



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

No. 788.

19 April 1978.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 50 of 1978: Nursing Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 788.

19 April 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 50 van 1978: Wet op Verpleging, 1978.

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die beroepe van geregistreerde of ingeskrewe verpleegkundiges, verpleegassistenten en vroedvroue; en om vir bykomstige aangeleenthede voorsiening toe maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 April 1978.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
 - (i) „as geneesmiddel” „as geneesmiddel” soos in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), omskryf; (vi)
 - (ii) „gelyste stof” „gelyste stof” soos in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), omskryf; (xx)
 - (iii) „geregistreerde verpleegkundige” iemand as verpleegkundige kragtens artikel 16 geregistreer; (xvi)
 - (iv) „goedgekeurde verpleegskool” ’n verpleegskool deur die raad ingevolge artikel 4 goedgekeur; (i)
 - (v) „hierdie Wet” ook die regulasies; (xxiii)
 - (vi) „ingeskrewe verpleegkundige” iemand as verpleegkundige kragtens artikel 16 ingeskryf; (iv)
 - (vii) „ingskryf” die inskrywing in ’n rol van ’n klas of ’n lid van ’n klas persone ten opsigte van wie ’n rol ingevolge die bepalinge van hierdie Wet gehou word en het „ingeskrewe”, „ingskryf” en „inskrywing” ’n ooreenstemmende betekenis; (iii)
 - (viii) „leerlingverpleegassistent” iemand as sodanig kragtens artikel 24 ingeskryf; (xiv)
 - (ix) „leerlingverpleegkundige” iemand as sodanig kragtens artikel 24 ingeskryf; (xiii)
 - (x) „Minister” die Minister van Gesondheid; (viii)
 - (xi) „ondersoek” ’n ondersoek ingevolge artikel 28; (v)
 - (xii) „raad” die Suid-Afrikaanse Raad op Verpleging in artikel 2 bedoel; (ii)
 - (xiii) „register” ’n register gehou ooreenkomstig hierdie Wet, en indien gebruik in verband met ’n kategorie of ’n lid van ’n kategorie persone ten opsigte van wie ’n register gehou word, die register wat vir daardie kategorie gehou word; en beteken „registreer” in ’n register ingevolge hierdie Wet inskryf en het die woorde „geregistreer”, „registreerbaar”, „registrasie” en alle ander woorde wat van die woord „register” afgelei is, ’n ooreenstemmende betekenis; (xv)
 - (xiv) „registrateur” die registrator aangestel kragtens artikel 12; (xvii)

ACT

To consolidate and amend the laws relating to the professions of registered or enrolled nurses, nursing assistants and midwives; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 12 April 1978.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) "approved nursing school" means a nursing school approved by the council under section 4; (iv)
 - (ii) "council" means the South African Nursing Council referred to in section 2; (xii)
 - 10 (iii) "enrol" means the entry in a roll of a class or a member of a class of persons in respect of whom a roll is kept in terms of this Act and "enrolled" and "enrolment" have a corresponding meaning; (vii)
 - (iv) "enrolled nurse" means a person enrolled as a nurse under section 16; (vi)
 - 15 (v) "inquiry" means an inquiry in terms of section 28; (xi)
 - (vi) "medicinal purpose" means "medicinal purpose" as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965); (i)
 - 20 (vii) "midwife" means a person registered or enrolled as such under section 16, and includes an accoucheur; (xxiii)
 - (viii) "Minister" means the Minister of Health; (x)
 - (ix) "nursing agency" means a business which supplies registered nurses or midwives or enrolled nurses or nursing assistants to any person, organization or institution, whether for gain or not and whether in conjunction with any other service rendered by such business or not; (xxi)
 - 25 (x) "nursing assistant" means a person enrolled as such under section 16; (xix)
 - 30 (xi) "nursing school" means any institution where persons are educated and trained for the profession of nursing; (xx)
 - (xii) "prescribed" means prescribed by regulation; (xxii)
 - 35 (xiii) "pupil nurse" means a person enrolled as such under section 24; (ix)
 - (xiv) "pupil nursing assistant" means a person enrolled as such under section 24; (viii)
 - 40 (xv) "register", when used as a noun, means a register kept in terms of this Act, and when used in relation to any class or any member of any class of persons in respect of whom a register is kept, the register kept for that class; and when used as a verb, means to enter in a register in terms of the Act, and the words "registered",

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- (xv) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xviii)
- (xvi) „rol” ’n rol gehou ooreenkomstig hierdie Wet, en indien gebruik in verband met ’n kategorie of ’n lid van ’n kategorie persone ten opsigte van wie ’n rol gehou word, die rol wat vir daardie kategorie gehou word; (xix)
- (xvii) „studentverpleegkundige” iemand as sodanig kragtens artikel 23 geregistreer; (xxii)
- (xviii) „studentvroedvrou” iemand as sodanig kragtens artikel 23 geregistreer; (xxi)
- (xix) „verpleegassistent” iemand as sodanig kragtens artikel 16 ingeskryf; (x)
- (xx) „verpleegskool” ’n inrigting waar persone vir die beroep van verpleging onderrig en opgelei word; (xi) 15
- (xxi) „verplegingsagentskap” ’n saak wat geregistreerde verpleegkundiges of vroedvroue of ingeskrewe verpleegkundiges of verpleegassistentente aan ’n persoon, liggaam of inrigting verskaf, hetsy vir wins al dan nie en hetsy tesame met ’n ander diens deur die saak gelewer al dan nie; (ix)
- (xxii) „voorgeskryf” of „voorgeskrewe” by regulasie voorgeskryf; (xii)
- (xxiii) „vroedvrou” iemand as sodanig kragtens artikel 16 geregistreer of ingeskryf, en ook ’n vroedmeester. (vii) 25

HOOFSTUK I

VOORTBESTAAN EN OOGMERKE, WERKSAAMHEDE EN BEVOEGDHEDE VAN DIE SUID-AFRIKAANSE RAAD OP VERPLEGING

Voortbestaan van Suid-Afrikaanse Verpleegstersraad.

2. (1) Die Suid-Afrikaanse Verpleegstersraad ingestel by artikel 2 van die Wet op Verpleging, 1957 (Wet No. 69 van 1957), bly, 30 ondanks die bepalings van artikel 46 (1) van hierdie Wet, met die naam „Die Suid-Afrikaanse Raad op Verpleging” voortbestaan as ’n regspersoon.

(2) Die hoofkantoor van die raad is in Pretoria geleë.

Oogmerke van raad.

3. Die oogmerke van die raad is— 35

- (a) om behulpsaam te wees met die bevordering van die gesondheidstandaard van die inwoners van die Republiek;
- (b) om, behoudens die bepalings van die Wet op Chiropraktisyne, 1971 (Wet No. 76 van 1971), die Wet op 40 Homeopate, Naturopate, Osteopate en Kruidkundiges, 1974 (Wet No. 52 van 1974), die Wet op Aptekers, 1974 (Wet No. 53 van 1974), die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepers, 1974 (Wet No. 56 van 1974), alle aangeleenthede 45 rakende die onderrig en opleiding van, en die wyse van uitoefening van die praktyke gevolg deur, geregistreerde verpleegkundiges, vroedvroue, ingeskrewe verpleegkundiges en verpleegassistentente, te beheer en gesag ten opsigte daarvan uit te oefen; 50
- (c) om skakeling van die onderrig en opleiding en die wyse van uitoefening van die praktyke bedoel in paragraaf (b), in die Republiek sowel as elders, en die standaarde van sodanige onderrig en opleiding en die wyse van uitoefening van sodanige praktyke in die Republiek te 55 bevorder;
- (d) om die Minister van advies te dien aangaande enige aangeleentheid wat binne die bestek van hierdie Wet val;
- (e) om inligting aan die Minister oor te dra aangaande 60 aangeleenthede van openbare belang wat deur die raad in die loop van die verrigting van sy werksaamhede kragtens hierdie Wet ingewin word.

Bevoegdhede van raad.

4. Die raad kan—

- (a) afskrifte van die registers en rolle, en aanvullende lyste, 65 en afskrifte daarvan, wat alle veranderings aan die registers en rolle aantoon, laat druk en uitgee;
- (b) uittreksels van die registers en rolle maak en die voorgeskrewe gelde ten opsigte daarvan vra;

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- “registrable”, “registration” and all other words derived from the word “register” have a corresponding meaning; (xiii)
- 5 (xvi) “registered nurse” means a person registered as a nurse under section 16; (iii)
- (xvii) “registrar” means the registrar appointed under section 12; (xiv)
- (xviii) “regulation” means a regulation made in terms of this Act; (xv)
- 10 (xix) “roll” means a roll kept in terms of this Act, and when used in relation to any class or any member of any class of persons in respect of whom a roll is kept, the roll kept for that class; (xvi)
- 15 (xx) “scheduled substance” means “scheduled substance” as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965); (ii)
- (xxi) “student midwife” means a person registered as such under section 23; (xviii)
- 20 (xxii) “student nurse” means a person registered as such under section 23; (xvii)
- (xxiii) “this Act” includes the regulations. (v)

CHAPTER 1

25 CONTINUED EXISTENCE AND OBJECTS, FUNCTIONS AND POWERS
OF THE SOUTH AFRICAN NURSING COUNCIL

2. (1) The South African Nursing Council established by section 2 of the Nursing Act, 1957 (Act No. 69 of 1957), shall, notwithstanding the provisions of section 46 (1) of this Act, continue to be a juristic person under that name. Continued existence of South African Nursing Council.
- 30 (2) The head office of the council shall be situated at Pretoria.

3. The objects of the council shall be— Objects of council.
- (a) to assist in the promotion of the health standards of the inhabitants of the Republic;
- 35 (b) subject to the provisions of the Chiropractors Act, 1971 (Act No. 76 of 1971), the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974 (Act No. 52 of 1974), the Pharmacy Act, 1974 (Act No. 53 of 1974), and the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), to control, and to exercise authority in respect of, all matters affecting the education and training of, and the manner of the exercise of the practices pursued by, registered nurses, midwives, enrolled nurses and nursing assistants;
- 40 (c) to promote liaison of the education and training, and the manner of the exercise of the practices, referred to in paragraph (b), both in the Republic and elsewhere, and to promote the standards of such education and training and the manner of the exercise of such practices in the Republic;
- 45 (d) to advise the Minister on any matter falling within the scope of this Act;
- 50 (e) to communicate to the Minister information on matters of public importance acquired by the council in the course of the performance of its functions under this Act.
- 55

4. The council may— Powers of council.
- (a) cause copies of the registers and rolls, and supplementary lists, and copies thereof, showing all alterations to the registers and rolls, to be printed and published;
- 60 (b) make extracts from the registers and rolls and charge the prescribed fees in respect thereof;

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- (c) waar deur hierdie Wet daartoe gemagtig, 'n naam van 'n register of rol verwyder, of dit by betaling van die voorgeskrewe gelde daarop terugplaas;
- (d) eksaminatore en moderatore aanstel, eksamens afneem en diplomas en sertifikate toeken, en die voorgeskrewe gelde ten opsigte van sodanige eksamens en die uitreiking van sodanige diplomas en sertifikate vra; 5
- (e) verpleegskole ooreenkomstig die voorgeskrewe voorwaardes goedkeur, sodanige skole inspekteer, of goedkeuring van so 'n skool intrek of opskort indien die onderrig of opleiding daarin, na die mening van die raad, nie op 'n bevredigende wyse geskied nie, of indien 'n opgelegde voorwaarde nie nagekom is nie: Met dien verstande dat die raad nie sonder die toestemming van die Minister weier om so 'n skool goed te keur of die 15 goedkeuring daarvan intrek of opskort nie;
- (f) die voorgeskrewe gelde vra ten opsigte van 'n inspeksie wat die raad nodig ag om hom in staat te stel om 'n aansoek om goedkeuring van 'n verpleegskool, of 'n wysiging van 'n voorwaarde opgelê ten opsigte van 'n 20 goedgekeurde verpleegskool, te oorweeg;
- (g) eiendom verkry, huur of daarvoor beskik, geld op sekuriteit van die bates van die raad leen, 'n skenking aanvaar of 'n trust aanvaar en administreer;
- (h) behoudens die voorgeskrewe voorwaardes en by beta- 25 ling van die voorgeskrewe gelde, 'n lisensie uitreik of hernieu om die saak van verplegingsagentskap voort te sit, die registers en rekeninge van 'n verplegingsagentskap nagaan en die bedrywighede daarvan ondersoek, iemand wat gelisensieer is om die saak van verplegings- 30 agentskap voort te sit, aansê om aan die raad die inligting te verstrek wat die raad nodig ag, en, onder die voorgeskrewe omstandighede, 'n lisensie om die saak van verplegingsagentskap voort te sit, opskort of intrek;
- (i) enige aangeleentheid oorweeg wat die verplegings- of 35 verloskundeberoep raak en in verband daarmee die verdoë rig of die stappe doen wat die raad gerade ag;
- (j) op aansoek van iemand 'n kwalifikasie wat deur hom besit word (hetsy die kwalifikasie in die Republiek of elders behaal is), erken as gelykstaande, hetsy in die 40 geheel of gedeeltelik, met 'n voorgeskrewe kwalifikasie, waarna daardie persoon geag word die voorgeskrewe kwalifikasie in die mate te besit waarin die kwalifikasie aldus erken is;
- (k) goedgekeurde verpleegskole aansê om jaaropgawes van 45 studente wat ingevolge artikel 23 geregistreer is en leerlinge wat ingevolge artikel 24 ingeskryf is en die ander inligting wat op enige tydstip nodig word, te verstrek;
- (l) werkgewers aansê om jaaropgawes van geregistreerde 50 en ingeskrewe persone wat in hulle diens is en die ander inligting wat op enige tydstip nodig word, te verstrek;
- (m) die ander werksaamhede verrig wat voorgeskryf word, en, oor die algemeen, alles doen wat hy nodig of 55 dienstig ag om die oogmerke van hierdie Wet te bereik.

Samestelling van
raad.

5. (1) Na die datum vermeld in artikel 46 (3) bestaan die raad uit die volgende lede, naamlik—

- (a) tien persone deur die Minister aangestel, van wie—
 - (i) een 'n beamppte van die Departement van Gesondheid is wat 'n geneesheer of 'n geregistreerde 60 verpleegkundige is;
 - (ii) minstens twee persone is wat nie kragtens hierdie Wet geregistreer of ingeskryf of kragtens die Wet op Chiropraktisyns, 1971 (Wet No. 76 van 1971), of die Wet op Homeopate, Naturopate, Osteopate 65 en Kruietkundiges, 1974 (Wet No. 52 van 1974), ingeskryf of die Wet op Aptekers, 1974 (Wet No. 53 van 1974), of die Wet op Geneesheer, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (Wet No. 56 van 1974), geregistreer is nie; en
 - (iii) vyf geregistreerde verpleegkundiges is;

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- (c) where authorized by this Act, remove from or, upon payment of the prescribed fee, restore to a register or roll any name;
- 5 (d) appoint examiners and moderators, conduct examinations and grant diplomas and certificates, and charge the prescribed fees in respect of such examinations and the issue of such diplomas and certificates;
- 10 (e) approve nursing schools in accordance with the prescribed conditions, inspect such schools, or withdraw or suspend approval of any such school if the education or training thereat is not, in the opinion of the council, satisfactorily carried out, or if any condition imposed has not been complied with: Provided that the council shall not refuse to approve, or shall not withdraw or
- 15 suspend the approval of, any such school without the consent of the Minister;
- (f) charge the prescribed fees in respect of any inspection it may deem necessary to enable it to consider an application for the approval of a nursing school or any variation of a condition imposed in respect of an
- 20 approved nursing school;
- (g) acquire, hire or dispose of property, borrow money on the security of the assets of the council, accept any donation or accept and administer any trust;
- 25 (h) subject to the prescribed conditions and upon payment of the prescribed fees, issue or renew a licence to carry on the business of a nursing agency, inspect the records and accounts, and investigate the activities, of a nursing agency, require any person licensed to carry on the business of a nursing agency to submit to the council
- 30 such information as it may deem necessary, and, in the prescribed circumstances, suspend or cancel a licence to carry on the business of a nursing agency;
- 35 (i) consider any matter affecting the nursing or midwifery profession, and make representations or take such action in connection therewith as the council may deem advisable;
- (j) upon application of any person, recognize a qualification held by him (whether such qualification has been obtained in the Republic or elsewhere), as being equal, either wholly or in part, to any prescribed qualification, whereupon such person shall, to the extent to which the qualification has so been recognized, be
- 40 deemed to hold such prescribed qualification;
- 45 (k) require approved nursing schools to submit annual returns of students registered under section 23 and pupils enrolled under section 24 and such other information as may become necessary at any time;
- 50 (l) require employers to submit annual returns of registered and enrolled persons in their employ and such other information as may become necessary at any time;
- (m) perform such other functions as may be prescribed, and, generally, do all such things as it may deem necessary or expedient to achieve the objects of this Act.

