een of ander van die volgende strawwe, naamlik—

50 (a) 'n waarskuwing of berisping of 'n berisping en 'n waarskuwing; of

55 (b) skorsing vir 'n vasgestelde tydperk **[in die geval van daardie praktisyn]** in die beoefening van 'n beroep ten opsigte waarvan hy geregistreer is of **[in die geval van daardie student]** in die verrigting van enige handeling wat spesiaal tuishoort by 'n beroep ten opsigte waarvan hy geregistreer is **[en wat hy kragtens hierdie Wet gemagtig is om te verrig; of]**;

(c) skraping van sy naam uit die register; of

60 (d) 'n boete van hoogstens R2 000.";

(b) deur in subartikels (2) en (6) die woorde "of student" oral waar dit voorkom, te skrap; en

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(c) by the addition of the following subsection:

- “(8) (a) A penalty imposed under subsection 1 (d) shall be paid to the registrar within 14 days after such imposition. 5
- (b) Any amount received by the registrar by virtue of paragraph (a) shall within 14 days after receipt thereof be paid by him to the Receiver of Revenue in the district where the office of the board is situated, and the said Receiver shall deposit such amount in the Consolidated Revenue Fund. 10
- (c) The imposition of a penalty in terms of subsection (1) (d), shall have the effect of a civil judgment of the magistrate's court of the district in which the inquiry by the board took place.”.

Amendment of
section 25 of
Act 63 of 1982.

13. Section 25 of the principal Act is hereby amended by the deletion of the words “or student” wherever they occur. 15

Amendment of
section 26 of
Act 63 of 1982.

14. Section 26 of the principal Act is hereby amended—

- (a) by the deletion of subsection (2); and
- (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph: 20
- “(b) upon receipt of a written application by a person referred to in subsection (1) **[or (2)]** whose name has been removed from the register; and”.

Substitution of
section 27 of
Act 63 of 1982.

15. The following section is hereby substituted for section 27 of the principal Act: 25

“Cognizance
by board of
certain con-
duct of prac-
titioners.

27. (1) Any practitioner **[or student]** who, either before or after registration, has been convicted in the Republic or elsewhere of any offence, may be dealt with by the board in terms of this Chapter if the board is of the opinion that the offence concerned constitutes conduct which is improper or disgraceful or which in consideration of any profession in respect of which the practitioner **[or student]** concerned is registered, is improper or disgraceful, and that practitioner **[or student]** shall, upon proof of the conviction, be liable to one or other of the penalties referred to in section 24 (1): Provided that the said practitioner **[or student]** shall, before any penalty is imposed, be afforded the opportunity of tendering an explanation to the board in mitigation of any such penalty. 30 35 40

(2) When in the course of any criminal proceedings it appears to the court that there is *prima facie* proof of conduct contemplated in section 24 (1) on the part of a practitioner **[or student]**, the court shall direct that a copy of the record of the proceedings or of such portion thereof as is material to such conduct, be transmitted to the board.”. 45

Amendment of
section 29 of
Act 63 of 1982.

16. Section 29 of the principal Act is hereby amended by the deletion, in subsection (1), of the words “or student”. 50

Substitution of
section 30 of
Act 63 of 1982.

17. The following section is hereby substituted for section 30 of the principal Act:

“Restriction
in, or sus-
pension
from, prac-
tice of pro-
fession by
practitioner.30. (1) When it appears to the board that any practitioner **[or student]**—

- (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 **[in the case of that practitioner]** to practise any profession in respect of which he is registered or **[in the case of that student]** to perform any act specially pertaining to any profession in respect 55 60

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(c) deur die volgende subartikel by te voeg:

“(8) (a) ’n Boete kragtens subartikel 1 (d) opgelê,
moet binne 14 dae na sodanige oplegging aan die
registrateur betaal word.

5 (b) Die registrateur moet enige bedrag uit hoofde van
“paragraaf (a) deur hom ontvang, binne 14 dae na
ontvangs daarvan oorbetal aan die Ontvanger van
Inkomste in die distrik waar die kantoor van die
raad gesetel is, en bedoelde Ontvanger moet die be-
drag in die Gekonsolideerde Inkomstefonds stort.

10 (c) Die oplegging van ’n boete ingevolge subartikel (1)
(d), het die uitwerking van ’n siviele vonnis van die
landdroshof van die distrik waarin die ondersoek
deur die raad plaasgevind het.”

15 13. Artikel 25 van die Hoofwet word hierby gewysig deur die
woorde “of student” oral waar dit voorkom, te skrap.

