



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 499.

30 Maart 1977.

No. 499.

30 March 1977.

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

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

No. 36 van 1977: Wysigingswet op Gesondheidswetgewing, 1977.

No. 36 of 1977: Health Laws Amendment Act, 1977.

ACT

To amend the Medicines and Related Substances Control Act, 1965, so as to provide for an increase of the membership of the Medicines Control Council; to amend the Mental Health Act, 1973, so as to regulate the expiry of the period of office of certain members of a hospital board; and to make provision for the payment of amounts for the treatment of certain persons in certain state institutions; to amend the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974, so as to apply that Act to the territory of South West Africa; and to prohibit persons pursuing certain practices from committing certain acts with patients; to amend the Pharmacy Act, 1974, so as to further regulate the carrying on of the business of retail pharmacist by bodies corporate; and to regulate the training and control of pharmaceutical auxiliary personnel; to amend the Medical, Dental and Supplementary Health Service Professions Act, 1974, so as to provide for the registration of student interns; for the limited registration of certain persons in respect of supplementary health service professions, and the exemption of persons so registered from the restrictions imposed in respect of their registration, upon compliance by them with certain requirements; for the performance of certain acts by student interns; for the granting of authority to certain registered persons to supply certain medicines in certain circumstances; and for the making of regulations relating to the removal by the council from the registers in question of the names of medical, dental or psychology students, the nature and duration of training to be undergone by persons who have obtained certain certificates before they may be registered in respect of supplementary health service professions, the registration of student interns and the conduct of inquiries into the conduct or alleged conduct of members of supplementary health service professions; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 22 March 1977.)

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

Amendment of section 3 of Act 101 of 1965, as amended by section 3 of Act 65 of 1974.

1. Section 3 of the Medicines and Related Substances Control Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The council shall consist of not less than seven or more than fifteen members as may from time to time be determined by the State President.”.

WET

Tot wysiging van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, ten einde voorsiening te maak vir 'n verhoging van die ledetal van die Medisyne-beheerraad; tot wysiging van die Wet op Geestesgesondheid, 1973, ten einde die verstryking van die dienstermyn van sekere lede van 'n hospitaalraad te reël; en voorsiening te maak vir die betaling van gelde vir die behandeling van sekere persone in sekere staatsinrigtings; tot wysiging van die Wet op Homeopate, Naturopate, Osteopate en Kruiekundiges, 1974, ten einde daardie Wet op die gebied Suidwes-Afrika van toepassing te maak; en persone wat sekere praktyke beoefen, te verbied om sekere dade met pasiënte te pleeg; tot wysiging van die Wet op Aptekers, 1974, ten einde die dryf van die saak van kleinhandelsapteker deur regspersone verder te reël; en die opleiding van en beheer oor farmaseutiese hulppersoneel te reël; tot wysiging van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepe, 1974, ten einde voorsiening te maak vir die registrasie van student-interns; vir die beperkte registrasie van sekere persone ten opsigte van aanvullende gesondheidsdiensberoepe, en die vrystelling van persone aldus geregistreer, na voldoening deur hulle aan sekere vereistes, van die beperkings wat ten opsigte van hul registrasie opgelê is; vir die verrigting van sekere handelinge deur student-interns; vir die verlening van magtiging aan sekere geregistreerde persone om sekere medisyne in sekere omstandighede te verskaf; en vir die uitvaardiging van regulasies betreffende die skrapping deur die raad uit die betrokke registers van die name van studente in die geneeskunde, tandheelkunde of sielkunde, die aard en duur van die opleiding wat ondergaan moet word deur persone wat sekere sertifikate verwerf het voordat hulle ten opsigte van aanvullende gesondheidsdiensberoepe geregistreer mag word, die registrasie van student-interns en die instelling van ondersoeke na die gedrag of beweerde gedrag van lede van aanvullende gesondheidsdiensberoepe; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1977.)

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

1. Artikel 3 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die raad bestaan uit minstens sewe en hoogstens vyftien lede soos van tyd tot tyd deur die Staatspresident bepaal.”

Wysiging van artikel 3 van Wet 101 van 1965, soos gewysig deur artikel 3 van Wet 65 van 1974.

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HEALTH LAWS AMENDMENT ACT, 1977.

