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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GOVERNMENT NOTICES

DEPARTMENT OF HEALTH

No. 664

19 May 2003

PHARMACY ACT, 1974 (ACT NO. 53 OF 1974)

LIST OF APPROVED FACILITIES FOR THE PURPOSES OF PERFORMING COMMUNITY SERVICE BY PHARMACISTS IN THE YEAR 2004

The Minister of Health has, in terms of regulation 3 of the Regulations relating to Performance of Pharmaceutical Community Service, listed the following approved facilities for purposes of the profession of a pharmacy:

PROVINCE	Region (District)	FACILITY
DEPARTMENT OF HEALTH – PUBLIC HEALTH FACILITIES		
EASTERN CAPE	Camdeboo	Andries Vosloo H Midland H
	Maletswai	Aliwal North H
	Senqu	Empilisweni H Umlami H
	Inxuba Yether	Cradock H Willem Stahl H
	Sakhisizwe	Elliot H Cala H
	Lukhanji	Frontier H
	Emalahleni	Glen Grey H
	Mnquma	Butterworth H Nqamakwe H Tafalofefe H
	East London	Cecil Makiwane H Frere H
	Nkonkobe	Fort Beaufort H Victoria H
	Buffalo City	Bisho H Nompumelelo H
	Amahlathi	SS Gida H Isilimela H Port St Johns H St Barnabas H Bambisana H Canzibe H
	Mhlontlo	Nessie Knight H St Lucy H

	Umtata Complex	Umtata General H Nelson Mandela H Umtata CHC Umtata Depot All Saint's H
	Ingguzu	Holy Cross H St Elizabeth H St Patrick's H Greenville H
	Ehmdini	Taylor Bequest H
	Umzimvubu	Mary Theresa H Sipetu H Mt Ayliff H
	Umzimkhulu	Rietvlei H Umzimkulu H
	FREE STATE	
	Academic	Universitas H Oranje H
	Xhariep (DC16)	Jagersfontein H Smithfield H Zastron H Tromsburg
	Motheo (DC17)	Pelonomi H National H Moroka H Botshabelo H Heidedal Wepener Ladybrand H MUCCP Complex
	Lejwelephutswa (DC18)	Welkom H Goldfields Regional H Winburg H Virginia H Hoopstad H Odendaalrus H Bothaville H
	Thabo Mafutsanyane (DC19)	Bethlehem Regional H Manapo H Elizabeth Ross H Harrismith H Phekolong H Reitz H Senekal H Clocolan H Vrede H
	Northern Free State (DC20)	Sasolburg H Parys Complex Boitumelo H Heilbron Complex Frankfort Complex
	Medpharm	Medical Depot

NORTHERN CAPE	Frances Baardt	Kimberley H Hartswater H Galeshwe H Kimberley Clinic
	Karoo	Prieska H De Aar H
	Siyanda	Upington H Postmasburg H
	Namaqualand	Calvinia H
	Kgalakgadi	Kuruman H
GAUTENG	Region A Johannesburg	Chris Hani Baragwanath H Central Wits Region Coronation H Edenvale General H Helen Joseph H Johannesburg H Sizwe Tropical H South Rand H Tembisa H Morros H Medical Supplies Depot
	Region A West Rand	Carletonville H Dr Yusuf Dadoo H Leratong H Sterkfontein H
	Region B East Rand	Far East Rand H Germiston H Nataalspruit H Pholosong H Tambo Memorial H Tembisa H
	Region B Vaal	Sebokeng H Kopanong H Heidelberg H
	Region C Pretoria	Kalafong H Mamelodi H Pretoria Academic H Pretoria Regional Pharmacy Pretoria – West H Weskoppies H
MPUMALANGA	Ehlanzeni	Themba Complex Rob Ferreira H Nelspruit Complex Sabie H Mathibi H Lydenburg H Shongwe H Tonga Health District H and Clinics Barberton H

	Nkangala	Witbank Complex Middelburg H Bernice Samuel H Philadelphia Complex KwaMhlanga H Groblersdal H Mmametlhake H Impungwe H
	Eastern Highveld	Ermelo Complex Evander Highveldridge H Bethal Complex Carolina H Embhuleni H Standerton H Piet Retief H Amajuba H
KWAZULU-NATAL	Ugu (DC21)	Port Shepstone H Murchison H Turton CHC Umzinto CHC St Andrews H GJ Crookes H
	Umgungundlovu (DC22)	Applebosch H Boom CHC East Street CHC Edendale H Northdale H Grey's H Fort Napier H Town Hill H Umgeni H Imbalenhle CHC
	Uthukela (DC23)	Ladysmith H Emmaus H Estcourt H Ntabamhlope CHC
	Umzinyathi (DC24)	Charles Johnson Memorial H Church of Scotland H Dundee H Greytown H Pomeroy CHC
	Amajuba (DC25)	Madadeni H Nlliesfarm CHC Newcastle H Niemeyer Memorial H

Zululand (DC26)	Benedictine H Ceza H St Francis H Umdumozulu Nkonjeni H Paupietersberg CHC Itshelejuba H Vryheid H
Umkhanyajude (DC27)	Bethesda H Hlabisa H Kwa-Msane CHC Manguzi H Mosvold H Mseleni H
Uthungulu (DC28)	Catherine Booth H Ekombe H Empangeni H Eshowe H Kwa Magwaza H Mbongolwane H Ngwelezane H Nkandla H Nseleni CHC
Ilembe (DC29)	Montebello H Ndwedwe CHC Stanger H Sundumbili CHC Umphumulo H Untunjambili H
Sisonke (DC43)	Christ the King H East Griqualand & Usher Memorial H Polela CHC St Appolinaris H Tayler Bequest H Underberg H
Durban Ethekwini	Addington H Bothas Hill CHC Clairwood H Hillcrest H Hlengisizwe Health Centre Inanda CHC Isipingo CHC King Edward VIII H Embo CHC