55 5. (1) After the date referred to in section 46 (3) the council shall consist of the following members, namely—

Constitution of council.

- (a) ten persons appointed by the Minister, of whom—
- 60 (i) one shall be an officer of the Department of Health who is a medical practitioner or a registered nurse;
- (ii) at least two shall be persons who are not registered or enrolled in terms of this Act or enrolled in terms of the Chiropractors Act, 1971 (Act No. 76 of 1971), or the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974 (Act No. 52 of 1974), or registered in terms of the Pharmacy Act, 1974 (Act No. 53 of 1974), or the Medical, Dental and
- 65 Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); and
- (iii) five shall be registered nurses;

- (b) die Direkteur van Hospitaaldienste van elke provinsie of 'n persoon wat 'n geneesheer of 'n geregistreerde verpleegkundige in diens van 'n provinsie is en wat vir dié doel deur die Administrateur van daardie provinsie aangewys word; 5
- (c) een geregistreerde verpleegkundige uit die personele van die universiteite waar departemente van verpleegkunde ingestel is, deur die Minister aangestel uit persone wie se name vir dié doel deur die prinsipale of rektore van die betrokke universiteite aan die registrateur voorgelê 10 is, en een geregistreerde verpleegkundige uit die personele van goedgekeurde verpleegskole waar verpleegkundiges onderrig en opgelei word, deur die Administrateurs van die provinsies aangewys;
- (d) een persoon aangewys deur die Suid-Afrikaanse Apte- 15 kersraad bedoel in artikel 2 van die Wet op Aptekers, 1974 (Wet No. 53 van 1974), wat 'n lid van daardie raad is en kragtens daardie Wet as 'n apteker geregistreer is;
- (e) een persoon aangewys deur die Suid-Afrikaanse Genees- 20 kundige en Tandheelkundige Raad in artikel 2 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, bedoel wat 'n lid van daardie raad is en wat as 'n geneesheer kragtens daardie Wet geregistreer is; 25
- (f) 'n beampte van die Departement van Nasionale Opvoeding deur die Minister na oorleg met die Minister van Nasionale Opvoeding aangestel;
- (g) die geneesheer-generaal van die Suid-Afrikaanse Weermag of 'n lid van sy personeel wat 'n geneesheer of 'n 30 geregistreerde verpleegkundige is, deur die Minister na oorleg met die Minister van Verdediging aangestel; en
- (h) tien geregistreerde verpleegkundiges van wie—
 - (i) vyf Blankes is;
 - (ii) drie Bantoes is; 35
 - (iii) een 'n Gekleurde is;
 - (iv) een 'n Indiër is,
 wat Suid-Afrikaanse burgers is wat in die Republiek woonagtig is, en wat ooreenkomstig die voorgeskrewe wyse en prosedure verkies word deur onderskeidelik 40 Blanke, Bantoe-, Gekleurde en Indiër- geregistreerde verpleegkundiges en vroedvroue wat Suid-Afrikaanse burgers is wat in die Republiek woonagtig is: Met dien verstande dat daar, in die geval van die in paragraaf (h) (i) bedoelde lede, in elke provinsie minstens een 45 verpleegkundige, aldus verkies, woonagtig moet wees, en, in die geval van die in paragraaf (h) (ii) bedoelde lede, nie meer as een verpleegkundige, aldus verkies, gewoonlik in dieselfde provinsie woonagtig mag wees nie. 50

(2) Behoudens die bepalings van artikel 6, beklee die lede van die raad hulle amp vir 'n tydperk van vyf jaar, maar kan weer aangestel, verkies of aangewys word, na gelang van die geval.

(3) Die Administrateurs in subartikel (1) (b) en (c), die prinsipale of rektore in subartikel (1) (c), die Suid-Afrikaanse 55 Aptekersraad in subartikel (1) (d) en die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad in subartikel (1) (e) moet minstens drie maande voor die datum van verstryking van die ampstermyn van die lede van die raad die registrateur skriftelik in kennis stel van die name kragtens bedoelde bepalings deur hulle 60 voorgelê of die name van persone daarkragtens deur hulle aangewys.

(4) (a) Indien 'n Administrateur in subartikel (1) (b) of die Administrateurs of die prinsipale of rektore in subartikel (1) (c) of die Suid-Afrikaanse Aptekersraad in subartikel 65 (1) (d) of die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad in subartikel (1) (e) versuim om 'n aanwysing of voorlegging ingevolge daardie bepalings te doen of om die registrateur ooreenkomstig subartikel (3) in kennis te stel van die name voorgelê of van die name van die persone wat aangewys is, of

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- (b) the Director of Hospital Services of each province or a person who is a medical practitioner or a registered nurse in the employ of a province and who shall be designated for the purpose by the Administrator of that province;
- (c) one registered nurse from the staffs of the universities at which departments of nursing have been established, appointed by the Minister from persons whose names have been submitted for the purpose by the principals or rectors of such universities to the registrar, and one registered nurse from the staffs of approved nursing schools at which nurses are educated and trained, designated by the Administrators of the provinces;
- (d) one person designated by the South African Pharmacy Board referred to in section 2 of the Pharmacy Act, 1974 (Act No. 53 of 1974), who is a member of that board and is registered under that Act as a pharmacist;
- (e) one person designated by the South African Medical and Dental Council referred to in section 2 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, who is a member of that council and who is registered as a medical practitioner under that Act;
- (f) an officer of the Department of National Education, appointed by the Minister after consultation with the Minister of National Education;
- (g) the surgeon-general of the South African Defence Force or a member of his staff who is a medical practitioner or a registered nurse, appointed by the Minister after consultation with the Minister of Defence; and
- (h) ten registered nurses of whom—
- (i) five shall be Whites;
 - (ii) three shall be Bantu;
 - (iii) one shall be a Coloured person;
 - (iv) one shall be an Indian,
- who shall be South African citizens resident in the Republic, and who shall be elected in accordance with the prescribed manner and procedure by White, Bantu, Coloured and Indian registered nurses and midwives, respectively, who shall be South African citizens resident in the Republic: Provided that there shall, in the case of members referred to in paragraph (h) (i), be resident in each province at least one nurse so elected, and that, in the case of members referred to in paragraph (h) (ii), not more than one nurse so elected shall be ordinarily resident in any one province.

(2) Subject to the provisions of section 6, the members of the council shall hold office for a period of five years, but shall be eligible for re-appointment, re-election or re-designation, as the case may be.

- (3) At least three months prior to the date of expiry of the term of office of the members of the council, the Administrators in subsection (1) (b) and (c), the principals or rectors in subsection (1) (c), the South African Pharmacy Board in subsection (1) (d) and the South African Medical and Dental Council in subsection (1) (e) shall inform the registrar in writing of the names submitted, or the names of the persons designated, by them in terms of the provisions referred to.

- (4) (a) If an Administrator in subsection (1) (b) fails, or the Administrators or the principals or rectors in subsection (1) (c) fail, or the South African Pharmacy Board in subsection (1) (d) or the South African Medical and Dental Council in subsection (1) (e) fails to make a designation or submission in terms of the said provisions or to inform the registrar under subsection (3) of the

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indien die geregistreerde verpleegkundiges en vroedvroue in subartikel (1) (h) versuim om 'n lid kragtens daardie subartikel te verkies—

- (i) word die Direkteur van Hospitaaldienste vir die betrokke provinsie, in die geval van subartikel (1) (b), geag die lid van die raad te wees; 5
- (ii) moet die Minister, in die geval van subartikel (1) (c), 'n geregistreerde verpleegkundige ten opsigte van die universiteite en 'n geregistreerde verpleegkundige ten opsigte van die verpleegskole aanwys 10 as lede van die raad;
- (iii) moet die Minister, in die geval van subartikel (1) (d) en (e), iemand wat ingevolge daardie subartikel bevoeg is, aanwys as 'n lid van die raad;
- (iv) kan die Minister, in die geval van subartikel (1) (h), 15 iemand wat ingevolge daardie subartikel bevoeg is, aanwys as 'n lid van die raad.
- (b) In die geval van 'n in paragraaf (a) bedoelde versuim, stel die registrateur die Minister onmiddellik skriftelik daarvan in kennis. 20

(5) So gou doenlik na die verkiesing van lede bedoel in subartikel (1) (h) moet die Minister die registrateur in kennis stel van die name van die persone wat ingevolge subartikel (1) deur hom aangestel is.

(6) Die name van die lede van die raad en die datum van 25 aanvang van hulle ampstermyn word so spoedig doenlik na die samestelling van die raad, deur die registrateur in die *Staatskoerant* bekend gemaak.

(7) By die toepassing van hierdie artikel het die uitdrukkings „Blanke” en „Bantoe” die betekenisse wat in artikel 1 van 30 die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), daaraan gegee word, en beteken „Indiër” 'n lid van die etniese of ander groep wat as die Indiërgroep ingevolge artikel 5 van daardie Wet voorgeskryf en omskryf is en „Gekleurde” 'n lid van enige ander etniese groep of ander groep met betrekking 35 tot Gekleurdtes ingevolge bedoelde artikel 5 voorgeskryf en omskryf.

Ontruiming van amp
en vul van vakatures.

6. (1) 'n Lid van die raad ontruim sy amp indien—

- (a) sy boedel gesekwestreer word of hy met die skuldeisers in sy boedel 'n akkoord aangaan; 40
- (b) hy sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig was;
- (c) hy kragtens wet onbevoeg is of word om sy beroep te beoefen; 45
- (d) hy ophou om 'n Suid-Afrikaanse burger te wees of om permanent in die Republiek woonagtig te wees;
- (e) hy aan 'n misdryf skuldig bevind word, hetsy in die Republiek of elders, ten opsigte waarvan hy gevonnis word tot gevangenisstraf sonder die keuse van 'n boete; 50
- (f) hy 'n pasiënt of 'n Presidentspasiënt word soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973);
- (g) hy—
 - (i) as hy 'n verkose lid is, skriftelik sy bedanking by 55 die registrateur indien;
 - (ii) as hy deur die Minister as lid aangestel of aangewys is, ophou om oor 'n kwalifikasie te beskik wat vir sy aanstelling nodig is of skriftelik sy bedanking by die Minister indien en die Minister 60 sy bedanking aanvaar;
 - (iii) as hy 'n lid is wat ingevolge artikel 5 (1) deur 'n Administrateur of die Administrateurs of die Suid-Afrikaanse Aptekersraad of die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, na gelang van die geval, aangewys is, ophou om oor 'n kwalifikasie te beskik wat vir sy aanwysing nodig is of skriftelik sy bedanking by die persone of 65 instansie deur wie hy aangewys is, indien en sy bedanking aanvaar word deur die betrokke persone of instansie;

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- names submitted or the names of the persons designated, or if the registered nurses and midwives in subsection (1) (h) fail to elect a member under that subsection—
- 5 (i) the Director of Hospital Services for the province concerned shall, in the case of subsection (1) (b), be deemed to be the member of the council;
 - (ii) the Minister shall, in the case of subsection (1) (c), designate a registered nurse in respect of the universities and a registered nurse in respect of the nursing schools, as members of the council;
 - 10 (iii) the Minister shall, in the case of subsection (1) (d) and (e), designate a person who is competent under that subsection, as a member of the council;
 - 15 (iv) the Minister may, in the case of subsection (1) (h), designate a person who is competent under that subsection, as a member of the council.
- (b) The registrar shall, in the case of a failure referred to in paragraph (a), immediately inform the Minister thereof in writing.
- 20 (5) As soon as possible after the election of the members referred to in subsection (1) (h), the Minister shall inform the registrar of the names of the persons appointed by him in terms of subsection (1).
- (6) The names of the members of the council and the date of commencement of their term of office shall be published by the registrar in the *Gazette* as soon as possible after the constitution of the council.
- (7) For the purposes of this section the expressions "White" and "Bantu" shall have the meanings assigned to them in section 30 1 of the Population Registration Act, 1950 (Act No. 30 of 1950), and "Indian" shall mean a member of the ethnic or other group prescribed and defined as the Indian Group under section 5 of that Act and "Coloured" or "Coloured person" shall mean a member of any other ethnic group or other group prescribed and defined 35 with reference to Coloured persons under that section.
6. (1) A member of the council shall vacate his office if—
- Vacation of office and filling of vacancies.
- (a) his estate is sequestrated or he has entered into a composition with the creditors of his estate;
 - 40 (b) he has been absent from more than two consecutive ordinary meetings of the council without the council's leave;
 - (c) he is or becomes disqualified under any law from practising his profession;
 - 45 (d) he ceases to be a South African citizen or to be permanently resident in the Republic;
 - (e) he is convicted of an offence, whether in the Republic or elsewhere, in respect whereof he is sentenced to imprisonment without the option of a fine;
 - 50 (f) he becomes a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (g) (i) being an elected member, he tenders his resignation in writing to the registrar;
 - 55 (ii) being a member appointed or designated by the Minister, he ceases to hold any qualification necessary for his appointment or tenders his resignation in writing to the Minister and the Minister accepts his resignation;
 - 60 (iii) being a member designated under section 5 (1) by an Administrator or the Administrators or the South African Pharmacy Board or the South African Medical and Dental Council, as the case may be, he ceases to hold any qualification necessary for his designation or tenders his resignation in writing to the persons or body by whom he was designated
 - 65 and his resignation is accepted by the persons or body concerned;

(h) die Staatspresident in die openbare belang sy lidmaatskap beëindig.

(2) Elke vakature in die raad wat ontstaan as gevolg van 'n omstandigheid in subartikel (1) bedoel en elke vakature wat veroorsaak word deur die dood van 'n lid, word gevul by wyse van aanstelling, aanwysing of verkiesing, na gelang van die geval, deur die persoon of instansie deur wie en op die wyse waarop die lid wie se amp vakant geword het, aangestel, aangewys of verkies moes word, en elke lid wat aldus aangestel, aangewys of verkies word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel, aangewys of verkies was.

Ampsdraers.

7. (1) Die lede van elke nuut saamgestelde raad moet op die eerste vergadering van daardie raad 'n president en 'n vise-president, wat verpleegkundiges moet wees, en 'n penningmeester ter uit hulle midde kies.

(2) Die president, vise-president en penningmeester beklee hulle amp vir die duur van die ampstermyn van die lede van die raad tensy die president, vise-president of penningmeester eerder bedank of ophou om 'n lid van die raad te wees.

(3) Die vise-president kan, indien die president afwesig is of om die een of ander rede nie as president kan optree nie, al die werksaamhede van die president verrig en al sy bevoegdhede uitoefen.

(4) Indien die president sowel as die vise-president van 'n vergadering afwesig is, kies die aanwesige lede iemand uit hulle midde om op daardie vergadering voor te sit en die persoon wat aldus voorsit, kan gedurende daardie vergadering en totdat die president of vise-president sy pligte hervat, al die werksaamhede van die president verrig en al sy bevoegdhede uitoefen.

(5) Indien aan die president sowel as die vise-president verlof verleen is om afwesig te wees, kies die lede van die raad iemand uit hulle midde, of wys die uitvoerende komitee, indien die raad nie in sitting is nie, 'n lid van die raad aan, om as president waar te neem totdat die president of die vise-president sy pligte hervat of sy amp ontruim.

(6) Indien die amp van president, vise-president of penningmeester vakant word, kies die lede van die raad op die eerste vergadering nadat die vature ontstaan het, uit hulle midde 'n nuwe president, vise-president of penningmeester, na gelang van die geval, en die aldus verkose lid beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

(7) 'n President, vise-president of penningmeester kan sy amp as sodanig ontruim sonder dat sodanige ontruiming vanself sy lidmaatskap van die raad beëindig.

