

# HEALTH PROFESSIONS

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## Namibia Nursing Association Act 28 of 1993

**Summary:** This Act ([GG 762](#)) establishes a nursing association for Namibia and defines its powers. It repeals the Nursing Association of South West Africa Act 14 of 1979 ([OG 4035](#)).

**Regulations:** Pursuant to section 13(2) of this Act, any regulations or rules made under the repealed Act survive if they are not inconsistent with the provisions of this Act. Pre-independence regulations have not been researched.

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

**Summary:** This Act ([GG 3241](#)) repeals the Council for Health and Social Services Professions Act 29 of 1993 ([GG 763](#)), and provides for the transfer of moneys standing to that Council's credit. It was brought into force on 10 January 2005 by GN 6/2005 ([GG 3369](#)).

## Social Work and Psychology Act 6 of 2004

**Summary:** This Act ([GG 3246](#)) provides for the establishment and constitution of a professional council for social workers and psychologists. It also regulates the social work and psychology professions. It repeals the Allied Health Services Professions Act 20 of 1993 ([GG 710](#)) insofar as it relates to these professions and the whole of the Social and Social Auxiliary Workers Professions Act 22 of 1993 ([GG 712](#)). It was brought into force on 1 October 2004 by GN 211/2004 ([GG 3291](#)).

**Amendments:** Act 12/2018 ([GG 6705](#)) amends the Act to make provision for the appointment of members of the Social Work and Psychology Council.

**Savings:** In terms of section 62(2), any regulation, rule, notice, authorization or order made under any one of the pieces of legislation repealed by this Act remains in force insofar as it is not inconsistent with this Act. The Social Auxiliary Workers Professions Act 22 of 1993 repealed by this Act contained a savings clause in section 52 which stated: "Any notice, regulation, rule, authorization, order or approval issued, made or granted or any appointment or any other thing done in terms of a provision of the National Welfare Act, 1965, prior to the amendment of that Act by the National Welfare Amendment Act, 1993, and which may or is required to be issued, made, granted or done under this Act, shall be deemed to have been issued, made, granted or done under the corresponding or allied provision of this Act."

**Regulations and rules:** Pre-independence regulations have not been researched. Post-independence regulations and rules made under the repealed laws which were not explicitly repealed include the following –

- Rules relating to acts or omissions constituting improper conduct or misconduct in respect of which the Clinical Psychology Board may conduct inquiries and take disciplinary steps, contained in GN 219/2001 ([GG 2637](#)).

- Qualifications for registration with the Clinical Psychology Board, contained in GN 36/2002 ([GG 2704](#))
- Clinical Psychology Board – GN 146/1994 ([GG 910](#)), GN 38/1995 ([GG 1029](#)), GN 353/1999 ([GG 2242](#)), GN 88/2000 ([GG 2304](#)).
- GN 142/2006 ([GG 3691](#)) is concerned with regulations relating to the first election of the members of the Social Work and Psychology Council of Namibia.
- Regulations relating to the election of members to the Social and Social Auxiliary Workers' Board are contained in GN 229/1999 ([GG 2214](#)). (As explained below, it appears that GN 142/2006 intended to withdraw this notice.)

However, section 4(1) of this Act states: “The Council is for all purposes the successor to the former Social and Social Auxiliary Workers’ Board and the former Clinical Psychology Board.” This presumably makes the regulations in question inconsistent with the current Act.

Regulations issued under the current Act are as follows:

**Psychologists:** Regulations relating to psychologists are contained in GN 32-33/2007 ([GG 3795](#)); GN 32/2007 withdraws GN 36/2002 (1 March 2002), and GN 33/2007 withdraws the rules and regulations published in RSA GN R.2330 of 3 December 1976, GN R.821 of 13 May 1977, and GN R.1859-1861 of 16 September 1977. Regulations relating to the scope of practice of clinical psychologists and educational psychologists are contained in GN 30/2009 ([GG 4218](#)), as amended by GN 36/2021 ([GG 7473](#)). Regulations relating to the scope of practice of psychological counsellors are contained in GN 31/2009 ([GG 4218](#)), as amended by GN 11/2021 ([GG 7453](#)). Regulations relating to additional examinations in respect of various categories of psychologists are contained in GN 50/2011 ([GG 4699](#)). Regulations relating to the scope of practice of specialist psychologists are contained in GN 58/2014 ([GG 5453](#)). Regulations relating to minimum requirements of study for psychologists are contained in GN 25/2015 ([GG 5680](#)), which withdraws GN 32/2007 ([GG 3795](#)).

**Social workers:** Regulations on additional examinations that may be conducted in respect of social workers and social auxiliary workers are contained in GN 230/2010 ([GG 4581](#)). Regulations on the scope of practice of social workers, social auxiliary workers and students are contained in GN 14/2011 ([GG 4656](#)). Regulations relating to the minimum requirements for registration as a social worker are contained in GN 118/2016 ([GG 6030](#)), which replaces GN 34/2007 ([GG 3795](#)). Regulations relating to the registration of social workers, specialities and additional qualifications, the maintaining of registers of social workers and the restoration of a name to a register are contained in GN 119/2016 ([GG 6030](#)).

**Social auxiliary workers:** Regulations relating to the minimum requirements for registration as a social auxiliary worker are contained in GN 133/2018 ([GG 6644](#)).

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

**Impaired persons:** Regulations relating to Impaired Registered Persons are contained in GN 301/2013 ([GG 5340](#)).

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

Regulations concerning allowances payable to members of the Council are contained in GN 294/2015 ([GG 5899](#)), which withdraws GN 151/2008 ([GG 4068](#)).

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

Regulations on the maximum fine that may be imposed by the Council or the Professional Conduct Committee are contained in GN 19/2018 ([GG 6527](#)), which repeals GN 157/2014 ([GG 5559](#)).

Note that GG 6527 was initially numbered incorrectly as GG 6528. A corrected version was subsequently issued.

Regulations relating to the investigation of alleged unprofessional conduct by registered persons and professional conduct inquiries are contained in GN 138/2015 ([GG 5778](#)).

**Fees:** Fees payable to the Social Work and Psychology Council are contained in General Notice 496/2020 ([GG 7410](#)) which repeals General Notice 488/2019 ([GG 7061](#)). General Notice 488/2019 repeals General Notice 498/2017 ([GG 6489](#)), which repeals General Notice 353/2013 ([GG 5281](#)), which in turn withdraws both General Notice 68/2007 ([GG 3804](#)) and General Notice 310/2010 ([GG 4600](#)).

**Appointments and elections:** Regulations relating to the first election of members to the Social Work and Psychology Council are contained in GN 142/2006 ([GG 3691](#)).

GN 26/2007 ([GG 3795](#)) states in the heading that it contains “regulations”, but it is in fact an invitation for nominations for social workers and psychologists eligible as candidates for election.