		King George V H KwaDabeka CHC KwaMashu Poly clinic Mahatma Ghandi H Newtown A CHC Prince Mshiyeni Memorial H Osindisweni H Phoenix CHC RK Khan H Tongaat PHC Wentworth H
LIMPOPO	Waterberg	Ellisras H FH Odendaal H Thabazimbi H Warmbaths H Witpoort H George Masebe H Mokopane H Voortrekker H
	Capricon	Botlokwa H Helen Franz H Seshego H WF Knobel H
	vhembe	Donald Frazer H Hayani Complex Elim H Louis Trichardt H Malamulele H Messina H Siloam H Tshilidzini H
	Mopani	Dr CN Phatudi H Kgapanne H Duiwelskloof Complex Letaba H Maphuta L Malatji H Nkhesani H Phalaborwa H Van Velden H
	Bohlabelo	Mapulaneng H Sekororo H Tintswalo H
	Sekhukune	Dilokong H HC Boshoff Complex Dr MM Mphahlele H Jane Furse H Lebowakgomo H Matlala H Mecklenburg H St Ritas H
	Academic	Pietersburg Mankweng Complex

NORTH WEST	Vryburg	Taung H Tshwaragano H Kudumane H Ganyesa H Scheizer-Reneke H
	Mafikeng	Gelukspan H Thusong H Zeerust H Lehurutshe H Mafikeng H Litchenburg H
	Rustenburg	Odi H Jubilee H Moreteletsi H George Stegman H Mogwase Complex
	Klerksdorp	Wolmaranstad H
WESTERN CAPE	Metropole	Brooklyn Chest H Victoria H Conradie H Hottentots Holland H False Bay H Karl Bremer H Somerset H Mowbray H Westfleur H GF Jooster H Alexandra H Valkenberg H Lentegeur H Stikland H Cape Medical Depot
	Association Academic Hospitals (AAH)	Tygerberg H Groote Schuur H Red Cross H
	West Coast Winelands	Paarl H Swartland H Stellenbosch H Citrusdal H Clanwilliam H Vredenburg H Vredendal H TC Newman H
	Boland Overberg Region	Hermanus H Beweiskloof H Eben Donges H Robertson H Caledon H Montagu H Otto du Plessis H Ceres H Regional H

	South Cape Karoo Region	George H Knysna H Oudtshoorn H Ladysmith H Mossel Bay H Riversdale H Swellendam H Beaufort West H
	Community Health Services	Belhar CHC Bellville CHC Bishop Lavis CHC Browns Farm CHC Cross Roads CHC Delft CHC Dr Abdurahman CHC Durbanville CHC Elsies River CHC Good Hope CHC Goodwood CHC Grassy Park CHC Guguletu CHC Hanover Park CHC Heideveld CHC Hout Bay CHC Kensington CHC Khayelitsha CHC Kleinvele CHC Kraaifonfein CHC Lady Michaelis CHC Langa CHC Lotus River CHC Macassar CHC Maitland CHC Mamre CHC Mfuleni CHC Michael Mapongwana CHC Mitchells Plain CHC Morningstar CHC Nolungile CHC Nyanga CHC Ocean View CHC Parow CHC Ravensmead CHC Reed Street CHC Retreat CHC Robie Nurock CHC Rusthof CHC Ruyterwacht CHC Scottsdene CHC Strand CHC Woodstock CHC
DEPARTMENT OF CORRECTIONAL SERVICES – PRISONS (pharmacy)		
	Mpumalanga	Witbank Prison (pharmacy) Baberton Prison (pharmacy)

	Western Cape	Brandvlei Prison (pharmacy) Drakenstein Prison (pharmacy) Pollsmoor Prison (pharmacy)
	Eastern Cape	East London Prison (pharmacy) St. Albans Prison (pharmacy) Umtata Prison (pharmacy)
	Free State	Grootvlei Prison (pharmacy) Kroonstad Prison (pharmacy) Groenpunt Prison (pharmacy)
	Gauteng	Boksburg Prison (pharmacy) Johannesburg Prison (pharmacy) Leeuwkop Prison (pharmacy) Pretoria Prison (pharmacy)
	KwaZulu-Natal	Pietermaritzburg Prison (pharmacy) Durban Prison (pharmacy)
SOUTH AFRICAN MILITARY HEALTH SERVICE (SAMHS)		
	Northern Province	Louis Trichard Sick Bay Phalaborwa Sick Bay Hoedspruit Sick Bay
	Gauteng	Military Health Base Depot Dunnottar Sick Bay Lenz Sick Bay Rietondale Sick Bay Wonderboon Sick Bay
	KwaZulu-Natal	Durban Sick Bay
	Eastern Cape	Umtata Sick Bay Port Elizabeth Sick Bay
	Northern Cape	Upington Sick Bay Midlands Sick Bay Lohatla Sick Bay
	Western Cape	Gordon's Bay Sick Bay Langebaanweg MBH
	North West	Potchefstroom MBH Zeerust Sick Bay
	Orange Free State	Bloemfontein MBH (Roving Pharmacists)
	1 Military Hospital	1 Military H
	2 Military Hospital	2 Military H

Abbreviations used in table:

AAH	- Association Academic Hospital
CHC	- Community Health Centre
CHSO	- Community Health Service Organization
DC	- District
PHC	- Primary Health Care
MBH	- Military Base Hospital
H	- Hospital

N.B Community service pharmacists may rotate to health centres and clinics attached to each facility listed above.



