



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 29 March 1997

No. 1526

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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 49

1997

REGULATIONS RELATING TO THE PHYSIOTHERAPY BOARD MADE UNDER THE ALLIED HEALTH SERVICES PROFESSIONS ACT, 1993

The Minister of Health and Social Services has, on the recommendation of the Physiotherapy Board, under section 45 of the Allied Health Services Professions Act, 1993 (Act 20 of 1993), made the regulations set out in the Schedule below.

L. AMATHILA
Minister of Health and
Social Services

Windhoek, 13 March 1997

SCHEDULE

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Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression defined in the Act has that meaning and -

"Annexure" means the appropriate Annexure to these regulations;

"Board" means the Physiotherapy Board established in terms of section 2;

"accused" means a registered person against whom a complaint, charge or allegation has been brought before the Board, and "accuse" and "accusation" shall have corresponding meanings;

"committee of preliminary investigation" means a committee established by the Board in terms of section 10 to investigate into any complaint, charge or allegation, and constituted of members other than those appointed to the disciplinary committee;

"disciplinary committee" means a committee established by the Board in terms of section 10 to act in accordance with these regulations;

"inquiry" means a disciplinary inquiry held by the Board or a disciplinary committee in terms of Part V of the Act and these regulations;

"member" means a member of the Board;

"president" means the president of the Board;

"returning officer" means a returning officer referred to in regulation 2;

"secretary" means the secretary of the Board;

"section" means a section of the Act; and

"the Act" means the Allied Health Services Professions Act, 1993 (Act 20 of 1993).

PART I

ELECTION OF MEMBERS OF THE BOARD

Returning officer

2. (1) The president shall, on a date not less than four months prior to the date of expiry of the term of office of members, by notice in the *Government Gazette* appoint a returning officer.

(2) A returning officer shall hold office from his or her appointment until the duties relating to the election for which he or she has been appointed, has been finalised.

Nominations

3. The returning officer shall, on a date not less than three months prior to the date of expiry of the term of office of members, by notice in the *Government Gazette* substantially in the form of Form 1 contained in Annexure 1, invite the submission of nominations.

Eligibility for election as member

4. (1) No person shall be eligible for election as a member unless -
- (a) a nomination, substantially in the form of Form 2 contained in Annexure 1 and containing the information required therein, reaches the returning officer not later than the day determined for receiving nominations;

- (b) if the person proposed as candidate has not signified his or her acceptance in writing on the nomination form, he or she has done so by letter or telegram addressed to the returning officer; and
- (c) the nomination form proposes only one person as a candidate for election.

(2) A person entitled to vote in the election of members may sign nomination forms for any number of candidates not exceeding the number to be elected, but his or her signature will be invalid on any nomination form signed by him or her after he or she has signed nominations forms for the full number of candidates to be elected.

(3) A person whose nomination has been forwarded to the returning officer in terms of this regulation may at any time prior to the date determined for receiving nominations notify the returning officer in writing of the withdrawal of his or her candidature.

Nomination list and voting date

5. (1) If the number of persons validly nominated does not exceed the number of persons to be elected, any person so nominated shall be deemed to be duly elected.

(2) If the number of persons validly nominated exceeds the number of vacancies to be filled by election the returning officer shall publish in the *Government Gazette* a notice -

- (a) listing the names of the persons validly nominated; and
- (b) determining a day, not less than one month from the date of publication of the notice, on or before which every person entitled to vote may transmit or deliver to the returning officer the ballot paper substantially in the form of Form 3 contained in Annexure 1 and containing the information required therein.

(3) The returning officer shall not less than one month before the day determined for the return of ballot papers, transmit by post to the registered address of every person entitled to vote -

- (a) a ballot paper; and
- (b) a printed identification envelope substantially in the form of Form 4 contained in Annexure 1.

(4) If a ballot paper or envelope transmitted in terms of subregulation (3) is lost, destroyed or spoiled the returning officer shall, if he or she is satisfied about such loss, destruction or spoiling and, if requested by the person to whom it was transmitted, transmit or deliver to such person a fresh ballot paper and envelope.

Manner of voting

6. (1) Each voter shall mark upon his or her ballot paper a cross ("X") against the name of each candidate for whom he or she wishes to vote, and shall thereafter fold the ballot paper, place it in the identification envelope and seal the envelope.