Wysiging van
artikel 25 van
Wet 63 van 1982.

14. Artikel 26 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) te skrap; en

20 (b) deur paragraaf (b) van subartikel (3) deur die volgende
paragraaf te vervang:

“(b) by ontvangs van ’n skriftelike aansoek deur
iemand in subartikel (1) [of (2)] vermeld wie se
naam uit die register geskrap is; en”.

Wysiging van
artikel 26 van
Wet 63 van 1982.

25 15. Artikel 27 van die Hoofwet word hierby deur die volgende
artikel vervang:

Vervanging van
artikel 27 van
Wet 63 van 1982.

30 “Kennis-
name deur
raad van se-
kere gedrag
van prakti-
syns.
27. (1) Daar kan ingevolge hierdie Hoofstuk deur
die raad opgetree word teen ’n praktisyn [of student]
wat, hetsy voor of na registrasie, in die Republiek of
elders aan ’n misdryf skuldig bevind is, indien die
raad van oordeel is dat die betrokke misdryf gedrag
uitmaak wat onbetaamlik of skandelik is of wat met
inagneming van ’n beroep ten opsigte waarvan die
betrokke praktisyn [of student] geregistreer is, onbe-
taamlik of skandelik is, en daardie praktisyn [of stu-
dent] is, by bewys van die skuldigbevinding, straf-
baar met die een of ander van die strawwe in artikel
35 24 (1) vermeld: Met dien verstande dat genoemde
praktisyn [of student] voordat ’n straf opgelê word
die geleentheid gebied moet word om aan die raad ’n
verduideliking te verstrek ter versagting van so ’n
40 straf.

45 (2) Wanneer dit in die loop van strafregtelike ver-
rigtinge aan die hof blyk dat daar *prima facie*-bewys
is van gedrag beoog in artikel 24 (1) aan die kant van
’n praktisyn [of student], gelas die hof dat ’n afskrif
van die oorkonde van die verrigtinge of van dié ge-
deelte daarvan wat by sodanige gedrag ter sake is,
aan die raad deurgestuur word.”.

50 16. Artikel 29 van die Hoofwet word hierby gewysig deur in
subartikel (1) die woorde “of student” te skrap.

Wysiging van
artikel 29 van
Wet 63 van 1982.

17. Artikel 30 van die Hoofwet word hierby deur die volgende
artikel vervang:

Vervanging van
artikel 30 van
Wet 63 van 1982.

55 “Beperking
van, of
skorsing in,
beoefening
van beroep
deur prakti-
syn.
30. (1) Wanneer dit aan die raad blyk dat ’n prak-
tisyen [of student]—
(a) verstandelik of liggaamlik in so ’n mate onbe-
kwaam geword het dat dit vir die openbare be-
lang nadelig sou wees om hom toe te laat om
voort te gaan om [in die geval van daardie prak-
tisyen] ’n beroep te beoefen ten opsigte waarvan
hy geregistreer is of [in die geval van daardie
student] ’n handeling te verrig wat spesiaal tuis-
hoort by ’n beroep ten opsigte waarvan hy gere-

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- of which he is registered **[and which he is under this Act authorized to perform]**; or
- (b) has become addicted to the use of any scheduled substance as defined in section 1 (1) of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), 5
- the board shall cause the matter to be investigated and may, if it deems it necessary, hold an inquiry in respect of that practitioner **[or student]** *mutatis mutandis* in accordance with the provisions of section 24 10 and the regulations made under section 38 (1) (q).
- (2) If the board, after holding an inquiry under subsection (1), finds that any circumstance referred to in that subsection exists in respect of the practitioner **[or student]** concerned, it may by order— 15
- (a) suspend that practitioner **[or student]** for a specified period from **[in the case of that practitioner]** practising any profession in respect of which he is registered or **[in the case of that student]** from performing any act specially pertaining to any profession in respect of which he is registered **[and which he is under this Act authorized to perform]**; or 20
- (b) impose such conditions as it may deem fit subject to which that practitioner will be entitled to 25 continue practising any such profession or **[that student will be entitled]** to continue with the performance of any such act.
- (3) The board may extend for any period the operation of any order made under subsection (2) or in any other manner amend any such order or withdraw any such order.
- (4) The provisions of section 26 shall *mutatis mutandis* apply in respect of any practitioner **[or student]** who has been suspended under a provision of 35 subsection (2) of this section.
- (5) When the board has made any order under subsection (2), the registrar shall inform the practitioner **[or student]** concerned thereof in writing.
- (6) Any practitioner **[or student]** who contravenes 40 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 R100.”.