DR ME TSHABALALA-MSIMANG
MINISTER OF HEALTH

GENERAL NOTICES

NOTICE 1388 OF 2003

DEPARTMENT OF HEALTH

CHOICE ON TERMINATION OF PREGNANCY AMENDMENT BILL, 2003

The Minister of Health intends to table the Choice on Termination of Pregnancy Amendment Bill, 2003 in Parliament during this year.

Interested persons are invited to submit any substantiated comments or representations on the Choice on Termination of Pregnancy Amendment Bill, 2003 to the Director-General of Health [for the attention of the Chief-Director: Maternal, Child and Women's Health (Dr Mhlanga)], Private Bag X828, Pretoria, 0001 within one month of the date of publication of this notice.

[] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

DRAFT BILL

To amend the Choice on Termination of Pregnancy Act, 1996, so as to replace the designation of facilities by the Minister with approval by the Member of the Executive Council, and the making of regulations connected thereto; to enable public and private facilities offering 24 hour maternity service to provide termination of pregnancy services; to provide for the recording of information and submission of statistics; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 92 of 1996

1. Section 1 of the Choice on Termination of Pregnancy Act, 1996 (hereinafter referred to as the principal Act), is hereby amended by-

(a) the insertion before definition of "incest" of the following definition:

" **'Head of Department'** means the head of a Provincial health department;"

(b) the insertion, before the definition of "Minister" of the following definition:

" **'Member of the Executive Council'** means the Member of the Executive Council of a province, who is responsible for health in that province"; and

- (c) the substitution for the definition of "**registered midwife**" of the following definition:

" '**registered nurse**' means a person registered as such under the Nursing Act, 1978 (Act No.50 of 1978) and trained in terms of this Act;"

Substitution of section 3 of Act 92 of 1996

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

"3. Place where termination of pregnancy may take place

- (1) Termination of a pregnancy may take place only at a facility approved by the Member of Executive Council by notice in the Provincial Gazette for that purpose.
- (2) The Member of the Executive Council shall, by notice in the Provincial Gazette, determine requirements and conditions necessary to approve such facilities referred to subsection (1).
- (3) The Member of the Executive Council may, on good cause shown, withdraw any approval granted in terms of subsection (1).
- (4) Any public or private health facility that has a 24 hour maternity service, and which complies with the requirements and conditions contemplated in subsection (2), is exempted from requiring approval to terminate pregnancies of up to and including 12 weeks.
- (5) The Member of Executive Council shall on an annual basis provide the Minister with statistics of approved facilities for that particular year.

- (6) The Minister may exercise the powers and functions accorded the Member of the Executive Council, in order to achieve the objects of this Act: Provided that in case of a conflict on the exercise of these powers and functions, section 146 of the Constitution of the Republic of South Africa, 1996, shall be used to resolve the said conflict."

Amendment of section 7 of Act 92 of 1996

3. Section 7 of the principal Act is hereby amended:

4. by the substitution for subsection (3) of the following subsection:

"(3) The person in charge of a facility referred to in section 3, shall, within one month of the termination of a pregnancy at such facility, collate the prescribed information and forward it by registered post confidentially to the [Director-General] Head of Department: Provided that the name and address of a woman who has requested or obtained a termination of pregnancy, shall not be included in the prescribed information.";

- (b) by the substitution for subsection (4) of the following subsection:

"(4) The [Director-General] Head of Department shall keep the record of the prescribed information which he or she receives in terms of subsection (3)"; and

- (c) by the insertion of the following subsection (4):

"(4A) The Head of Department shall provide the Director – General with the information referred to in subsection (4) every six months."

Substitution of section 8 of Act 92 of 1996

4. The following section is hereby substituted for section 8 of the principal Act:

"8. Delegation

- (1) The **[Minister]** Member of the Executive Council may, on such conditions as he or she may determine, in writing delegate to the **[Director-General]** Head of Department or any other officer in the service of the State, any power conferred upon the **[Minister]** Member of the Executive Council by or under this Act, except the power referred to in section 9.
- (2) The **[Director-General]** Head of Department may, on such conditions as he or she may determine, in writing delegate to an officer in the service of the State, any power conferred upon the **[Director-General]** Head of Department by or under this Act or delegated
- (3) The **[Minister or Director-General]** Member of the Executive Council or Head of Department shall not be divested of any power delegated by him or her, and may amend or set aside any decision taken by a person in the exercise of any such power delegated to **[him or her]** that person."

Amendment of section 9 of Act 92 of 1996

5. The following section is hereby substituted for section 9 of the principal Act –

“9. Regulations

- (1) The **[Minister]** Member of the Executive Council may make regulations relating to any matter which he or she may consider necessary or expedient to prescribe for achieving the objects of this Act.
- (2) The regulations contemplated in subsection (1) shall be approved by the Minister before they can be put into effect by the Member of the Executive Council.”