Amendment of
section 47 of
Act 18 of 1973.

2. Section 47 of the Mental Health Act, 1973, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The appointment of a member of the board shall be for a period of three years, and a member shall be eligible for reappointment: Provided that if the number of members of the board is increased to four or five during the period of office of the serving members of the board, the period of office of the additional member or members shall expire on the same date as that of the serving members.”

Amendment of
section 77 of
Act 18 of 1973.

3. Section 77 (1) of the Mental Health Act, 1973, is hereby amended by the substitution for paragraph (o) of the following paragraph:

“(o) the payment of maintenance and expenses incurred in connection with the detention, treatment and maintenance of any person in a State institution, other than a provincial hospital;”

Amendment of
section 3 of
Act 52 of 1974.

4. Section 3 of the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) An officer in the Department of Health designated by the Minister of Health shall keep a list on which shall be entered the name of every person who—

(a) within six months after the commencement of this Act submitted proof to the satisfaction of such officer that at the said commencement such person—

(i) was pursuing for gain any practice in the Republic; or

(ii) was a South African citizen and was studying, in the Republic or elsewhere, in order to qualify in any practice; or

(aA) within six months after the commencement of the Health Laws Amendment Act, 1977, submitted proof to the satisfaction of such officer that at the commencement of the said Amendment Act such person—

(i) was pursuing for gain any practice in the territory of South West Africa (hereinafter referred to as “the territory”); or

(ii) was a South African citizen permanently resident within the territory and was studying in the Republic (including the territory) or elsewhere in order to qualify in any practice; or

(b) within one month after the date referred to in subparagraph (ii), submitted proof to the satisfaction of such officer that—

(i) such person was at the commencement of this Act—

(aa) a South African citizen; and

(bb) pursuing for gain any practice elsewhere than in the Republic; and

(ii) such person became permanently resident in the Republic from a date after the commencement of this Act; or

(bA) within one month after the date referred to in subparagraph (ii), submitted proof to the satisfaction of such officer that—

(i) such person was at the commencement of the said Amendment Act—

(aa) a South African citizen; and

(bb) pursuing for gain any practice elsewhere than in the territory; and

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2. Artikel 47 van die Wet op Geestesgesondheid, 1973, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 47 van Wet 18 van 1973.

„(2) Die aanstelling van 'n lid van die raad is vir 'n tydperk van drie jaar, en 'n lid kan heraanstel word: Met dien verstande dat indien die aantal lede van die raad na vier of vyf vermeerder word gedurende die dienstermyn van die dienende lede van die raad, die dienstermyn van die bykomende lid of lede op dieselfde datum verstryk as dié van die dienende lede.”.

3. Artikel 77 (1) van die Wet op Geestesgesondheid, 1973, word hierby gewysig deur paragraaf (o) deur die volgende paragraaf te vervang:

Wysiging van artikel 77 van Wet 18 van 1973.

„(o) die betaling van onderhoud en uitgawes aangegaan in verband met die aanhouding, behandeling en onderhoud van iemand in 'n staatsinrigting, uitgesonderd 'n provinsiale hospitaal;”.

4. Artikel 3 van die Wet op Homeopate, Naturopate, Osteopate en Kruiekundiges, 1974, word hierby gewysig—

Wysiging van artikel 3 van Wet 52 van 1974.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Beampte in die Departement van Gesondheid wat deur die Minister van Gesondheid aangewys is, moet 'n lys hou waarin die naam van elke persoon ingeskryf word wat—

(a) binne ses maande na die inwerkingtreding van hierdie Wet ten genoë van daardie beampte bewys voorgelê het dat genoemde persoon by genoemde inwerkingtreding—

(i) vir wins die een of ander praktyk in die Republiek beoefen het; of

(ii) 'n Suid-Afrikaanse burger was en besig was om in die Republiek of elders te studeer ten einde hom vir die een of ander praktyk te bekwaam; of

(aA) binne ses maande na die inwerkingtreding van die Wysigingswet op Gesondheidswetgewing, 1977, ten genoë van daardie beampte bewys voorgelê het dat genoemde persoon by die inwerkingtreding van genoemde Wysigingswet—

(i) vir wins die een of ander praktyk in die gebied Suidwes-Afrika (hieronder „die gebied” genoem) beoefen het; of