GN 142/2006 ([GG 3691](#)) and GN 26/2007 ([GG 3795](#)), which pertain to the first election of the Social Work and Psychology Council, both withdraw “Government Notices Nos. 215 and 229 of 20 October 2004”. However, there were no Government Notices with these numbers gazetted on that date.

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

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

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

The first Social Work and Psychology Council is announced in GN 62/2008 ([GG 4008](#)), replacing the Interim Council established by GN 217/2004 ([GG 3293](#)). The terms of office of certain Council members were extended by GN 223/2012 ([GG 5023](#)), GN 68/2013 ([GG 5060](#)), GN 255/2013 ([GG 5303](#)), GN 31/2014 ([GG 5425](#)), GN 150/2014 ([GG 5559](#)), GN 193/2015 ([GG 5818](#)) and GN 220/2016 ([GG 6125](#)). The terms of office of certain members was extended by GN 59/2017 ([GG 6263](#)).

Subsequent to amendments to the Act to provide for the appointment of Council members, appointments are announced in GN 298/2018 ([GG 6770](#)).

**Cases:** *C S v C S* (HC-MD-CIV-ACT-MAT-2017/00179) [2018] NAHCMD 236 (9 August 2018) (the practice of a clinical psychologist includes reporting and testifying in a court as an expert; therefore, a clinical psychologist from outside Namibia must be registered under this Act before being allowed to provide expert testimony).

## **Allied Health Professions Act 7 of 2004**

**Summary:** This Act ([GG 3247](#)) provides for the establishment of a professional council for allied health service professions. It also defines and provides for the registration, training and qualifications of members of such professions, and prohibits unregistered persons from practising such professions. This Act repeals all remaining portions of the Allied Health Services Professions Act 20 of 1993 ([GG 710](#)) which repealed the *Chiropractors Act 6 of 1971* and the *Homeopaths, Naturopaths, Osteopaths and Herbalists Act 52 of 1974*. This Act was brought into force on 1 October 2004 by GN 212/2004 ([GG 3291](#)).

**Amendments:** Act 8/2018 ([GG 6701](#)) amends the Act to make provision for the appointment of members of the Allied Health Professions Council.

**Application of law:** The Act has been made applicable to the following professions:

orthopaedic technologists and orthopaedic technicians – GN 157/2005 ([GG 3535](#))

several health professions – GN 100/2006 ([GG 3661](#))

Medical Technologists (Blood Transfusion Technology); Medical Technologists (Chemical Pathology); Medical Technologists (Clinical Pathology); Medical Technologists (Cytogenetics); Medical Technologists (Cytotechnology); Medical Technologists (Forensic Pathology); Medical Technologists (Haematology); Medical Technologists (Histopathological Technique); Medical Technologists (Immunology); Medical Technologists (Microbiology); Medical Technologists (Pharmacology); Medical Technologists (Virology); Blood Transfusion Technicians; Chemical Pathology Technicians; Haematology Technicians; Histopathology Technicians; Microbiology Technicians; Cytotechnicians; Clinical Pathology Technicians

medical orthotists and prosthetists – GN 2/2007 ([GG 3771](#))

ultrasound radiography and nuclear medicine radiography – GN 147/2009 ([GG 4302](#))

emergency care technicians – GN 12/2010 ([GG 4419](#))

art therapy, music therapy, dance movement therapy and drama therapy – GN 254/2012 ([GG 5060](#))

medical laboratory scientists – GN 87/2013 ([GG 5173](#))

traditional Chinese medicine practitioners – GN 101/2013 ([GG 5183](#))

acupuncturists – GN 102/2013 ([GG 5183](#))

dental technologists – GN 103/2013 ([GG 5183](#))

sonographers and sonography technicians – GN 124/2014 ([GG 5533](#))

phlebotomy technicians – GN 117/2015 ([GG 5760](#))

Unani Tibb Practitioner – GN 209/2015 ([GG 5831](#))

Combat Medic – GN 279/2015 ([GG 5892](#))

emergency practitioner assistants – GN 119/2018 ([GG 6627](#))

medical orthotics and prosthetics technologists, and medical orthotics and prosthetics assistants – GN 161/2019 ([GG 6932](#)).

**Savings:** In terms of section 62(2), any regulation, rule, notice, authorization or order made under the legislation repealed by the Act remains in force insofar as it is not inconsistent with the Act. The Allied Health Services Professions Act 20 of 1993 contained a similar savings

clause in section 50(2) which refers to any notice, regulation, rule, authorization or order under the legislation repealed by that Act, or under the *Medical, Dental and Supplementary Health Service Professions Act 56 of 1974* or the Health Service Professions Proclamation AG. 70 of 1989, which could have been done in terms of the 1993 Act.

**Regulations:** Pre-independence regulations have not been researched. Post-independence regulations and notices made under previous laws which may be of continued relevance include the following:

**Hearing aid acousticians:** Regulations relating to scope of practice of hearing aid acousticians are contained in GN 10/2021 ([GG 7453](#)).

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

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

**Traditional healers:** Regulations were made under the Allied Health Services Professions Act 20 of 1993 on election to the Traditional Healers Board, in GN 230/1999 ([GG 2214](#)). These regulations are not inconsistent with the current Act as traditional healers do not fall under the Sallied Health Professions Council. However, they appear to be obsolete as that Board is no longer in existence.

**Other allied health professions:** Other regulations made under previous laws relating to various individual boards were as follows:

- GN 217/1999 ([GG 2214](#)) – Dental Technology Board
- GN 218/1999 ([GG 2214](#)) – Health Inspectors Board
- GN 219/1999 ([GG 2214](#)) – Homoeopathic Board
- GN 222/1999 ([GG 2214](#)) – Medical Technology Board
- GN 224/1999 ([GG 2214](#)) – Occupational Therapy Board
- GN 225/1999 ([GG 2214](#)) – Optometric Board
- GN 227/1999 ([GG 2214](#)) – Physiotherapy Board
- GN 228/1999 ([GG 2214](#)) – Radiography Board
- GN 185/2000 ([GG 2385](#)) – Optometric Board
- GN 72/2003 ([GG 2946](#)) – Joint Complimentary Health Professions Board

However, section 4(1) of Act 7 of 2004 states:

“The Council is for all purposes the successor of the former Dental Technology Board, the former Health Inspectors Board, the former Homoeopathic Board, the former Medical Technology Board, the former Occupational Therapy Board, the former Optometry Board, the former Physiotherapy Board, the former Radiography Board, the former Joint Allied Health Professions Board, and the former Joint Complementary Health Professions Board.”

This statement presumably makes the regulations relating to the former boards inconsistent with the new Act, meaning that they fail to survive on that basis.