Amendment of section 10 of Act 92 of 1996

6. Section 10 of the principal Act is hereby amended -

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

“(1) Any person who –

- (a) is not a medical practitioner or a registered **[midwife]** nurse who has completed the prescribed training course and who performs the termination of a pregnancy referred to in section 2(1)(a);
- (b) is not a medical practitioner and who performs the termination of pregnancy referred to in section 2(1)(b) or (c); **[or]**
- (c) prevents the lawful termination of a pregnancy or obstructs access to a facility for the termination of a pregnancy **[,]** ; or
- (d) terminates a pregnancy, allows a termination of pregnancy at a facility not approved in terms of

section 3(1), or provides access to such a facility for termination of pregnancy,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 10 years.

Amendment of Act 92 of 1996

7. The principal Act is hereby amended by the substitution for the phrase
"registered midwife" wherever it appears in the Act, of the phrase "registered nurse".

Insertion of section 11A in Act 92 of 1996

8. The principal Act is hereby amended by the insertion after section 11 of
the following section :

"11A. Transitional Provision

Any facility designated in terms of section 3(1), is deemed to have been approved by the Member of the Executive Council in terms of this Act."

Short Title

9. This Act is called the Choice on Termination of Pregnancy Amendment Act, 2003.

NOTICE 1389 OF 2003

DEPARTMENT OF HEALTH

DENTAL TECHNICIANS AMENDMENT BILL, 2003

The Minister of Health intends to table the Dental Technicians Amendment Bill, 2003 in Parliament during this year.

Interested persons are invited to submit any substantiated comments or representations on the Dental Technicians Amendment Bill, 2003 to the Director-General of Health: Private Bag X828, Pretoria, 0001 [for the attention of the Director: Oral Health (Dr Smit)] within one month of the date of publication of this notice.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with the solid line indicate insertions in existing enactments

BILL

To amend the Dental Technicians Act, 1979, so as to provide for the recognition of informally trained persons for purposes of restricted registration as dental technicians on conditions determined by the Dental Technicians Council and prescribed by the Minister; and to provide for matters connected therewith.

BE IT ENACTED by Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 19 of 1979 as amended by section 1 of Act 43 of 1997

1. Section 1 of the Dental Technicians Act, 1979 (hereinafter referred to as "the principal Act"), is hereby amended by the insertion of the following definition after the definition of "**Director-General**":

"informally trained person" means a person who has been employed as a dental laboratory assistant and worked for a period of not less than five (5) years under the supervision of a dentist or dental technician who trained such informally trained person in the activities of a dental technician;

Insertion of section 23A in Act 19 of 1979

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

"23A. Restricted registration of an informally trained person

(1) Notwithstanding the provisions of sections 16, 17, 18 and 22, the Minister may on the recommendation of the council, prescribe the conditions in terms of which an informally trained person can be registered by the council as a dental technician in terms of this Act.

(2) Regulations relating to the conditions referred to in subsection (1) shall at least provide for -

(a) the application by an informally trained person for restricted registration as a dental technician;

(b) establishment by the council of a selection committee to consider every application referred to in paragraph (a);

(c) an informally trained person to undergo a practical examination at an approved institution before he or she can obtain restricted registration as a dental technician;

and

- (d) the conditions in terms of which an informally trained person who obtained restricted registration as a dental technician can practise his or her profession.”.

Amendment of section 32 of Act 19 of 1979 as amended by section 25 of Act 43 of 1997

- 3. Section 32(2) of the principal Act is hereby amended by the substitution in subsection (2) for the word “shall” of the word “may”.

Amendment of section 32A of Act 19 of 1979 as amended by section 26 of Act 43 of 1997

- 4. Section 32A(3) of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A juristic person being an incorporated company or a close corporation may carry on any business involving the performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be: Provided that all members or such juristic person shall be either dentists or clinical dental technologists on the one hand, or dental technicians or dental technologists or both, on the other hand, provided that -

- (a) in the case of a juristic person being an incorporated company or a close corporation of dentists or clinical dental technologists conducting a dental laboratory, only work for patients of that juristic person being an incorporated company or close corporation shall be

done in that laboratory; or

- (b) all the members of such juristic person, being an incorporated company or a close corporation practice their profession and operate the laboratory on the same premises.

Amendment of section 50 of Act 19 of 1979 as amended by section 34 of Act 43 of 1997

5. Section 50 of the principal Act is hereby amended by -

- (1) the insertion of the following paragraph in subsection (1) after paragraph (q):

“(qA) conditions in terms of which an informally trained person can be registered by the council as a dental technician in terms of section 23A of this Act;” and

- (2) insertion of the following subsections after subsection (4):

“(5) The Minister shall not less than three months before any regulation is made under subsection (1), cause the text of such regulation to be published in the *Gazette* together with a notice declaring his or her intention to make such regulation and inviting interested persons to furnish him or her with any comments thereon or any representations they wish to make in regard thereto.

- (6) The provisions of subsection (5) shall not apply in respect of -

- (a) any regulation which, after the provisions of subsection (5) have been complied with, has been amended by the Minister in consequence of representations received by him or her in pursuance of the notice issued thereunder; and
- (b) any regulation in respect of which the Minister is advised by the council that the public interest requires it to be made without delay.”.

Short title and commencement

6. This Act shall be called the Dental Technicians Amendment Act, 2003 and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS
OF THE DENTAL TECHNICIANS AMENDMENT BILL, 2003
(hereinafter referred to as "the amendment bill")**

1. SCOPE OF AMENDMENT BILL

The amendment bill proposes amendments to the Dental Technicians Act, 1979 (Act No. 19 of 1979) (hereinafter referred to as "the principal Act").

2. AMENDMENTS TO PRINCIPAL ACT

(1) Amendment of section 1 of the principal Act

(a) *Current position*

Currently the principal Act does not recognize informally trained persons and therefore the expression "informally trained person" is neither used in the principal Act nor defined in the principal Act.

