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CONTENTS

Page

GOVERNMENT NOTICE

No. 184	Regulations relating to minimum requirements of study for registration as nutritionist: Allied Health Professions Act, 2004	1
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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 184

2017

REGULATIONS RELATING TO MINIMUM REQUIREMENTS OF STUDY FOR REGISTRATION AS NUTRITIONIST: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with section 19(1) of that Act, and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

B. HAUFIKU
MINISTER OF HEALTH AND SOCIAL SERVICES

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Minimum requirements of study for registration as nutritionist
3. Recognition of qualification by Council
4. Application for registration as nutritionist
5. Additional examinations

6. Additional education, tuition and training
7. Application for registration as nutritionist intern
8. Consideration of application by Council
9. Internship
10. Period of internship
11. Approved facilities
12. Notification to Council
13. Completion of internship
14. Register of nutritionists
15. Register of nutritionist interns
16. Restoration of name to register
17. Evaluation by Council
18. Registrable additional qualifications
19. Requirements for registration of additional qualification
20. Language of forms and documents

Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates -

“the Act” means the Allied Health Professions Act, 2004 (Act No. 7 of 2004).

Minimum requirements of study for registration as nutritionist

2. (1) Subject to compliance with the other requirements prescribed by or under the Act and to subregulation (2) and regulation 3, the Council may register a person as a nutritionist if the person holds a qualification of a bachelors degree in nutrition obtained at an educational institution after receiving full time education, tuition and training in nutrition at that educational institution for a period of four years.

(2) The qualification referred to in subregulation (1) must include education, tuition and training in the subjects of -

- (a) chemistry;
- (b) human biology;
- (c) anatomy;
- (d) human physiology;
- (e) food safety and microbiology;
- (f) basic nutrition;
- (g) advanced nutrition;
- (h) nutrition across the human life cycle;
- (i) nutrition biochemistry and metabolism;
- (j) nutrition analysis and assessment;
- (k) primary health care;

- (l) nutrition epidemiology;
- (m) public health nutrition;
- (n) food, nutrition and agricultural system;
- (o) food service management;
- (p) family and community nutrition;
- (q) research methodology and project;
- (r) public management and governance;
- (s) health promotion;
- (t) nutrition programming, planning and management; and
- (u) policy analysis and project management.

Recognition of qualification by Council

3. For the purpose of registering a person as a nutritionist under regulation 2, the Council may recognise the qualification contemplated in subregulations (1) and (2) of that regulation if -

- (a) the educational institution at which that person obtained that qualification is approved by the Council for that purpose;
- (b) the registration authority responsible for the registration of persons to practise as nutritionist in the country in which that person obtained that qualification, recognises that qualification for registration as a nutritionist in that country; and
- (c) that person complies with the other requirements for registration as a nutritionist prescribed by or under the Act.

Application for registration as nutritionist

4. (1) An application for the registration of a person as a nutritionist in terms of section 20 of the Act must, in addition to the documents and particulars specified by subsection (2) of that section, be accompanied by -

- (a) a certified copy of the identity document or passport of the applicant;
 - (b) a certificate issued by the Council in the form that the Council may determine, certifying that the applicant has passed the evaluation referred to in section 21(3) of the Act, if applicable; and
 - (c) the original certificate of registration to practise as a nutritionist issued by the registration authority of a country in which the applicant has obtained the qualification referred to in section 19(2)(a) of the Act.
- (2) If the applicant -

- (a) is not registered with the registration authority referred to in subregulation (2)(c) the applicant must submit to the Council a certificate, issued by that registration authority, certifying that the qualification which the applicant holds entitles the applicant to be registered as a nutritionist in that country; or
- (b) had been registered previously with the registration authority referred to in subregulation (2)(c) the applicant must submit to the Council a certificate issued by that registration authority -
 - (i) confirming that the applicant had been registered in that country;
 - (ii) confirming that the name of the applicant has been removed from the register of the registration authority; and
 - (iii) specifying the grounds for the removal referred to in subparagraph (ii).

(3) The Council may require the applicant to furnish proof of proficiency in the English language in a manner determined by the Council, if the qualification upon which the applicant relies for registration has been awarded by an institution at which the medium of instruction is not English.

Additional examinations

5. (1) The additional examinations referred to in section 22(1)(b)(ii) of the Act consist of written, oral or practical examinations determined by the Council.

(2) The Council may, subject to conditions determined by the Council, appoint suitable persons to conduct the examinations referred to in subregulation (1).

Additional education, tuition and training

6. (1) If the Council registers a person conditionally as a nutritionist under section 22(2)(a) of the Act the person must undertake additional education, tuition or training determined by the Council, in order to qualify for registration as a nutritionist under the Act.

(2) The particulars of the additional education, tuition or training, referred to in subregulation (1) must be endorsed by the Council on the certificate of conditional registration issued by the Council in the name of that person under section 22(2)(b) of the Act.

Application for registration as nutritionist intern

7. (1) A person who holds a minimum qualification required for registration as a nutritionist must complete an internship as a nutritionist intern before the person is registered as a nutritionist.