Amendment of
section 31 of
Act 63 of 1982.

18. Section 31 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (2). 45

Substitution of
section 33 of
Act 63 of 1982.

19. The following section is hereby substituted for section 33 of the principal Act:

“Receipt for annual fees *prima facie* proof of registration of practitioner. 33. A receipt purporting to be issued— 50

(a) within the preceding 12 months;

(b) by or on behalf of the board;

(c) in respect of annual fees;

(d) to a person of a name substantially corresponding to that of a practitioner **[or student]** who is involved in any proceedings in a court of law, shall on its mere production at those proceedings be 55 *prima facie* proof that that practitioner **[or student]** is registered.”.

Amendment of
section 34 of
Act 63 of 1982.

20. Section 34 of the principal Act is hereby amended by the deletion of the words “or student” wherever they occur.

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gistreer is **[en wat hy kragtens hierdie Wet gemagtig is om te verrig]**; of

- (b) verslaaf geraak het aan die gebruik van 'n ge-
lyste stof soos omskryf in artikel 1 (1) van die
Wet op die Beheer van Medisyne en Verwante
Stowwe, 1965 (Wet No. 101 van 1965),

moet die raad die aangeleentheid laat ondersoek en
kan hy, indien hy dit nodig ag, *mutatis mutandis* oor-
eenkomstig die bepalinge van artikel 24 en die regu-
lasies kragtens artikel 38 (1) (q) uitgevaardig, 'n on-
dersoek ten opsigte van daardie praktisyn **[of student]** hou.

(2) Indien die raad, nadat hy 'n ondersoek krag-
tens subartikel (1) gehou het, bevind dat enige
omstandigheid in daardie subartikel vermeld ten op-
sigte van die betrokke praktisyn **[of student]** bestaan,
kan hy by bevel—

- (a) daardie praktisyn **[of student]** vir 'n vasgestelde
tydperk skors **[in die geval van daardie prakti-
syn]** in die beoefening van 'n beroep ten opsigte
waarvan hy geregistreer is of **[in die geval van
daardie student]** in die verrigting van 'n hande-
ling wat spesiaal tuihoort by 'n beroep ten op-
sigte waarvan hy geregistreer is **[en wat hy krag-
tens hierdie Wet gemagtig is om te verrig]**; of

- (b) die voorwaardes oplê wat hy goedvind onder-
worpe waaraan daardie praktisyn geregtig sal
wees om voort te gaan met die beoefening van
so 'n beroep of **[daardie student geregtig sal
wees]** om voort te gaan met die verrigting van so
'n handeling.

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

(4) Die bepalinge van artikel 26 is *mutatis mutandis*
van toepassing ten opsigte van 'n praktisyn **[of stu-
dent]** wat kragtens 'n bepaling van subartikel (2) van
hierdie artikel geskors is.

(5) Wanneer die raad 'n bevel kragtens subartikel
(2) gegee het, moet die registrateur die betrokke
praktisyn **[of student]** skriftelik daarvan in kennis
stel.

(6) 'n Praktisyn **[of student]** wat 'n bevel wat krag-
tens subartikel (2) gegee is, oortree of versuim om
daaraan te voldoen, is aan 'n misdryf skuldig en by
skuldigbevinding strafbaar met 'n boete van
hoogstens R100.”.

18. Artikel 31 van die Hoofwet word hierby gewysig deur
50 paragraaf (b) van subartikel (2) te skrap.

Wysiging van
artikel 31 van
Wet 63 van 1982.

19. Artikel 33 van die Hoofwet word hierby deur die volgende
artikel vervang:

Vervanging van
artikel 33 van
Wet 63 van 1982.

“Kwitansie vir jaarlikse gelde *prima facie*-bewys van registrasie van praktisyn.

33. 'n Kwitansie wat heet uitgereik te wees—
(a) binne die voorafgaande 12 maande;
(b) deur of namens die raad;
(c) ten opsigte van jaarlikse gelde;
(d) aan iemand met 'n naam wat wesenlik oor-
eenstem met dié van 'n praktisyn **[of student]**,
wat by verrigtinge in 'n geregshof betrokke is,
is by blote voorlegging daarvan by daardie verrig-
tinge *prima facie*-bewys dat daardie praktisyn **[of stu-
dent]** geregistreer is.”.