(b) *New position*

A definition for the expression "informally trained person" is inserted into section 1 of the principal Act.

(c) *Reason*

A new section 23A is inserted in the principal Act by the amendment bill which provides for the restricted registration of informally trained persons. In order to give a clear understanding of what an "informally trained person" is for purposes of the principal Act, such expression is defined in section 1 of the principal Act.

(2) Insertion of new section 23A in the principal Act

(a) *Current position*

Currently the principal Act does not provide for the recognition of informally trained persons for purposes of restricted registration as dental technicians.

(b) *New position*

A new section 23A is inserted in the principal Act by the amendment bill in order to provide for the recognition of informally trained persons and to enable the Minister to make regulations regarding the conditions in terms of which an informally trained person can be registered by the council as a dental technician in terms of the Act.

(c) *Reason*

A number of historically disadvantaged people worked as laboratory assistants in dental laboratories for many years during which they were illegally trained to perform some work of a dental technician. Although they were employed as laboratory assistants, they illegally did some work of a dental technician. It has therefore become imperative to allow these people the opportunity to obtain restricted registration as dental technicians in order to legally perform work they were trained to do.

(3) Amendment of section 32 of the principal Act

(a) *Current position*

Currently section 32(2) of the principal Act determines that a dental technician contractor, shall, from a date determined by the Minister by notice in the *Gazette*, directly claim from the patient or medical aid scheme concerned for services rendered.

Note: such a notice has not yet been published in the *Gazette* due to the problems created by the word "shall".

(b) *New position*

Section 32(2) of the principal Act is amended by the amendment bill by the substitution for the word "shall" of the word "may."

(c) *Reason*

The reason for replacing the word "shall" with the word "may" is to make it possible for a dental technician contractor to negotiate direct payment with his or her client, the dentist. There are quite a number of small one man dental laboratories which do not have the infra structure to directly claim from the medical aids or patients.

(4) Amendment of section 32A(3) of the principal Act

(a) *Current position*

Currently section 32A(3) allows a dental technician and a dental technologist or a dentist and a clinical dental technologist to do work for any member of the public which should not happen as they should only be able to work for their own clients or patients.

(b) *New position*

Subsection (3) of section 32A is replaced by a new subsection (3) which limits a dental technician and a dental technologist or a dentist and a clinical dental technologist to do work only for their own clients or patients. The new subsection (3) is also in line with the current subsection (2) of section 32A of the principal Act.

(c) *Reason*

The substitution of the current subsection (3) is necessary in order to bring it in line with the intention of the rest of the principal Act in that a dental technician and a dental technologist or a dentist and a clinical dental technologist must only do work for their own clients or patients.

(5) Amendment of section 50(1) of the principal Act

(a) *Current position*

Currently section 50(1) of the principal Act does not provide for the Minister to make regulations regarding the conditions in terms of which an informally trained person can be registered by the council as a dental technician in terms of section 23A of the Act.

(b) *New position*

Section 50(1) of the principal Act is amended by the insertion of a new paragraph (qA) which provides for the Minister to make regulations regarding the conditions in terms of which an informally trained person

can be registered by the council as a dental technician in terms of section 23A of the Act.

(c) **Reason**

Section 50 of the principal Act lists all the issues which can be determined by the Minister by regulation and therefore the circumstances in terms of which an informally trained person can obtain restricted registration in terms of section 23A must also be listed.

(6) **Insertion of new subsections in section 50 of the principal Act**

(a) **Current position**

Currently section 50 of the principal Act does not determine that a draft regulation must first be published for comment before it can be published in final form.

(b) **New position**

Section 50 of the principal Act is amended by the insertion of a new subsection (5) and (6) which *inter alia* determines that the Minister shall not less than three months before any regulation is made, publish such regulation for comment first, unless the Minister deems it in public interest to publish a regulation without delay.

(c) **Reason**

The practice within the National Department of Health is to publish any regulation, whether an Act requires it or not, for comment first before publishing it in final form. This practice allows the public and interested parties to submit comments on a draft regulation. This practice has already been incorporated in certain Acts administered by the National Department of Health for example the Foodstuff, Cosmetics and Disinfectants Act, 1972, the Health Professions Act, 1974 and the Pharmacy Act, 1974.

3. **FINANCIAL IMPLICATIONS**

The amendment bill does not have any financial implications for the State.

4. **COMMUNICATION IMPLICATIONS**

The amendment bill has no communication implications in addition to the commencement of the amendment bill as an Act of Parliament being published in the *Government Gazette*.

5. **ORGANISATIONAL AND PERSONNEL IMPLICATIONS**

The amendment bill has no organisational or personnel implications for the State.

6. **CONSULTATION**

Currently no parties were consulted. The amendment bill was drafted by the Dental Technicians Council and the Directorate: Oral Health.

7. **PARLIAMENTARY PROCEDURE**

The State Law Advisors and the Department of Health are of the opinion that the amendment bill must be dealt with in accordance with section 75 of the Constitution.

ALGEMENE KENNISGEWINGS

KENNISGEWING 1389 VAN 2003

DEPARTEMENT VAN GESONDHEID

WYSIGINGSWETSONTWERP OP TANDTEGNICI, 2003

Die Minister van Gesondheid is van voorneme om die Wysigingswetsontwerp of Tandtegnici, 2003 gedurende hierdie jaar in die Parlement ter tafel te lê.

