

MEDICINE AND MEDICAL PROFESSIONS

Consent to Operations on Native Minors Proclamation 37 of 1943.

Summary: This Ordinance empowers magistrates to give consent for operations on “native minors” if the parent or guardian is not readily available or if a delay to obtain consent might be dangerous.

Medical, Dental and Pharmacy Act 13 of 1928, as amended in South Africa to December 1977.

Summary: The remaining provisions of this Act deal with the regulation of vaccines, clinical thermometers and other diagnostic instruments, and the withdrawal and use of human blood.

Applicability to SWA: Section 99(1) of the original Act states “The Governor-General may, by proclamation in the Gazette, extend this Act, with such modifications of an administrative character as he may deem necessary to the mandated territory of South West Africa, and thereafter and subject to any modifications as aforesaid, that territory shall, for all purposes of this Act, be deemed to be a province of the Union.” The Act was modified and extended to SWA by SA Proclamation 3 of 1929.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Health) Transfer Proclamation (AG 14/1977), dated 1 December 1977. The Act was not amended in South Africa after that date and prior to Namibian independence.

Amendments: This Act was extended to the Rehoboth Gebiet by the Rehoboth Gebiet Medical, Dental and Pharmacy Proclamation 27 of 1955.

South Africa Medical Research Council Act 19 of 1969, as amended in South Africa to December 1977.

Summary: This Act establishes a South African Medical Research Council to promote research in the medical sciences.

Applicability to SWA: Section 1 defines “Republic” to include “the territory of South West Africa”. Section 25 states “This Act, and any amendment thereof, shall also apply in the territory of South West Africa.”

Transfer of administration to SWA: The administration of the Act was probably transferred to SWA by the Executive Powers (Health) Transfer Proclamation (AG 14/1977), dated 1 December 1977. However, it may have been excluded from transfer by section 3(2)(b) of the General Proclamation, which exempted from the operation of section 3(1) of the General Proclamation “those provisions of any law ... which provide for or relate to the institution, constitution or control of ... any board or other body of persons that may exercise powers or perform other functions in or in respect of both the territory and the Republic”.

There was only one amending act in South Africa after the date of transfer -- the *South Africa Medical Research Council Amendment Act 47 of 1982* – which is not expressly applicable to SWA. If the administration of the Act was in fact transferred to SWA, then this amending act would not have applied to SWA.

Abuse of Dependence-Producing Substances and Rehabilitation

Centres Act 41 of 1971, as amended in South Africa prior to Namibian independence.

Summary: This Act restricts dealings in dependence-producing drugs and establishes rehabilitation centres for treatment of people with drug problems.

Applicability to SWA: Section 1 defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”. Section 64 states “This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: Section 53 of this Act states that the State President may assign the administration of all or part of the Act to one or more South African Ministers.

The administration of this Act was partially transferred to SWA by the Executive Powers Transfer Proclamation (AG 3/1977, as amended), dated 28 September 1977. This transfer proclamation applies to matters which were administered by the South African Minister of Bantu Administration and Development, and the South African Minister of Coloured, Rehoboth and Nama Relations. Section 3(2)(e) of the transfer proclamation excluded sections 12 and 50(1) of the Act from the operation of section 3(1) of the transfer proclamation.

The administration of this Act was further transferred to SWA by the Executive Powers (Social Welfare and Pensions) Transfer Proclamation (AG 11/1977), dated 30 November 1977, and the Executive Powers (Health) Transfer Proclamation (AG 14/1977), dated 1 December 1977.

Both of these Transfer Proclamations excluded sections 12 and 50(1) of the Act, and the reference to the “Government of the Republic” in section 50(2) of the Act, from the operation of section 3(1) of the General Proclamation.

None of the amendments to the Act in South Africa after the date of the earliest transfer proclamation were made expressly applicable to SWA.

Amendments: Act 25/1987 amends the Act. There are a number of RSA Proclamations which amend the Schedule to the Act prior to the date of transfer. These have not been recorded here.

Cases:

S v Cachimbembo 1990 NR 290 (HC)

S v Mariu 1991 NR 149 (HC)

S v Kuvare 1992 NR 7 (HC)

S v Kharigub & Another 1992 NR 27 (HC)

S v Van Wyk 1992 NR 267 (HC)

S v Johnny & Another 1992 NR 296 (HC)

S v Maniping/S v Thwala 1994 NR 69 (HC)

S v Mteleni 1995 NR 127 (HC)

S v Mlambo 1997 NR 221 (HC)
S v Begley 2000 NR 112(HC)
S v Sibonyoni 2001 NR 22 (HC)
S v Rooi 2007 (1) NR 282 (HC)
S v Sehako 2009 (1) NR 61 (HC)
S v Lipumbu 2009 (2) NR 546 (HC).