(2) A voter shall, after he or she has sealed the identification envelope, sign the declaration printed on the envelope in the presence of one witness, who shall also sign the envelope, and the voter shall then place the identification envelope in the covering envelope and transmit it by post or deliver it to the returning officer.

(3) A voter shall be deemed to have spoiled his or her ballot paper and the votes thereon shall not be counted if he or she -

- (a) votes for more candidates than there are persons to be elected;
- (b) votes for a person who has not been validly nominated;
- (c) votes more than once for the same person or returns more than one ballot paper;
- (d) makes any mark on the ballot paper other than the cross referred to in subregulation (1); or
- (e) does not clearly indicate the candidate for whom he or she is voting.

(4) No vote recorded on a ballot paper shall be counted unless the ballot paper, enclosed in the identification envelope concerned, is received at the address of the returning officer on or before the day determined in terms of regulation 5(2).

Counting of votes

7. (1) The returning officer shall -

- (a) examine the identification envelopes and the declarations thereon to determine whether the declarations have been signed by persons entitled to vote;
- (b) as soon as possible after the day determined for the receipt of ballot papers and in conjunction with a scrutineer appointed by the Minister, open the identification envelopes concerned and place the folded ballot papers into a close ballot box which has an aperture for inserting the ballot papers;
- (c) open the ballot box, examine the ballot papers and then ascertain the number of valid votes recorded for each candidate.

(2) (a) The returning officer shall declare the persons for whom the greatest number of votes have been recorded to be duly elected members of the Board.

(b) If the number of votes cast for any two or more candidates is found to be equal and if this equality of votes would affect the result of the election, the returning officer shall immediately, in the presence of the scrutineer, determine by lot which of the candidates with an equal number of votes shall be declared elected.

(3) Any candidate or his or her representative appointed by him or her in writing may be present when the ballot box is opened and during the subsequent proceedings.

Publication of particulars

8. The returning officer shall as soon as possible after the election has been held, publish in the *Government Gazette* the names of all the candidates validly nominated, the number of votes recorded for each candidate and the names of the duly elected members of the Board.

PART II

APPOINTMENT AND BUSINESS OF OFFICE-BEARERS OF THE BOARD AND THE MANNER IN WHICH THE ACCOUNTS OF THE BOARD SHALL BE KEPT

Convening of meeting and procedure for election of office-bearers

9. (1) The Minister shall as soon as practicable after the election of a newly constituted Board convene a meeting for the election of office-bearers, and the members present shall first elect, by ballot if necessary, under the chairpersonship of the retiring secretary a temporary chairperson, and the meeting shall then proceed to elect a president by ballot.

(2) Any member may nominate a member by ballot for the office of president and when the temporary chairperson has announced the names of the members so nominated, he or she shall take a ballot.

(3) (a) If only two persons are nominated, the voting on the first ballot shall be final, except in the event of an equality of votes.

(b) If more than two persons are nominated, the candidate obtaining the lowest number of votes at the first ballot shall be eliminated and thereafter successive ballots shall be taken and candidates eliminated until only two remain, in which case the ballot shall be final, except in the case of an equality of votes, whereupon a further ballot shall be taken and, if that be indecisive, the election shall be decided by drawing lots.

(4) Every vote given at a ballot for a person who has not been nominated shall be invalid.

(5) As soon as the president has been elected he or she shall take the chair and the members shall then proceed to elect successively a vice-president, treasurer and secretary in accordance with the procedure referred to in subregulations (2) to (4).

Functions of president

10. The president shall -
- (a) preside at all meetings of the Board and shall be responsible for the proper conduct of the meetings;
 - (b) in addition to a deliberative vote, also have a casting vote.

Functions of treasurer

11. The treasurer shall superintend the financial administration of the Board and shall at the meeting held in January or February and, if he or she deems it necessary, at that meeting which is held in July or August, submit a report on the financial position of the Board, including details of income and expenditure.

Absence of quorum at meetings of Board

12. If there is not a quorum present at a properly convened meeting of a Board the president, or in his or her absence the chairperson for the time being, may declare the meeting postponed to a date to be determined by him or her, written notice of which shall be given to members in accordance with these regulations.

Moneys received

13. (1) All moneys received by the Board shall be deposited forthwith in the name of the Board in a current and imprest account at such bank as may be decided upon by the Board, and the Board may invest such moneys in such manner as it deems fit.