Vergaderings van raad.

8. (1) Die raad moet minstens twee vergaderings per jaar hou op die plekke wat die raad bepaal en kan daarbenewens die verdere vergaderings hou wat die raad van tyd tot tyd bepaal.

(2) (a) Die president kan te eniger tyd 'n spesiale vergadering van die raad belê wat gehou moet word op die datum en plek wat hy bepaal en hy moet, op skriftelike versoek van die Minister of 'n skriftelike versoek wat deur minstens ses lede onderteken is, 'n spesiale vergadering belê wat binne dertig dae na die datum van ontvangs van die versoek gehou moet word op die datum en plek wat hy bepaal.

(b) Bedoelde skriftelike versoek moet die doel waarvoor die vergadering belê moet word duidelik vermeld.

Kworum en prosedure by vergaderings.

9. (1) Twaalf lede maak 'n kworum op 'n vergadering van die raad uit.

(2) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit: Met dien verstande dat by 'n staking van stemme die voorsittende lid, benewens 'n beraadslagende stem, 'n beslissende stem kan uitbring.

(3) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n tydelike

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- (h) the State President, in the public interest, terminates his membership.
- (2) Every vacancy on the council arising from a circumstance referred to in subsection (1) and every vacancy caused by the death of a member, shall be filled by appointment, designation or election, as the case may be, by the person or body by whom and in the manner in which the vacating member was required to be appointed, designated or elected, and every member so appointed, designated or elected shall hold office for the unexpired portion of the period for which the vacating member was appointed, designated or elected.
7. (1) At the first meeting of every newly constituted council the members of the council shall elect a president and a vice-president, who shall be nurses, and a treasurer from among themselves. Office-bearers.
- (2) The president, vice-president and treasurer shall hold office during the term of office of the members of the council, unless the president, vice-president or treasurer shall sooner resign or cease to be a member of the council.
- (3) The vice-president may, if the president is absent or is for any reason unable to act as president, perform all the functions and exercise all the powers of the president.
- (4) If both the president and vice-president are absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so presiding may, during that meeting and until the president or the vice-president resumes duty, perform all the functions and exercise all the powers of the president.
- (5) If both the president and vice-president have been given leave of absence, the members of the council shall elect one of their number, or, if the council is not in session, the executive committee shall designate a member of the council, to act as president until the president or vice-president resumes duty or vacates office.
- (6) If the office of president, vice-president or treasurer becomes vacant, the members of the council shall at the first meeting after such vacancy has occurred, elect from among themselves a new president, vice-president or treasurer, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his predecessor was elected.
- (7) A president, vice-president or treasurer may vacate office as such without such vacation by itself terminating his membership of the council.
8. (1) The council shall hold at least two meetings in each year at venues to be determined by the council, and may in addition hold such further meetings as the council may from time to time determine. Meetings of council.
- (2) (a) The president may at any time convene a special meeting of the council, to be held on such date and at such place as he may determine and he shall, upon a written request by the Minister or a written request signed by at least six members, convene a special meeting to be held, within thirty days after the date of receipt of the request, on such date and at such place as he may determine.
- (b) Such written request shall state clearly the purpose for which the meeting is to be convened.
9. (1) Twelve members shall constitute a quorum at any meeting of the council. Quorum and procedure at meetings.
- (2) A decision of the majority of the members of the council present at any meeting shall constitute a decision of the council: Provided that in the event of an equality of votes the member presiding shall have a casting vote in addition to a deliberative vote.
- (3) No decision taken by the council or act performed under the authority of the council shall be invalid by reason only of an

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vakature in die raad of vanweë die feit dat iemand wat nie geregtig was om as 'n lid van die raad sitting te neem, as 'n lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is nie, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem. 5

Uitvoerende komitee.

10. (1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die president, die vise-president, die penningmeester, die lid aangestel kragtens artikel 5 (1) (a) (i), een lid aangestel kragtens artikel 5 (1) (a) (ii), een lid aangestel kragtens artikel 5 (1) (b), en die ander lede van die raad wat die raad aanwys. 10

(2) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, gedurende tydperke tussen vergaderings van die raad al die bevoegdhede van die raad uitoefen, behalwe 'n in artikel 29 (6) bedoelde bevoegdheid, en al sy werksaamhede verrig, maar is nie, behalwe vir sover die raad anders gelas, bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie, en enige handeling verrig of besluit geneem deur die uitvoerende komitee is van krag tensy dit deur die raad by sy eersvolgende vergadering tersyde gestel of gewysig word. 15 20

Ander komitees.

11. (1) Die raad moet—

(a) tugkomitees instel, elkeen waarvan bestaan uit die aantal persone, deur die raad aangestel, wat die raad bepaal, maar wat ten minste twee lede van die raad, wat as voorsitter en vise-voorsitter van die komitee dien, moet insluit, om ondersoek in te stel na en aan die raad verslag te doen oor enige klagte, beskuldiging of bewering in artikel 28 (1) bedoel; 25

(b) 'n onderwyskomitee instel wat bestaan uit die aantal persone, deur die raad aangestel, wat die raad bepaal, maar wat ten minste vier persone van die volgende kategorieë insluit, dit wil sê, drie moet verpleegkundiges wees wat aktief gemoeid is met die opleiding van onderskeidelik algemene verpleegkundiges, psigiatrisse verpleegkundiges en vroedvroue, en een moet 'n verpleegkundige wees wat verbonde is aan 'n departement van verpleegkunde wat by 'n universiteit ingestel is: Met dien verstande dat die voorsitter en vise-voorsitter van die komitee lede van die raad moet wees. 30 35

(2) 'n Komitee kragtens subartikel (1) ingestel, moet, behoudens die bepalinge van subartikel (5), die bevoegdhede van die raad uitoefen en die werksaamhede van die raad verrig wat die raad van tyd tot tyd aan hom opdra. 40

(3) Die raad kan van tyd tot tyd die ander komitees instel wat hy nodig ag, elkeen waarvan bestaan uit die aantal persone, deur die raad aangestel, wat die raad bepaal, maar wat ten minste twee lede van die raad, wat as voorsitter en vise-voorsitter van die komitee dien, moet insluit, om ondersoek in te stel na en aan die raad verslag te doen oor enige aangeleentheid wat binne die bestek van die raad se werksaamhede kragtens hierdie Wet val. 50

(4) Behoudens die bepalinge van subartikel (5) kan die raad aan 'n kragtens subartikel (3) ingestelde komitee, benewens die bevoegdhede deur subartikel (3) aan sodanige komitee verleë, sodanige van sy bevoegdhede delegeer as wat hy van tyd tot tyd bepaal, maar die raad word nie onthef van 'n bevoegdheid wat aldus gedelegeer is nie. 55

(5) Die raad delegeer nie aan 'n komitee 'n in artikel 29 (6) bedoelde bevoegdheid nie en geen straf opgelê deur 'n komitee wat ingevolge subartikel (1) (a) ingestel is, uitgesonderd 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing, is van krag totdat dit deur die raad bekragtig is nie: Met dien verstande dat 'n bevel deur so 'n komitee kragtens artikel 36 (2) gegee, onmiddellik in werking tree indien die komitee in die openbare belang aldus gelas, maar na die verstryking van 'n tydperk van ses maande verval tensy dit binne daardie tydperk deur die raad bekragtig word. 60 65

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interim vacancy on the council or of the fact that a person who was not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

10. (1) There shall be an executive committee of the council Executive committee. consisting of the president, the vice-president, the treasurer, the member appointed in terms of section 5 (1) (a) (i), one member appointed in terms of section 5 (1) (a) (ii), one member appointed in terms of section 5 (1) (b) and such other members of the council as the council may designate.

(2) The executive committee may, subject to the directions of the council, exercise all the powers, other than a power referred to in section 29 (6), and perform all the functions of the council during periods between meetings of the council, but shall not have the power, save in so far as the council otherwise directs, to set aside or amend any decision of the council, and any act performed or decision taken by the executive committee shall be of force and effect unless it is set aside or amended by the council at its next ensuing meeting.

11. (1) The council shall—

Other committees.

(a) establish disciplinary committees, each consisting of so many persons, appointed by the council, as the council may determine but including at least two members of the council who shall be the chairman and vice-chairman of such committee, to investigate and report to the council on any complaint, charge or allegation referred to in section 28 (1);

(b) establish an education committee which shall consist of so many persons, appointed by the council, as the council may determine but which shall include at least four persons of the following categories, that is to say, three shall be nurses actively involved in the training of general nurses, psychiatric nurses and midwives, respectively, and one shall be a nurse attached to a department of nursing established at a university: Provided that the chairman and vice-chairman of the committee shall be members of the council.

(2) A committee established in terms of subsection (1) shall, subject to the provisions of subsection (5), exercise such of the council's powers and perform such of the council's functions as the council may from time to time assign to it.

(3) The council may from time to time establish such other committees as it may deem necessary, each consisting of so many persons, appointed by the council, as the council may determine but including at least two members of the council who shall be the chairman and vice-chairman of such committee, to investigate and report to the council on any matter falling within the scope of the council's functions under this Act.

(4) Subject to the provisions of subsection (5), the council may delegate to any committee established in terms of subsection (3) such of its powers, in addition to the powers conferred upon such committee by subsection (3), as it may from time to time determine, but the council shall not be divested of any power so delegated.

(5) The council shall not delegate to a committee any power referred to in section 29 (6) and no penalty imposed by any committee established in terms of subsection (1) (a), other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect until confirmed by the council: Provided that an order made by any such committee under section 36 (2) shall, if the committee so directs in the public interest, come into operation forthwith, but shall lapse after the expiration of a period of six months unless confirmed within that period by the council.

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Aanstelling van
registrateur en
personeel.

- 12. (1) Die raad stel 'n registrateur aan, en kan die ander persone aanstel wat hy nodig ag, vir die verrigting van sy werksaamhede ingevolge hierdie Wet en kan enige van bedoelde ander persone ontslaan.
- (2) Die registrateur dien as sekretaris van die raad en verrig die werksaamhede en die pligte wat ingevolge hierdie Wet aan hom toegewys of opgelê is, sowel as die werksaamhede en pligte wat van tyd tot tyd deur die raad aan hom toegewys of opgelê word.
- (3) Die aanstelling of ontslag van die registrateur is onderworpe aan die goedkeuring van die Minister.
- (4) Geen aanstelling word ingevolge hierdie artikel gedoen nie tensy die persoon wat aangestel word beide amptelike tale magtig is.

Finansiering van raad.

13. (1) Alle registrasie-, inskrywings- en eksamengelde en enige ander gelde kragtens hierdie Wet betaalbaar, word aan die raad betaal en maak sy fondse uit en die raad wend sy fondse aan ter bestryding van uitgawes aangegaan in verband met die verrigting van sy werksaamhede.
- (2) Die raad kan enige onbestede gedeelte van sy geld belê en kan die reserwefondse instel, en die bedrae daarin stort, wat hy nodig of wenslik ag.

Minister kan foute
herstel.

14. Indien enigiets wat ingevolge hierdie Wet in verband met die aanstelling, aanwysing of verkiesing van 'n lid gedoen moet word, nagelaat word of nie binne die tydperk of op die wyse deur hierdie Wet vereis, gedoen word nie, kan die Minister gelas dat al die nodige stappe gedoen word om die versuim of fout te herstel, of kan hy enigiets wat op 'n onreëlmatige wyse of in 'n onreëlmatige vorm gedoen is, geldig verklaar, ten einde aan die oogmerke van hierdie Wet gevolg te gee.

HOOFSTUK 2

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ONDERRIG, OPLEIDING, REGISTRASIE EN INSKRYWING

Beheer oor onderrig
en opleiding.

15. (1) Ondanks andersluidende wetsbepalings, mag geen persoon of inrigting onderrig of opleiding aanbied of verskaf wat bedoel is om iemand te bekwaam om die beroep van verpleging of verloskunde, waarop die bepaling van hierdie Wet van toepassing is, te beoefen nie, tensy sodanige onderrig en opleiding deur die raad goedgekeur is.
- (2) Iemand of 'n inrigting wat die onderrig en opleiding bedoel in subartikel (1) wil aanbied of verskaf, moet, alvorens hy die onderrig en opleiding aanbied of verskaf, skriftelik by die raad om sy goedkeuring vir die onderrig en opleiding aansoek doen en die besonderhede aangaande die onderrig en opleiding verstrek wat die raad vereis.
- (3) Die raad kan 'n aansoek wat ingevolge subartikel (2) gedoen is, goedkeur of weier en kan, wanneer hy die aansoek goedkeur, enige voorwaarde of vereiste bepaal wat hy goed ag waaraan die onderrig of opleiding onderhewig is.
- (4) 'n Besluit ingevolge subartikel (3) deur die raad geneem, is afdoende.
- (5) Iemand wat 'n bepaling van hierdie artikel, of 'n voorwaarde of vereiste daarkragtens bepaal, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Registrasie of
inskrywing 'n
voorvereiste vir
praktisering.

16. (1) Niemand mag binne die Republiek die beroep van 'n geregistreerde verpleegkundige, 'n vroedvrou, 'n ingeskrewe verpleegkundige of 'n verpleegassistent beoefen of binne die Republiek as 'n studentverpleegkundige of 'n studentvroedvrou of as 'n leerlingverpleegkundige of 'n leerlingverpleegassistent praktiseer nie, tensy hy ingevolge hierdie Wet geregistreer is of, na gelang van die geval, ingeskryf is as 'n verpleegkundige, 'n vroedvrou, 'n verpleegassistent, 'n studentverpleegkundige, 'n

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12. (1) The council shall appoint a registrar, and may appoint such other persons as it may deem necessary, for carrying out its functions under this Act, and may dismiss any of such other persons. Appointment of registrar and staff.
- 5 (2) The registrar shall act as secretary to the council and shall perform the functions and carry out the duties assigned to, or imposed upon, him under this Act, as well as such functions and duties as may from time to time be assigned to, or imposed upon, him by the council.
- 10 (3) The appointment or dismissal of the registrar shall be subject to the approval of the Minister.
- (4) No appointment shall be made in terms of this section unless the person appointed is proficient in both official languages.
13. (1) All registration, enrolment and examination fees and any other fees payable under this Act, shall be paid to the council and shall constitute its funds and the council shall utilize its funds for defraying expenses incurred in connection with the performance of its functions. Financing of council.
- (2) The council may invest any unexpended portion of its moneys and may establish such reserve funds, and pay therein such amounts, as it may deem necessary or expedient.
14. If anything required to be done under this Act in connection with the appointment, designation or election of any member is omitted or not done within the time or in the manner required by this Act, the Minister may order all such steps to be taken as may be necessary to rectify the omission or error, or may validate anything done in an irregular manner or form, in order to give effect to the objects of this Act. Minister may rectify defects.

CHAPTER 2

30 EDUCATION, TRAINING, REGISTRATION AND ENROLMENT

15. (1) Notwithstanding anything to the contrary in any law contained, no person or institution may offer or provide any education or training which is intended to qualify any person to practise the profession of nursing or midwifery to which the provisions of this Act apply, unless such education and training have been approved by the council. Control over education and training.
- (2) Any person or institution wishing to offer or to provide the education and training referred to in subsection (1) shall, before offering or providing the education and training, apply to the council in writing for its approval of the education and training and shall furnish such particulars regarding the education and training as the council may require.
- (3) The council may approve or refuse any application made in terms of subsection (2) and may, where it approves the application, determine any condition or requirement it deems fit, to which the education or training shall be subject.
- (4) Any decision made by the council in terms of subsection (3) shall be final.
- (5) Any person who contravenes or fails to comply with any provision of this section, or any condition or requirement determined thereunder, shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- 55 16. (1) No person shall be entitled to practise within the Republic the profession of a registered nurse, a midwife, an enrolled nurse or a nursing assistant, or to practice within the Republic as a student nurse or a student midwife or as a pupil nurse or a pupil nursing assistant, unless he is in terms of this Act registered or enrolled, as the case may be, as a nurse, a midwife, a Registration or enrolment a prerequisite for practising.

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studentvrouedvrou, 'n leerlingverpleegkundige of 'n leerlingverpleegassistent, na gelang van die geval.