Commissions: The National Drug Control Commission was established by Cabinet decision in 1999, to advise the government on drug policy and on the implementation of international conventions on drugs. Members of this Commission are announced in GN 202/2003 (GG 3060).

Related international agreements:

Convention on Psychotropic Substances, 1971 (accession: 31 March 1998).

Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 (accession: 31 March 1998).

Note: The UN Treaty Data Base lists two other drug-related treaties to which “South West Africa (Namibia)” is party by means of territorial application. However, this may no longer apply to independent Namibia.

* *Final Act of the United Nations Opium Conference held at United Nations Headquarters, New York, from 11 May to 18 June 1953; Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953* (territorial application as of 9 March 1960, with effect from 8 March 1963)

* *Protocol bringing under international control drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacturing and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success on 11 December 1946. Signed at Paris on 19 November 1948* (territorial application as of 5 October 1954, with effect from 4 November 1954)

SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996

(entered into force within SADC on 20 March 1999) (source: SADC)

signature: 24 August 1996 (source: SADC)

ratification: 18 August 1998 (source: SADC; Ministry of Foreign Affairs)

Abortion and Sterilization Act 2 of 1975, as amended in South Africa to December 1977.

Summary: This Act regulates abortion and sterilization. Abortion is legal only in cases of severe mental or physical risk to the woman concerned, cases where there is a serious risk that the child will suffer a severe physical or mental handicap, and cases where the child was conceived as a result of rape or incest.

Applicability to SWA: Section 11 states that “this Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Health) Transfer Proclamation (AG 14/1977), dated 1 December 1977. None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA.

Cases: *S v Haimbodi* 1993 NR 129 (HC); *S v Alweendo* 1993 NR 177 (HC); *S v Lyambo* 2007 (2) NR 842 (HC) (lenient sentence appropriate where very young foetus is involved).

Anatomical Donations and Post-Mortem Examinations Ordinance 12 of 1977.

Summary: This Ordinance covers the donation of human bodies and tissue (including flesh, organs, bones and body fluids) for therapeutic and scientific purposes. It also regulates post-mortems.

Amendments: This Ordinance is affected by the Health Act 21 of 1988, which made it applicable to all of SWA.

Namibia Institute of Pathology Act 15 of 1999.

Summary: This Act establishes the Namibia Institute of Pathology Limited and sets forth its duties and functions. Medical laboratory functions of the Ministry of Health and Social Services will be transferred to the Institute on a date determined by the Minister. The Act will come into force on a date determined by the Minister.

Amendments: The State-owned Enterprises Governance Act 2 of 2006, which was brought into operation by Proc. 13/2006 (GG 3733), amends section 11, 12, 13, 15, 16 and 22.

Regulations: The date for the transfer of medical laboratory functions from the Ministry of Health and Social Services to the Namibia Institute of Pathology Limited is set as 1 December 2000 (GN 283/2000, GG 2444).

Appointments: The Board of Directors is announced in GN 125/2000 (GG 2340), GN 140/2005 (GG 3529) and GN 206/2009 (GG 4357).

Medicines and Related Substances Control Act 13 of 2003.

Summary: This Act provides for the establishment of a Namibia Medicines Regulatory Council, for the registration of medicines intended for human and animal use, and for the control of medicines and scheduled substances. It replaces the *Medicines and Related Substances Control Act 101 of 1965*. The Act came into force on 25 July 2008 (GN 177/2008, GG 4088).

Pursuant to section 46(2), the schedules of the *Medicines and Related Substances Act 101 of 1965* continue to apply until the Minister publishes a notice in the Gazette in terms of section 29(1). Pursuant to section 46(1A), the Medicines Control Council established under the previous legislation is to serve the functions of the new Namibia Medicines Regulatory Council until such time as the Minister appoints the new Council.

Amendments: Act 8/2007 (which came into force on 1 August 2008 by virtue of GN 187/2008, GG 4091) amends the Act substantially.

Regulations: Notices, regulations, authorisations, orders, approvals, certificates made and other things done under the previous legislation survive, by virtue of section 47(2) as amended. These include the following:

There are a number of RSA Government Notices which amend the Schedules to this Act. These have not been recorded here. GN 42/1980 amends Schedules 1-9. GN 216/2006 (GG 3746) amends Schedule 2.

The disposal of certain undesirable medicines is covered by GN 154/1999 (GG 2155).

GN 105/2002 (GG 2759) determines medicines and classes of medicines subject to registration.

GN 104/2002 (GG 2759) relates to inspection of the Medicines Register.