(2) All cheques drawn on the main bank account or imprest account of the Board shall be signed by the treasurer and chairperson of the Board.

Accounts of income and expenditure

14. The treasurer shall keep true and accurate accounts of all income and expenditure and these accounts, which shall be audited at least once in every year by an auditor appointed by the Board, shall be closed on the date referred to in section 11(4)(d) of the Act in each year and a balance sheet, duly audited, shall be submitted to the Board together with the treasurer's report thereon, at the first meeting of each year.

Signing of contracts

15. The president shall sign on behalf of the Board all contracts approved by the Board.

PART III**CONDUCTING OF INQUIRIES****Lodging of complaints, charges or allegations**

16. Any person wishing action to be taken against an accused on the ground of an alleged act or omission shall -

- (a) put his or her complaint, charge or allegation in writing and address and deliver it to the secretary;
- (b) if requested to do so, confirm such complaint, charge or allegation in an affidavit or solemn declaration; and
- (c) be prepared to give evidence in the event of an inquiry being held.

Procedure on receipt of complaint, charge, allegation or record

17. On receipt of a complaint, charge or allegation or of a copy of a record, summons or notice transmitted in terms of section 34(2), the secretary on his or her own or in consultation with the president, as he or she may deem fit, shall -

- (a) seek further information regarding the complaint, charge or allegation;
- (b) advise the accused in writing of the nature of the complaint, charge or allegation, and afford the accused the opportunity of explaining his or her conduct or omission within 21 days, or such further period as the secretary may permit, informing the accused that such explanation may be used in evidence in an inquiry; or
- (c) refer the matter with the relevant documents to the committee of preliminary investigation.

Explanation

18. On receipt of the explanation referred to in regulation 17(b) or if no such explanation is received within the period laid down in the said regulation, the secretary shall refer the matter together with the relevant documents to the committee of preliminary investigation.

Action by committee of preliminary investigation

19. The committee of preliminary investigation shall, depending on the circumstances -

- (a) cause further investigation to be made or seek legal or other advice;

- (b) if it is of the opinion that an inquiry would not be appropriate, submit a corresponding recommendation together with the relevant documents to the Board, which shall accept such recommendation, order further investigations to be made or order an inquiry to be held; or
- (c) instruct the disciplinary committee to hold an inquiry.

Power of Board to deal with matters

20. Nothing herein contained shall derogate from the rights or powers of the Board to deal with any matter itself without reference to a committee, in which event these regulations shall apply *mutatis mutandis*.

Procedure in case of an inquiry

21. If the committee of preliminary investigation decides that an inquiry should be held, the secretary shall -

- (a) determine a date, time and venue for such inquiry; and
- (b) inform members of the disciplinary committee accordingly and furnish them with the relevant documents.

Form of notice

22. A notice referred to in section 29(4) shall -

- (a) be substantially in the form of Form 5 contained in Annexure 1;
- (b) contain such information as is required in the form concerned; and
- (c) be accompanied by a copy of Part III of these regulations.

Witnesses and fees

23. (1) An accused may request the secretary to summon witnesses to testify on his or her behalf during the inquiry and the secretary shall comply with such request if the accused deposits an amount sufficient to cover the costs involved.

(2) A witness shall receive witness fees according to the tariff applicable to criminal cases in a magistrate's court.

(3) The fees referred to in subregulation (2) shall be borne by the accused concerned.

Chairperson of disciplinary committee

24. The president, or if he or she is not available, the vice-president, or if he or she is not available, a chairperson appointed by the committee from amongst its members shall act as the chairperson of the disciplinary committee.

Procedure at inquiry

25. (1) The secretary shall at an inquiry read out the notice delivered to the accused in terms of section 29(4), unless the accused is absent or the accused or his or her legal representative indicates that this is not required.