Regulations made under the current Act are as follows (grouped by profession, in alphabetical order):

**Acupuncturists:** Minimum requirements of study for registration are contained in GN 324/2013 ([GG 5360](#)). Regulations relating to registration are contained in GN 325/2013 ([GG 5360](#)). Regulations on scope of practice are contained in GN 269/2019 ([GG 6999](#)).

**Arts therapists:** Regulations on minimum requirements of study for registration, registration and scope of practice are contained in GN 92/2017 ([GG 6287](#)).

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

**Chinese medicine practitioner and acupuncturist:** Regulations on minimum requirements of study, interns, scope of practice and additional qualifications are contained in GN 270/2019 ([GG 6999](#)).

**Chiropractors:** Regulations relating to the minimum requirements of study for registration are contained in GN 121/2010 ([GG 4502](#)). Regulations relating to additional examinations that may be conducted by the Council are contained in GN 120/2010 ([GG 4502](#)). Additional regulations pertaining to chiropractors are contained in GN 123/2010 ([GG 4502](#)). Regulations on scope of practice are contained in GN 229/2010 ([GG 4581](#)).

**Clinical technologists:** Regulations relating to the minimum requirements of study for registration are contained in GN 274/2010 ([GG 4633](#)). Regulations on registration and additional qualifications are contained in GN 275/2010 ([GG 4633](#)). Regulations relating to scope of practice are contained in GN 385/2019 ([GG 7073](#)).

**Combat medics:** Regulations relating to minimum requirements of study and registration are contained in GN 36/2017 ([GG 6249](#)).

**Dental technicians:** Regulations relating to the minimum requirements of study for registration are contained in GN 30/2017 ([GG 6249](#)), which repeals GN 18/2010 ([GG 4426](#)). Regulations relating to examinations that may be conducted by the Council are contained in GN 19/2010 ([GG 4426](#)). Regulations relating to registration are contained in GN 20/2010 ([GG 4426](#)).

**Dental technologist:** Regulations relating to the minimum requirements of study for registration are contained in GN 31/2017 ([GG 6249](#)).

**Dental therapists:** Regulations relating to the minimum requirements of study for registration, registration and scope of practice are contained in GN 138/2014 ([GG 5550](#)).

**Dieticians:** Minimum requirements of study for registration are contained in GN 67/2009 ([GG 4245](#)). Regulations relating to additional examinations that may be conducted by the Council are contained in GN 68/2009 ([GG 4245](#)). Additional regulations are contained in GN 69/2009 ([GG 4245](#)).

**Emergency care practitioners and paramedics:** Regulations relating to the minimum requirements of study for registration as an emergency care practitioner (basic) are contained in GN 136/2011 ([GG 4768](#)). Regulations relating to registration as an emergency care practitioner (basic) are contained in GN 139/2011 ([GG 4768](#)).

Regulations relating to the minimum requirements of study for registration as an emergency care practitioner (intermediate) are contained in GN 137/2011 ([GG 4768](#)). Regulations relating to registration as an emergency care practitioner (intermediate) are contained in GN 140/2011 ([GG 4768](#)).

Regulations relating to the minimum requirements of study for registration as a paramedic (advanced life support) are contained in GN 138/2011 ([GG 4768](#)). Regulations relating to registration as a paramedic (advanced life support), and registration of additional qualifications, are contained in GN 141/2011 ([GG 4768](#)).

Regulations relating to additional examinations that may be conducted by the Council in respect of these professions are contained in GN 135/2011 ([GG 4768](#)). Regulations relating to the scope of practice for emergency care professions are contained in GN 196/2018 ([GG 6690](#)).

**Emergency care technicians:** Regulations relating to the minimum requirements of study for registration are contained in GN 244/2018 ([GG 6716](#)).

**Environmental health practitioners and assistants:** Minimum requirements of study for registration as an environmental health practitioner are contained in GN 88/2014 ([GG 5501](#)), which repeals the regulations published in RSA Government Notice R.2308 of 3 December 1976. Regulations relating to the scope of practice of environmental health practitioners are contained in GN 160/2014 ([GG 5559](#)). Regulations relating to the registration of environmental health practitioners and environmental health practitioner interns are contained in GN 139/2014 ([GG 5553](#)). Regulations on additional examinations to be conducted by the Council in respect of environmental health practitioners-are contained in GN 143/2014 ([GG 5553](#)).

Minimum requirements of study for registration as an environmental health practitioner assistant are contained in GN 140/2014 ([GG 5553](#)). Regulations relating to the registration of environmental health practitioner assistants are contained in GN 141/2014 ([GG 5553](#)). Regulations relating to the scope of practice of environmental health practitioner assistants are contained in GN 142/2014 ([GG 5553](#)).

**Hearing aid acousticians:** Regulations relating to minimum requirements of study, interns, additional qualifications and registers are contained in GN 277/2015 ([GG 5884](#)).

**Homeopaths:** Minimum requirements of study for registration are contained in GN 74/2011 ([GG 4730](#)). Regulations relating to the registration of homeopaths and homeopathy interns, and additional qualifications in this field, are contained in GN 75/2011 ([GG 4730](#)). Regulations relating to scope of practice are contained in GN 211/2015 ([GG 5831](#)).

**Medical laboratory technicians and scientists:** Regulations relating to medical laboratory technicians are contained in GN 28/2007 and 29/2007 ([GG 3795](#)). Regulations relating to the minimum requirements of study for registration as a medical laboratory scientist are contained in GN 295/2015 ([GG 5899](#)). Regulations relating to the registration of medical laboratory scientists and additional qualifications are contained in GN 296/2015 ([GG 5899](#)).

**Medical orthotists and prosthetists:** Regulations relating to the minimum requirements of study for registration, interns and additional qualifications are contained in GN 360/2019 ([GG 7059](#)). GN 360/2019 repeals the regulations contained in RSA GN R.1846/1977 ([RSA GG 5741](#)).

**Medical orthotics and prosthetics assistant:** Regulations relating to registration and scope of practice are contained in GN 37/2021 ([GG 7473](#)).

**Medical rehabilitation workers:** Minimum requirements of study for registration are

contained in GN 152/2008 ([GG 4068](#)). Regulations relating to registration are contained in GN 153/2008 ([GG 4068](#)).

**Medical technologists:** Regulations relating to medical technologists are contained in GN 35-36/2007 ([GG 3795](#)). GN 35/2007 withdraws RSA GN R.2305 of 3 December 1976, and GN 36/2007 withdraws RSA GN R. 2304 of 3 December 1976. Regulations on scope of practice are contained in GN 87/2012 ([GG 4913](#)).

**Naturopaths:** Minimum requirements of study for registration as a naturopath are contained in GN 73/2011 ([GG 4730](#)). Regulations relating to the registration of naturopaths and naturopathy interns, and additional qualifications in this field, are contained in GN 76/2011 ([GG 4730](#)). Regulations relating to the scope of practice of a naturopath are contained in GN 90/2014 ([GG 5503](#)).