Belanghebbendes word versoek om binne een maand na die datum van publikasie van hierdie kennisgewing gemotiveerde kommentaar oor of verhoë in verband met die Wysigingswetontwerp op Tandtegnici, 2003 in te dien by die Direkteur-generaal: Gesondheid, Privaatsak X828, Pretoria, 0001 [vir die aandag van die Direkteur: Mondgesondheid (Dr Smit)].

ALGEMENE VERDUIDELIKENDE NOTA:

[] **Woorde in vet druk tussen vierkantige hake dui
skrappings uit bestaande verordenings uit**

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

WETSONTWERP

Tot wysiging van die Wet op Tandtegnici, 1979, ten einde voorsiening te maak vir die erkenning van informeel opgeleide persone vir doeleindes van beperkte registrasie as tandtegnici op voorwaardes soos bepaal deur die Raad op Tandtegnici and soos voorgeskryf deur die Minister; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 1 van Wet 19 van 1979 soos gewysig deur artikel 1 van Wet 43 van 1997

1. Artikel 1 van die Wet op Tandtegnici, 1979 (hieronder "die Hoofwet" genoem), word hierby gewysig deur die invoeging van die volgende omskrywing na die omskrywing van "**Direkteur-Generaal**":

"informeel opgeleide persoon" 'n persoon wat in diens was as 'n tandheelkundige laboratorium-assistant en gewerk het vir 'n tydperk van nie minder nie as vyf (5) jaar onder die toesig van 'n

tandarts of tandtegnikus wat sodanige informeel opgeleide persoon in die werksaamhede van 'n tandtegnikus opgelei het'.”.

Invoeging van artikel 23A in Wet 19 van 1979

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

“23. Beperkte registrasie van 'n informeel opgeleide persoon

- (1) Nieteenstaande die bepalinge van artikels 16, 17, 18 en 22, kan die Minister op aanbeveling van die raad die omstandighede voorskryf in terme waarvan 'n informeel opgeleide persoon as 'n tandtegnikus in terme van hierdie Wet geregistreer kan word.
- (2) Regulasies met betrekking tot die voorwaardes bedoel in subartikel (1) moet minstens voorsiening maak vir -
 - (a) die aansoek deur 'n informeel opgeleide persoon vir beperkte registrasie as a tandtegnikus;
 - (b) die instelling van 'n verkiesingskomitee om elke aansoek bedoel in paragraaf (a) te oorweeg;
 - (c) 'n informeel opgeleide persoon om 'n praktiese eksamen by 'n goedgekeurde inrigting te ondergaan voordat hy of sy

beperkte registrasie as 'n tandtegnikus kan verkry; en

- (d) die omstandighede in terme waarvan 'n informeel opgeleide persoon wat beperkte registrasie verkry het, as 'n tandtegnikus sy of haar beroep kan beoefen.”.

Wysiging van artikel 32 van Wet 19 van 1979 soos gewysig deur artikel 25 van Wet 43 van 1997

3. Artikel 32(2) van die Hoofwet word hierby gewysig deur in subartikel (2) die woord “sal” met die woord “kan” te vervang.

Wysiging van artikel 32A(3) van Wet 19 van 1979 soos gewysig deur artikel 26 van Wrt 43 van 1997

4. Artikel 32A(3) van die Hoofwet word hierby gewysig deur die vervanging van subartikel (3) met die volgende subartikel:

“(3) ‘n Regspersoon, hetsy ‘n ingelyfde maatskappy of ‘n beslote korporasie, mag ‘n besigheid bedryf waarby die verrigting van ‘n handeling betrokke is wat spesiaal tot die beroep van tandtegnikus of tandtegnoloog, na gelang van die geval, behoort: Met dien verstande dat alle lede van sodanige regspersoon slegs uit tandartse of kliniese tandtegnoloë enersyds of tandtegnici of tandtegnoloë of albei, andersyds, moet bestaan: Met dien verstande dat -

- (a) in die geval van ‘n regspersoon, hetsy ‘n ingelyfde maatskappy of ‘n beslote korporasie, van tandartse of kliniese tandtegnoloë wat ‘n laboratorium vir

tandkundige werk bedryf, slegs werk vir pasiënte van daardie regspersoon, hetsy 'n ingelyfde maatskappy of beslote korporasie, in daardie laboratorium gedoen word; of

- (b) al die lede van die regspersoon, hetsy 'n ingelyfde maatskappy of 'n beslote korporasie, hulle beroep beoefen op dieselfde perseel waar die laboratorium bedryf word."

Wysiging van artikel 50 van Wet 19 van 1979 soos gewysig deur artikel 34 van Wet 43 van 1997

5. Artikel 50 van die Hoofwet word hierby gewysig deur -

- (1) die invoeging van die volgende paragraaf in subartikel (1) na paragraaf (q):

"(qA) omstandighede in terme waarvan 'n informeel opgeleide persoon as 'n tandtegnikus in terme van artikel 23A van die Wet geregistreer kan word"; en

- (2) die invoeging van die volgende subartikels na subartikel (4):

"(5) Die Minister moet, binne drie maande voordat enige regulasie kragtens subartikel (1) uitgevaardig word, die teks van die regulasie in die *Staatskoerant* laat publiseer tesame met 'n kennisgewing waarin sy of haar voorneme om die regulasie uit te vaardig, verklaar word en belangstellendes genooi word om hom of haar van enige kommentaar daaroor te

voorsien of van enige voorleggings wat hulle in verband daarmee wil doen.