- (2) (a) The accused, or if he or she is not present, his or her legal representative, shall be asked by the chairperson of the disciplinary committee to plead either guilty or not guilty to each of the charges and the plea shall be so recorded.
- (b) In the absence of the accused a plea of guilty shall be entered only if he or she has clearly and in writing under his or her own signature informed the secretary accordingly prior to the commencement of the inquiry.
- (c) If an accused or his or her legal representative refuses or fails to plead directly to a charge, this shall be recorded and a plea of not guilty shall be entered and shall have the same effect as if it had in fact been so pleaded.
- (3) (a) If a plea of guilty is entered the disciplinary committee shall decide whether or not evidence is to be led.
- (b) In the case of a plea of not guilty evidence shall be led.
- (4) (a) The *pro forma* complainant shall be afforded the opportunity of stating his or her case concisely, orally or in writing after which the accused or his or her legal representative shall be afforded the same opportunity.
- (b) The *pro forma* complainant shall be afforded the opportunity of leading evidence, after which his or her case shall be closed, and the accused or his or her legal representative shall then be afforded the opportunity of leading evidence, after which his or her case shall be closed.
- (c) If an accused is neither present nor represented, his or her written defence, statements made by him or her or on his or her behalf or explanations, if any, shall constitute his or her defence and shall be submitted to the disciplinary committee.
- (5) Notwithstanding the provisions of subregulation 4 (b) the chairperson may permit the *pro forma* complainant, the accused and his or her legal representative to lead further evidence after their cases have been closed.
- (6) (a) After a witness has testified the other party shall be entitled to cross-examine such witness.
- (b) The chairperson or members of the disciplinary committee with his or her permission, may then put any questions to the witness.

- (c) The person who lead the evidence shall be entitled to re-examine the witness, but shall confine his or her re-examination to matters raised in cross-examination and questions posed in terms of paragraph (b).
- (7) (a) Oral evidence shall be given on oath or affirmation.
- (b) The disciplinary committee may decline to admit evidence when a witness is not available for cross-examination or refuses to submit thereto.
- (c) If evidence is led where the witness is not personally present, it shall be in the form of an affidavit or solemn declaration, but the opposing party may object to the admission of such evidence if he or she is not afforded the opportunity to cross-examine.
- (d) Where any information or accusation is based on the record of a legally constituted court or an inquest, the disciplinary committee shall accept such record as *prima facie* evidence if it is certified as a true copy.
- (e) If practicable and if it appears necessary to the disciplinary committee, witnesses whose evidence appears in a record referred to in paragraph (d) may be summoned by the disciplinary committee for purposes of further examination and cross-examination.
- (8) (a) After all evidence has been given the *pro forma* complainant shall be permitted to address the disciplinary committee on the evidence and the legal position, and shall be permitted to do so whether or not the accused has led evidence.
- (b) Thereafter the accused or his or her legal representative, if present, shall likewise be permitted to address the disciplinary committee.
- (c) The chairperson may then permit the *pro forma* complainant to reply to points of law raised by the accused or his or her legal representative in his or her address.
- (9) (a) The disciplinary committee shall after the conclusion of a case go into committee and consider the evidence led with a view to a finding.
- (b) (i) If the accused is found not guilty he or she shall be informed accordingly forthwith and the disciplinary committee shall report its action to the Board.
- (ii) The disciplinary committee may make a finding of not guilty even if the accused has pleaded guilty.
- (c) If the accused is found guilty the disciplinary committee shall decide whether the act or omission concerned constitutes improper conduct or misconduct, and the parties concerned shall be informed accordingly forthwith.

- (10) (a) After a finding of guilty the *pro forma* complainant shall furnish details to the disciplinary committee of previous convictions, if any, of the accused under the Act or any law repealed by the Act, but he or she may do so only if notice was given to the accused prior to the commencement of the inquiry that this would be done in the event of a finding of guilty.
- (b) Proof of previous convictions referred to in paragraph (a) shall be adduced by means of a certificate under the hand of the secretary indicating the nature of the conviction, the date thereof and the penalty imposed.
- (c) If the accused challenges the correctness of a certificate referred to in paragraph (b) a copy of the relevant record and a copy of the minutes of the meeting of the Board or other competent body at which the finding and the penalty were confirmed shall be produced, after which the fact of conviction shall be regarded as proved.
- (11) (a) The *pro forma* complainant shall be afforded the opportunity of making representations or leading evidence, either orally or in writing, regarding a suitable penalty after which the accused or his or her legal representative shall be afforded the same opportunity, including the adducing of evidence in mitigation of the penalty to be imposed.
- (b) If an accused is neither present nor represented any written representations, statements made by him or her or on his or her behalf or explanations, if any, which have a bearing on a penalty shall be taken into account.
- (12) (a) The disciplinary committee shall go into committee and deliberate upon the imposition of a penalty.
- (b) If the penalty imposed is a caution, a reprimand or a caution and a reprimand, such penalty shall immediately be imposed by the disciplinary committee, which shall report its action to the Board.
- (c) If the disciplinary committee decides on a penalty other than that referred to in paragraph (b) -
- (i) the penalty recommended shall immediately be communicated to all the parties concerned with reference to the rights of the accused in terms of subparagraph (iii);
- (ii) the disciplinary committee shall submit all relevant documents and the record of its inquiry together with its finding and recommendation to the Board, which may confirm or vary such finding and the penalty recommended, or refer such finding and penalty back to the disciplinary committee with or without a recommendation;