20. Artikel 34 van die Hoofwet word hierby gewysig deur die
woorde “of student” oral waar dit voorkom, te skrap.

Wysiging van
artikel 34 van
Wet 63 van 1982.

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Substitution of
section 37 of
Act 63 of 1982.

21. The following section is hereby substituted for section 37 of the principal Act:

"No remuneration recoverable by unregistered persons in respect of certain acts.

37. No remuneration shall be recoverable in respect of any act specially pertaining to any profession if performed by a person who is **[neither] not** a practitioner in the profession concerned **[nor a student who is authorized under this Act to perform any such act for gain]."**

Amendment of
section 38 of
Act 63 of 1982.

22. Section 38 of the principal Act is hereby amended—

(a) by the substitution for paragraph (l) of subsection (1) 10 of the following paragraph:

"(l) [subject to the provisions of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)—

(i) the remedies which a practitioner may in the practice of any profession in respect of which he is 15 registered, prescribe or prepare for or supply to a patient of his, or may have in his possession or under his control for the practise by him of any such professions; **[and**

(ii) **the requirements with which such remedies shall 20 comply with regard to manufacture, packing and labelling];"**

(b) by the deletion of paragraphs (o) and (p) of subsection (1);

(c) by the deletion of the word "and" at the end of paragraph (s) of subsection (1);

(d) by the insertion after paragraph (s) of subsection (1) of the following paragraph:

"(sA) (i) the registration of students in terms of this 30 Act, the conditions subject to which they are registered, the maintenance and alteration of such registration and the circumstances in which the name of a student who is or was so registered may be removed from or restored to the register in question; 35

(ii) the minimum requirements of the curricula and the standards of education and examinations in chiropractic or homeopathy which shall be maintained at any educational institution at which such education is provided, in order to secure recognition 40 under this Act of the qualification in chiropractic or homeopathy obtained at such educational institution;

(iii) the standards of general education required of such students as a condition precedent to such 45 registration;

(iv) the duration of the curricula to be followed by such students at educational institutions referred to **in subparagraph (ii); and;"**

(f) by the addition of the following subsection: 50

"(7) The board may from time to time determine and publish requirements with regard to the manufacture, packing and labelling of remedies which may be prescribed, prepared or supplied by a practitioner in terms of subsection (1) (l) for the purposes of the 55 practising of his registered profession."

Insertion of
section 38A in
Act 63 of 1982.

23. The following section is hereby inserted in the principal Act after section 38:

"Charges by
registered
persons.

38A. (1) Every practitioner shall, unless the circumstances render it impossible for him to do so, and before rendering any professional services, inform the person to whom the services are to be rendered or any person responsible for the maintenance of such 60

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21. Artikel 37 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 37 van
Wet 63 van 1982.

- 5 "Vergoeding
nie verhaal-
baar deur
ongeregis-
treerde per-
sone ten op-
sigte van
sekere han-
delinge nie.
37. Geen vergoeding kan ten opsigte van 'n handel-
ling wat spesiaal by 'n beroep tuishoort, verhaal
word nie indien dit verrig word deur iemand wat nie
'n praktisyn in die betrokke beroep [of 'n student
wat kragtens hierdie Wet gemagtig is om so 'n handel-
ling vir wins te verrig] is nie."

22. Artikel 38 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 38 van
Wet 63 van 1982.

- 10 (a) deur paragraaf (l) van subartikel (1) deur die volgende
paragraaf te vervang:

"(l) [behoudens die bepalings van die Wet op die Be-
heer van Medisyn en Verwante Stowwe, 1965 (Wet No.
101 van 1965)—

- 15 (i)] die middels wat 'n praktisyn by die beoefening van
enige beroep ten opsigte waarvan hy geregistreer is
vir 'n pasiënt van hom mag voorskryf, voorberei of
verskaf of vir die beoefening deur hom van so 'n
beroep in sy besit of onder sy beheer mag hê: [en
20 (ii) die vereistes waaraan sodanige middels met betrek-
king tot vervaardiging, verpakking en etikettering
moet voldoen];";

- (b) deur paragrafe (o) en (p) van subartikel (1) te skrap;
25 (c) deur die woord "en" aan die einde van paragraaf (s)
van subartikel (1) te skrap;

- (d) deur na paragraaf (s) van subartikel (1) die volgende
paragraaf in te voeg:

"(sA) (i) die registrasie van studente ingevolge hierdie

- 30 Wet, die voorwaardes onderworpe waaraan hulle
geregistreer word, die instandhouding en verande-
ring van sodanige registrasie en die omstandighede
waaronder die naam van 'n student wat aldus ge-
registreer is of was, uit die betrokke register ge-
skrap of daarop teruggeplaas kan word;