(6) Die bepalings van subartikel (5) is nie van toepassing nie ten opsigte van -

(a) enige regulasie wat, nadat die bepalings van subartikel (6) nagekom is, deur die Minister gewysig is as gevolg van voorleggings deur hom of haar ontvang na aanleiding van die kennisgewing daarkragtens uitgevaardig; en

(b) enige regulasie ten opsigte waarvan die Minister deur die raad geadviseer word dat die openbare belang vereis dat dit sonder versuim uitgevaardig word.”.

Kort title en inwerkingtreding

6. Hierdie Wet heet die Wysigingswet op Tandtegnici, 2003, en tree in werking op 'n datum wat deur die President by proklamasie in die *Staatskoerant* bepaal word.

**MEMORANDUM OOR DIE OOGMERKE
VAN DIE WYSIGINGSWETSONTWERP OP TANDTEGNICI, 2003
(hierna genoem "die wysigingswetsontwerp")**

1. TOEPASSINGSGEBIED VAN WYSIGINGSWETSONTWERP

Die wysigingswetsontwerp doen voorstelle aan die hand vir wysigings aan die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979) (hierna genoem die "hoofwet").

2. WYSIGINGS AAN DIE HOOFWET

(1) Wysiging van artikel 1 van die hoofwet

(a) *Huidige posisie*

Huidiglik erken die hoofwet nie informeel opgeleide persone nie en daarom word die uitdrukking "informeel opgeleide persoon" nie gebruik of gedefinieer in die hoofwet nie.

(b) *Nuwe benadering*

'n Definisie vir die uitdrukking "informeel opgeleide persoon" word ingevoeg in artikel 1 van die hoofwet.

(c) *Rede*

'n Nuwe artikel 23A word deur die wysigingswetsontwerp in die hoofwet ingevoeg wat voorsiening maak vir beperkte registrasie van informeel opgeleide persone. Ten einde 'n duidelike begrip te gee van wat 'n informeel opgeleide persoon is vir doeleindes van die hoofwet, word sodanige uitdrukking gedefinieer in artikel 1 van die hoofwet.

(2) Invoeging van nuwe artikel 23A in die hoofwet

(a) *Huidige posisie*

Huidiglik maak die hoofwet nie voorsiening vir die erkenning van informeel opgeleide persone vir doeleindes van beperkte registrasie as tandtegnici nie.

(b) *Nuwe benadering*

'n Nuwe artikel 23A word deur die wysigingswetsontwerp in die hoofwet ingevoeg ten einde voorsiening te maak vir die erkenning van informeel opgeleide persone en om die Minister in staat te stel of regulasies uit te vaardig rakende die omstandighede in terme waarvan 'n informeel opgeleide persoon deur die raad as 'n tandtegnikus geregistreer kan word.

(c) *Rede*

'n Aantal historiese minder bevoorregte mense het vir baie jare as laboratorium assistente in tandheelkundige laboratoria's gewerk waartydens hulle onwettig opgelei is om sekere werk van 'n tandtegnikus te doen. Alhoewel hulle in diens was as laboratorium assistente, het hulle onwettig sommige werk van 'n tandtegnikus gedoen. Dit het daarom noodsaaklik geword om hierdie mense die geleentheid te bied om beperkte registrasie as 'n tandtegnikus te verkry ten einde wettiglik die werk te doen waarvoor hulle opgelei was.

(3) **Wysiging van artikel 32 van die hoofwet**

(a) **Huidige posisie**

Huidiglik bepaal artikel 32(2) van die hoofwet dat 'n tandtegnikus kontrakteur, vanaf 'n datum deur die Minister by kennisgewing in die Staatskoerant bepaal, direk van die pasiënt of bepaalde mediese skema moet eis vir dienste gelewer.

(b) **Nuwe benadering**

Artikel 32(2) van die hoofwet word gewysig deur die wysigingswetsontwerp deur die woord "moet" met die woord "kan" te vervang.

(c) **Rede**

Die rede vir die vervanging van die woord "moet" met die woord "kan" is om dit vir 'n tandtegnikus kontrakteur moontlik te maak om direkte betaling te onderhandel met sy of haar klient, die tandarts. Daar is 'n hele aantal klein een man tandheelkundige laboratoriums wat nie die infrastruktuur het om direk van die mediese skemas of pasiënte te eis nie.

(4) **Wysiging van artikel 32A(3) van die hoofwet**

(a) **Huidige posisie**

Huidiglik laat artikel 32A(3) 'n tandtegnikus en 'n tandtegnoloog of 'n tandarts en 'n kliniese tandtegnoloog toe om werk vir enige lid van die publiek te doen, wat nie moet gebeur nie aangesien hulle slegs werk vir hulle eie kliënte en pasiënte behoort te doen.

(b) **Nuwe benadering**

Subartikel (3) van artikel 32A word vervang met 'n nuwe subartikel (3) wat 'n tandtegnikus en 'n tandtegnoloog of 'n tandarts en 'n kliniese tandtegnoloog beperk om net wer vir hulle kliënte of pasiënte te doen. Die nuwe subartikel (3) is noodsaaklik ten einde dit in lyn te bring met die bedoeling van die res van die hoofwet in dat 'n tandtegnikus en 'n tandtegnoloog of 'n tandarts en 'n kliniese tandtegnoloog slegs werk vir hulle eie kliënte of pasiënte moet doen.

(5) **Wysiging van artikel 50(1) van die hoofwet**

(a) **Huidige posisie**

Huidiglik maak artikel 50(1) van die hoofwet nie voorsiening vir die Minister om regulasies uit te vaardig rakende die omstandighede in terme waarvan 'n informeel opgeleide persoon deur die raad as 'n tandtegnikus geregistreer kan word in terme van artikel 23A van die Wet nie.