- (iii) the accused shall be entitled, within 14 days after the finding of guilty by the disciplinary committee, to make concise written representations to the secretary for submission to the Board; and
 - (iv) if the Board decides to accept the recommendation of the disciplinary committee such decision shall be communicated to the accused forthwith.
- (d) The decision of the disciplinary committee or the Board, as the case may be, shall be reduced to writing, signed by the president or the vice-president and shall be filed on the file of the accused.
- (e) Any finding of guilty and the associated penalty shall be published in the official language in the *Government Gazette* and in the report of the Board, if any, with reference to the name of the accused, the contravention and the penalty.
- (13) A summons to appear as a witness before the disciplinary committee or to produce any book, record, document or thing shall be substantially in the form of Form 6 contained in Annexure I and shall contain such information as is required therein.
- (14) Any decision of the disciplinary committee in regard to any point arising in connection with or in the course of an inquiry shall be communicated to the person concerned during such inquiry.
- (15) After deliberating in committee the disciplinary committee may of its own accord or at the request of the *pro forma* complainant or of the accused or his or her legal representative, adjourn any inquiry being held in terms of these regulations to be resumed at such date, time and place as the disciplinary committee may determine or as the secretary may by registered post communicate to all parties concerned.
- (16) The procedure prescribed in these regulations shall apply *mutatis mutandis* to any inquiry conducted in terms of section 36.

PART IV

REGISTRATION AS PHYSIOTHERAPIST AND PRESCRIBED QUALIFICATION

Application for registration as physiotherapist

26. (1) Any person who wishes to register as a physiotherapist shall substantially in the form of Form 7 contained in Annexure 1 apply to the secretary and such form shall contain the information required therein.
- (2) An applicant referred to in subregulation (1) shall, together with the proof of the qualification referred to in section 13(2), submit with his or her application the appropriate registration fee.

(3) The Board may require from an applicant referred to in subregulation (1) to furnish the Board, in the official language, with authoritative information as to the training required for the qualification concerned.

Qualifications which entitle holder thereof to registration

27. The qualifications as contemplated in section 18(1) of the Act and which, when held singly or conjointly with any other qualification, shall entitle the holder thereof to registration under the Act shall be as set out in Annexure 2.

PART V

REGISTRATION OF ADDITIONAL QUALIFICATION

Registration of additional qualification

28. (1) Any person who wishes to register an additional qualification referred to in regulation 29 shall substantially in the form of Form 8 contained in the Annexure apply to the secretary and such form shall contain the information required therein.

(2) An applicant referred to in subregulation (1) shall submit with his or her application -

- (a) proof of the qualification which he or she wishes to register as an additional qualification; and
- (b) the appropriate registration fee.

Additional qualifications

29. The following degrees and courses may be registered as additional qualifications under section 24 -

- (a) a degree of Honours Bachelor, Master or Doctor in Physiotherapy;
- (b) a postgraduate course in orthopaedic manipulative therapy; and
- (c) a postgraduate course in neuro development therapy.

PART VI

EXAMINATIONS

Examinations

30. (1) (a) For the purposes of section 19(1)(c) and (3) the Board will in April and November of each year conduct examinations.
- (b) An examination shall consist of a written paper of three hours and a clinical examination of one hour.

- (c) A clinical examinations referred to in paragraph (b) shall only be conducted once a candidate concerned has passed the written paper.
- (2) An examination referred to in subregulation (1) may be repeated twice by an applicant concerned.
- (3) An examination referred to in subregulations (1) or (2) will only be conducted against payment of the appropriate examination fee.

PART VII

FEES PAYABLE TO THE BOARD

Fees payable for registration

- 31. The fees payable to the Board -
 - (a) by a person in respect of registration as a physiotherapist under section 13 or conditional registration under section 19 shall be N\$200-00;
 - (b) for registration of an additional qualification shall be N\$100-00.