**Nutritionists:** Regulations relating to scope of practice are contained in GN 208/2016 ([GG 6114](#)). Regulations relating to minimum requirements of study for registration are contained in GN 184/2017 ([GG 6367](#)).

**Occupational therapists:** Minimum requirements of study for registration as an occupational therapist are contained in GN 7/2010 ([GG 4411](#)). Regulations relating to the registration of occupational therapists, occupational therapy interns, specialities and additional qualifications are contained in GN 72/2014 ([GG 5477](#)), which replaced the regulations in GN 11/2010 ([GG 4419](#)). Regulations on additional examinations for conditionally-registered occupational therapists are contained in GN 156/2010 ([GG 4530](#)).

**Ocularists:** Minimum requirements of study for registration are contained in GN 149/2008 ([GG 4068](#)). Regulations relating to registration are contained in GN 154/2008 ([GG 4068](#)).

**Optometrists:** Minimum requirements of study for registration are contained in GN 173/2009 ([GG 4332](#)). Regulations relating to registration are contained in GN 174/2009 ([GG 4332](#)). Additional examinations which may be conducted by the Council are addressed in GN 175/2009 ([GG 4332](#)). Regulations on scope of practice are contained in GN 104/2011 ([GG 4752](#)).

**Opticians:** Minimum requirements of study for registration as a dispensing optician are contained in GN 276/2010 ([GG 4633](#)). Additional regulations are contained in GN 277/2010 ([GG 4633](#)). Regulations on the scope of practice of dispensing opticians are contained in GN 105/2011 ([GG 4752](#)).

**Orthoptists:** Regulations relating to the minimum requirements of study for registration are contained in GN 106/2011 ([GG 4752](#)). Regulations relating to registration and additional qualifications are contained in GN 107/2011 ([GG 4752](#)).

**Osteopath:** Regulations relating to scope of practice are contained in GN 89/2014 ([GG 5502](#)). Minimum requirements of study and registration are covered in GN 172/2014 ([GG 5569](#)).

**Phlebotomy technicians:** Regulations relating to minimum requirements of study and registration are contained in GN 37/2017 ([GG 6249](#)).

**Physiotherapists:** Regulations relating to physiotherapists are contained in GN 30/2007 and 31/2007 ([GG 3795](#)); GN 31/2007 withdraws certain regulations published in GN 49/1997 ([GG 1526](#)) and “regulation No. 224 of 7 November 2005”.



The reference in GN 31/2007 to “regulation No. 224 of 7 November 2005” must be wrong. There was no *Government Gazette* published on that date. GN 224/2005 ([GG 3498](#)) was published on 15 September 2005 and is concerned with charges and fees regarding the control of outdoor advertising in Walvis Bay. The regulations published in GN 49/1997 do not contain a regulation numbered 224. It is therefore unclear which regulation was intended to be withdrawn.

GN 228/2010 ([GG 4581](#)) repeals GN 30/2007.

Additional examinations which may be conducted by the Council are addressed in GN 148/2009 ([GG 4302](#)). Regulations on scope of practice are contained in GN 122/2010 ([GG 4502](#)). Regulations relating to the minimum requirements of study for registration are contained in GN 228/2010 ([GG 4581](#)).

**Phytotherapists:** Minimum requirements of study for registration as a phytotherapist are contained in GN 72/2011 ([GG 4730](#)). Regulations relating to the registration of phytotherapists and interns, and additional qualifications in this field, are contained in GN 77/2011 ([GG 4730](#)). Regulations relating to the scope of practice of phytotherapists are contained in GN 212/2015 ([GG 5831](#)).

**Radiographers:** Minimum requirements of study for registration as a diagnostic radiographer, a nuclear medicine radiographer, a therapeutic radiographer, an ultrasound radiographer and a radiography assistant were originally contained in GN 47/2010 ([GG 4443](#)), and regulations relating to the registration of radiographers were originally contained in GN 48/2010 ([GG 4443](#)). However, both of these sets of regulations were repealed by GN 312/2020 ([GG 7411](#)).

Regulations relating to minimum requirements of study for registration as a **diagnostic radiographer**, additional qualifications, registers and scope of practice are contained in GN 312/2020 ([GG 7411](#)).

Regulations relating to minimum requirements of study for registration as a **radiography assistant** and scope of practice are contained in GN 313/2020 ([GG 7412](#)).

Regulations relating to minimum requirements of study for registration as a **therapeutic radiographer**, additional qualifications, registers and scope of practice are contained in GN 314/2020 ([GG 7413](#)).

Regulations relating to minimum requirements of study for registration as a **nuclear medicine radiographer**, additional qualifications, registers and scope of practice are contained in GN 315/2020 ([GG 7414](#)).

Regulations relating to minimum requirements of study for registration as an **ultrasound radiographer or sonographer**, additional qualifications, registers and scope of practice are contained in GN 316/2020 ([GG 7415](#)).

**Speech therapists and audiologists:** Regulations relating to registration of these professionals and registration of additional qualifications are contained in GN 142/2011 ([GG 4768](#)). Minimum requirements of study for registration are contained in GN 143/2011 ([GG 4768](#)).

**Therapeutic aromatherapists:** Minimum requirements of study for registration are contained in GN 291/2013 ([GG 5332](#)). Regulations relating to the registration of these professionals are contained in GN 292/2013 ([GG 5332](#)). Regulations on the scope of practice of therapeutic aromatherapists are contained in GN 293/2013 ([GG 5331](#)).

**Therapeutic masseurs:** Minimum requirements of study for registration are contained in GN 288/2013 ([GG 5331](#)). Regulations relating to the registration of these professionals are contained in GN 289/2013 ([GG 5331](#)). Regulations on the scope of practice of therapeutic masseurs are contained in GN 290/2013 ([GG 5331](#)).

**Therapeutic reflexologists:** Minimum requirements of study for registration are contained in GN 294/2013 ([GG 5333](#)). Regulations relating to the registration of these professionals are contained in GN 295/2013 ([GG 5333](#)). Regulations on the scope of practice of therapeutic reflexologists are contained in GN 296/2013 ([GG 5333](#)).

**Impaired persons:** Regulations relating to Impaired Registered Persons are contained in GN 302/2013 ([GG 5341](#)).

**General:** Regulations concerning allowances payable to members of the Council are contained in GN 292/2015 ([GG 5899](#)), which withdraws GN 148/2008 ([GG 4068](#)).

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

Regulations on continuing professional development are contained in GN 46/2010 ([GG 4443](#)).

Regulations governing the return to practice after a period of not practising are contained in GN 273/2010 ([GG 4633](#)).

Regulations on the maximum fine that may be imposed by the Council or the Professional Conduct Committee are contained in GN 60/2018 ([GG 6564](#)), which repeals GN 20/2018 ([GG 6527](#)), which in turn repealed GN 158/2014 ([GG 5559](#)).