(2) Iedereen wat ingevolge hierdie Wet geregistreer of ingeskryf wil word as 'n geregistreerde verpleegkundige, vrouedvrou, ingeskrewe verpleegkundige of verpleegassistent, na gelang van die geval, moet by die raad aansoek doen en moet die kwalifikasie wat, na hy meen, aan hom die reg op registrasie of, na gelang van die geval, inskrywing verleen, voorlê, tesame met die bewys van identiteit en van die egtheid en geldigheid van die voorgelegde kwalifikasie, wat die raad vereis.

(3) Indien die raad oortuig is dat die kwalifikasie en die ander stukke wat ter staving van die aansoek voorgelê is, aan die vereistes van hierdie Wet voldoen, moet hy, by betaling van die voorgeskrewe geld, die aansoeker registreer of inskryf, na gelang van die geval, en 'n registrasie- of inskrywingsertifikaat, na gelang van die geval, uitreik wat die aansoeker magtig om, behoudens die bepalinge van hierdie Wet en enige ander wetsbepalinge, die beroep ten opsigte waarvan hy om registrasie of inskrywing aansoek gedoen het, in die Republiek te beoefen.

Hou van registers en rolle.

17. (1) Die raad moet die afsonderlike voorgeskrewe registers en rolle ten opsigte van die onderskeie voorgeskrewe kategorieë praktisyne, studente en leerlinge hou, en moet die voorgeskrewe besonderhede van elke persoon wie se aansoek ingevolge artikel 16 (2), 23 of 24 om registrasie of inskrywing toegestaan is, in die toepaslike register of rol inskryf.

(2) Die raad moet die register en rolle korrek en ooreenkomstig die bepalinge van hierdie Wet hou en moet die name van alle geregistreerde of ingeskrewe persone wat oordele is of wie se tydperk van registrasie of inskrywing ingevolge die regulasies verstryk het, daaruit skrap en moet van tyd tot tyd daarin die nodige veranderings aan die name en adresse of kwalifikasies van geregistreerde of ingeskrewe persone aanbring.

(3) Elke geregistreerde of ingeskrewe persoon wat sy naam of adres verander, moet binne dertig dae na die verandering aan die registrateur skriftelik kennis daarvan gee.

(4) (a) Geen kwalifikasie word geregistreer of ingeskryf nie indien die raad oortuig is dat die persoon wat aanspraak maak op besit van so 'n kwalifikasie, nie daarop geregtig is nie.

(b) Enige registrasie of inskrywing wat tot oortuiging van die raad bewys word weens 'n vergissing of as gevolg van wanvoorstelling of in omstandighede wat nie by hierdie Wet gemagtig is nie, gemaak te gewees het, kan uit die register of rol geskrap word en 'n aantekening van die rede vir iedere sodanige skapping moet in die register of rol gemaak word en die persoon ten opsigte van wie se registrasie of inskrywing daardie skapping gedoen is, moet daarvan in kennis gestel word op die wyse in artikel 18 (2) beoog.

(c) 'n Sertifikaat wat ten opsigte van die betrokke registrasie of inskrywing uitgereik is, word geag ingetrek te wees vanaf die datum waarop kennis aldus gegee word.

Skrapping van naam uit register of rol, en terugplasing daarvan.

18. (1) Die raad kan die registrateur gelas om die naam uit die register of rol te skrap van iemand—

(a) wat gedurende die drie jaar wat die skapping onmiddellik voorafgaan, uit die Republiek afwesig was;

(b) wat versuim het om die registrateur van sy huidige adres in kennis te stel binne 'n tydperk van drie maande vanaf die datum van 'n skriftelike navraag wat deur die registrateur gestuur is na die adres wat in die register of rol ten opsigte van daardie persoon verskyn;

(c) wat versoek het dat sy naam uit die register of rol geskrap word, in welke geval so 'n persoon deur die registrateur aangesê kan word om by die registrateur 'n beëdigde verklaring of bevestiging in te dien met die strekking dat geen tug- of strafregtelike stappe teen hom gedoen word of waarskynlik gedoen sal word nie;

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nursing assistant, a student nurse, a student midwife, a pupil nurse or a pupil nursing assistant, as the case may be.

(2) Every person who wishes to be registered or to be enrolled in terms of this Act as a registered nurse, midwife, enrolled nurse or nursing assistant, as the case may be, shall apply to the council and shall submit the qualification which, in his submission, entitles him to registration or enrolment, as the case may be, together with such proof of identity and of the authenticity and validity of the qualification submitted as may be required by the council.

(3) If the council is satisfied that the qualification and the other documents submitted in support of the application satisfy the requirements of this Act, it shall, upon payment of the prescribed fee, register or enrol the applicant, as the case may be, and issue a registration or enrolment certificate, as the case may be, authorizing the applicant, subject to the provisions of this Act and to any other legal provisions, to practise within the Republic the profession in respect of which he has applied for registration or enrolment.

17. (1) The council shall keep the separate prescribed registers and rolls in respect of the different prescribed categories of practitioners, students and pupils, and shall enter in the appropriate register or roll the prescribed particulars of every person whose application under section 16 (2), 23 or 24 for registration or enrolment has been granted.

Keeping of registers and rolls.

(2) The council shall keep the registers and rolls correctly and in accordance with the provisions of this Act and shall remove therefrom the names of all registered or enrolled persons who have died or whose period of registration or enrolment has expired in terms of the regulations and shall from time to time make the necessary alterations in the names and addresses or qualifications of registered or enrolled persons.

(3) Every registered or enrolled person who changes his name or address shall in writing notify the registrar thereof within thirty days after such change.

(4) (a) No qualification shall be entered in the register or roll if the council is satisfied that the person claiming to possess such qualification is not entitled thereto.

(b) Any registration or enrolment which is proved to the satisfaction of the council to have been made in error or through misrepresentation or in circumstances not authorized by this Act, may be removed from the register or roll, and an endorsement of the reason for every such removal shall be made in the register or roll, and the person in respect of whose registration or enrolment such removal has been made shall be notified thereof in the manner contemplated in section 18 (2).

(c) Any certificate issued in respect of the registration and enrolment in question shall be deemed to be cancelled as from the date on which notice is so given.

18. (1) The council may direct the registrar to remove from the register or roll the name of any person—

Removal of name from register or roll, and restoration thereof.

- (a) who has been absent from the Republic during the three years immediately preceding such removal;
- (b) who has failed to notify the registrar, within a period of three months as from the date of a written enquiry sent by the registrar to the address appearing in the register or roll in respect of such person, of his present address;
- (c) who has requested that his name be removed from the register or roll, in which case such person may be required by the registrar to lodge with the registrar an affidavit or affirmation to the effect that no disciplinary or criminal proceedings are being or are likely to be taken against him;

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- (d) wie se naam geskrap is uit die register, stukke of rol van 'n universiteit, hospitaal, kollege, genootskap of ander liggaam van wie daardie persoon die kwalifikasie ontvang het uit hoofde waarvan hy geregistreer of ingeskryf is.

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(2) Kennis van die skraping ingevolge subartikel (1) van sy naam uit die register of rol of van die skraping ingevolge artikel 17 (4) van 'n inskrywing uit die register of rol, moet deur die registrateur aan die betrokke persoon gegee word deur middel van 'n brief aan bedoelde persoon geadresseer na die adres wat ten 10 opsigte van hom in die register of rol verskyn.

(3) Vanaf die datum waarop kennis ingevolge subartikel (2) gegee is—

- (a) word 'n registrasie- of inskrywingsertifikaat wat ingevolge hierdie Wet aan die betrokke persoon uitgereik 15 is, geag gekanselleer te wees; en
- (b) moet bedoelde persoon ophou om die beroep te beoefen ten opsigte waarvan hy geregistreer of ingeskryf was of om enige handeling te verrig wat hy, in sy hoedanigheid van 'n geregistreerde of ingeskrewe persoon, geregtig 20 was om te verrig.

tot tyd en wyl sy naam of die inskrywing wat ingevolge artikel 17 (4) uit die register of rol geskrap is, na gelang van die geval, op die register of rol teruggeplaas word.

(4) Indien—

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- (a) dit aan die regter uit die stukke blyk wat ingevolge artikel 18 (3) van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), aan hom voorgelê is, of dit op enige ander wyse onder sy aandag gebring word, dat die persoon op wie die stukke betrekking het iemand is wat 30 kragtens hierdie Wet geregistreer of ingeskryf is en so iemand geestesongesteld verklaar word soos beoog in artikel 19 (1) (b) van genoemde Wet op Geestesgesondheid; of
- (b) dit tot die kennis van 'n hof gebring word dat 'n 35 beskuldigde persoon wat voor hom verskyn, kragtens hierdie Wet geregistreer of ingeskryf is, en die hof kragtens artikel 77 (6) of 78 (6) van die Strafproseswet, 1977 (Wet No. 51 van 1977), gelas dat die beskuldigde persoon aangehou word hangende die beskikking van 40 die Staatspresident,

moet die regter gelas dat 'n afskrif van die bevel wat die betrokke persoon geestesongesteld verklaar, of moet die hof gelas dat 'n afskrif van die lasgewing dat die beskuldigde persoon aangehou word hangende die beskikking van die Staatspresident, aan die 45 registrateur gestuur word, en die registrateur moet by ontvangs van die afskrif die naam van die betrokke persoon uit die register of rol skrap.

(5) Die naam van iemand wie se naam ingevolge hierdie artikel uit die register of rol geskrap is, of 'n inskrywing wat ingevolge 50 artikel 17 (4) uit die register of rol geskrap is, moet deur die registrateur op die register of rol teruggeplaas word indien die betrokke persoon—

- (a) op die voorgeskrewe vorm om sodanige terugplasing 55 aansoek doen;
- (b) enige gelde betaal wat ten opsigte van sodanige terugplasing voorgeskryf is;
- (c) waar sy naam ingevolge subartikel (4) uit die register of rol geskrap is, tot oortuiging van die raad bewys voorlê van sy ontslag ingevolge die bepalings van die Wet op 60 Geestesgesondheid, 1973, uit die inrigting waar hy aangehou was; en
- (d) aan die ander vereistes voldoen wat deur die raad bepaal word.

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(d) whose name has been removed from the register, record or roll of any university, hospital, college, society or other body from which that person received the qualification by virtue of which he was registered or enrolled.

(2) Notice of the removal in terms of subsection (1) of his name from the register or roll or of the removal in terms of section 17 (4) of an entry from the register or roll, shall be given by the registrar to the person concerned by way of a letter addressed to such person at the address appearing in respect of him in the register or roll.

(3) As from the date on which notice has been given in terms of subsection (2)—

(a) any registration or enrolment certificate issued in terms of this Act to the person concerned shall be deemed to be cancelled; and
 (b) such person shall cease to practise the profession in respect of which he was registered or enrolled or to perform any act which he, in his capacity as a registered or enrolled person, was entitled to perform, until such time as his name or the entry removed from the register or roll in terms of section 17 (4), as the case may be, is restored to the register or roll.

(4) If—

(a) it appears to the judge from the documents submitted to him in terms of section 18 (3) of the Mental Health Act, 1973 (Act No. 18 of 1973), or it is brought to his notice in any other manner, that the person to whom the documents relate is a person registered or enrolled under this Act and such person is declared mentally ill as contemplated in section 19 (1) (b) of the said Mental Health Act; or
 (b) it is brought to the notice of a court that an accused person appearing before it is registered or enrolled in terms of this Act, and the court in terms of section 77 (6) or 78 (6) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), directs that the accused person be detained pending the signification of the decision of the State President,

the judge shall direct that a copy of the order declaring the person concerned mentally ill, or the court shall direct that a copy of the direction that the accused person be detained pending the signification of the decision of the State President, be transmitted to the registrar, and the registrar shall on receipt of the copy remove the name of the person concerned from the register or roll.

(5) The name of a person whose name has in terms of this section been removed from the register or roll, or an entry removed from the register or roll in terms of section 17 (4), shall be restored to the register or roll by the registrar if the person concerned—

(a) applies on the prescribed form for such restoration;
 (b) pays any fee prescribed in respect of such restoration;
 (c) where his name has been removed from the register or roll in terms of subsection (4), submits proof to the satisfaction of the council of his discharge in terms of the provisions of the Mental Health Act, 1973, from the institution at which he was detained; and
 (d) complies with such other requirements as the council may determine.

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Bewaring en
publikasie van
registers en rolle.

19. Die registers en rolle word in die kantoor van die raad gehou, en die registrateur moet, by tussenpose wat die raad bepaal en ooreenkomstig die opdragte en die magtiging van die raad, afskrifte van die registers en rolle en van enige aanvullende lysste wat enige wysigings, toevoegings, hersienings en skrappings aantoon wat gedoen is sedert die laaste publikasie van die volledige registers en rolle, laat druk en publiseer. 5

Kwitansie as bewys.

20. 'n Kwitansie deur of namens die raad uitgereik ten opsigte van die betaling van jaargelde is in regsverrigtinge *prima facie*-bewys dat so iemand ooreenkomstig die bepalinge van 10 hierdie Wet geregistreer of ingeskryf is: Met dien verstande dat in die geval van iemand wie se naam—

- (a) in so 'n register of rol verskyn, maar wat nie in staat is om bedoelde kwitansie voor te lê nie, 'n sertifikaat deur die registrateur onderteken bewys is dat bedoelde 15 persoon kragtens die bepalinge van hierdie Wet geregistreer of ingeskryf is;
- (b) uit die register of rol geskrap is sedert die datum van uitreiking van bedoelde kwitansie en nie op die register of rol teruggeplaas is nie, 'n sertifikaat deur die 20 registrateur onderteken dat die naam van daardie persoon uit die register of rol geskrap is, bewys is dat bedoelde persoon nie kragtens die bepalinge van hierdie Wet geregistreer of ingeskryf is nie.

Beperkte registrasie.

21. (a) Die raad kan enigiemand vir 'n tydperk van hoogstens 25 twee jaar as 'n verpleegkundige registreer wat—

- (i) in 'n land of staat buite die Republiek as verpleegkundige geregistreer is op grond van kwalifikasies aldaar verwerf nadat hy onderrig en opleiding ontvang het vir 'n tydperk van minstens die 30 voorgeskrewe tydperk;
- (ii) nie op registrasie as 'n verpleegkundige ingevolge artikel 16 geregtig is nie omdat hy nie onderrig en opleiding vir die voorgeskrewe tydperk of onderrig en opleiding van die voorgeskrewe aard ten opsigte 35 van die een of ander vertakking van verpleging ontvang het nie; en
- (iii) verdere onderrig en opleiding van hoogstens ses maande moet ontvang ten einde aan die voorgeskrewe vereistes ten opsigte van die tydperk of 40 aard van onderrig en opleiding te voldoen:

Met dien verstande dat 'n verpleegkundige aldus geregistreer, nie sy beroep mag uitoefen ten opsigte van die vertakking van verpleging wat die raad bepaal of as 'n lid van die raad of van 'n komitee van die raad 45 aangestel of verkies mag word of mag deelneem aan die verkiesing van lede van die raad ingevolge artikel 5 (1) (h) nie.

- (b) Iemand wat ingevolge hierdie subartikel geregistreer is en wat vir wins praktiseer in 'n vertakking van 50 verpleging ten opsigte waarvan hy nie sy beroep mag uitoefen nie, is aan 'n misdryf skuldig.

Registrasie van
addisionele
kwalifikasies.

22. (1) Iemand wat ingevolge artikel 16 geregistreer is en wat 'n addisionele kwalifikasie wil registreer, is, indien hy die voorgeskrewe voorwaardes nakom en die voorgeskrewe besonderhede 55 verstrek, behoudens die bepalinge van subartikel (2), geregtig om so 'n kwalifikasie by betaling van die voorgeskrewe gelde as 'n addisionele kwalifikasie te registreer.

(2) Slegs die kwalifikasies wat voorgeskryf is, kan ingevolge hierdie artikel geregistreer word. 60

(3) Geen geregistreeerde persoon mag op enige wyse hoe-genaamd 'n naam, titel, beskrywing of teken aanneem, gebruik of bekend maak, wat aandui, of wat bereken is om persone te laat aflei, dat hy 'n geregistreeerde professionele kwalifikasie besit wat nie in verband met sy naam in die register aangedui word nie. 65

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19. The registers and rolls shall be kept at the office of the council, and the registrar shall, at intervals to be determined by the council and in accordance with the instructions and the authority of the council, cause copies of the registers and rolls and 5 of any supplementary lists showing any alterations, additions, revisions and deletions made since the last publication of the complete registers and rolls, to be printed and published.