(ii) 'n Suid-Afrikaanse burger blywend in die gebied woonagtig was en besig was om in die Republiek (met inbegrip van die gebied) of elders te studeer ten einde hom vir die een of ander praktyk te bekwaam; of

(b) binne een maand na die datum bedoel in subparagraaf (ii), ten genoë van daardie beampte bewys voorgelê het dat—

(i) genoemde persoon by die inwerkingtreding van hierdie Wet—

(aa) 'n Suid-Afrikaanse burger was; en

(bb) vir wins die een of ander praktyk elders as in die Republiek beoefen het; en

(ii) genoemde persoon vanaf 'n datum na die inwerkingtreding van hierdie Wet blywend in die Republiek woonagtig geword het; of

(bA) binne een maand na die datum bedoel in subparagraaf (ii), ten genoë van daardie beampte bewys voorgelê het dat—

(i) genoemde persoon by die inwerkingtreding van gemelde Wysigingswet—

(aa) 'n Suid-Afrikaanse burger was; en

(bb) vir wins die een of ander praktyk elders as in die gebied beoefen het; en

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- (ii) such person has become permanently resident in the territory from a date after the commencement of the said Amendment Act; or
- (c) submitted proof to the satisfaction of such officer that—
 - (i) at the commencement of this Act such person was—
 - (aa) as far as residence in the Republic is concerned, capable of acquiring South African citizenship; and
 - (bb) studying, in the Republic or elsewhere, in order to qualify in any practice; and
 - (ii) such citizenship was granted to such person within two years after the commencement of this Act; or
- (d) submitted proof to the satisfaction of such officer that—
 - (i) at the commencement of the said Amendment Act such person was—
 - (aa) as far as residence in the territory is concerned, capable of acquiring South African citizenship; and
 - (bb) studying in the Republic (including the territory) or elsewhere in order to qualify in any practice;
 - (ii) such citizenship was granted to such person within two years after the commencement of the said Amendment Act,

and together with such proof, submitted proof to the satisfaction of such officer that the Association has made a recommendation that such person's name be entered on such list by virtue of the training he receives or has received, as the case may be, his good character and his proficiency in at least one of the official languages of the Republic.”; and
- (b) by the substitution in subsection (2) for the expression “(a) or (b)” of the expression “(a), (aA), (b) or (bA)”.

Amendment of section 5 of Act 52 of 1974.

5. Section 5 of the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974, is hereby amended by the addition to subsection (1) of the following paragraph:

“(j) commit any indecent act with any patient.”.

Substitution of section 6 of Act 52 of 1974.

6. The following section is hereby substituted for section 6 of the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974:

“Saving.

6. (1) The provisions of the Medical, Dental and Supplementary Health Service Professions Act, 1974, shall not be construed so as to prohibit any person whose name appears on the list from performing for gain in the Republic any act usually performed at the commencement of this Act by persons who pursue the practice concerned in the Republic, and the performance of which by such person is not prohibited by this Act.

(2) The provisions of the Medical, Dental and Supplementary Health Service Professions Act, 1974, shall not be construed so as to prohibit any person whose name appears on the list from performing for gain in the territory any act usually performed at the commencement of the Health Laws Amendment Act, 1977, by persons who pursue the practice concerned in the territory, and the performance of which by such person is not prohibited by this Act.”.