Fee payable for restoration of name to register

- 32. The fee payable to the Board for restoration of a name of a physiotherapist to the register shall be: N\$100-00.

Fee in respect of duplicate registration certificate

- 33. The fee payable to the Board for issuing a duplicate registration certificate to a physiotherapist shall be: N\$100-00.

Examination fees

- 34. The fees payable for an examination referred to in regulation 30 shall be N\$400-00.

Repeal of regulations

- 35. Government Notices R.2297 of 3 December 1976 and R.1840 of 16 September 1977 are hereby repealed.

ANNEXURE I

FORM 1

PHYSIOTHERAPY BOARD: NOTICE FOR ELECTION OF MEMBER(S)*

Notice is hereby given in terms of the provisions of the Allied Health Services Professions Act, 1993, that an election of# member (s) of the Physiotherapy Board, to serve during the period.....
to
 is about to be held.

Every registered physiotherapist resident in Namibia shall be eligible for nomination. Each candidate must be nominated on a separate nomination paper, but any person entitled to vote in terms of these regulations may sign the nomination papers of any number of candidates not exceeding the number to be elected. Nomination forms will be supplied on request to any person entitled to vote in terms of these regulations. Each nomination must state the full names of the persons nominated and must be signed by two physiotherapists. The person nominated must also sign the form, confirming that he or she consents to be nominated. The registered address and qualifications of each signatory must be given on the form. If the person nominated is unable to sign the nomination form he or she may inform the returning officer by letter or telegram that he or she consents to be nominated. Every nomination form must reach the undersigned at the address given below not later than

.....
 Every nomination form in respect of which any of these provisions has not been complied with or which is not received by the aforesaid date at the address given below shall be invalid.

.....
Returning officer

.....
Date

.....
 Address

* Delete whichever does not apply.
 # Insert number of members to be elected.

FORM 2

PHYSIOTHERAPY BOARD: NOMINATION FORM FOR ELECTION OF MEMBER(S) *

PART I

We, the undersigned, being registered physiotherapists, hereby nominate..... of #, a registered physiotherapist, as a candidate for election as a member of the Physiotherapy Board at the forthcoming election to be held on :

1. Full names Signature Date Registered qualifications Registration number Registered address Witnesses 1 2

2. Full names Signature Date Registered qualifications Registered address Witnesses 1 2

* Delete whichever does not apply. # Full names and registered address.

FORM 2

PART II

I, (Full names)

.....

the undersigned, hereby accept nomination as a candidate for election to the election to the Physiotherapy Board.

.....
Signature

.....
Date

.....
Registered qualifications

.....
Registered address

.....
Registration number

FORM 3

- (e) returns his or her ballot paper otherwise than in the identification envelope with the declaration thereon duly completed or
- (f) does not clearly indicate the candidate for whom he or she is voting.

The ballot paper must be folded face inwards and placed in the accompanying identification envelope, which must be sealed and then placed in a covering envelope which must be sent to the Returning Officer, Physiotherapy Board, P O Box, Windhoek, so as to reach such officer not later than

.....

- * Delete whichever does not apply.
- # Insert number of members to be elected.
- + Names of all validly nominated candidates in alphabetical order.

FORM 5

**PHYSIOTHERAPY BOARD: FORM OF NOTICE TO ATTEND
A DISCIPLINARY INQUIRY
(Section 29 (4))**

Dear Mr/Mrs/Miss *

I have been directed to inform you of the complaint/charge/allegation* that you, being a physiotherapist, duly registered as such under the Allied Health Services Professions Act, 1993 (Act 20 of 1993), are guilty of improper conduct or misconduct in that you

.....
.....
.....
.....

has been brought before the Board, and will be considered at an inquiry of the Board/ a disciplinary committee of the Board* to be held

at (place)

on (date)

at (time)

You are hereby requested to appear before the inquiry to establish any defence which you may wish to offer, but if you should decide not to do so, the Board/the disciplinary committee* may consider and deal with the charge in your absence in accordance with the regulations governing the conduct of disciplinary inquiries, a copy of which is enclosed.

If you wish that your letter dated should constitute your defence, please notify me accordingly in writing within 14 days of the date of this letter.

If you wish to submit any further statement, please do so in writing within 14 days of the date of this letter. Please note that any such further statement may be used in evidence at the inquiry.