Custody and
publication of
registers and rolls.

20. A receipt issued by or on behalf of the council in respect of the payment of annual fees shall be *prima facie* proof in legal 10 proceedings that such person is registered or enrolled according to the provisions of this Act: Provided that in the case of any person whose name—

Receipt as proof.

(a) appears in such register or roll, but who is unable to produce such receipt, a certificate under the hand of the registrar shall be proof that such person is registered or 15 enrolled under the provisions of this Act;

(b) has been removed from the register or roll since the date of issue of such receipt and has not been restored to the register or roll, a certificate under the hand of the registrar that the name of such person has been removed 20 from the register or roll, shall be proof that such person is not registered or enrolled under the provisions of this Act.

21. (a) The council may register as a nurse for a period not exceeding two years any person who— Limited registration.

(i) is registered as a nurse in a country or state outside the Republic by virtue of qualifications obtained there after undergoing education and training for a period of not less than the period prescribed;

(ii) is not entitled to registration as a nurse in terms of section 16 because he has not undergone education and training for the period prescribed or education and training of the nature prescribed in respect of some branch of nursing; and

(iii) is required to undergo further education and training not exceeding six months in order to comply with the requirements prescribed in respect of the period or nature of education and training;

Provided that a nurse so registered may not exercise his profession in respect of such branch of nursing as may be determined by the council, or be appointed or elected as a member of the council or of a committee of the council, or participate in the election of members of the council in terms of section 5 (1) (h).

(b) A person registered under this subsection and who practises for gain in a branch of nursing in respect of which he may not exercise his profession, shall be guilty of an offence.

22. (1) A person registered under section 16 who wishes to register an additional qualification shall, if he complies with the prescribed conditions and furnishes the prescribed particulars, be entitled, subject to the provisions of subsection (2), to register such qualification as an additional qualification upon payment of the prescribed fee.

Registration of
additional
qualifications.

(2) Only such qualifications as may be prescribed may be registered under this section.

(3) No registered person shall in any way whatsoever take, use or publish any name, title, description or symbol which indicates, or which is calculated to lead persons to infer, that he holds a 60 registered professional qualification which is not shown in the register in connection with his name.

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(4) Die raad kan 'n in subartikel (1) bedoelde geregistreerde kwalifikasie uit die register skrap, indien die naam van die besitter daarvan ten opsigte van daardie kwalifikasie verwyder is van die rol, register of rekords van die universiteit, hospitaal, kollege, genootskap of ander liggaaam van wie die besitter daardie 5 kwalifikasie ontvang het.

Registrasie van
studentverpleeg-
kundiges
en -vroedvroue.

23. (1) Die raad moet iemand wat onderrig en opleiding aan 'n goedgekeurde verpleegskool ontvang en die voorgeskrewe voorwaardes nagekom en die voorgeskrewe besonderhede verstrek het, as 'n student vir 'n addisionele kwalifikasie of as 'n studentverpleegkundige of -vroedvrou, registreer. 10

(2) Elke persoon moet by die aanvang of hervatting van onderrig en opleiding as 'n studentverpleegkundige of -vroedvrou by 'n goedgekeurde verpleegskool, aansoek doen om registrasie by die raad. 15

(3) Die persoon in beheer van 'n goedgekeurde verpleegskool moet die raad onverwyld van die beëindiging van die onderrig en opleiding van 'n studentverpleegkundige of -vroedvrou in kennis stel, hetsy weens staking of voltooiing van onderrig en opleiding of weens 'n oorplasing of om 'n ander rede. 20

Inskrywing van
leerlingverpleeg-
kundiges en leerling-
verpleegassistent.

24. (1) Die raad moet iemand wat onderrig en opleiding aan 'n goedgekeurde verpleegskool ontvang en die voorgeskrewe voorwaardes nagekom en die voorgeskrewe besonderhede verstrek het, as 'n leerlingverpleegkundige of 'n leerlingverpleegassistent inskryf. 25

(2) Elke persoon moet by die aanvang of hervatting van onderrig en opleiding as 'n leerlingverpleegkundige of 'n leerlingverpleegassistent aan 'n goedgekeurde verpleegskool, aansoek doen om inskrywing by die raad.

(3) Die persoon in beheer van 'n goedgekeurde verpleegskool moet die raad onverwyld van die beëindiging van die onderrig en opleiding van 'n leerlingverpleegkundige of 'n leerlingverpleegassistent in kennis stel, hetsy weens staking of voltooiing van onderrig en opleiding of weens 'n oorplasing of om 'n ander rede.

Raad kan registrasie
of inskrywing weier.

25. Ondanks enige bepaling van hierdie Wet kan die raad weier 35 om iemand ingevolge artikel 16, 23 of 24 te registreer of in te skryf, of om die naam van iemand op 'n register of 'n rol terug te plaas, indien, na die oordeel van die raad, so iemand, uit hoofde van 'n skuldigbevinding in die Republiek of elders aan 'n voorgeskrewe misdryf, nie geskik is om as 'n geregistreerde verpleegkundige, 'n vroedvrou, 'n ingeskrewe verpleegkundige of 'n verpleegassistent, na gelang van die geval, te praktiseer of om opleiding as 'n geregistreerde verpleegkundige, 'n vroedvrou, 'n ingeskrewe verpleegkundige of 'n verpleegassistent te ontvang nie. 45

Geregistreerde of
ingeskrewe persone
mag sekere titels
gebruik.

26. Iemand wat geregistreer of ingeskryf is, kan die titel „Geregistreerde Verpleegkundige”, „Geregistreerde Vroedvrou”, „Ingeskrewe Verpleegkundige”, „Ingeskrewe Vroedvrou” of „Ingeskrewe Verpleegassistent”, na gelang van die geval, gebruik. 50

HOOFSTUK 3

MISDRYWE DEUR PERSONE NIE GEREJISTREER OF INGESKRYF NIE

Strawwe vir
praktiseer as 'n
geregistreerde
verpleegkundige,
vroedvrou,
ingeskrewe
verpleegkundige of
verpleegassistent of
vir verrigting van
sekere ander
handelinge terwyl nie
geregistreer of
ingeskryf nie.

27. (1) Iemand wat nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—

- (a) wat gebruik maak van 'n titel wat slegs deur 'n in daardie hoedanigheid geregistreerde of ingeskrewe persoon gebruik mag word, hetsy hy van die titel alleen of in verbinding met 'n woord of letter gebruik maak;
- (b) wat regstreeks of onregstreeks hom voordoen of toelaat dat hy voorgedhou word as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is; of 60

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(4) The council may remove from the register any registered qualification referred to in subsection (1), if in respect of such qualification the name of the holder thereof has been removed from the roll, register or record of the university, hospital, college, society or other body from which the holder received such qualification.

23. (1) The council shall register as a student for an additional qualification, or as a student nurse or a student midwife, a person undergoing education and training at an approved nursing school, who has complied with the prescribed conditions and has furnished the prescribed particulars.

Registration of student nurses and student midwives.

(2) Every person shall on commencing or resuming education and training as a student nurse or a student midwife at an approved nursing school, apply for registration with the council.

(3) The person in charge of an approved nursing school shall forthwith notify the council of the termination of the education and training of a student nurse or a student midwife, whether by reason of abandonment or completion of education and training or a transfer or for any other reason.

24. (1) The council shall enrol as a pupil nurse or a pupil nursing assistant a person undergoing education and training at an approved nursing school, who has complied with the prescribed conditions and has furnished the prescribed particulars.

Enrolment of pupil nurses and pupil nursing assistants.

(2) Every person shall on commencing or resuming education and training as a pupil nurse or a pupil nursing assistant at an approved nursing school, apply for enrolment with the council.

(3) The person in charge of an approved nursing school shall forthwith notify the council of the termination of the education and training of a pupil nurse or a pupil nursing assistant, whether by reason of abandonment or completion of education and training or a transfer or for any other reason.

25. Notwithstanding any provision of this Act, the council may refuse to register or enrol any person under section 16, 23 or 24, or to restore the name of any person to a register or roll, if, in the opinion of the council, such person is by reason of a conviction, in the Republic or elsewhere, for a prescribed offence, not fit to practise as a registered nurse, a midwife, an enrolled nurse or a nursing assistant, as the case may be, or to undergo education and training as a registered nurse, a midwife, an enrolled nurse or a nursing assistant.

Council may refuse registration or enrolment.

26. A person who is registered or enrolled may use the title "Registered Nurse", "Registered Midwife", "Enrolled Nurse", "Enrolled Midwife" or "Enrolled Nursing Assistant", as the case may be.

Persons registered or enrolled may use certain titles.

45

CHAPTER 3

OFFENCES BY PERSONS NOT REGISTERED OR ENROLLED

27. (1) A person who is not registered or enrolled in a particular capacity—

- (a) who makes use of a title which only a person who is registered or enrolled in that capacity may use, whether he makes use of such title alone or in combination with any word or letter;
- (b) who holds himself out or permits himself to be held out, directly or indirectly, as being registered or enrolled in that capacity; or

Penalties for practising as registered nurse, midwife, enrolled nurse or nursing assistant or for performing certain other acts while not registered or enrolled.

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- (c) wat 'n uniform, wapen of ander onderskeidingsteken, of 'n misleidende namaaksel daarvan, dra wat voorgeskryf is ten opsigte van 'n persoon wat in daardie hoedanigheid geregistreer of ingeskryf is, 5
is aan 'n misdryf skuldig.
- (2) Behoudens die bepalings van subartikel (4) en van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974 (Wet No. 56 van 1974), is iemand—
- (a) wat nie as 'n verpleegkundige geregistreer of as 'n verpleegkundige of 'n verpleegassistent ingeskryf is nie 10
en wat vir wins 'n handeling verrig wat op die beroep van verpleging betrekking het;
- (b) wat nie as 'n vroedvrou geregistreer of ingeskryf is nie 15
en wat vir wins 'n handeling verrig wat op die beroep van verloskunde betrekking het; of
- (c) wat nie as vroedvrou geregistreer of ingeskryf is nie 20
en wat die geslagsdele van 'n vrou inwendig ondersoek in die behandeling van die vrou ten opsigte van 'n toestand wat uit of in verband met swangerskap ontstaan,
aan 'n misdryf skuldig.
- (3) Iemand wat, terwyl hy weet dat 'n ander persoon nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—
- (a) daardie persoon beskryf as die besitter van 'n titel wat slegs deur 'n in daardie hoedanigheid geregistreerde of ingeskrewe persoon gebruik mag word, hetsy hy die 25
ander persoon beskryf deur gebruik te maak van die titel alleen of in verbinding met 'n woord of letter; of
- (b) daardie persoon regstreeks of onregstreeks voorhou as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is, 30
is aan 'n misdryf skuldig.
- (4) (a) Die bepalings van subartikel (2) (a) en (b) is nie van toepassing nie met betrekking tot—
- (i) 'n studentverpleegkundige of -vroedvrou ingevolge artikel 23 geregistreer, of 'n leerlingverpleegkundige of 'n leerlingverpleegassistent ingevolge artikel 24 ingeskryf, terwyl werksaam in die loop van sy onderrig en opleiding;
- (ii) iemand wat die voorgeskrewe tydperk van onderrig en opleiding voltooi het en wat reeds die eindeksamen afgelê het, of dit op die eerste beskikbare geleentheid na sodanige voltooiing sal aflê, vir 'n kwalifikasie wat, indien deur hom verkry, hom die reg sal verleen om geregistreer of ingeskryf te word, na gelang van die geval, tot tyd en wyl hy 45
deur die registrateur in kennis gestel word dat hy in bedoelde eksamen gedruip het of dat hy by die raad geregistreer of ingeskryf is;
- (iii) 'n lid van die Suid-Afrikaanse Noodhulppliga, die Suid-Afrikaanse Rooikruisvereniging of die „St. 50
John Ambulance Association”, terwyl werksaam binne die bestek van die oogmerke, en onder die regstreekse beheer, van die betrokke organisasie;
- (iv) iemand wat in 'n noodgeval hulp verleen;
- (v) enige ander voorgeskrewe klas of klasse persone. 55
- (b) 'n In paragraaf (a) (ii) bedoelde persoon word, terwyl daardie paragraaf op hom van toepassing is, by die toepassing van Hoofstuk 4 geag geregistreer of ingeskryf te wees, na gelang van die geval.

HOOFSTUK 4

60

TUGBEVOEGDHEDE VAN DIE RAAD

Ondersoek deur raad na beskuldigings van wangedrag.

28. (1) Die raad kan ondersoek instel na 'n klagte, beskuldiging of bewering van onbetaamlike of skandelijke gedrag teen iemand wat kragtens hierdie Wet geregistreer of ingeskryf is en kan, by skuldigbevinding van so iemand aan sodanige gedrag, enige van 65
die in artikel 29 (1) bedoelde strawwe opleë. Met dien verstande dat in die geval van 'n klagte, beskuldiging of bewering wat die

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- (c) who wears a uniform, badge or other distinguishing device, or any misleading imitation thereof, prescribed in respect of a person registered or enrolled in that capacity,
 5 shall be guilty of an offence.
- (2) Subject to the provisions of subsection (4) and the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), a person—
- 10 (a) who is not registered as a nurse or enrolled as a nurse or a nursing assistant and who for gain performs any act pertaining to the profession of nursing;
- (b) who is not registered or enrolled as a midwife and who for gain performs any act pertaining to the profession of midwifery; or
- 15 (c) who is not registered or enrolled as a midwife and who makes any internal examination of the genitals of a woman while attending to the woman in relation to a condition arising out of or in connection with pregnancy,
 20 shall be guilty of an offence.
- (3) A person who, knowing that another person is not registered or enrolled in a particular capacity—
- (a) describes such person as the holder of a title which only a person who is registered or enrolled in that capacity
 25 may use, whether he describes such other person by making use of such title alone or in combination with any word or letter; or
- (b) holds such other person out, directly or indirectly, as being registered or enrolled in that capacity,
 30 shall be guilty of an offence.
- (4) (a) The provisions of subsection (2) (a) and (b) shall not apply with reference to—
- (i) a student nurse or a student midwife registered
 35 under section 23, or a pupil nurse or a pupil nursing assistant enrolled under section 24, while acting in the course of his education and training;
- (ii) any person who has completed the prescribed period of education and training and who has taken or will at the first available opportunity after such
 40 completion take the final examination for a qualification which, if obtained by him would entitle him to be registered or enrolled, as the case may be, until such time as he is advised by the registrar that he has failed the said examination or that he
 45 has been registered or enrolled with the council;
- (iii) a member of the "Suid-Afrikaanse Noodhulp Liga", the South African Red Cross Society or the St. John Ambulance Association, while acting within the scope of the objects, and under the direct
 50 control, of the organization concerned;
- (iv) a person rendering assistance in a case of emergency;
- (v) any other prescribed class or classes or persons.
- (b) Any person referred to in paragraph (a) (ii) shall, while
 55 that paragraph applies to him, be deemed for the purposes of Chapter 4 to be registered or enrolled, as the case may be.

CHAPTER 4

DISCIPLINARY POWERS OF THE COUNCIL

- 60 28. (1) The council may institute an inquiry into any complaint, charge or allegation of improper or disgraceful conduct against any person registered or enrolled under this Act and, on finding such person guilty of such conduct, may impose any of the penalties referred to in section 29 (1); Provided that in the case of
 65 a complaint, charge or allegation which forms or is likely to form

Inquiry by council
 into charges of
 misconduct.

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onderwerp van 'n strafsak in 'n geregshof uitmaak of waarskynlik sal uitmaak, die raad die hou van 'n ondersoek kan uitstel totdat daardie sak afgehandel is.

(2) Wanneer die raad in twyfel verkeer of 'n ondersoek gehou behoort te word, kan hy in verband met die betrokke klagte, 5 beskuldiging of bewering oorleg pleeg met, of inligting inwin van, enige persoon, met inbegrip van die persoon teen wie die klagte, beskuldiging of bewering ingedien is.