(b) **Nuwe benadering**

Artikel 50(1) van die hoofwet word gewysig deur die invoeging van 'n nuwe paragraaf (qA) wat voorsiening maak vir die Minister om regulasies uit te vaardig rakende die omstandighede in terme waarvan 'n informeel opgeleide persoon deur die raad as 'n tandtegnikus geregistreer kan word in terme van artikel 23A van die Wet.

(c) **Rede**

Artikel 50 van die hoofwet lys al die items wat deur die Minister by regulasie bepaal kan word en daarom word die omstandighede in terme waarvan 'n informeel opgeleide persoon deur die raad as 'n tandtegnikus geregistreer kan word, gelys.

(6) **Invoeging van nuwe subartikels in artikel 50 van die hoofwet**

(a) **Huidige posisie**

Huidiglik bepaal artikel 50 van die hoofwet nie dat 'n konsepregulasie eers vir kommentaar gepubliseer moet word voordat dit in finale vorm gepubliseer kan word nie.

(b) **Nuwe benadering**

Artikel 50 van die hoofwet word gewysig deur die invoeging van 'n nuwe subartikel (5) en (6) wat onder andere bepaal dat die Minister nie minder as drie maande voor die afkondiging van enige regulasie, sodanige regulasie eers vir kommentaar moet publiseer, tensy die Minister dit in publieke belang ag om sodanige regulasie sonder versuim af te kondig.

(c) **Rede**

Die praktyk binne die Nasionale Departement van Gesondheid is om enige regulasie, welke 'n Wet dit vereis of nie, eers vir kommentaar te publiseer voordat dit in finale vorm gepubliseer word. Hierdie praktyk bied die publiek en belangstellendes die geleentheid om kommentaar op 'n konsepregulasie te lewer. Hierdie praktyk is al reeds in sekere wette wat deur die Nasionale Departement van Gesondheid geadministreer word, geinkorporeer byvoorbeeld die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972, die Wet op Gesondheidsberoepe, 1974 en die Wet op Aptekers, 1974.

3. **FINANSIËLE IMPLIKASIES**

Die wysigingswetsontwerp het geen finansiële implikasies vir die Staat nie.

4. **KOMMUNIKASIE IMPLIKASIES**

Die wysigingswetsontwerp het geen kommunikasie implikasies benewens die inwerkingtreding van die wysigingswetsontwerp as 'n wet van die Parlement wat in die *Staatskoerant* gepubliseer word.

5. **ORGANISATORIESE EN PERSONEEL IMPLIKASIES**

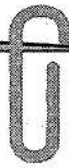
Die wysigingswetsontwerp het geen organisatoriese of personeel implikasies vir die Staat nie.

6. **RAADPLEGING**

Huidiglik is geen partye geraadpleeg nie. Die wysigingswetsontwerp is opgestel deur die Raad op Tandtegnici en die Direktoraat: Mondgesondheid.

7. **PARLEMENTÊRE PROSEDURE**

Die Staatsregsadviseurs en die Departement van Gesondheid is van mening dat die wysigingswetsontwerp hanteer moet word ooreenkomstig artikel 75 van die Grondwet.



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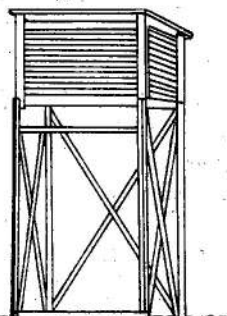
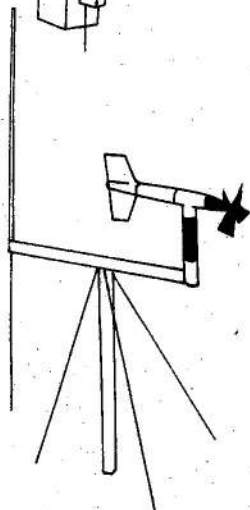
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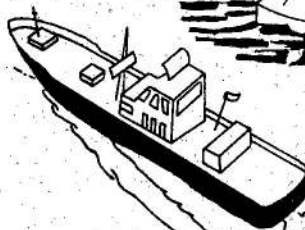
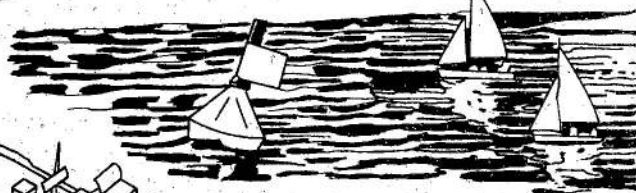
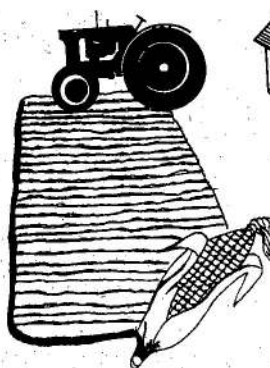
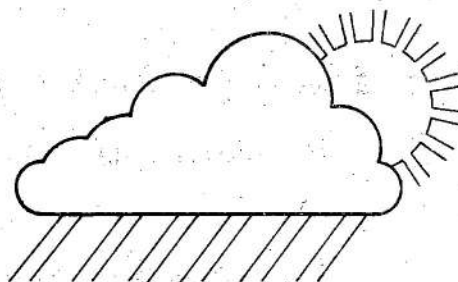
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