Proposed regulations under the current Act were issued in GN 241/2004 (GG 3317). Extensive regulations pertaining to medicines and related substances were subsequently issued in GN 178/2008 (GG 4088), which repeals the pre-independence regulations. However, these regulations were ruled to be invalid in *Medical Association of Namibia Ltd & Another v Minister of Health and Social Services & Others*, Case No A 199/2009 (judgment dated 28 June 2010, as yet unreported).

Certain medicines are exempted from the operation of certain regulations for a specified time period in GN 272/2008 (GG 4174). GN 180/2008 (GG 4088) concerns the classification of certain medicines and other substances as scheduled substances.

Registrations and cancellations: Registrations and cancellations under the previous Act are as follows:

GN 64/2001 (GG 2512) relates to the continued registration of medicines registered prior to independence.

Certain medicines are registered in GN 202/1995 (GG 1183), GN 4/1997 (GG 1480), GN 144/1997 (GG 1603), GN 210/1998 (GG 1942), GN 254/1998 (GG 1972), GN 66/1999 (GG 2083), GN 105/2002 (GG 2759), GN 240/2004 (GG 3317), General Notice 39/2005 (GG 3391), GN 131/2005 (GG 3511), GN 182/2005 (GG 3556), GN 159/2006 (GG 3704), GN 193/2006 (GG 3735), GN 138/2007 (GG 3887), GN 211/2007 (GG 3937) (which withdraws GN 138/2007), GN 220/2007 (GG 3945), GN 15/2008 (GG 3983) and GN 90/2008 (GG 4032).

The registration of certain medicines is cancelled in GN 26/2006 (GG 3584), GN 203/2006 (GG 3746) and GN 137/2007 (GG 3887).

Certain medicines are registered under the current Act in GN 196/2008 (GG 4103), GN 210/2009 (GG 4367), GN 50/2010 (GG 4444) and GN 128/2010 (GG 4505). The registration of certain medicines is cancelled in terms of the current Act in GN 51/2010 (GG 4444).

Exemptions: Exemptions from the application of section 29 of the Act are contained in GN 179/2008 (GG 4088). Exemptions from certain regulations are contained in GN 49/2010 (GG 4444). Exemptions from section 18(1) of the Act are contained in GN 85/2010 (GG 4473).

Appointments: The Namibia Medicines Regulatory Council is announced in GN 209/2009 (GG 4367).

Cases: *Medical Association of Namibia Ltd & Another v Minister of Health and Social Services & Others*, Case No A 199/2009 (judgment dated 28 June 2010, as yet unreported) finds the proposed regulations published in GN 241/2004 (GG 3317) and the regulations published in GN 178/2008 (GG 4088) to be unlawful and *ultra vires*, and affects the application of section 31(3) and suspends the application of 46(3) until such time as valid new regulations are in place.

Council for Health and Social Services Professions Repeal Act 3 of 2004.

Summary: This Act repeals the Council for Health and Social Services Professions Act 29 of 1993, and provides for the transfer of moneys standing to that Council's credit. It came into operation on 10 January 2005 (GN 6/2005, GG 3369).

Social Work and Psychology Act 6 of 2004.

Summary: This Act provides for the establishment and constitution of a professional council for social workers and psychologists. It also regulates the social work and psychology professions. It repeals the Allied Health Services Professions Act 20 of 1993 insofar as it relates to these professions and the whole of the Social and Social Auxiliary Workers Professions Act 22 of 1993. It was brought into operation on 1 October 2004 by GN 211/2004 (GG 3291).

Regulations: In terms of section 62(2), any regulation, rule, notice, authorization or order made under any one of the pieces of legislation repealed by the Act remains in force insofar as it is not inconsistent with the Act. Regulations made under the repealed laws which still survive include the following-

Regulations relating to improper conduct or misconduct by clinical psychologists are contained in GN 219/2001 (GG 2637). Qualifications for registration with the board are contained in GN 36/2002 (GG 2704).

Regulations issued under the current Act are as follows:

Psychologists: Regulations relating to psychologists are contained in GN 32-33/2007 (GG 3795); GN 32/2007 withdraws GN 36/2002 (1 March 2002), and GN 33/2007 withdraws the rules and regulations published in RSA GN R.2330 of 3 December 1976, GN R.821 of 13 May 1977, and GN R.1859-1861 of 16 September 1977. Regulations relating to the scope of practice of clinical psychologists and educational psychologists are contained in GN 30/2009 (GG 4218). Regulations relating to the scope of practice of psychological counsellors are contained in GN 31/2009 (GG 4218).

Social workers: Regulations relating to social workers are contained in GN 34/2007 (GG 3795).

Registration fees: Fees payable to the Council are contained in General Notice 68/2007 (GG 3804).