Aangeleenthede vir,
en prosedure by,
ondersoek deur raad.

29. (1) Iemand wat kragtens hierdie Wet geregistreer of ingeskryf is wat, na ondersoek, skuldig bevind word weens 10 onbetaamlike of skandelijke gedrag, of gedrag wat, indien so iemand se beroep in ag geneem word, onbetaamlik of skandelijk is, is strafbaar met die een of ander van die volgende strawwe—

- (a) 'n waarskuwing of 'n berisping of 'n berisping en 'n 15 waarskuwing; of
- (b) skorsing, vir 'n vasgestelde tydperk, in sy praktyk of die verrigting van handelinge wat besonderlik op sy beroep betrekking het; of
- (c) skrapping van sy naam uit die register of rol; of
- (d) in die geval van 'n studentverpleegkundige of 20 -vroedvrou of 'n leerlingverpleegkundige of -verpleegassistent, verlenging van die voorgeskrewe tydperk van onderrig en opleiding.

(2) Iemand wie se gedrag ingevolge artikel 28 ondersoek word, moet die geleentheid gebied word om, òf self òf deur sy 25 regsvertegenwoordiger, op die beskuldiging te antwoord en sy verdediging aan te voer.

(3) 'n Straf kragtens subartikel (1) opgelê, word op skrif gestel en deur die president van die raad onderteken en aan die voorgeskrewe liggame en persone bekend gemaak, en daarna 30 word met daardie geskrif op die voorgeskrewe wyse gehandel.

(4) (a) Die raad of 'n in artikel 11 (1) (a) bedoelde komitee kan, vir die doeleindes van 'n ondersoek, getuienis afneem en kan, onder die handtekening van die president van die raad of die voorsitter van so 'n komitee of die 35 registrateur, 'n getuie dagvaar en die voorlegging van enige boek, aantekening, dokument of voorwerp eis, en kan, deur die president of so 'n voorsitter, 'n eed aan 'n getuie oplê of 'n bevestiging van hom neem, en kan 'n boek, aantekening, dokument of voorwerp ondersoek 40 waarvan die voorlegging van 'n getuie vereis is.

(b) 'n Dagvaarding om as 'n getuie voor die raad of die komitee te verskyn of om aan hom 'n boek, aantekening, dokument of voorwerp voor te lê, moet so na as moontlik in die voorgeskrewe vorm wees en moet 45 beteken word deur versending per pos in 'n aangetekende brief of op dieselfde wyse as dié waarop dit beteken sou gewees het indien dit 'n getuiedagvaarding was wat by 'n landdroshof uitgereik is.

(c) Iemand wat ingevolge hierdie subartikel gedagvaar 50 word, is verplig om aan die dagvaarding gehoor te gee en iemand wat, nadat hy behoorlik gedagvaar is—

- (i) weier, of sonder genoegsame rede versuim om op die in die dagvaarding vermelde tyd en plek aanwesig te wees en by die ondersoek tersaaklike 55 getuienis te lewer;
- (ii) weier om die eed af te lê of om 'n bevestiging te doen wanneer hy deur die president of die voorsitter daartoe versoek word;
- (iii) weier om 'n boek, aantekening, dokument of 60 voorwerp voor te lê wat hy ingevolge die dagvaarding aangesê is om voor te lê; of
- (iv) voor die raad of die komitee verskyn maar weier om 'n vraag wettig aan hom gestel, te beantwoord of volledig en bevredigend na sy beste wete en 65 oortuiging te beantwoord,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand: Met dien verstande dat iemand wat aldus gedagvaar is, op al

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the subject of a criminal case in a court of law, the council may postpone the holding of an inquiry until such case has been disposed of.

(2) Whenever the council is in doubt as to whether an inquiry should be held, it may in connection with the complaint, charge or allegation in question consult with, or seek information from, any person, including the person against whom the complaint, charge or allegation has been lodged.

29. (1) Any person registered or enrolled under this Act who, after inquiry, is found guilty of improper or disgraceful conduct, or conduct which, when regard is had to such person's profession, is improper or disgraceful, shall be liable to one or other of the following penalties—

Matters for, and
procedure at, inquiry
by council.

- (a) a caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from practising or performing acts specially pertaining to his profession; or
- (c) removal of his name from the register or roll; or
- (d) in the case of a student nurse, student midwife, pupil nurse or pupil nursing assistant, extension of the prescribed period of education and training.

(2) Any person whose conduct is being inquired into under section 28, shall be afforded an opportunity, by himself or through his legal representative, of answering the charge and of being heard in his defence.

(3) Any penalty imposed under subsection (1) shall be reduced to writing, shall be signed by the president of the council and shall be made known to the bodies and persons prescribed, and thereafter such writing shall be dealt with in the prescribed manner.

(4) (a) The council or a committee referred to in section 11 (1) may, for the purposes of an inquiry, take evidence and may, under the hand of the president of the council or the chairman of such committee or the registrar, summon any witness and require the production of any book, record, document or thing, and may, through the president or such chairman, administer an oath to, or take an affirmation from, any witness, and may examine any book, record, document or thing which a witness has been required to produce.

(b) A summons to appear before the council or the committee as a witness or to produce to it any book, record, document or thing, shall be, as nearly as practicable, in the prescribed form and shall be served either by registered letter sent through the post or in the same manner as it would have been served if it had been a subpoena issued out of a magistrate's court.

(c) Any person summoned under this subsection shall be bound to obey the summons and 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;
- (ii) refuses to take the oath or to make an affirmation when required by the president or the chairman to do so;
- (iii) refuses to produce any book, record, document or thing which he has in terms of the summons been required to produce; or
- (iv) attends before the council or committee but refuses to answer, or to answer fully and satisfactorily to the best of his knowledge and belief, any question lawfully put to him,

shall be guilty of an offence and on conviction liable to a fine not exceeding one hundred rand: Provided that a person so summoned shall be entitled to all the

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die privilegies geregtig is waarop 'n getuie wat gedagvaar is om voor 'n provinsiale afdeling van die Hooggeregshof getuienis af te lê, geregtig is.

(5) Die president van die raad, waar die raad self 'n ondersoek hou, of die voorsitter van 'n komitee van die raad, waar so 'n komitee 'n ondersoek hou kragtens bevoegdheid wat deur die raad aan hom gedelegeer is, kan iemand met voldoende ondervinding van die regspleging as assessor by so 'n ondersoek aanstel om die raad of so 'n komitee, na gelang van die geval, in verband met regsvrae, prosedure of bewyslewering van advies te dien. 10

(6) Die raad kan op die voorwaardes wat hy bepaal—

(a) 'n skorsing ingevolge subartikel (1) gedoen, voor die verstryking van die vasgestelde tydperk beëindig;

(b) by betaling van die voorgeskrewe gelde 'n naam op die register of rol terugplaas wat daaruit geskrap is. 15

(7) In 'n geval waarin die getuienis ter ondersteuning van 'n klagte, beskuldiging of bewering dokumentêr van aard is, en in enige ander geval wat die raad goed ag, kan die registrateur as *pro forma*-klaer ingevolge hierdie artikel optree.

Uitstel van oplegging, en opskorting van tenuitvoerlegging, van straf.

30. (1) Waar die raad 'n persoon in artikel 29 (1) bedoel, 20 skuldig bevind aan gedrag daarin vermeld, kan hy—

(a) die oplegging van 'n straf uitstel vir die tydperk en op die voorwaardes wat hy bepaal; of

(b) 'n straf vermeld in artikel 29 (1) (b) of (c) oplê maar beveel dat die tenuitvoerlegging van die straf opgeskort 25 word vir die tydperk en op die voorwaardes wat hy bepaal.

(2) (a) Indien die raad oortuig is, na afloop van die tydperk waarvoor die oplegging van 'n straf ingevolge subartikel (1) (a) uitgestel is, dat die betrokke persoon al die 30 toepaslike voorwaardes nagekom het, moet die raad hom meedeel dat geen straf hom opgelê gaan word nie.

(b) Indien die tenuitvoerlegging van 'n straf ingevolge subartikel (1) (b) opgeskort is en die raad oortuig is dat die betrokke persoon gedurende die hele tydperk van die 35 opskorting al die toepaslike voorwaardes nagekom het, moet die raad hom meedeel dat die tenuitvoerlegging van die straf nie in werking gestel sal word nie.

(c) Indien die tenuitvoerlegging van 'n straf opgeskort is ingevolge subartikel (1) (b) en die betrokke persoon 40 versuim om enige van die voorwaardes van opskorting na te kom, moet die raad die straf ten uitvoer lê tensy sodanige persoon die raad oortuig dat die nie-nakoming van die betrokke voorwaarde te wyte was aan omstandighede buite sy beheer. 45

Gevolg van skorsing, of skraping uit register of rol.

31. Iemand wat geskors is of wie se naam uit die register of rol geskrap is ingevolge artikel 29, is, indien sy beroep een is wat nie wettig kragtens hierdie Wet deur 'n persoon beoefen kan word wat nie geregistreer of ingeskryf is nie, onbevoeg om sy beroep te beoefen, en sy registrasie- of inskrywingsertifikaat word geag 50 ingetrek te wees, totdat die tydperk van skorsing verstryk het of totdat sy naam deur die raad op die register of rol teruggeplaas is, na gelang van die geval.

Kennisname deur raad van gedrag van geregistreerde of ingeskrewe persone onder sekere omstandighede.

32. (1) Daar kan ingevolge die bepalings van hierdie Hoofstuk deur die raad opgetree word teen 'n geregistreerde of ingeskrewe 55 persoon wat, hetsy voor of na registrasie of inskrywing, deur 'n geregshof in die Republiek of elders aan 'n misdryf skuldig bevind word, indien die raad van oordeel is dat daardie misdryf gedrag uitmaak soos in artikel 29 (1) bedoel, en so 'n persoon is, by bewys van die skuldigbevinding, strafbaar met die een of ander 60 van die strawwe bedoel in daardie artikel: Met dien verstande dat 'n geleentheid aan so 'n persoon voor strafoplegging gebied word om aan die raad 'n verduideliking te verstrek ter verontskuldiging van die betrokke gedrag.

(2) Wanneer dit in die loop van strafregtelike of geregtelike 65 doodsondersoekverrigtinge vir die hof of landdros, na gelang van die geval, blyk dat daar *prima facie*-bewys is van die in artikel 29

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privileges to which a witness subpoenaed to give evidence before a provincial division of the Supreme Court is entitled.

(5) The president of the council, where the council itself holds an inquiry, or the chairman of a committee of the council, where such committee holds an inquiry under powers delegated to it by the council, may appoint a person with adequate experience in the administration of justice as an assessor at such an inquiry to advise the council or such committee, as the case may be, on matters of law, procedure or evidence.

(6) The council may on such conditions as it may determine—

- (a) terminate any suspension under subsection (1) before the expiry of the specified period;
- (b) on payment of the prescribed fee, restore to the register or roll any name which has been removed therefrom.

(7) In any case in which the evidence in support of any complaint, charge or allegation is of a documentary nature, and in any other case which the council may think fit, the registrar may act as *pro forma* complainant in terms of this section.

30. (1) Where the council finds a person referred to in section 29 (1) guilty of conduct referred to therein, it may—
- (a) postpone for such period and on such conditions as it may determine, the imposition of a penalty; or
 - (b) impose any penalty mentioned in section 29 (1) (b) or
 - (c) but order the execution of the penalty to be suspended for such period and on such conditions as it may determine.
- (2) (a) If at the end of the period for which the imposition of a penalty has been postponed in terms of subsection (1) (a), the council is satisfied that the person concerned has observed all the relevant conditions, the council shall inform him that no penalty will be imposed upon him.
- (b) If the execution of a penalty has been suspended in terms of subsection (1) (b) and the council is satisfied that the person concerned has observed all the relevant conditions throughout the period of suspension, the council shall inform him that the execution of the penalty will not be put into operation.
- (c) If the execution of a penalty has been suspended in terms of subsection (1) (b) and the person concerned fails to observe any of the conditions of suspension, the council shall put the penalty into operation unless such person satisfies the council that the non-observance of the condition in question was due to circumstances beyond his control.

Postponement of imposition, and suspension of operation, of penalty.

31. Any person who has been suspended or whose name has been removed from the register or roll in terms of section 29 shall, if his profession is one which cannot be lawfully carried on under this Act by a person who is not registered or enrolled, be disqualified from carrying on his profession, and his registration or enrolment certificate shall be deemed to be withdrawn, until the period of suspension has expired or until his name has been restored to the register or roll by the council, as the case may be.

Effect of suspension, or removal from register or roll.

32. (1) Any registered or enrolled person who, either before or after registration or enrolment, is convicted of any offence by a court of law in the Republic or elsewhere, may be dealt with by the council in terms of the provisions of this Chapter if the council is of the opinion that such offence constitutes conduct referred to in section 29 (1), and such person shall be liable on proof of the conviction to one or other of the penalties referred to in that section: Provided that such person shall, before imposition of any penalty, be afforded an opportunity of tendering an explanation to the council in extenuation of the conduct in question.

Cognizance by council of conduct of registered or enrolled persons under certain circumstances.

(2) Whenever in the course of any criminal or inquest proceedings it appears to the court or magistrate, as the case may be, that there is *prima facie* proof of conduct referred to in section

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(1) bedoelde gedrag aan die kant van 'n geregistreerde of ingeskrewe persoon, gelas die hof of landdros dat 'n afskrif van die oorkonde van die verrigtinge, of dié gedeelte daarvan wat by die gedrag tersaaklik is, aan die raad gestuur word.

Straf vir valse getuienis.

33. Iemand wat by 'n ondersoek wat kragtens hierdie Hoofstuk 5 gehou word valse getuienis onder eed of bevestiging aflê met die wete dat daardie getuienis vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat ten opsigte van die misdryf meened van toepassing is.

Beperking van aanspreeklikheid.

34. Behoudens die bepalinge van hierdie Wet, kan geen 10 regsgeding, hetsy siviël of strafregtelik, ingestel word teen die raad of 'n komitee van die raad of 'n lid of beamppte daarvan ten opsigte van 'n handeling te goeder trou verrig of plig uitgevoer ooreenkomstig hierdie Hoofstuk nie.

Handelinge of versuime ten opsigte waarvan tugstappe gedoen kan word.

35. Die Minister moet van tyd tot tyd, op aanbeveling van die 15 raad, by kennisgewing in die *Staatskoerant* die handelinge of versuime uiteensit ten opsigte waarvan die raad tugstappe kragtens hierdie Hoofstuk kan doen: Met dien verstande dat die bevoegdhede van die raad om kragtens hierdie Hoofstuk ondersoek in te stel na en stappe te doen ten opsigte van 'n klagte, beskuldiging of 20 bewering, nie beperk is tot die handelinge of versuime aldus uiteengesit nie.

Beperking van praktyk, of skorsing, van geregistreerde of ingeskrewe persoon.

36. (1) Wanneer dit vir die raad blyk dat iemand wat kragtens hierdie Wet geregistreer of ingeskryf is—

- (a) verstandelik of liggaamlik in so 'n mate onbekwaam 25 geword het dat dit vir die openbare belang nadelig sou wees om hom toe te laat om sy praktyk voort te sit;
- (b) ongeskik geword het om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, toe te dien, voor te skryf, te bestel, te verskaf of te besit; 30
- (c) 'n gelyste stof gereeld vir ander boeleindes, behalwe as geneesmiddel, gebruik, besit, voorgeskryf, toegedien of verskaf het; of

(d) aan die gebruik van 'n gelyste stof verslaaf geraak het, moet die raad die saak laat ondersoek en kan, indien hy dit nodig 35 ag, 'n ondersoek *mutatis mutandis* ooreenkomstig die bepalinge van artikel 28 en die regulasies ten opsigte van so 'n persoon hou.