- 35 (ii) die minimum vereistes van die leerplanne en die
standaarde van onderrig en eksamens in chiroprak-
tyk of homeopatie wat aan enige opvoedkundige
inrigting waar sodanige onderrig aangebied word,
gehandhaaf moet word ten einde kragtens hierdie
40 Wet erkenning te verkry van die kwalifikasie in chi-
ropraktik of homeopatie wat aan so 'n opvoedkun-
dige inrigting behaal word;

- 45 (iii) die standaarde van algemene onderrig wat van so-
danige studente vereis word as voorvereiste vir so-
danige registrasie;

- (iv) die duur van leerplanne wat deur sodanige studen-
te aan opvoedkundige inrigtings bedoel in subpara-
graaf (ii) gevolg moet word; en"; en

- (e) deur die volgende subartikel by te voeg:

- 50 "(7) Die raad kan van tyd tot tyd vereistes bepaal
en publiseer betreffende die vervaardiging, verpak-
king en etikettering van middels wat kragtens subar-
tikel (1) (l) deur 'n praktisyn vir die doel van die uit-
oefening van sy geregistreerde beroep voorberei,
55 voorgeskryf of verskaf kan word."

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

Invoeging van
artikel 38A
in Wet 63 van
1982.

- 60 "Vorderings
deur geregi-
streerde per-
sone.

38A. (1) Tensy die omstandighede dit vir hom on-
moontlik maak, moet elke praktisyn, voordat hy pro-
fessionele dienste lewer, die persoon aan wie die
dienste gelewer gaan word of iemand wat vir die on-
derhoud van daardie persoon verantwoordelik is,

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person, of the fee which he intends to charge for such services—

- (a) when so requested by the person concerned; or
- (b) when such fee exceeds that usually charged for such services,

and shall in a case to which paragraph (b) relates, also inform the person concerned of the usual fee.

(2) Any practitioner who in respect of any professional services rendered by him claims payment from any person (in this section referred to as the patient) shall furnish the patient with a detailed account within a reasonable period.

(3) (a) The patient may, within three months after receipt of the account referred to in subsection (2), apply in writing to the board to determine the amount which in the opinion of the board should have been charged in respect of the services to which the account relates, and the board shall, as soon as possible after receipt of the application, determine the said amount and notify the practitioner and the patient in writing of the amount so determined: Provided that before the board determines the said amount, it shall afford the practitioner concerned an opportunity to submit to it in writing his case in support of the amount charged.

(b) A determination made by the board under this section shall be final.

(c) The Minister may, after consultation with the board, make such regulations as he may deem necessary in relation to the procedure which the board shall follow in disposing of an application under this subsection.

(d) The board may from time to time determine and publish the fees used by the board as a norm for the determination of amounts contemplated in paragraph (a).

(4) A claim which is the subject of an application referred to in subsection (3) of which notice has been given by the board or the patient to the practitioner, shall not be recoverable until a determination has been made in terms of that subsection, and when such a determination has been made no amount which exceeds the amount so determined shall be payable: Provided that if the patient has paid to the practitioner an amount in settlement or part settlement of such claim and such amount exceeds the amount so determined, the practitioner shall refund to the patient the amount by which that payment exceeds the amount so determined.

(5) This section shall not be deemed to divest the board of any of its powers or functions under Chapter 3 with regard to acts or omissions in respect of which it may take disciplinary steps.”

Substitution of
section 39 of
Act 63 of 1982.

24. The following section is hereby substituted for section 39 of the principal Act:

“Unregistered persons not eligible for or entitled to hold certain appointments.

39. No person, except a practitioner in the profession concerned, shall be eligible for or entitled to hold any office which involves the performance by him of any act specially pertaining to a profession which he may not perform for gain: Provided that nothing in this section contained shall be construed so as to prohibit the training of any student [or the employment subject to the prescribed conditions of any student by a practitioner].”

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verwittig van die gelde wat hy voornemens is om vir daardie dienste te vorder—

(a) wanneer daartoe deur die betrokke persoon versoek; of

(b) wanneer daardie gelde meer is as die gelde wat gewoonlik vir daardie dienste gevorder word, en moet hy, in 'n geval waar paragraaf (b) geld, die betrokke persoon ook van die gewone gelde verwittig.

