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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH

NO. 340

19 April 2021

REGULATIONS RELATING TO UNMOUNTED ARTIFICIAL TEETH: AMENDMENT

The Minister of Health has, in terms of section 50(1)(r) of the Dental Technicians Act, 1979, and on the recommendation of the South African Dental Technicians Council, made the Regulations contained in the Schedule.



DR ZWELINE LAWRENCE MKHIZE, MP

MINISTER OF HEALTH

DATE 02/04/2021

SCHEDULE

Contents

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act and unless the context indicates otherwise –

“the Act” means the Dental Technicians Act, 19 of 1979;

“Regulations” means Regulations relating to Unmounted Teeth, 1982, published under GN R306 of 26 February 1982, as amended by Government Notices No. R.286 of 15 February 1985, R.856 of 9 May 1986, R.669 of 3 April 1987 and R.846 of 28 April 1989.

Amendment of Regulation 1

2. Regulation 1 of the Regulations is amended by the insertion of the following definitions above the definitions of "section" –

"financial year" means the period of one year commencing on the first day of March of one year and concluding on the last day of February of the succeeding year, or such other reporting period as may be determined by the council;

"dental supplier" means a person contemplated in section 33(1)(b) of the Act;

"dental trader" means a person contemplated in section 33(1)(a) of the Act;

Substitution of Regulation 4

3. The Regulations are amended by substitution of regulation 4 for the following –

"Fees payable

4.(1) The application fee payable to the council referred to in regulation 1 for a permit shall be R12,745-00 and such amount shall only be refundable if the council rejects an application for a permit.

(2) A person whose application for a permit has been approved shall pay a once-off registration fee of R11, 910-00.

(3) The holder of a permit shall, in respect of each financial year, pay an annual permit fee of:

(a) R19, 658-00 in respect of a dental trader;

(b) R8, 397-00 in respect of a dental supplier; or

(c) a pro rata portion of the fee referred to in sub-regulation 3(a) or (b), as the case may be, calculated from the date of issue of the permit, R4,468-50 in respect of a dental trader or dental supplier

who is issued with a permit during the course of a financial year for the unexpired portion of the financial year.

(4) The annual permit fee referred to in sub-regulation (3) shall be due on 1 March of each year and shall be payable by 31 March of that year: Provided that the annual permit fee referred to in sub-regulation (3)(c) shall be due on the date on which the permit concerned is issued and shall be payable by no later than one month after that date."

Amendment of Regulation 5

4. Regulation 5 is amended by the substitution of paragraphs (b), (c) and (d) with the following subparagraphs –

- "(b) A permit holder shall, upon the request of the council, furnish such information as may be required in relation to transactions entered into by **[him]** the permit holder in respect of unmounted artificial teeth.
- (c) A permit holder shall at all times keep the council informed of **[his]** the permit holder's business and postal address and shall notify the council within 30 days of any change of address.
- (d) A permit shall not be transferable and shall lapse if the ownership of the business of the permit holder is transferred to another person or company or if the director or members of a company which is a permit holder should change."

Insertion of Regulation 5A

5. The Regulations are amended by the insertion of regulation 5A after the regulation 5 –

"Cancellation of permit and restoration

5A. (1) The council or a committee of the council to whom the function has been delegated may authorise the registrar to cancel a permit issued to any person –

- (a) who has failed to notify the registrar of his or her present address, within a period of three months from the date of an inquiry sent by

the registrar by certified mail or electronic transmission to the address appearing in the council's records in respect of such person; or

- (b) who has failed to pay the prescribed annual permit fee on a date when it became due in terms of regulation 5(2).

(2) The registrar must issue the notice of cancellation and forward it to the person contemplated in subregulation (1) by way of certified mail or electronic transmission to the address appearing in the council's records in respect of such person.

(3) As from the date of issue of the notice referred to in subregulation (2) and its receipt by the person concerned-

- (a) any permit issued in terms of the Act to the person concerned must be deemed to be cancelled; and
- (b) such person must immediately cease to manufacture, import, buy or be in possession of unmounted artificial teeth for the purpose of supplying such artificial teeth to a dentist, a clinical dental technologist, a dental technician contractor or a person who is the holder of a permit, as the case may be, until such time as such person's permit is restored.

(4) A permit which is cancelled on account of non-payment of an annual permit fee may be restored if the holder of such permit submits an application for restoration substantially in accordance with Appendix A and pays a restoration fee equivalent to –

- (a) two times the annual fee due by that person plus the outstanding fees due by that person, if the application for restoration is submitted within a period of six (6) months after the date on which the permit concerned was cancelled;
- (b) five times the annual fee due by that person plus the outstanding fees due by that person, if the application for restoration is submitted after a period of six (6) months has expired after the date on which the permit concerned was cancelled”.

Amendment of Regulation 6

6. Regulation 6 is amended by the substitution of paragraphs (c) and (d) with the following subparagraphs –

“(c) if a permit holder violates or neglects to comply with a stipulation of a permit or if, in terms of section 47, a fine of **[R100] R2000.00** or more or a sentence of imprisonment of two months or more is imposed; and

(d) if the permit holder repeatedly neglects to keep the register in terms of section 34 in the manner stipulated and if, after a written warning from the registrar, **[he] the permit holder** still neglects to comply with the stipulations concerned.”

Amendment of Regulation 7

7. Regulation 7 is amended by –

- 7.1. the substitution in paragraph (a) for the words preceding sub-paragraph (i) of the following words –

“(a) keep a register in the forms set out in Annexure **[B]A** hereof, in which he the permit holder shall-”

- 7.2. by the substitution in paragraph (a) for sub-paragraphs (i), (ii) and (iii) of the following sub-paragraphs –

“(i) separately every day enter the number of posterior and anterior unmounted artificial teeth **[manufactured] held**;

(ii) immediately after receipt on **[his] the permit holder's** premises, enter separately the number of posterior and anterior unmounted artificial teeth imported, bought or otherwise acquired as well as all surpluses or shortages, stating the name and address of the person from whom such unmounted artificial teeth were acquired; and

(iii) on the last working day of each month enter separately the number of posterior and anterior unmounted artificial teeth sold₁[or] supplied or used during that month.”

- 7.3. the substitution for paragraph (b) of the following paragraph –

“(b) immediately after the sale or supply or use of unmounted artificial teeth issue, in strict numerical order, an invoice containing the name and address of the person or entity to whom such unmounted artificial teeth were sold or supplied and, separately, the number of such posterior and anterior unmounted artificial teeth sold or supplied: Provided**[provided]** that no other dental or other products sold or supplied shall be entered in such invoice.”.

Amendment of Regulation 8

8. Regulation 8 is amended by substituting it for the following regulation –

“8. Any person who contravenes **[of]** or fails to comply with any provisions of these regulations shall be guilty of an offence and liable upon conviction to a fine not exceeding R20,000.”.

Short title and commencement

9. These Regulations are called the to the Regulations Relating to Unmounted Teeth, 2021: Amendment.

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