(2) Indien die raad bevind, nadat hy 'n ondersoek kragtens subartikel (1) gehou het, dat enige omstandigheid beoog in paragraaf (a), (b), (c) of (d) van daardie subartikel ten opsigte van 40 die betrokke persoon bestaan, kan hy by bevel—

- (a) in die geval van 'n persoon ten opsigte van wie enige omstandigheid beoog in paragraaf (a) van subartikel (1) bestaan—

(i) daardie persoon vir 'n vasgestelde tydperk skors in 45 die beoefening van sy beroep of die verrigting van 'n handeling wat besonderlik op sy beroep betrekking het; of

(ii) die voorwaardes oplê wat hy goedvind, onderworpe waaraan daardie persoon geregtig sal wees 50 om voort te gaan met die beoefening van sy beroep; of

- (b) in die geval van 'n persoon ten opsigte van wie enige omstandigheid beoog in paragraaf (b), (c) of (d) van subartikel (1) bestaan— 55

(i) aan daardie persoon enige van die strawwe bedoel in artikel 29 (1) oplê;

(ii) daardie persoon vir 'n vasgestelde tydperk verbied om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, toe te dien, voor te skryf, te bestel, te 60 verskaf of te besit; of

(iii) die voorwaardes wat hy goedvind vir 'n vasgestelde tydperk oplê onderworpe waaraan daardie persoon geregtig sal wees om 'n gelyste stof te koop, te verkry, aan te hou, te gebruik, toe te dien, voor te 65 skryf, te bestel, te verskaf of te besit.

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29 (1) on the part of a registered or enrolled person, the court or magistrate shall direct that a copy of the record of such proceedings, or such portion thereof as is material to the conduct, be transmitted to the council.

- 5 33. Any person who gives false evidence on oath or affirmation at an inquiry held under this Chapter, knowing such evidence to be false, shall be guilty of an offence and liable on conviction to the penalties that apply in respect of the crime of perjury. Penalty for false evidence.

34. Save as provided in this Act, no legal proceedings, civil or Limitation of liability.
10 criminal, shall lie against the council or a committee of the council or any member or officer thereof in respect of any act done in good faith or duty performed in accordance with this Chapter.

35. The Minister shall from time to time, on the recommenda- Acts or omissions in respect of which disciplinary steps may be taken.
15 tion of the council, by notice in the *Gazette* specify the acts or omissions in respect of which the council may take disciplinary steps under this Chapter: Provided that the powers of the council to inquire into and deal with any complaint, charge or allegation under this Chapter, shall not be limited to the acts or omissions so
20 specified.

36. (1) Whenever it appears to the council that a person Restriction in, or suspension from, practice of registered or enrolled person.
registered or enrolled under this Act—

- (a) has become mentally or physically disabled to such an extent that it would be detrimental to the public interest to allow him to continue to practise;
25 (b) has become unfit to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any scheduled substance;
30 (c) has used, possessed, prescribed, administered or supplied any scheduled substance regularly for other than a medicinal purpose; or
(d) has become addicted to the use of any scheduled substance,

the council shall cause the matter to be investigated and may, if it
35 deems it necessary, hold an inquiry, *mutatis mutandis*, in accordance with the provisions of section 28 and the regulations, in respect of such a person.

(2) If the council, after holding an inquiry under subsection (1), finds that any circumstance contemplated in paragraph (a), (b), (c)
40 or (d) of that subsection exists in respect of the person concerned, it may by order—

- (a) in the case of a person in respect of whom any circumstance contemplated in paragraph (a) of subsection (1) exists—
45 (i) suspend such person for a specified period from practising his profession or performing any act specially pertaining to his profession; or
(ii) impose such conditions as it may deem fit, subject to which such person shall be entitled to continue practising his profession; or
50 (b) in the case of a person in respect of whom any circumstance contemplated in paragraph (b), (c) or (d) of subsection (1) exists—
(i) impose upon such person any of the penalties referred to in section 29 (1);
55 (ii) prohibit such person for a specified period from purchasing, acquiring, keeping, using, administering, prescribing, ordering, supplying or possessing any scheduled substance; or
60 (iii) impose for a specified period such conditions as it may deem fit subject to which such person shall be entitled to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any scheduled substance.

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(3) Die raad kan die geldingsduur van 'n bevel wat hy kragtens subartikel (2) uitgereik het, vir enige tydperk verleng of so 'n bevel intrek of op enige ander manier wysig.

(4) Die bepalings van artikel 31 is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat ingevolge 'n bepaling van subartikel (2) geskors is.

(5) 'n Kragtens hierdie Wet geregistreerde of ingeskrewe persoon wat 'n bevel wat kragtens subartikel (2) gegee is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

HOOFSTUK 5

10

ALGEMENE EN AANVULLENDE BEPALINGS

Verplegingsagentskappe.

37. Iemand wat die saak van verplegingsagentskap voortsit sonder 'n lisensie soos deur hierdie Wet vereis, is aan 'n misdryf skuldig.

Lidmaatskap van verteenwoordigende vereniging.

38. (1) (a) Iedere persoon wat kragtens hierdie Wet geregistreer of ingeskryf is, is 'n lid van die Suid-Afrikaanse Verpleegstersvereniging wat die beroep van verpleging en verloskunde in die Republiek verteenwoordig.

(b) Iemand wat aldus geregistreer of ingeskryf is en wat nie sy beroep beoefen nie, kan deur bedoelde vereniging van enige verpligting teenoor hom vrygestel word.

(2) Iemand wat 'n bepaling van subartikel (1) oortree, of wat versuim om dit na te kom, is aan onbetaamlike of skandelijke gedrag skuldig en by skuldigbevinding strafbaar met enige van die strawwe in artikel 29 (1) bedoel.

(3) (a) By die toepassing van hierdie artikel beteken die Suid-Afrikaanse Verpleegstersvereniging die Suid-Afrikaanse Verpleegstersvereniging ingestel by artikel 30 van die Wet op Verpleging, 1957 (Wet No. 69 van 1957).

(b) Ondanks die bepalings van artikel 46 (1) bly bedoelde Vereniging voortbestaan as 'n regspersoon en reël sy eie sake.

Vorderings deur geregistreerde en ingeskrewe persone.

39. (1) Tensy die omstandighede dit vir hom onmoontlik maak, moet elke ingevolge hierdie Wet geregistreerde of ingeskrewe persoon (in hierdie artikel die praktisyn genoem), voordat hy professionele dienste lewer, die persoon aan wie die diens gelewer gaan word of iemand wat vir die onderhoud van daardie persoon verantwoordelik is, verwittig van die gelde wat hy voornemens is om vir daardie dienste te vorder—

(a) wanneer daartoe deur die betrokke persoon versoek; of
(b) wanneer daardie gelde meer is as die gelde wat gewoonlik vir daardie dienste gevorder word,

en moet in 'n geval waar paragraaf (b) geld die betrokke persoon ook van die gewone gelde verwittig.

(2) 'n Praktisyn wat ten opsigte van professionele dienste deur hom gelewer, betaling van iemand (in hierdie artikel die pasiënt genoem) vorder, moet binne 'n redelike tydperk aan die pasiënt 'n gespesifiseerde rekening verstrek.

(3) (a) Die pasiënt kan, binne drie maande na ontvangs van die in subartikel (2) bedoelde rekening, skriftelik by die raad aansoek doen om die bedrag te bepaal wat volgens die raad se oordeel gevorder moes gewees het ten opsigte van die dienste waarop die rekening betrekking het, en die raad moet bedoelde bedrag so gou doenlik na ontvangs van die aansoek bepaal en die pasiënt en die praktisyn skriftelik van die aldus bepaalde bedrag in kennis stel: Met dien verstande dat alvorens die raad die bedrag bepaal, hy die praktisyn 'n geleentheid moet bied om 'n saak ter steuning van die gevorderde bedrag skriftelik aan hom voor te lê.

(b) 'n Bepaling deur die raad kragtens hierdie artikel gedoen, is afdoende.

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(3) The council may extend for any period the period of operation of any order made under subsection (2), or withdraw or in any other manner amend such order.

(4) The provisions of section 31 shall *mutatis mutandis* apply in respect of any person who has been suspended in terms of any provision of subsection (2).

(5) Any person registered or enrolled under this Act who contravenes or fails to comply with any order made under subsection (2), shall be guilty of an offence.

10

CHAPTER 5

GENERAL AND SUPPLEMENTARY PROVISIONS

37. Any person who carries on the business of a nursing agency without a licence as required by this Act, shall be guilty of an offence. Nursing agencies.

15 38. (1) (a) Every person registered or enrolled in terms of this Act shall be a member of the South African Nursing Association which shall represent the nursing and midwifery profession in the Republic. Membership of representative association.

20 (b) A person so registered or enrolled and who does not carry on his profession, may be exempted by that Association from any liability towards it.

(2) Any person who contravenes or fails to comply with any provision of subsection (1), shall be guilty of improper or disgraceful conduct and on conviction be liable to any of the penalties referred to in section 29 (1).

25 (3) (a) For the purposes of this section the South African Nursing Association means the South African Nursing Association established by section 30 of the Nursing Act, 1957 (Act No. 69 of 1957).

30 (b) The said Association shall, notwithstanding the provisions of section 46 (1), continue to exist as a juristic person and shall regulate its own affairs.

39. (1) Every person registered or enrolled under this Act (in this section referred to as the practitioner) shall, unless the circumstances render it impossible for him to do so, before rendering any professional services, inform the person to whom the services are to be rendered or any person responsible for the maintenance of such person, of the fee which he intends to charge for such services— Charges by registered and enrolled persons.

40 (a) when so requested by the person concerned; or
(b) when such fee exceeds that usually charged for such services,

and shall in a case to which paragraph (b) relates, also inform the person concerned of the usual fee.

45 (2) Any practitioner who in respect of any professional services rendered by him claims payment from any person (in this section referred to as the patient), shall furnish the patient with a detailed account within a reasonable period.

50 (3) (a) The patient may, within three months after receipt of the account referred to in subsection (2), apply in writing to the council to determine the amount which in the opinion of the council should have been charged in respect of the services to which the account relates, and the council shall, as soon as possible after receipt of the application, determine the said amount and notify the practitioner and the patient in writing of the amount so determined: Provided that before the council determines the said amount, it shall afford the practitioner concerned an opportunity to submit to it in writing a case in support of the amount charged.

60 (b) A determination made by the council under this section shall be final.

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- (c) Die Minister kan, na oorlegpleging met die raad, die regulasies uitvaardig wat hy nodig ag met betrekking tot die prosedure wat die raad by afhandeling van 'n aansoek ingevolge hierdie subartikel moet volg.
- (4) 'n Vordering wat die onderwerp is van 'n in subartikel (3) 5 bedoelde aansoek waarvan kennis deur die raad of die pasiënt aan die praktisyn gegee is, is nie verhaalbaar nie totdat 'n bepaling ingevolge daardie subartikel gemaak is, en wanneer so 'n bepaling gemaak is, is geen groter bedrag as die aldus bepaalde bedrag betaalbaar nie. 10

Straf vir vals voorstelling wat aanleiding gee tot registrasie of inskrywing, vir vals inskrywings in register of rol en vir identiteitsbedrog.

40. (1) Iemand wat—
- (a) deur middel van 'n vals voorstelling, hetsy mondeling of skriftelik, sy eie of iemand anders se registrasie of inskrywing kragtens hierdie Wet bewerkstellig, of 'n diploma, sertifikaat, lisensie, kwitansie of bestelling 15 bedoel in hierdie Wet verkry;
- (b) 'n ongemagtigde inskrywing of verandering in of skraping uit 'n register of rol of 'n gesertifiseerde afskrif daarvan of uittreksel daaruit of op 'n kragtens hierdie Wet uitgereikte diploma, sertifikaat, lisensie of 20 kwitansie maak of laat maak;
- (c) 'n inskrywing in die register of rol of, sonder die toestemming van die besitter daarvan, 'n diploma, sertifikaat, lisensie of kwitansie kragtens hierdie Wet uitgereik, opsetlik vernietig of beskadig of onleesbaar 25 maak of laat vernietig, beskadig of onleesbaar maak;
- (d) 'n dokument wat heet 'n kragtens hierdie Wet uitgereikte diploma, sertifikaat, lisensie of kwitansie te wees, vervals of, wetende dat dit vervals is, uitgee;
- (e) voorgee iemand anders te wees wat kragtens hierdie Wet 30 geregistreer of ingeskryf is,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf. 35
- (2) (a) Niemand mag 'n staking of sloerstaking deur persone wat kragtens hierdie Wet geregistreer of ingeskryf is, aanstig, of sodanige persone aanhits om aan so 'n staking of sloerstaking deel te neem of dit voort te sit, of aan so 'n staking of sloerstaking of 'n voortsetting van 40 so 'n staking of 'n sloerstaking deelneem nie.
- (b) By die toepassing van hierdie subartikel beteken „staking” en „sloerstaking” ook enige optrede waardeur die dienste gelewer deur persone ingevolge hierdie Wet geregistreer of ingeskryf, ontwrig word of moontlik 45 ontwrig kan word.
- (c) Iemand wat 'n bepaling van hierdie subartikel oortree, is aan 'n misdryf skuldig.

Vermoedens.

41. (1) In 'n strafsak teen iemand wat verskyn op 'n aanklag dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet 50 uitmaak indien verrig deur iemand wat nie geregistreer of ingeskryf is nie of wat nie in besit is nie van 'n dokument in die aanklag vermeld, word die beskuldigde geag nie ten tyde van die pleging van die beweerde misdryf geregistreer of ingeskryf of in besit van bedoelde dokument te gewees het nie, tensy hy die 55 teendeel bewys.
- (2) In 'n strafsak teen iemand wat verskyn op 'n aanklag dat hy 'n handeling verrig het wat 'n misdryf kragtens hierdie Wet uitmaak indien deur hom vir wins verrig, word hy geag daardie handeling vir wins te verrig het indien hy enige teenprestasie ten 60 opsigte van daardie handeling aanvaar het.

Beperkings ten opsigte van persone wat nie geregistreer of ingeskryf is nie.

42. (1) Geen vergoeding kan ten opsigte van 'n handeling wat besonderlik op die beroep van 'n geregistreerde of ingeskrewe persoon betrekking het, verhaal word nie indien dit verrig word deur iemand wat nie kragtens hierdie Wet gemagtig is om so 'n 65 handeling vir wins te verrig nie.

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- (c) The Minister may, after consultation with the council, make such regulations as he may deem necessary in relation to the procedure which the council shall follow in disposing of an application under this subsection.
- 5 (4) A claim which is the subject of an application referred to in subsection (3) of which notice has been given by the council or the patient to the practitioner, shall not be recoverable until a determination has been made in terms of that subsection, and when such a determination has been made no amount which
- 10 exceeds the amount so determined, shall be payable.

40. (1) Any person who—
- (a) procures for himself or any other person registration or enrolment under this Act, or any diploma, certificate, licence, receipt or order referred to in this Act, by means of a false representation, whether verbally or in writing;
- 15 (b) makes or causes to be made any unauthorized entry or alteration in or removal from a register or roll or certified copy thereof or extract therefrom or on any diploma, certificate, licence or receipt issued under this Act;
- 20 (c) wilfully destroys or damages or renders illegible or causes to be destroyed, damaged, or rendered illegible, any entry in the register or roll or, without the permission of the holder thereof, any diploma, certificate, licence or receipt issued under this Act;
- 25 (d) forges or, knowing it to be forged, utters any document purporting to be a diploma, certificate, licence or receipt issued under this Act;
- 30 (e) impersonates any person registered or enrolled in terms of this Act,
- shall be guilty of an offence and on conviction be liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.
- 35 (2) (a) No person shall instigate a strike or go-slow strike by persons registered or enrolled in terms of this Act, or incite such persons to take part in or to continue such a strike or go-slow strike, or take part in such a strike or go-slow strike or in the continuation of such a strike or
- 40 (b) For the purposes of this subsection "strike" and "go-slow strike" shall include any action by which the services rendered by persons registered or enrolled in terms of this Act are disrupted or are likely to be disrupted.
- 45 (c) Any person who contravenes any provision of this subsection shall be guilty of an offence.

Penalty for false representation inducing registration or enrolment, for false entries in register or roll and for impersonation.

41. (1) In any criminal proceedings against any person appearing upon a charge of having performed any act which constitutes an offence under this Act if performed by a person who is not registered or enrolled or who is not in possession of any document specified in the charge, the accused shall be deemed not to have been registered or enrolled or to have been in possession of such document at the time of the commission of the
- 50 alleged offence, unless he proves the contrary.
- 55 (2) In any criminal proceedings against any person appearing upon a charge of having performed an act which constitutes an offence under this Act if performed by him for gain, such person shall be deemed to have performed such act for gain if he has
- 60 accepted any valuable consideration in respect of such act.