Appeals: Regulations relating to appeals and the conducting of appeals by the Appeal Committee of the Council are contained in GN 66/2009 (GG 4245).

General: Regulations relating to the registration of students of social work and psychology are contained in GN 32/2009 (GG 4218).

Regulations concerning allowances payable to members of the Council are contained in GN 151/2008 (GG 4068).

Regulations relating to continuing professional development are contained in GN 91/2010 (GG 4482).

Appointments and elections: Regulations relating to the first election of members to the Social Work and Psychology Council are contained in GN 142/2004 (GG 3691) and GN 26/2007 (GG 3795).

Both GN 142/2006 (GG 3691) and GN 26/2007 (GG 3795) withdraw "Government Notices 215 and 229 of 20 October 2004". However, there were no Government Notices with these numbers gazetted on that date.

GN 142/2006 (GG 3691) is concerned with regulations relating to the first election of the members of the Social Work and Psychology Council of Namibia. GN 27/2007 (GG 3795) is concerned with regulations relating to the first election of the members of the Allied Health Professions Council of Namibia.

GN 215/2004 (GG 3291) was gazetted on 1 October 2004 and is concerned with the commencement of the Medical and Dental Act 2004. GN 229/2004 (GG 3302) was gazetted on 21 October 2004 and is concerned with the final deregistration of companies. It is unlikely that the regulations intended to withdraw either of these provisions.

It is possible that GN 215/1999 (GG 2214) was intended for repeal, instead of GN 215/2004 (GG 3291). This is because GN 215/1999 is concerned with regulations relating to the election of members to the Clinical Psychology Board under the Allied Health Services Professions Act 1993. This is relevant to the subject matter of GN 142/2006 (GG 3691) and GN 27/2007 (GG 3795). For the same reason it is likely that GN 229/1999 (GG 2214) was intended for repeal, since it is concerned with regulations relating to the election of members to the Social and Social Auxiliary Workers' Board under the Social and Social Auxiliary Workers' Professions Act 1993.

However, since there are no government notices which match both the indicated numbers and dates given, the withdrawals are presumably legally ineffective.

The first Social Work and Psychology Council is announced in GN 62/2008 (GG 4008), replacing the Interim Council established by GN 217/2004 (GG 3293).

Note: There are some regulations made under the repealed laws which still survive. We have identified the following but they appear to have no ongoing relevance.

Clinical Psychology Board-GN 146/1994 (GG 910), GN 38/1995 (GG 1029), GN 353/1999 (GG 2242), GN 88/2000 (GG 2304). This board is no longer operational in practice.

Regulations relating to the election of members to the Social and Social Auxiliary Workers' Board are contained in GN 229/1999 (GG 2214). As explained above, it appears that GN 142/2006 intended to withdraw this notice.

Allied Health Professions Act 7 of 2004.

Summary: This Act provides for the establishment of a professional council for allied health service professions. It also defines and provides for the registration, training and qualifications of members of such professions, and prohibits unregistered persons from practising such professions. This Act repeals all remaining portions of the Allied Health Professions Act 20 of 1993. It was brought into operation on 1 October 2004 by GN 212/2004 (GG 3291).

Application of Act: The Act is made applicable to orthopaedic technologists and orthopaedic technicians by GN 157/2005 (GG 3535), to several health professions by GN 100/2005 (GG 3661) to medical orthotists and prosthetists by GN 2/2007 (GG 3771), to ultrasound radiography; and nuclear medicine radiography by GN 147/2009 (GG 4302) and to emergency care technicians by GN 12/2010 (GG 4419).

Regulations: In terms of section 62(2), any regulation, rule, notice, authorization or order made under the legislation repealed by the Act remains in force insofar as it is not inconsistent with the Act. Regulations made under previous laws which may be of continued relevance include the following:

Homeopaths: Fees which registered homeopaths may charge for their services are contained in GN 55/1998 (GG 1817), General Notice 43/2001 (GG 2489), General Notice 93/2003 (GG 2985) and General Notice 82/2004 (GG 3189).

Joint Complimentary Health Professions: Regulations relating to Joint Complimentary Health Professions are contained in GN 72/2003 (GG 2946), which determines annual fees payable to the Joint Complimentary Health Professions Board.

Physiotherapists: Fees which registered physiotherapists may charge for their services are contained in GN 57/1998 (GG 1819), which replaces GN 41/1997 (GG 1507), and General Notice 44/2001 (GG 2489).

Regulations made under this Act are as follows:

Biokineticists: Minimum requirements for registration as a biokineticist are contained in GN 105/2007 (GG 3853), and other regulations relating to biokineticists are contained in GN 106/2007 (GG 3853). Regulations relating to the scope of practice of biokineticists are contained in GN 45/2010 (GG 4443).