Your are also informed of your rights in terms of section 29(10) of the Allied Health Services Professions Act, 1993 (Act 20 of 1993), which reads as follows:

"Any person whose alleged conduct is the subject of an inquiry under section 28 shall, if such person is present at such inquiry, have the right, by himself or herself or through a legal representative, to answer any complaint, charge or allegation against him or her and to be heard in his or her defence, and for such purpose -

- (a) to give evidence under oath or affirmation;
- (b) to call witnesses to testify on his or her behalf;
- (c) to submit any document, book, record or any other thing relevant to the inquiry;
- (d) to examine witnesses testifying against him or her."

.....
Signature of Secretary

.....
Date

* Delete whichever does not apply.

FORM 6

**PHYSIOTHERAPY BOARD: SUMMONS TO APPEAR BEFORE THE
BOARD OR A COMMITTEE OF THE BOARD *
(Section 30(8))**

You,
(name)

.....
(occupation)

of
(business address)

.....
(residential address)

are hereby summoned to appear at

on the day of.....

199, at h, before the Physio-
therapy Board/a disciplinary committee of the Board, * established in terms of the
Allied Health Services Profession Act, 1993, (Act 20 of 1993), to give evidence in
respect of the following conduct

.....
.....
.....
.....
.....

of

registered under the said Act as a physiotherapist, and you are directed to bring with
you and then produce at the time and place as aforesaid the several books, records,
documents and things specified in the list below, and then and there to give evidence
in relation to the said inquiry"?

Given under the hand of the

of the Board this day of

199.....

.....
Signature of President/Secretary *

* Delete whichever does not apply.

List of books, records, documents and things to be produced:

.....
.....
.....
.....
.....
.....
.....
.....

Note: Your attention is directed to section 29(8)(c) of the Allied Health Services Professions Act, 1993 (Act 20 of 1993), which reads as follows:

- "(c) Any person who, having been duly summoned -
 - (i) refuses or without sufficient cause fails to attend and give evidence relevant to the inquiry at the time and place specified in the summons; or
 - (ii) refuses to take the prescribed oath or to make an affirmation when required by the person presiding at such inquiry to do so; or
 - (iii) leaves the inquiry in question without the consent of the person presiding at such inquiry, whether or not such person has given evidence; or
 - (iv) refuses to give evidence before the Board or refuses to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her or refuses to produce any book, record, document or thing which such person has in terms of the summons been required to produce;

shall be guilty to an offence and on conviction be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment."

FORM 7

**PHYSIOTHERAPY BOARD: APPLICATION FOR REGISTRATION AS
PHYSIOTHERAPIST**

I, the undersigned (full names)

.....

of (postal address)

born on, hereby apply for registration as a physiotherapist, and hereby submit a birth certificate or other documentary proof * regarding my age and names.

I hereby submit the qualification/documentary proof that I am in possession thereof * which entitles me to registration as a physiotherapist.

.....
Signature

.....
Date

* Delete whichever does not apply.

FORM 8

**PHYSIOTHERAPY BOARD: APPLICATION FOR THE REGISTRATION
OF AN ADDITIONAL QUALIFICATION**

I, (full names)

..... of (full postal address)

.....

(business address)

.....

being registered as a physiotherapist with the Physiotherapy Board, hereby apply for the registration, as an additional qualification, of the qualification mentioned below.

I declare that I am the holder of the (full particulars)

.....qualification which was

conferred upon be by (name of university or other institution)

.....

I hereby enclose -

- (a) proof of the qualification I wish to register as an additional qualification; and
- (b) the appropriate registration fee.

.....
Signature

.....
Date

ANNEXURE 2**QUALIFICATIONS WHICH ENTITLE HOLDER THEREOF
TO REGISTRATION
(Regulation 27)**

Qualification	Educational institution	City and country
B. Sc. (Phys)	University of Cape Town	Cape Town, South Africa
B. (Phys)	University of Durban Westville	Durban, South Africa
B. Sc. Physiotherapy	University of Harare	Harare, Zimbabwe
B. Sc. (Phys)	University of the Orange Free State	Bloemfontein, South Africa
B. (Phys)	University of Pretoria	Pretoria, South Africa
B. Sc. (Phys)	University of Stellenbosch	Stellenbosch, South Africa
B. (Phys)	University of the Western Cape	Cape Town, South Africa
B. Sc. (Phys)	University of the Witwatersrand	Johannesburg, South Africa