(2) An application for registration as a nutritionist intern must be -

- (a) made in the form determined by the Council; and
- (b) submitted to the registrar.

(3) An application referred to in subregulation (2) must be accompanied by -

- (a) an original qualification or a certified copy of the qualification referred to in subregulation (1) as proof that the applicant holds a minimum qualification required for registration as nutritionist;

- (b) a certificate of good standing, if the applicant is or has been previously registered as a nutritionist or as a nutritionist intern in a country other than Namibia, from the registration authority with which the applicant is or has been registered which certificate is issued not more than 120 days before the date of the submission of the application for registration as a nutritionist intern;
 - (c) a certified copy of the identity document or passport of the applicant; and
 - (d) a certified copy of the agreement of internship training entered into by and between the applicant and an approved facility under regulation 11(3)(b).
- (4) If the applicant making an application under subregulation (2) is not registered with any registration authority, the applicant must, together with his or her application for registration as nutritionist intern, submit a certificate issued by the registration authority of the country in which the person obtained the qualification referred to in subregulation (1) -
- (a) certifying that the qualification which the applicant holds entitles him or her to be registered as a nutritionist in that country; or
 - (b) confirming that the applicant has been registered in that country and his or her name has been removed from the register of that registration authority and specifying the grounds for the removal.
- (5) The Council may require the applicant to furnish proof of proficiency in the English language in a manner determined by the Council.

Consideration of application by Council

8. (1) The Registrar must submit the application for registration as a nutritionist intern, submitted under regulation 7(2), to the Council for its decision.
- (2) The Council, after having considered the application for registration as a nutritionist intern may -
- (a) grant the application if the Council is satisfied that the applicant -
 - (i) meets the requirements relating to the registration as a nutritionist intern;
 - (ii) has complied with the provisions of the Act; and
 - (iii) is proficient in the English language; or
 - (b) refuse the application if the Council is satisfied that the applicant does not meet the requirements referred to in paragraph (a).
- (3) The Council must -
- (a) inform the applicant in writing of the decision the Council made under subregulation (2); and
 - (b) if the application for registration as a nutritionist intern is granted -
 - (i) issue to the applicant a certificate of registration, as a nutritionist intern, in the form determined by the Council; and
 - (ii) enter the name of the applicant into the register; or

- (c) if the application for registration as a nutritionist intern is refused, inform the applicant in writing of the refusal and the grounds for the refusal as soon as practicable to do so.

Internship

9. (1) During the period of internship referred to in regulation 10, a nutritionist intern must successfully complete the practical internship training to the satisfaction of the Council in the subjects specified in regulation 2(2).

(2) A nutritionist intern must complete his or her internship training at an approved facility.

(3) A person may not commence with his or her internship at an approved facility, unless he or she -

- (a) is registered with the Council as a nutritionist intern in accordance with these regulations;
- (b) has entered into a written agreement of internship with the approved facility at which he or she must complete the internship; and
- (c) has obtained from the Council a written approval of the agreement of internship entered into under paragraph (b).

(4) The agreement referred to in subregulation (3)(b) must be in the form and contain conditions and particulars determined by the Council.

(5) Unless the Council otherwise determines, on good cause shown, any period of internship completed by a nutritionist intern under an agreement of internship -

- (a) which is cancelled under regulation 10(5);
- (b) in respect of which the Council has withdrawn its approval under regulation 11(7); or
- (c) terminated in terms of regulation 12(1)(b),

is invalid.

(6) A nutritionist intern is subjected to all the rules of professional conduct applicable to a nutritionist during his or her term of internship.

(7) Despite regulation 6(1), the Council may exempt, on the conditions that it may determine, a person from being registered as a nutritionist intern or may reduce the period of internship referred to in regulation 9(1) by the period that the Council determines if the person submits documentary proof to the satisfaction of the Council that he or she has -

- (a) completed a practical training substantially equivalent to the training referred to in regulation 8(1) at a training facility in a country other than Namibia and in accordance with the laws of that country relating to nutritionists or to nutritionist interns; or
- (b) practiced as a nutritionist in a country other than Namibia and in accordance with the laws of that country for the period of time and under the circumstances as may afford him or her experience and training substantially equivalent to the internship training referred to in subregulation (1).

Period of internship

10. (1) A nutritionist intern must complete an internship training for a period of not less than 12 months.

(2) If the period of internship training referred to in subregulation (1) is interrupted at any time, the internship training must consist of periods which when added together are not less than 12 months in aggregate.

(3) Any leave including sick leave taken or any other absence from the approved facility or any other interruption in the internship training during the period of internship referred to in subregulation (1), must be added to the period of internship to ensure that a nutritionist intern completes not less than of 12 months of internship training.

(4) If there is any interruption in the period of internship referred to in subregulation (1), the nutritionist intern must complete the internship within a period of 24 months from the date of the first registration as a nutritionist intern.

(5) If a nutritionist intern fails to comply with subregulation (4), his or her registration as a nutritionist intern is considered to have been cancelled from the date on which the period of 24 months referred to in that subregulation is exceeded.

(6) Despite subregulation (5), the Council may extend in writing, on good cause shown, the period of 24 months referred to in subregulation (4) within which a nutritionist intern must complete his or her internship.