Chiropractors: Regulations relating to the minimum requirements of study for registration as a chiropractor are contained in GN 121/2010 (GG 4502). Regulations relating to additional examinations that may be conducted by the Council in respect of chiropractors are contained in GN 120/2010 (GG 4502). Additional regulations pertaining to chiropractors are contained in GN 123/2010 (GG 4502).

Clinical biochemists: Regulations relating to the minimum requirements of study for registration as a clinical biochemist are contained in GN 125/2010 (GG 4503). Regulations on the scope of practice of clinical biochemists are

contained in GN 124/2010 (GG 4503). Additional regulations pertaining to clinical biochemists are contained in GN 126/2010 (GG 4503).

Dental technicians: Regulations relating to the minimum requirements of study for registration as a dental technician are contained in GN 18/2010 (GG 4426). Regulations relating to additional examinations that may be conducted by the Council in respect of dental technicians are contained in GN 19/2010 (GG 4426). Regulations relating to the registration of dental technicians are contained in GN 20/2010 (GG 4426).

Dieticians: Minimum requirements of study for registration as a dietician are contained in GN 67/2009 (GG 4245). Regulations relating to additional examinations that may be conducted by the Council in respect of dieticians are contained in GN 68/2009 (GG 4245). Additional regulations pertaining to dieticians are contained in GN 69/2009 (GG 4245).

Medical laboratory technicians: Regulations relating to medical laboratory technicians are contained in GN 28-29/2007 (GG 3795).

Medical rehabilitation workers: Regulations relating to the minimum requirements of study for registration as a medical rehabilitation worker are contained in GN 152/2008 (GG 4068). Regulations relating to the registration of medical rehabilitation workers are contained in GN 153/2008 (GG 4068).

Medical technologists: Regulations relating to medical technologists are contained in GN 35-36/2007 (GG 3795), which withdraw RSA GN R.2304-2305 of 3 December 1976.

Occupational therapists: Regulations relating to the minimum requirements of study for registration as an occupational therapist are contained in GN 7/2010 (GG 4411). Regulations relating to the registration of occupational therapists are contained in GN 11/2010 (GG 4419).

Ocularists: Regulations relating to the minimum requirements of study for registration as an ocularist are contained in GN 149/2008 (GG 4068). Regulations relating to the registration of ocularists are contained in GN 154/2008 (GG 4068).

Optometrists: Regulations relating to the minimum requirements of study for registration as an optometrist are contained in GN 173/2009 (GG 4332). Regulations relating to the registration of optometrists are contained in GN 174/2009 (GG 4332). Additional examinations which may be conducted by the Council in respect of optometrists are addressed in GN 175/2009 (GG 4332).

Physiotherapists: Regulations relating to physiotherapists are contained in GN 30-31/2007 (GG 3795); GN 31/2007 withdraws certain regulations published in GN 49/1997 and “regulation No. 224 of 7 November 2005”.

The reference in GN 31/2007 to “regulation No. 224 of 7 November 2005” must be wrong. There was no Government Gazette published on that date. GN 224/2005 (GG 3498) was published on 15 September 2005 and is concerned with charges and fees regarding the control of outdoor advertising in Walvis Bay. It is therefore unclear which regulation was intended to be withdrawn.

Additional examinations which may be conducted by the Council in respect of physiotherapists are addressed in GN 148/2009 (GG 4302). Regulations on the scope of practice of physiotherapists are contained in GN 122/2010 (GG 4502).

Radiographers: Minimum requirements of study for registration as a diagnostic radiographer, a nuclear medicine radiographer, a therapeutic radiographer, an ultrasound radiographer and a radiography assistant are contained in GN 47/2010 (GG 4443). Regulations relating to the registration of radiographers are contained in GN 48/2010 (GG 4443).

General: Professional Conduct Rules are contained in General Notice 387/2007 (GG 3951).

Continuing professional development is addressed in GN 46/2010 (GG 4443).

Regulations relating to appeals and the conducting of appeals by the Appeal Committee of the Council are contained in GN 161/2009 (GG 4313).

Fees payable to the Council are contained in General Notice 358/2006 (GG 3743).

Regulations concerning allowances payable to members of the Council are contained in GN 148/2008 (GG 4068).

Appointments and elections: Regulations relating to the first election of the members of the Allied Health Professions Council of Namibia are contained in GN 143/2006 (GG 3692) and GN 27/2007 (GG 3795). Further regulations relating to the first election of the members of the Allied Health Professions Council of Namibia are contained in GN 172/2007 (GG 3861). The first Allied Health Professions Council is announced in GN 61/2008 (GG 4008).