(2) 'n Praktisyn wat ten opsigte van professionele dienste deur hom gelewer, betaling van iemand (in hierdie artikel die pasiënt genoem) vorder, moet binne 'n redelike tydperk aan die pasiënt 'n gespesifiseerde rekening verstrek.

(3)(a) Die pasiënt kan, binne drie maande na ontvangs van die in subartikel (2) bedoelde rekening, skriftelik by die raad aansoek doen om die bedrag te bepaal wat volgens die raad se oordeel gevorder moes gewees het ten opsigte van die dienste waarop die rekening betrekking het, en die raad moet bedoelde bedrag so gou doenlik na ontvangs van die aansoek bepaal en die pasiënt en die praktisyn skriftelik van die aldus bepaalde bedrag in kennis stel: Met dien verstande dat alvorens die raad die bedrag bepaal, hy die praktisyn 'n geleentheid moet bied om sy saak ter steuning van die gevorderde bedrag skriftelik aan hom voor te lê.

(b) 'n Bepaling deur die raad kragtens hierdie artikel gedoen, is afdoende.

(c) Die Minister kan, na oorlegpleging met die raad, die regulasies uitvaardig wat hy nodig ag met betrekking tot die prosedure wat die raad by afhandeling van 'n aansoek ingevolge hierdie subartikel moet volg.

(d) Die raad kan van tyd tot tyd die gelde bepaal en publiseer wat die raad as maatstaf gebruik vir die bepaling van bedrae in paragraaf (a) beoog.

(4) 'n Vordering wat die onderwerp is van 'n in subartikel (3) bedoelde aansoek waarvan die raad of die pasiënt aan die praktisyn kennis gegee het, is nie verhaalbaar nie totdat 'n bepaling ingevolge daardie subartikel gemaak is, en wanneer so 'n bepaling gemaak is, is geen groter bedrag as die aldus bepaalde bedrag betaalbaar nie: Met dien verstande dat indien die pasiënt 'n bedrag ter vereffening of gedeeltelike vereffening van die vordering aan die praktisyn betaal het en daardie bedrag die aldus bepaalde bedrag oorskry, die praktisyn die bedrag waarmee daardie betaling die aldus bepaalde bedrag oorskry aan die pasiënt moet terugbetaal.

(5) Hierdie artikel word nie geag die raad van enige van sy bevoegdhede of werksaamhede ingevolge Hoofstuk 3 met betrekking tot handelinge of versuime ten opsigte waarvan hy tugstappe kan doen, te onthef nie.”.

24. Artikel 39 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ongeregistreerde persone nie benoembaar vir sekere ampte of geregtig om sodanige ampte te beklee nie.

39. Niemand, uitgesonderd 'n praktisyn in die betrokke beroep, is vir 'n amp benoembaar of geregtig om 'n amp te beklee nie wat die verrigting deur hom van 'n handeling behels wat spesiaal by 'n beroep tuishoort wat hy nie vir wins mag verrig nie: Met dien verstande dat die bepalinge van hierdie artikel nie so uitgelê word dat dit die opleiding van 'n student [of die indiensneming onderworpe aan die voorgeskrewe voorwaardes van 'n student deur 'n praktisyn,] belet nie.”.

Vervanging van artikel 39 van Wet 63 van 1982.

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Substitution of
section 40 of
Act 63 of 1982.

25. The following section is hereby substituted for section 40 of the principal Act:

“Saving.

40. The provisions of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), shall not be construed as prohibiting any practitioner **[or student]** from performing for gain any act usually performed at the commencement of this Act by persons who practise the profession concerned in the Republic and the performance of which by any such practitioner is not prohibited by this Act **[or by any such student is authorized under this Act, as the case may be].”**

Short title and
commencement.

26. This Act shall be called the Associated Health Service Professions Amendment Act, 1985, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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25. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 40 van
Wet 63 van 1982.

“Voorbe-
houd.

5

40. Die bepalings van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), word nie so uitgelê nie dat dit 'n praktisyn **[of student]** belet om vir wins 'n handeling te verrig wat by die inwerkingtreding van hierdie Wet gewoonlik verrig is deur persone wat die betrokke beroep in die Republiek beoefen en die verrigting waarvan deur so 'n praktisyn nie deur hierdie Wet verbied word nie **[of deur so 'n student kragtens hierdie Wet gemagtig word, na gelang van die geval]**.”

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26. Hierdie Wet heet die Wysigingswet op Geassosieerde Gesondheidsdiensberoep, 1985, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en
inwerkingtreding.

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