Note that GG 6527 was initially numbered incorrectly as GG 6528. A corrected version was subsequently issued.

Regulations relating to the investigation of alleged unprofessional conduct by registered persons and professional conduct inquiries are contained in GN 40/2015 ([GG 5690](#)).

Regulations relating to the registration of students are contained in GN 81/2017 ([GG 6282](#)).

Regulations on the conditions subject to which registered persons may conduct professional practices are contained in GN 197/2018 ([GG 6694](#)).

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

**Fees:** Fees payable to the Allied Health Professions Council are contained in General Notice 495/2020 ([GG 7410](#)), which repeals General Notice 487/2019 ([GG 7061](#)). General Notice 487/2019 repeals General Notice 499/2017 ([GG 6489](#)), which repeals General Notice 350/2013 ([GG 5281](#)), which in turn withdraws both General Notice 358/2006 ([OG 3743](#)) and General Notice 306/2010 ([GG 4600](#)).

Note that General Notice 499/2017 ([GG 6489](#)) is numbered correctly in the Contents of GG 6489, but misnumbered as General Notice 479 in the text of that *Government Gazette*.

**Appointments and elections:** Regulations relating to the first election of the members of the Allied Health Professions Council of Namibia are contained in GN 143/2006 ([GG 3692](#)) and GN 27/2007 ([GG 3795](#)). Further regulations relating to the first election of the members of the Allied Health Professions Council of Namibia are contained in GN 172/2007 ([GG 3861](#)).

The first Allied Health Professions Council is announced in GN 61/2008 ([GG 4008](#)). The terms of office of certain Council members were extended by GN 224/2012 ([GG 5023](#)), GN 69/2013 ([GG 5060](#)) GN 258/2013 ([GG 5303](#)), GN 32/2014 ([GG 5425](#)), GN 154/2014 ([GG 5559](#)), GN 192/2015 ([GG 5818](#)) and GN 221/2016 ([GG 6125](#)). The terms of office of certain members were extended by GN 60/2017 ([GG 6263](#)).

Subsequent to amendments to the Act to provide for the appointment of Council members, appointments are announced in GN 301/2018 ([GG 6770](#)).

## **Nursing Act 8 of 2004**

**Summary:** This Act ([GG 3249](#)) provides for the establishment of a professional council for the nursing and midwifery or accoucheury professions. (An accoucheur is a male midwife.) It also defines and provides for the registration, enrolment, training and qualifications of members of such professions, and prohibits unregistered persons from practising such professions. This Act repeals the Nursing Professions Act 30 of 1993 ([GG 764](#)), which repealed the *Nursing Act 50 of 1978*. This Act was brought into force on 1 October 2004 by GN 213/2004 ([GG 3291](#)).

**Amendments:** Act 10/2018 ([GG 6703](#)) amends the Act to make provision for the appointment of members of the Nursing Council.

**Savings:** In terms of section 65(2), any regulation, rule, notice, authorization, or order made under the legislation repealed by this Act remains in force insofar as it is not inconsistent with this Act. The Nursing Professions Act 30 of 1993 contained a similar savings clause in section 54(2).

**Regulations:** Pre-independence regulations have not been researched. The following post-independence regulations survive from the previous Act:

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

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

**Impaired persons:** Regulations relating to Impaired Registered Persons are contained in GN 300/2013 ([GG 5339](#)).

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

- Advanced University Diploma in Operating Room Nursing Science – GN 14/1999 ([GG 2040](#)) (which repeals RSA GN R.44 of 9 January 1970).
- Diploma in Ophthalmological Nursing – GN 15/1999 ([GG 2040](#)) (which repeals RSA GN R.83 of 16 January 1970, RSA GN R.265 of 14 February 1975 and RSA GN R.1578 of 12 August 1977).
- Advanced University Diploma in Health Promotion, Clinical Diagnosis and Treatment – GN 17/1999 ([GG 2042](#))
- Diploma in Midwifery for Registration as a Midwife – GN 67/1999 ([GG 2083](#))

- Advanced University Diploma in Nursing Education – GN 194/2000 ([GG 2392](#))
- Nurse and Midwife – GN 195/2000 ([GG 2392](#))
- Advanced University Diploma in Critical Care Nursing – GN 196/2000 ([GG 2392](#)) (which repeals RSA GN R.85 of 16 January 1970).

Regulations issued under this Act are as follows;

**Registration as nurse, midwife or accoucheur specialist:** Regulations relating to the minimum requirements for study as registration as a nurse or midwife are contained in GN 143/2008 ([GG 4068](#)), which repeals GN 193/2000 ([GG 2392](#)). Regulations relating to approval of minimum requirements for education and training leading to bachelor's degree in nursing and midwifery science for registration as a nurse and midwife or accoucheur are contained in GN 182/2017 ([GG 6361](#)). Regulations relating to the registration of nurses, midwives and accoucheur specialities are contained in GN 220/2017 ([GG 6390](#)), replacing GN 250/2008 ([GG 4140](#)) which had in turn repealed Part II of GN 11/1999 ([GG 2040](#)).

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

**Midwives:** Regulations concerning the conditions of practice of midwives are contained in GN 178/2009 ([GG 4332](#)) which repeals the regulations published in RSA GN R. 954 of 28 June 1963, RSA GN R. 1886 of 18 October 1974 and RSA GN R. 1784 of 19 September 1975.

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

**Continuing professional development:** Regulations relating to the continuing professional development of persons registered or enrolled under the Act are contained in GN 15/2011 ([GG 4656](#)).

**Scope of practice:** Regulations relating to the scope of practice are contained in GN 206/2014 ([GG 5591](#)), which withdraws GN 13/1999 ([GG 2040](#)).

**Conditions of practice:** Regulations concerning conditions subject to which registered or enrolled persons may conduct practices relating to their professions are contained in GN 293/2019 ([GG 7011](#)).

**Uniforms, badges, etc:** Regulations relating to uniforms, badges and other distinguishing devices for nurses are contained in GN 17/2019 ([GG 6836](#)). (This notice repeals GN 56/1999 ([GG 2077](#)), as amended by GN 116/2009 ([GG 4264](#))).

**Courses of study:** Regulations on minimum requirements for education and training for a diploma in nursing and midwifery science and for registration as nurse, midwife or accoucheur are contained in GN 18/2019 ([GG 6836](#)), which repeals GN 55/1999 ([GG 2077](#)) (which in turn repealed RSA GN R. 879 of 2 May 1975, RSA GN R. 2316 of 5 December 1975 and RSA GN R. 1570 of 12 August 1977).

**General:** Regulations concerning allowances payable to members of the Council are contained in GN 291/2015 ([GG 5899](#)), which withdraws GN 146/2008 ([GG 4068](#)). Regulations concerning additional examinations by the Council are contained in GN 149/2009 ([GG 4302](#)). Regulations on the maximum fine that may be imposed by the

Council or the Professional Conduct Committee are contained in GN 21/2018 ([GG 6527](#)), which repeals GN 156/2014 ([GG 5559](#)).