Regulations relating to the election of members to various individual boards are contained in GN 215/1999 (GG 2214), GN 217/1999 (GG 2214), GN 218/1999 (GG 2214), GN 219/1999 (GG 2214), GN 220/1999 (GG 2214), GN 222/1999 (GG 2214), GN 224/1999 (GG 2214), GN 225/1999 (GG 2214), GN 227/1999 (GG 2214), GN 228/1999 (GG 2214), GN 230/1999 (GG 2214), GN 185/2000 (GG 2385), GN 143/2006 (GG 3692), GN 146/2006 (GG 3695) and GN 27/2007 (GG 3795).

The notices pertaining to elections of members to various individual boards which clearly remain in force are therefore GN 215/1999 (GG 2214) relating to the Clinical Psychology Board, GN 230/1999 (GG 2214) relating to the Traditional Healers Board and GN 146/2006 (GG 3695) relating to the Medical and Dental Council. We have not ascertained which of these individual boards remain operational in practice, aside from obtaining information that the Clinical Psychology Board is no longer in place.

Nursing Act 8 of 2004.

Summary: This Act provides for the establishment of a professional council for the nursing and midwifery or accoucheury professions. It also defines and provides for the registration, enrolment, training and qualifications of members of such professions, and prohibits unregistered persons from practising such professions. This

Act repeals the Nursing Professions Act 30 of 1993. It was brought into operation on 1 October 2004 by GN 213/2004 (GG 3291).

Regulations: In terms of section 65(2), any regulation, rule, notice, authorization, or order made under the legislation repealed by the Act remains in force insofar as it is not inconsistent with the Act:

Registration and enrolment: Regulations relating to registration and enrolment are contained in GN 11/1999 (GG 2040) (which repeals a long list of regulations promulgated in RSA Government Notices); Part II of GN 11/1999 is repealed by GN 250/2008 (GG 4140).

Scope of practice: Regulations relating to the scope of practice are contained in GN 13/1999 (GG 2040).

Misconduct: Rules concerning misconduct are contained in GN 10/1999 (GG 2040) (which repeals RSA GN R.1648, R.1649 and R.1650 of 14 September 1973).

Complaints Regulations relating to the lodging of complaints and the conducting of enquiries are contained in GN 12/1999 (GG 2040) (which repeals RSA GN R.373 of 13 March 1970, RSA GN R.1737 of 29 September 1972 and RSA GN R.1707 of 27 September 1974).

Courses of study: Regulations relating to courses of study which have not been repealed are contained in the following:

*Advanced University Diploma in Operating Room Nursing Science - GN 14/1999 (GG 2040) (which repeals RSA GN R.44 of 9 January 1970).

*Diploma in Ophthalmological Nursing - GN 15/1999 (GG 2040) (which repeals RSA GN R.83 of 16 January 1970, RSA GN R.265 of 14 February 1975 and RSA GN R.1578 of 12 August 1977).

*Advanced University Diploma in Health Promotion, Clinical Diagnosis and Treatment - GN 17/1999 (GG 2042)

*Diploma in Midwifery for Registration as a Midwife - GN 67/1999 (GG 2083)

*Diploma in Nursing (General) - GN 55/1999 (GG 2077) (which repeals RSA GN R. 879 of 2 May 1975, RSA GN R. 2316 of 5 December 1975 and RSA GN R. 1570 of 12 August 1977)

*Advanced University Diploma in Nursing Education - GN 194/2000 (GG 2392)

*Nurse and Midwife. – GN 195/2000 (GG 2392)

*Advanced University Diploma in Critical Care Nursing – GN 196/2000 (GG 2392) (which repeals RSA GN R.85 of 16 January 1970).

Uniforms, badges, etc: Regulations relating to uniforms, badges and other distinguishing devices for nurses are contained in GN 56/1999 (GG 2077), as amended (under the current Act) by GN 116/2009 (GG 4264).

Regulations issued under this Act are as follows;

Registration as nurse, midwife or accoucher specialist: Regulations relating to the minimum requirements for study as registration as a nurse or midwife are contained in GN 143/2008 (GG 4068). Regulations relating to

the registration of nurses, midwives and accoucher specialities are contained in GN 250/2008 (GG 4140), which repeals Part II of GN 11/1999 (GG 2040).

Fees which registered persons must pay annually to the Nursing Council of Namibia are contained in General Notice 357/2006 (GG 3743), as amended by General Notice 18/2007 (GG 3788). (Previous fees were contained in GN 56/1998 (GG 1818) and GN 178/2000 (GG 2374), as amended by GN 73/2001 (GG 2520).)