Presumptions.

42. (1) No remuneration shall be recoverable in respect of any act specially pertaining to the profession of a registered or enrolled person when performed by a person who is not authorized under this Act to perform such act for gain.

Limitations in respect of persons not registered or enrolled.

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WET OP VERPLEGING, 1978.

(2) Niemand behalwe 'n geregistreerde of ingeskrewe persoon wat die nodige kwalifikasies besit, is benoembaar of geregtig om 'n amp te beklee by enige instelling, inrigting, liggaam, organisasie of vereniging, hetsy openbaar of privaat, indien daardie amp die verrigting van 'n handeling behels wat iemand wat nie geregistreer of ingeskryf is nie, nie ingevolge die bepalings van hierdie Wet vir wins mag verrig nie: Met dien verstande dat die bepalings van hierdie subartikel nie so uitgelê word dat dit die onderrig en opleiding van 'n student in verpleeg- of verloskunde, onder die toesig van 'n geregistreerde verpleegkundige, of die indiensneming by 'n hospitaal of soortgelyke inrigting van iemand wat onderrig en opleiding ondergaan, belet nie.

Ondersoek van aangeleenthede wat betrekking het op die onderrig of opleiding van sekere kategorieë persone.

43. (1) Ondanks andersluidende wetsbepalings kan iemand wat skriftelik deur die raad gemagtig is om 'n aangeleentheid te ondersoek wat betrekking het op die onderrig of opleiding van 'n kategorie persone wat sodanige onderrig of opleiding ondergaan met die doel om hulself te bekwaam vir die beoefening van 'n beroep waarop die bepalings van hierdie Wet van toepassing is, enige inrigting of perseel wat gebruik word in verband met die onderrig of opleiding van so 'n kategorie persone binnegaan ten einde so 'n ondersoek te doen.

(2) Iemand wat 'n kragtens subartikel (1) gemagtigde persoon verhoed om 'n inrigting of perseel in daardie subartikel bedoel, binne te gaan of wat hom by die instelling van 'n in daardie subartikel beoogde ondersoek hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Strafbepalings.

44. Iemand wat 'n bepaling van hierdie Wet oortree of versuim om dit na te kom, is aan 'n misdryf skuldig en, behalwe waar 'n straf uitdruklik bepaal word, by skuldigbevinding strafbaar met 'n 30 boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf.

Regulasies.

45. (1) Die Minister kan, op aanbeveling van die raad, regulasies uitvaardig betreffende—

- (a) (i) die verkiesing van lede van die raad wat ingevolge artikel 5 (1) (h) verkies moet word;
- (ii) die vereistes vir 'n geldige nominasie van 'n kandidaat vir verkiesing as 'n lid van die raad;
- (b) die verrigting van die werksaamhede, en die prosedure by vergaderings, van die raad en komitees van die raad en die wyse waarop notule van sodanige vergaderings gehou moet word;
- (c) die toelaes wat aan lede van die raad en van komitees van die raad betaal kan word wanneer hulle in die diens van die raad werksaam is: Met dien verstande dat—
 - (i) die toelaes wat betaal mag word aan so 'n lid wat in die heeltidse diens van die staat is, nie die toelaes mag oorskry waarop hy kragtens die wette op die staatsdiens geregtig sou wees nie;
 - (ii) so 'n lid nie verplig is om enige toelaes wat ingevolge 'n kragtens hierdie paragraaf uitgevaardigde regulasie aan hom deur die raad betaal word, in die Staatsinkomstefonds te stort nie;
- (d) die diensvoorwaardes van die registrateur en ander beambtes deur die raad ingevolge artikel 12 aangestel;
- (e) die betaling van jaargelde en enige ander gelde wat kragtens hierdie Wet betaalbaar is;
- (f) die registers en rolle wat ingevolge hierdie Wet gehou moet word en die diplomas en sertifikate wat daarkragtens uitgereik kan word, die inligting wat in die registers en rolle aangeteken moet word en die wyse waarop veranderings in die registers en rolle aangebring kan word;
- (g) die voorwaardes waaronder uittreksels uit die registers en rolle gemaak kan word, met inbegrip van die betaling van gelde ten opsigte daarvan;

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(2) No person, other than a registered or enrolled person holding the necessary qualifications, shall be eligible for or entitled to hold any appointment to any establishment, institution, body, organization or association, whether public or private, if such appointment involves the performance of any act which a person who is not registered or enrolled may in terms of the provisions of this Act not perform for gain: Provided that nothing in this subsection contained shall be construed as prohibiting the education and training of any student in nursing or midwifery under the supervision of a registered nurse, or the employment in any hospital or similar institution of any person undergoing education and training.

43. (1) Notwithstanding anything to the contrary in any law contained, any person who has been authorized by the council in writing to investigate any matter relating to the education or training of any class of persons undergoing such education or training for the purpose of qualifying themselves to practise any profession to which the provisions of this Act apply, may, for the purpose of making such investigation, enter any institution or premises used for the education or training of any such class of persons.

Investigation of matters relating to the teaching or training of certain classes of persons.

(2) Any person who prevents any person authorized in terms of subsection (1) from entering any institution or premises referred to in that subsection or who hinders him in the making of any investigation contemplated in that subsection, shall be guilty of an offence and on conviction liable to a fine not exceeding one hundred rand.

44. Any person who contravenes or fails to comply with any provision of this Act, shall be guilty of an offence and, save where a penalty is expressly provided, be liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Penalties.

45. (1) The Minister may, on the recommendation of the council, make regulations relating to—

Regulations.

- (a) (i) the election of members of the council who shall be elected in terms of section 5 (1) (h);
- (ii) the requirements for a valid nomination of a candidate for election as a member of the council;
- (b) the conduct of the business, and the procedure at meetings, of the council and committees of the council and the manner in which minutes of such meetings shall be kept;
- (c) the allowances which may be paid to members of the council and of committees of the council when engaged in the service of the council: Provided that—
 - (i) the allowances which may be paid to any such member who is in the full-time service of the state shall not exceed the allowances to which he would be entitled under the laws governing the public service;
 - (ii) no such member shall be required to pay into the State Revenue Fund any allowances which may be paid to him by the council in terms of any regulation made under this paragraph;
- (d) the conditions of service of the registrar and other officers appointed by the council in terms of section 12;
- (e) the payment of annual fees and any other fees payable under this Act;
- (f) the registers and rolls to be kept, and the diplomas and certificates that may be issued, in terms of this Act, the information which shall be recorded in the registers and rolls and the manner in which alterations may be effected in the registers and rolls;
- (g) the conditions under which extracts from the registers and rolls may be made, including the payment of fees in respect thereof;

- (h) die besonderhede wat aan die raad verstrekk moet word om hom in staat te stel om die registers en rolle te hou;
 - (i) die kwalifikasies, en die voorwaardes wat nagekom moet word, wat 'n persoon die reg gee om ingevolge artikel 16 geregistreer of ingeskryf te word, of wat 'n 5 geregistreerde persoon die reg gee om 'n addisionele kwalifikasie te registreer, met inbegrip van die leer-gange, die tydperk en aard van die onderrig en opleiding vereis, die eksamens waarin geslaag moet word, en die betaling van gelde ten opsigte van 'n aansoek om 10 registrasie of inskrywing en ten opsigte van registrasie of inskrywing;
 - (j) die kwalifikasies, en die voorwaardes wat nagekom moet word, wat 'n persoon die reg gee om ingevolge artikel 23 of 24 geregistreer of ingeskryf te word, met 15 inbegrip van die betaling van gelde ten opsigte van registrasie of inskrywing;
 - (k) die voorwaardes wat die raad kan opleë vir die goedkeuring van verpleegskole;
 - (l) die uniforms, wapens en ander onderskeidingstekens wat 20 deur persone ingevolge artikel 16, 21, 23 of 24 geregistreer of ingeskryf, gedra kan word of, wanneer aan diens, gedra moet word, en die verbod op die vervaardiging, verkoop, verskaffing of besit van sulke uniforms, wapens en ander onderskeidingstekens deur 25 enige persoon, behalwe iemand deur die raad daartoe gemagtig;
 - (m) die wyse waarop 'n klagte, beskuldiging of bewering teen 'n persoon ingevolge artikel 16, 21, 23 of 24 30 geregistreer of ingeskryf, ingedien moet word;
 - (n) die vorm van dagvaarding vir die verskyning van 'n beskuldigde of van 'n getuie by 'n ondersoek, of vir die voorlegging van 'n boek, rekord, dokument of voor- 35 werp;
 - (o) die wyse waarop 'n ondersoek ingestel moet word en die 35 prosedure wat daarby gevolg moet word, en enige ander aangeleentheid wat met die instel of hou daarvan in verband staan;
 - (p) die vorm van 'n lisensie om die saak van 'n verplegings-agentskap voort te sit, die omstandighede waaronder so 40 'n lisensie uitgereik, opgeskort of ingetrek kan word, die voorwaardes waarop so 'n saak voortgesit mag word, met inbegrip van die registers en rekeninge wat gehou moet word, die wyse van adverteer en die hoogste vergoeding wat gevra kan word vir dienste deur of 45 namens so 'n saak gelewer;
 - (q) die bestek van praktyk van geregistreerde of ingeskrewe persone, die voorwaardes waaronder geregistreerde of ingeskrewe persone hulle beroep mag uitoefen, die 50 beheer wat deur bepaalde beamptes van die Departement van Gesondheid en van plaaslike besture oor die praktyk van ingeskrewe vroedvroue uitgeoefen moet word en die inspeksies wat in verband met ingeskrewe vroedvroue uitgevoer moet word;
 - (r) die hoogste vergoeding wat deur geregistreerde of 55 ingeskrewe persone gevorder mag word vir profes-sionele dienste deur hulle gelewer;
 - (s) die omstandighede, benewens die omstandighede in hierdie Wet genoem, waaronder 'n naam uit 'n register of rol geskrap of daarop teruggeplaas kan word, en 60
- oor die algemeen, enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Die Minister kan, na oorlegpleging met die uitvoerende 65 komitee van die raad, indien hy dit in die openbare belang ag, sonder die aanbeveling van die raad regulasies uitvaardig betreffende enige van die aangeleenthede in subartikel (1) bedoel, of enige regulasie wysig of herroep wat ingevolge daardie subartikel uitgevaardig is.

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- (h) the particulars to be furnished to the council to enable it to keep the registers and rolls;
 - (i) the qualifications, and the conditions to be complied with, which shall entitle a person to be registered or enrolled in terms of section 16, or which shall entitle a registered person to the registration of an additional qualification, including the curricula, the period and nature of the education and training required, the examinations to be passed, and the payment of fees in respect of an application for registration or enrolment and in respect of registration or enrolment;
 - (j) the qualifications, and the conditions to be complied with, which shall entitle a person to be registered or enrolled under section 23 or 24, including the payment of fees in respect of registration or enrolment;
 - (k) the conditions which the council may impose for the approval of nursing schools;
 - (l) the uniforms, badges and other distinguishing devices which may, or when on duty shall, be worn by persons registered or enrolled under section 16, 21, 23 or 24, and the prohibition of the manufacture, sale, supply or possession of such uniforms, badges and other distinguishing devices by any person, except a person authorized thereto by the council;
 - (m) the manner in which a complaint, charge or allegation against a person registered or enrolled under section 16, 21, 23 or 24 shall be lodged;
 - (n) the form of subpoena for the attendance of an accused or of a witness at an inquiry, or for the production of any book, record, document or thing;
 - (o) the manner of instituting, and the procedure to be followed at, an inquiry, and any other matter incidental to the institution or holding thereof;
 - (p) the form of a licence to carry on the business of a nursing agency, the circumstances in which such a licence may be issued, suspended or cancelled, the conditions subject to which such a business may be carried on, including the records and accounts which shall be kept, the manner of advertising and the maximum fees that may be charged for services rendered by or on behalf of such a business;
 - (q) the scope of practice of registered or enrolled persons, the conditions under which registered or enrolled persons may carry on their profession, the control which shall be exercised by specified officers of the Department of Health and of local authorities over the practice of enrolled midwives and the inspections which shall be carried out in connection with enrolled midwives;
 - (r) the maximum fees that may be charged by registered or enrolled persons for professional services rendered by them;
 - (s) the circumstances, in addition to the circumstances referred to in this Act, in which any name may be removed from, or restored to, a register or roll, and
- generally, any matter which in terms of this Act is required to be, or may be, prescribed by regulation or which the Minister considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) The Minister may, after consultation with the executive committee of the council, if he deems it in the public interest, without the recommendation of the council make regulations relating to any of the matters referred to in subsection (1), or amend or repeal any regulation made in terms of that subsection.

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(3) 'n Regulasie ingevolge hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om dit na te kom, strawwe van 'n boete van hoogstens honderd rand voorskryf.

(4) 'n Kennisgewing uitgereik of 'n bevel gegee kragtens hierdie Wet kan van tyd tot tyd gewysig of ingetrek word deur die gesag wat dit uitgereik of gegee het. 5

Herroeping van wette.

46. (1) Behoudens die bepalings van subartikels (2), (3), (4) en (5), word die Wet op Verpleging, 1957 (Wet No. 69 van 1957), die Wysigingswet op Verpleging, 1970 (Wet No. 31 van 1970), die Wysigingswet op Verpleging, 1972 (Wet No. 50 van 1972), en 10 die Wysigingswet op Verpleging, 1973 (Wet No. 14 van 1973), hiermee herroep.

(2) 'n Proklamasie, kennisgewing, regulasie, magtiging of bevel uitgevaardig, uitgereik, verleen of gegee, of 'n registrasie of inskrywing, of 'n skrapping uit 'n register of rol, of 'n aanstelling 15 of enigiets anders gedoen, ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is, word, tensy onbestaanbaar met 'n bepaling van hierdie Wet, geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, uitgevaardig, verleen, gegee of gedoen te gewees het. 20

(3) Die lede van die raad soos saamgestel onmiddellik voor die inwerkingtreding van hierdie Wet bly lede daarvan, en die raad word geag geldiglik saamgestel te wees ingevolge hierdie Wet, tot 'n datum wat deur die Minister bepaal en in die *Staatskoerant* bekend gemaak word. 25

(4) Indien 'n lid in subartikel (3) bedoel sy amp ontruim, bestaan die raad, tot die datum in daardie subartikel bedoel, uit die oorblywende lede.

(5) Ondanks die herroeping van die Wet op Verpleging, 1957, deur subartikel (1) bly die bepalings van Deel IV van daardie Wet 30 van krag tot die inwerkingtreding van artikel 38 van hierdie Wet.

Kort titel en inwerkingtreding.

47. (1) Hierdie Wet heet die Wet op Verpleging, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte 35 van verskillende bepalings van hierdie Wet bepaal word.

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(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one hundred rand.

(4) Any notice issued or order made under this Act may from time to time be amended or revoked by the authority which issued or made it.

46. (1) Subject to the provisions of subsections (2), (3), (4) and (5), the Nursing Act, 1957 (Act No. 69 of 1957), the Nursing Amendment Act, 1970 (Act No. 31 of 1970), the Nursing Amendment Act, 1972 (Act No. 50 of 1972), and the Nursing Amendment Act, 1973 (Act No. 14 of 1973), are hereby repealed. Repeal of laws.

(2) Any proclamation, notice, regulation, authorization or order issued, made or granted, or any registration or enrolment, or any removal from a register or roll, or any appointment or any other thing done, in terms of a provision of any law repealed by subsection (1) shall, unless inconsistent with any provision of this Act, be deemed to have been issued, made, granted or done under the corresponding provision of this Act.

(3) The members of the council as constituted immediately prior to the commencement of this Act shall continue to be members thereof, and the council shall be deemed to be validly constituted in terms of this Act, until a date determined by the Minister and published in the *Gazette*.

(4) If any member referred to in subsection (3) vacates his office, the council shall, until the date referred to in that subsection, consist of the remaining members.

(5) Notwithstanding the repeal of the Nursing Act, 1957, by subsection (1), the provisions of Part IV of that Act shall continue to be of force until the commencement of section 38 of this Act.

47. (1) This Act shall be called the Nursing Act, 1978, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