Approved facilities

11. (1) The Council must approve a facility where a nutritionist intern undergoes internship training in accordance with these regulations.

(2) An application for the approval of a facility under subregulation (1) must be submitted to the registrar and must be -

- (a) in the form and manner;
- (b) accompanied by the documents and particulars; and
- (c) accompanied by an application fee,

determined by the Council.

(3) Before the Council approves a facility for the purposes of subregulation (1), the Council may conduct an inspection of the facility in accordance with section 51 of the Act.

(4) If the Council under subregulation (1) approves a facility for the purposes of training nutritionist interns, the Council must in the name of that facility issue a certificate of approval in the form, and specifying the particulars, determined by the Council.

(5) An approval granted under subregulation (1) is subject to the conditions and is valid for the period of time that the Council determines and specifies in the certificate of approval issued under subregulation (4).

(6) When approving a facility for the purpose of training nutritionist interns under subregulation (1), the Council may, in writing, specify that the nutritionist intern must undertake a

specified portion of the training at that approved facility and the remainder of the training must be undertaken at another approved facility specified by the Council.

(7) If the Council at any time during the period of internship considers any training provided by an approved facility to be inadequate or unsatisfactory for any reason, the Council may withdraw its approval of the written agreement of internship referred to in regulation 9(3)(c) by means of a written notice to the approved facility and the nutritionist intern after having afforded them an opportunity to be heard.

Notification to Council

12. (1) A nutritionist intern must, in writing, notify the Council -

- (a) as soon as he or she commences internship and furnish the Council with the name and business address, including the telephone number and the other particulars that the Council may require, of the approved facility where he or she has commenced with internship training;
- (b) if he or she terminates his or her internship training with the approved facility referred to in paragraph (a) within 30 days from the date of termination; and
- (c) if he or she intends to terminate his or her internship training with the approved facility referred to in paragraph (a) and to commence internship with any other approved facility at least 30 days before the date of the intended termination.

(2) If the nutritionist intern terminates his or her internship training under subregulation (1)(b) or (c) and intends to commence an internship with another approved facility the nutritionist intern must, in the form determined by the Council, apply to the Council for approval of the new agreement of internship between himself or herself and that approved facility.

(3) If any personal details or other particulars of a nutritionist intern change, the nutritionist intern must give written notice to the Council of that change and submit documentary proof of that change, to the satisfaction of the Council, within 30 days after the occurrence of that change.

Completion of internship

13. (1) On the completion of the internship undertaken by a nutritionist intern in accordance with these regulations, the approved facility must issue to the nutritionist intern a certificate of the completion in the form, and containing the particulars, determined by the Council.

(2) The nutritionist intern must, after having received the certificate referred to in subregulation (1), submit the certificate to the Council as proof that he or she has completed the internship training.

(3) The Council may not register a person as a nutritionist unless he or she has submitted to the Council the certificate issued under subregulation (1).

Register of nutritionists

14. The register of nutritionists established and kept in accordance with subsection (2) of section 24 of the Act must, in addition to the particulars specified by subsection (3) of that section, contain particulars of the additional qualifications entered against the name of the nutritionist in accordance with section 32(4) of the Act, including any change in any of the particulars recorded in the register.

Register of nutritionist interns

15. The register of nutritionist interns established and kept in accordance with subsection (2)(c) of section 24 of the Act must, in addition to the particulars specified by subsection (3) of that section, contain -

- (a) particulars of the approved facility where the nutritionist intern is completing his or her internship;
- (b) the date on which the nutritionist intern commenced with his or her internship;
- (c) the date on which the internship is completed; and
- (d) any change in any of the particulars recorded in the register.

Restoration of name to register

16. An application in accordance with section 26 of the Act for the restoration of the name of a person to a register, in addition to the documentation referred to in subsection (2) of that section, must be accompanied by -

- (a) the original registration certificate issued under section 20(4)(b) of the Act in the name of the applicant, or if for any reason the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant was so registered; and
- (b) a photocopy of the identity document or the passport of the applicant, duly certified.

Evaluation by Council

17. (1) A person who has completed his or her internship in accordance with these regulations must be evaluated by the Council in accordance with section 21(3) of the Act.

(2) The fees, determined by the Council under section 27 of the Act, relating to an evaluation under subregulation (1) must be paid to the Council before the commencement of the evaluation.

Registrable additional qualifications

18. The Council may register as an additional qualification under section 32(1)(a) of the Act -

- (a) a masters degree in nutrition; and
- (b) a doctorate degree in nutrition,

in respect of a person registered as a nutritionist.

Requirements for registration of additional qualification

19. An application in accordance with subsection (2) of section 32 of the Act, must be accompanied, in addition to the documents, information and payments specified in subsection (3) of that section, by a certified photo copy of the identity document or passport of the applicant.

Language of forms and documents

20. (1) A form or document required to be submitted to the Council or to the registrar in terms of these regulations must be in the English language.

(2) A form or document referred to in subregulation (1) that is not in the English language must be accompanied by a sworn translation of that form or document into the English language.