Dermatology: Regulations relating to a diploma course in dermatology are contained in GN 142/2008 (GG 4068).

Midwives: Regulations concerning the conditions of practice of midwives are contained in GN 177/2000 (GG 4332).

Appeals: Regulations relating to appeals and the conducting of appeals by the Appeal Committee of the Nursing Council are contained in GN 117/2009 (GG 4264).

General: Regulations concerning allowances payable to members of the Council are contained in GN 146/2008 (GG 4068). Regulations concerning additional examinations by the Council are contained in GN 149/2009 (GG 4302).

Appointments and elections: Regulations relating to the first election of the members of the Nursing Council of Namibia are contained in GN 145/2006 (GG 3694) and GN 23/2007 (GG 3795). Both of these withdraw GN 223/1999 (relating to the previous Nursing Board). Further regulations relating to the first election of the members of the Nursing Council of Namibia are contained in GN 171/2007 (GG 3861).

The first Nursing Council is announced in GN 60/2008 (GG 4008), replacing the Interim Council established by GN 219/2004 (GG 3293).

Pharmacy Act 9 of 2004.

Summary: This Act provides for the establishment of a professional council for the pharmacy profession. It also defines and provides for the registration, training and qualifications of members of pharmacists, pharmacist interns, pharmacy students, pharmacists' assistants and pharmaceutical technicians, and prohibits unregistered persons from practising in the pharmacy profession. It repeals the Pharmacy Profession Act 23 of 1993. It was brought into operation on 1 October 2004 by GN 214/2004 (GG 3291).

Regulations: In terms of section 72(2), any regulation, rule, notice, authorization or order made under the legislation repealed by the Act remains in force insofar as it is not inconsistent with the Act:

Misconduct: Rules in respect of misconduct are contained in GN 299/1996 (GG 1444).

Regulations made under this Act are as follows:

Registration: Minimum requirements of study for registration as a pharmacist are contained in GN 221/2007 (GG 3945). Regulations relating to the registration of pharmacists and pharmacist interns and the qualifications for specialities are contained in GN 51/2008 (GG 4000), which repeals the regulations in RSA GN R.1417 of 1 August 1975.

Fees payable to the Council are set by General Notice 67/2007 (GG 3804), as amended by General Notice 174/2008 (GG 4068).

Ownership of pharmacies by private hospitals: Regulations relating to the ownership of pharmacies by private hospitals are contained in GN 198/2008 (GG 4103).

General: Regulations concerning allowances payable to members of the Council are contained in GN 147/2008 (GG 4068). Regulations relating to continuing professional development are contained in GN 90/2010 (GG 4482).

Appointments and elections: Regulations relating to the first election of the members of the Pharmacy Council of Namibia are contained in GN 144/2006 (GG 3693) and GN 24/2007 (GG 3795). Both of these withdraw GN 226/1999, relating to the previous body. Further regulations relating to the first election of the members of the Pharmacy Council of Namibia are contained in GN 170/2007 (GG 3861). Members of the first Pharmacy Council are announced in GN 270/2008 (GG 4166).

Medical and Dental Act 10 of 2004.

Summary: This Act provides for the establishment of a professional council for the medical and dental professions. It also defines and provides for the registration, training and qualifications of members of these professions, and prohibits unregistered persons from practising such professions. It repeals the Medical and Dental Professions Act 21 of 1993, and the Allied Health Services Professions Act 20 of 1993 insofar as it relates to the professions regulated by this Act. It was brought into operation on 1 October 2004 by GN 215/2004 (GG 3291).

GN 215/2004 was arguably withdrawn by GN 142/2006 (GG 3691) and again by GN 26/2007 (GG 3795). However this appears to be an error. GN 142/2006 (GG 3691) and GN 26/2007 (GG 3795), both of which contain regulations relating to the first election of the Social Work and Psychology Council, withdraw "Government Notices Nos. 215 and 229 of 20 October 2004". However, there were no Government Notices with these numbers gazetted on that date. GN 215/2004, which deals with the commencement of this Act, was gazetted on 1 October 2004 (GG 3291), and GN 229/2004, which deals with the final deregistration of companies, was gazetted on 21 October 2004. It is unlikely that the regulations intended to withdraw either of these notices.

It is possible that GN 215/1999 (GG 2214) was intended for repeal, instead of GN 215/2004. This is because GN 215/1999 is concerned with regulations relating to the election of members to the Clinical Psychology Board under the Allied Health Services Professions Act 20 of 1993 (now repealed). This is relevant to the subject matter of GN 142/2006 (GN 3691) and GN 27/2007 (GG 3795). For the same reason it is likely that GN 229/1999 (GG 2214) was intended for repeal, since it is concerned with regulations relating to the election of members to the Social and Social Auxiliary Workers' Board under the Social and Social Auxiliary Workers' Professions Act 22 of 1993.