Note that GG 6527 was initially numbered incorrectly as GG 6528. A corrected version was subsequently issued.

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

**Fees:** Fees payable to the Nursing Council are contained in General Notice 489/2019 ([GG 7061](#)). This notice repeals General Notice 500/2017 ([GG 6489](#)), which repeals General Notice 351/2013 ([GG 5281](#)), which in turn withdraws both General Notice 357/2006 ([OG 3743](#)) and General Notice 308/2010 ([GG 4600](#)).

Note: General Notice 18/2007 ([GG 3788](#)) amends General Notice 357/2006 ([GG 3743](#)), but was not withdrawn along with the principal notice by General Notice 351/2013 ([GG 5281](#)); however, it has no independent effect or relevance.

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

The first Nursing Council is announced in GN 60/2008 ([GG 4008](#)), replacing the Interim Council established by GN 219/2004 ([GG 3293](#)). The terms of office of certain Council members were extended by GN 221/2012 ([GG 5023](#)), GN 71/2013 ([GG 5060](#)), GN 259/2013 ([GG 5303](#)), GN 30/2014 ([GG 5425](#)), GN 152/2014 ([GG 5559](#)), GN 191/2015 ([GG 5818](#)) and GN 222/2016 ([GG 6125](#)). The terms of office of certain members were extended by GN 57/2017 ([GG 6263](#)).

Subsequent amendments to the Act to provide for the appointment of Council members, appointments are announced in GN 299/2018 ([GG 6770](#)).

## **Pharmacy Act 9 of 2004**

**Summary:** This Act ([GG 3250](#)) provides for the establishment of a professional council for the pharmacy profession. It also defines and provides for the registration, training and qualifications of members of pharmacists, pharmacist interns, pharmacy students, pharmacists' assistants and pharmaceutical technicians, and prohibits unregistered persons from practising in the pharmacy profession. It repeals the Pharmacy Profession Act 23 of 1993 ([GG 713](#)), which repealed in turn the *Pharmacy Act 53 of 1974*. This Act was brought into force on 1 October 2004 by GN 214/2004 ([GG 3291](#)).

**Amendments:** Act 11/2018 ([GG 6704](#)) amends the Act to make provision for the appointment of members of the Pharmacy Council.

**Savings:** Section 72(2) of this Act states: "Except as otherwise provided in section 71, any notice, regulation, rule, authorisation or order issued, made or granted, or any removal from the register, appointment or any other act done, or regarded to have been issued, made, granted, or done under or in terms of a provision of the laws repealed by subsection (1) must be regarded as having been issued, made, granted, or done under the corresponding provision of this Act and continues to have force and effect -

- (a) except if it is inconsistent with this Act; or
- (b) until it is set aside or repealed."

The Pharmacy Profession Act 23 of 1993 contains a similar saving clause in section 57(2).

**Regulations:** Pre-independence regulations have not been researched.

Regulations made under the Pharmacy Profession Act 23 of 1993 are as follows –

Regulations relating to **fees** are contained in GN 120/1996 ([GG 1312](#)), as amended by GN 106/2003 (GG 2985).

Regulations relating to the **election of members to the Pharmacy Board** are contained in GN 226/1999 ([GG 2214](#)).

Regulations made under this Act are as follows –

**Study, registration and scope of practice:** Minimum requirements of study for registration as a pharmacist are contained in GN 221/2007 ([GG 3945](#)). Minimum requirements of study for registration as a pharmaceutical technician are contained in GN 18/2017 ([GG 6230](#)). Regulations relating to the registration of pharmacists and pharmacist interns and the qualifications for specialities are contained in GN 51/2008 ([GG 4000](#)), which repeals the regulations in RSA GN R.1417/1975 ([RSA GG 4806](#)). Additional examinations are covered by regulations contained in GN 278/2010 ([GG 4633](#)). Regulations relating to the scope of practice of a pharmacist, pharmaceutical technician, pharmacist intern, pharmacy student, pharmacist's assistant and pharmacist's assistant student are contained in GN 294/2017 ([GG 6470](#)).

**Impaired persons:** Regulations relating to Impaired Registered Persons are contained in GN 303/2013 ([GG 5342](#)).

**Ownership of pharmacies by private hospitals:** Regulations relating to the ownership of pharmacies by private hospitals were initially contained in GN 198/2008 ([GG 4103](#)), which was repealed and replaced by GN 101/2014 ([GG 5515](#)).

**General:** Regulations concerning allowances payable to members of the Council are contained in GN 290/2015 ([GG 5899](#)), which withdraws GN 147/2008 ([GG 4068](#)).

Regulations relating to continuing professional development are contained in GN 90/2010 ([GG 4482](#)).

Regulations governing the return to practice after a period of not practising are contained in GN 279/2010 ([GG 4633](#)).

Regulations on appeals are contained in GN 280/2010 ([GG 4633](#)).

Regulations on the maximum fine that may be imposed by the Council or the Professional Conduct Committee are contained in GN 61/2018 ([GG 6564](#)), which repeals GN 22/2018 ([GG 6527](#)), which in turn repealed GN 159/2014 ([GG 5559](#)).

Note that GG 6527 was initially numbered incorrectly as GG 6528. A corrected version was subsequently issued.

Regulations relating to the investigation of alleged unprofessional conduct by registered persons and professional conduct inquiries are contained in GN 289/2015 ([GG 5898](#)), as amended by GN 237/2016 ([GG 6135](#)).

GN 237/2016 amends the enabling formula contained in GN 289/2015, rather than amending the regulations themselves. GN 289/2015 initially stated that the regulations

were made under section 66(5) of the Pharmacy Act 9 of 2004. The enabling formula is substituted by GN 237/2016, to state that the regulations were made under section 66(1)(s) of the Pharmacy Act 9 of 2004.

**Rules:** The following rules were issued under the previous Act –

Rules in respect of misconduct, are contained in GN 299/1996 ([GG 1444](#)). (Note that section 72(3) of this Act states: “For the purposes of subsection (2) [the savings clause], any rules referred to in that subsection relating to improper conduct or misconduct must be construed as a reference to rules relating to unprofessional conduct.”)

The following rules were made under this Act –

Rules relating to the qualification and registration of a pharmacist’s assistant are contained in General Notice 426/2017 ([GG 6456](#)), which repeals GN 263/2014 ([GG 5644](#)), which withdraws the rules published in General Notice 4/2013 ([GG 5119](#)).