Since there are no government notices which match both the indicated numbers and dates given, the withdrawal is presumably legally ineffective.

Regulations: In terms of section 65(2), any regulation, rule, notice, authorization, or order made under any one of the pieces of legislation repealed by the Act remains in force insofar as it is not inconsistent with the Act. Regulations made under the repealed laws which continue to survive include the following-

Registration: Regulations relating to fees payable to the Medical Board are contained in GN 230/2003 (GG 3092), which technically remains in force although it appears to have no continued relevance.

Students: Regulations relating to the registration of medical students and their curricula are contained in GN 237/2000 (GG 2415) (which repeals RSA GN R.2269 and R.22170 of 3 December 1976).

Misconduct: Rules relating to misconduct in respect of the dental profession are contained in GN 151/2001 (GG 2590), which repeals the rules in RSA GN R.2278 of 3 December 1976 as amended by GN 218/2001 (GG 2637), insofar as they relate to the dental profession.

Rules relating to misconduct in respect of the medical profession are contained in GN 197/2002 (GG 2851) as amended by GN 87/2004 (GG 3198), which repeals the rules in RSA GN R.2278 of 3 December 1976 insofar as they relate to medical practitioners.

Regulations regarding the procedures at disciplinary hearings by the Dental Board are contained in GN 222/2003 (GG 3085).

Complaints: Regulations relating to complaints and disciplinary inquiries by the Medical Board are contained in GN 31/2001 (GG 2489) (which repeals RSA GN R.2268 of 3 December 1976).

Appeals: Regulations relating to Appeals and the Conducting of Appeals by the Appeal Committee of the Medical and Dental Council are contained in GN 41/2009 (GG 4232).

Fees: Fees which may be charged by registered dentists are contained in General Notice 302/2003 (GG 3085) which repeals General Notice 381/2002 (GG 2880).

The regulations below were promulgated under the 2004 Act-

Dental professions: Regulations on conditions applicable to practice as a dentist, dentist specialist or oral hygienist are contained in GN 80/2005 (GG 3460).

Regulations relating to the qualifications for registration of dentists, minimum curriculum requirements for the study of dentistry and professional examinations for dentists are contained in GN 51/2006 (GG 3595). Regulations relating to the registration of dentists are contained in GN 155/2008 (GN 4068), which repeals certain South African regulations insofar as they apply to dentists: RSA GN No R. 2269, 2273, 2274, 2275, 2276, 2277 and 2278 of 3 December 1976 and R.1829 of 16 September 1977.

Oral hygienists: Regulations relating to the minimum requirements of study for registration as an oral hygienist are contained in GN 144/2008 (GG 4068). Regulations relating to the registration of oral hygienists are contained in GN 145/2008 (GG 4068). Regulations related to the scope of practice of oral hygiene are contained in GN 197/2008 (GG 4103).

Medical practitioners: Regulations concerning the registration of medical practitioners and specialities are contained in GN 71/2010 (GG 4455). Regulations concerning the qualifications of registered medical practitioners are contained in GN 177/2009 (GG 4332).

Registration fees: Fees payable to the Council are contained in General Notice 8/2007 (GG 3771), which withdraws GN 223/2003.

Registration of medical interns: Regulations relating to the registration of medical interns are contained in GN 8/2007 (GG 3783). These regulations withdraw regulations 15-18 and 20 published in GN 238/1999.

Conditions of practice: Regulations concerning the conditions of practice of registered persons other than those in dental professions are contained in GN 176/2009 (GG 4332).

General: Regulations concerning allowances payable to members of the Council are contained in GN 150/2008 (GG 4068).

Regulations concerning additional examinations which may be conducted by the Council are contained in GN 259/2008 (GG 4150).

Regulations relating to continuing professional development are contained in GN 92/2010 (GG 4482).

Appointments and elections: Regulations relating to the first election of the Medical and Dental Council of Namibia are contained in GN 146/2006 (GG 3695) and GN 25/2007 (GG 3795). Both of these withdraw GN 216/1999, 220/1999 and 221/1999, relating to previous bodies. The first Medical and Dental Council is announced in GN 59/2008 (GG 4008), replacing the Interim Council established by GN 220/2004 (GG 3293).

See also Veterinary and Para-Veterinary Professions Proclamation 14 of 1984 (**ANIMALS**).

See also **HEALTH**.

See also **HOSPITALS**.

See also Namibia Qualifications Authority Act 29 of 1996 (re: occupational standards) (**LABOUR**).

See also **MEDICAL AID**.

See also **SOCIAL WELFARE**.