**Fees:** Fees payable to the Pharmacy Council are set by –

- General Notice 309/2010 ([GG 4600](#))
- General Notice 386/2012 ([GG 5069](#))
- General Notice 497/2020 ([GG 7410](#)), which repeals General Notice 490/2019 ([GG 7061](#)). General Notice 490/2019 repeals General Notice 497/2017 ([GG 6489](#)), which repeals General Notice 352/2013 ([GG 5281](#)), which in turn withdraws General Notice 67/2007 ([GG 3804](#)) as amended by General Notice 174/2008 ([GG 4068](#)).

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

Members of the first Pharmacy Council are announced in GN 270/2008 ([GG 4166](#)). The terms of office of certain Council members were extended by GN 225/2012 ([GG 5023](#)), GN 70/2013 ([GG 5060](#)), GN 257/2013 ([GG 5303](#)), GN 28/2014 ([GG 5425](#)), GN 153/2014 ([GG 5559](#)), GN 190/2015 ([GG 5818](#)) and GN 223/2016 ([GG 6125](#)). The terms of office of certain members were extended by GN 56/2017 ([GG 6263](#)).

Subsequent to amendments to the Act to provide for the appointment of Council members, appointments are announced in GN 300/2018 ([GG 6770](#)).

## **Medical and Dental Act 10 of 2004**

**Summary:** This Act ([GG 3251](#)) provides for the establishment of a professional council for the medical and dental professions. It also defines and provides for the registration, training and qualifications of members of these professions, and prohibits unregistered persons from practising such professions. This Act was brought into force on 1 October 2004 by GN 215/2004 ([GG 3291](#)).

This Act repeals the Medical and Dental Professions Act 21 of 1993 ([GG 711](#)), and the Allied Health Services Professions Act 20 of 1993 ([GG 710](#)) insofar as it relates to the professions regulated by this Act.

The Medical and Dental Professions Act 21 of 1993 repealed the *Medical, Dental and Supplementary Health Service Professions Act 56 of 1974* and the Health Service Professions Proclamation, AG 70 of 1989.

The *Medical, Dental and Supplementary Health Service Professions Act 56 of 1974* ([RSA GG 4445](#)), which applied to SWA and which was brought into force by RSA Proc. R.52/1975 ([RSA GG 4594](#)), repealed the *Medical, Dental and Pharmacy Act 13 of 1928* (and its amending acts) with the exception of sections 83 and 83bis. Sections 83 and 83bis of that Act were repealed in South Africa by the *Health Act 63 of 1977* ([RSA GG 5558](#)). The relevant section of this repealing act came into force on 1 September 1977 (RSA Proc. R.175/1977, RSA GG 5716), prior to the relevant date of transfer. Therefore, Act 63 of 1977 (although not made generally applicable to SWA) would appear to have repealed the remaining sections of Act 13 of 1928 in SWA by virtue of the wording of section 99 of Act 13 of 1928, which provided that the “mandated territory of South West Africa” was to be deemed to be a province of South Africa for all purposes of the Act (except for the purposes of (b) paragraph (b) of the proviso section 2(4), which concerned representation on the council established by the Act). The transfer date in respect of health-related laws was 1 December 1977, meaning that repeals of regulations in SA prior to that date applied to SWA.

GN 215/2004, which brought the Act into force, was arguably withdrawn by GN 142/2006 ([GG 3691](#)) and again by GN 26/2007 ([GG 3795](#)). However this appears to be an error.

GN 142/2006 ([GG 3691](#)) and GN 26/2007 ([GG 3795](#)), both of which pertain to the first election of the Social Work and Psychology Council, withdraw “Government Notices Nos. 215 and 229 of 20 October 2004”. However, there were no Government Notices with these numbers gazetted on that date. GN 215/2004, which deals with the commencement of this Act, was gazetted on 1 October 2004 ([GG 3291](#)), and GN 229/2004, which deals with final deregistration of companies, was gazetted on 21 October 2004. It is unlikely that the regulations intended to withdraw either of these notices.

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

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

**Amendments:** Act 9/2018 ([GG 6702](#)) amends the Act to make provision for the appointment of members of the Medical and Dental Council.

**Savings:** Section 65(2) of this Act states:

Unless otherwise provided in this Act, any notice, regulation, rule, authorisation or order issued, made or granted, or any removal from the register or appointment made, or any other act done, or regarded to have been so issued, made, granted or done in terms of a provision of any of the laws repealed by subsection (1), must be regarded as having been issued, made, granted or done in terms of the corresponding provision of this Act, and continues to have force and effect -

- (a) unless it is inconsistent with this Act; or
- (b) until such time as it is set aside or repealed.

The Medical and Dental Professions Act 21 of 1993 ([GG 711](#)) contained a savings clause in section 56(2), the *Health Act 63 of 1977* ([RSA GG 5558](#)) (which repealed two provisions of the *Medical, Dental and Pharmacy Act 13 of 1928* authorising regulations) contained a savings



clause in section 63(2), and the *Medical, Dental and Supplementary Health Service Professions Act 56 of 1974* ([RSA GG 4445](#)) contained a savings clause in section 64(2).

**Regulations:** Pre-independence regulations have not been comprehensively researched. However, amongst the regulations which may survive are the following, which were issued in terms of the *Medical, Dental and Pharmacy Act 13 of 1928*:

**Blood Transfusion Regulations, 1962,** RSA GN R.1950/1962 (RSA GG 385, republished in OG 2440A), made in terms of section 83*bis* (in substitution for the regulations in SA GN R.699 of 20 May 1960) and amended by RSA GN R.66/1969 (RSA GG 2265, republished in OG 2966) and by AG GN 31/1979 (OG 3952).

**Therapeutic Substances Regulations,** RSA GN R.740/1966 (RSA GG 1445), made in terms of section 83 (in substitution for the regulations regarding therapeutic substances published in SA GN 1131 of 9 August 1935 as amended), as amended by GN R.739/1971 (RSA GG 3090).

Post-independence regulations made under the Medical and Dental Professions Act 21 of 1993 repealed by this Act which appear to survive include the following:

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

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

Section 65(3) of this Act states: “For the purposes of subsection (2) [the savings clause], the rules referred to in that subsection relating to improper conduct or misconduct must be construed as a reference to rules relating to unprofessional conduct made in terms of this Act.”

The regulations below were promulgated under the current 2004 Act –

**Biomedical engineers:** Regulations relating to the minimum requirements of study, registration, and scope of practice in respect of biomedical engineers are contained in GN 277/2018 ([GG 6744](#)).

**Clinical biochemists:** Regulations relating to the minimum requirements of study for registration as a clinical biochemist are contained in GN 125/2010 ([GG 4503](#)). Regulations on the scope of practice of clinical biochemists are contained in GN 124/2010 ([GG 4503](#)). Additional regulations pertaining to clinical biochemists are contained in GN 126/2010 ([GG 4503](#)).

**Clinical officers and clinical officer interns:** Minimum requirements of study for registration and registration of clinical officers and clinical officer interns are contained in GN 24/2015 ([GG 5680](#)).

**Dental professions:** Regulations on conditions applicable to practice as a dentist, dentist specialist or oral hygienist are contained in GN 80/2005 ([GG 3460](#)). Regulations relating to the qualifications for registration of dentists, minimum curriculum requirements for the study of dentistry and professional examinations for dentists are contained in GN 51/2006 ([GG 3595](#)). Regulations relating to the registration of dentists are contained in GN 155/2008 ([GN 4068](#)), as amended by GN 33/2017 ([GG 6249](#)). Regulations relating to the registration of dental interns are contained in GN 121/2016

([GG 6031](#)). Regulations relating to the registration of dental students are contained in GN 32/2017 ([GG 6249](#)). Regulations relating to the scope of practice of dentists are contained in GN 34/2017 ([GG 6249](#)).

Note that GN 155/2008 ([GN 4068](#)) repeals certain South African regulations insofar as they apply to dentists: RSA GN No R. 2269, 2273, 2274, 2275, 2276, 2277 and 2278 of 3 December 1976 and R.1829 of 16 September 1977.

**Medical biological scientists and interns:** Regulations relating to the minimum requirements of study for registration as a medical biological scientist are contained in GN 49/2011 ([GG 4699](#)). Regulations relating to the registration and additional qualifications of medical biological scientists and medical biological scientist interns are contained in GN 48/2011 ([GG 4699](#)).

**Medical students:** Regulations relating to the registration of medical students, the maintaining of a register of medical students and the restoration of a name to a register the registration of medical students are contained in GN 120/2016 ([GG 6031](#)), which withdraws GN 237/2000 ([GG 2415](#)) (which in turn repealed RSA GN R.2269 and R.2270 of 3 December 1976).

**Medical interns:** Regulations relating to the registration of medical interns were originally set out in GN 8/2007 ([GG 3783](#)), which withdraw regulations 15-18 and 20 published in GN 238/1999 ([GG 2222](#)). GN 8/2007 was repealed by GN 84/2020 ([GG 7147](#)), which contained new regulations relating to the registration of medical interns. GN 84/2020 was repealed by GN 317/2020 ([GG 7419](#)), which contains new regulations relating to the registration of medical interns.

**Medical physicist:** Regulations relating to minimum requirements of study of medical physicists, registration of interns, restoration of name to the register and scope of practice of medical physicists are contained in GN 52/2020 ([GG 7128](#)).

**Medical practitioners:** Regulations concerning the minimum requirements of study for registration as a medical practitioner are contained in GN 277/2017 ([GG 6442](#)), which repeals GN 177/2009 ([GG 4332](#)). Regulations concerning the registration of medical practitioners and specialities are contained in GN 278/2017 ([GG 6442](#)), which repeals GN 71/2010 ([GG 4455](#)), which in turn repealed all of the regulations contained in GN 238/1999 ([GG 2222](#)). Regulations relating to the scope of practice of medical practitioners are contained in GN 35/2017 ([GG 6249](#)).

**Oral hygienists:** Regulations relating to the minimum requirements of study for registration as an oral hygienist are contained in GN 144/2008 ([GG 4068](#)). Regulations relating to the registration of oral hygienists are contained in GN 145/2008 ([GG 4068](#)). Regulations related to the scope of practice of oral hygiene are contained in GN 197/2008 ([GG 4103](#)), as amended by GN 210/2015 ([GG 5831](#)).

**General:** Regulations concerning allowances payable to members of the Council are contained in GN 293/2015 ([GG 5899](#)), which withdraws GN 150/2008 ([GG 4068](#)).

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

Regulations relating to appeals and the conducting of appeals by the Appeal Committee of the Medical and Dental Council are contained in GN 41/2009 ([GG 4232](#)).

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

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

Regulations relating to impaired registered persons are contained in GN 299/2013 ([GG 5338](#)).

Regulations on the maximum fine that may be imposed by the Council or the Professional Conduct Committee are contained in GN 62/2018 ([GG 6564](#)), which repeals GN 23/2018 ([GG 6527](#)), which in turn repealed GN 155/2014 ([GG 5559](#)).

Note that GG 6527 was initially numbered incorrectly as GG 6528. A corrected version was subsequently issued.

Regulations relating to conditions under which registered persons may conduct practices relating to their professions are contained in GN 61/2017 ([GG 6263](#)).

Regulations relating to the practical training of medical students and dental students are contained in GN 279/2017 ([GG 6444](#)).

**Fees:** Fees payable to the Medical and Dental Council are contained in General Notice 498/2020 ([GG 7410](#)), which repeals General Notice 347/2020 ([GG 7317](#)), which repeals General Notice 491/2019 ([GG 7061](#)), which repeals General Notice 501/2017 ([GG 6489](#)), which repeals General Notice 285/2013 ([GG 5252](#)).

Prior to the enactment of this law, regulations on fees payable to the Council were contained in GN 223/2003 ([GG 3086](#)); annual fees were determined in terms of those regulations in GN 230/2003 ([GG 3092](#)). The regulations on fees in GN 223/2003 were withdrawn by General Notice 8/2007 ([GG 3771](#)), which was amended by General Notice 307/2010 ([GG 4600](#)). Both of these General Notices were withdrawn and replaced by General Notice 285/2013 ([GG 5252](#)).

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

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

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

**Fees:** A tariff of fees which may be charged by registered dentists are contained in General Notice 302/2003 ([GG 3085](#)) which repeals General Notice 381/2002 ([GG 2880](#)).

**Appointments and elections:** Regulations relating to the first election of the Medical and Dental Council of Namibia are contained in GN 146/2006 ([GG 3695](#)) and GN 25/2007 ([GG 3795](#)). Both of these withdraw GN 216/1999, 220/1999 and 221/1999, relating to previous bodies. The first Medical and Dental Council is announced in GN 59/2008 ([GG 4008](#)), replacing the Interim Council established by GN 220/2004 ([GG 3293](#)). The terms of office of certain Council members were extended by GN 222/2012 ([GG 5023](#)), GN 72/2013 ([GG 5060](#)), GN 256/2013 ([GG 5303](#)), GN 29/2014 ([GG 5425](#)), GN 151/2014 ([GG 5559](#)) GN 189/2015 ([GG 5818](#)) and GN 224/2016 ([GG 6125](#)). The terms of office of certain members were extended by

GN 58/2017 ([GG 6263](#)).

Subsequent amendments to the Act to provide for the appointment of Council members, appointments are announced in GN 297/2018 ([GG 6770](#)).

See also Veterinary and Veterinary Para-Professions Act 1 of 2013 (**ANIMALS**).

See also **HEALTH**.

See also **HOSPITALS**.

See also Namibia Qualifications Authority Act 29 of 1996 (occupational standards) (**EDUCATION**).

See also **MEDICAL AID**.

See also **MEDICINE**.

See also **MENTAL HEALTH AND MENTAL DISORDERS**.