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- (ii) sodanige persoon vanaf 'n datum na die inwerkingtreding van gemelde Wysigingswet blywend in die gebied woonagtig geword het; of
- (c) ten genoë van daardie beampste bewys voorgelê het dat—
- (i) by die inwerkingtreding van hierdie Wet genoemde persoon—
- (aa) wat verblyf in die Republiek betref, in staat was om Suid-Afrikaanse burgerskap te verkry; en
- (bb) besig was om in die Republiek of elders te studeer ten einde hom vir die een of ander praktyk te bekwaam; en
- (ii) sodanige burgerskap binne twee jaar na die inwerkingtreding van hierdie Wet aan genoemde persoon verleen is; of
- (d) ten genoë van daardie beampste bewys voorgelê het dat—
- (i) by die inwerkingtreding van gemelde Wysigingswet sodanige persoon—
- (aa) wat verblyf in die gebied betref, in staat was om Suid-Afrikaanse burgerskap te verkry; en
- (bb) besig was om in die Republiek (met inbegrip van die gebied) of elders te studeer ten einde hom vir die een of ander praktyk te bekwaam;
- (ii) sodanige burgerskap binne twee jaar na die inwerkingtreding van gemelde Wysigingswet aan sodanige persoon verleen is, en tesame met daardie bewys, ten genoë van daardie beampste bewys voorgelê het dat die Vereniging 'n aanbeveling gedoen het dat genoemde persoon se naam in die lys ingeskryf word op grond van die opleiding wat hy ondergaan of ondergaan het, na gelang van die geval, sy goeie inbors en sy bedreweheid in minstens een van die amptelike tale van die Republiek.”; en
- (b) deur in subartikel (2) die uitdrukking „(a) of (b)” deur die uitdrukking „(a), (aA), (b) of (bA)” te vervang.

5. Artikel 5 van die Wet op Homeopate, Naturopate, Osteopate en Kruikundiges, 1974, word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg: Wysiging van artikel 5 van Wet 52 van 1974.

„(j) 'n onsedelike daad met 'n pasiënt pleeg nie.”.

6. Artikel 6 van die Wet op Homeopate, Naturopate, Osteopate en Kruikundiges, 1974, word hierby deur die volgende artikel vervang: Vervanging van artikel 6 van Wet 52 van 1974.

„Voorbehoud. 6. (1) Die bepalinge van die Wet op Geneeshere, Tandartse, en Aanvullende Gesondheidsdiensberoepers, 1974, word nie so uitgelê dat dit iemand wie se naam op die lys verskyn, belet om vir wins 'n handeling in die Republiek te verrig wat by die inwerkingtreding van hierdie Wet gewoonlik verrig word deur persone wat die betrokke praktyk in die Republiek beoefen, en die verrigting waarvan deur sodanige persoon nie by hierdie Wet verbied is nie.

(2) Die bepalinge van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepers, 1974, word nie so uitgelê dat dit iemand wie se naam op die lys verskyn, belet om vir wins 'n handeling in die gebied te verrig wat by die inwerkingtreding van die Wysigingswet op Gesondheidswetgewing, 1977, gewoonlik verrig is deur persone wat die betrokke praktyk in die gebied beoefen, en die verrigting waarvan deur sodanige persoon nie by hierdie Wet verbied is nie.”.

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Substitution of section 7 of Act 52 of 1974.

7. The following section is hereby substituted for section 7 of the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974:

“Presumption. 7. When any person is charged with a contravention of any provision of the Medical, Dental and Supplementary Health Service Professions Act, 1974, and it is alleged that any act was at the commencement of—

(a) this Act usually performed by persons who pursue any practice in the Republic; or

(b) the Health Laws Amendment Act, 1977, pursued by persons who pursue any practice in the territory,

the onus of proving it shall be upon the person alleging it.”

Insertion of section 8A in Act 52 of 1974.

8. The following section is hereby inserted in the Homeopaths, Naturopaths, Osteopaths and Herbalists Act, 1974, after section 8:

“Application of Act in South West Africa. 8A. This Act and any amendment thereof and the rules made thereunder from time to time shall apply also in the territory, including the Eastern Caprivi Zipfel.”

Amendment of section 22 of Act 53 of 1974.

9. Section 22 of the Pharmacy Act, 1974, is hereby amended—

- (a) by the deletion of the word “or” at the end of subparagraph (iii) of paragraph (b) of subsection (1);
- (b) by the addition of the word “or” at the end of subparagraph (iv) of paragraph (b) of subsection (1);
- (c) by the addition to paragraph (b) of subsection (1) of the following subparagraph:

“(v) in the case of a body corporate referred to in subsection (6), if that body corporate no longer complies with the provisions of that subsection;”

- (d) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) the body corporate, if it carries on business as a retail pharmacist shall either have been carrying on business as such immediately prior to the commencement of this Act or shall be a corporate body complying with the provisions of subsection (6).”; and

- (e) by the addition of the following subsection:

“(6) (a) A body corporate which did not immediately prior to the commencement of this Act carry on business as a retail pharmacist, may carry on business as such if it is a private company having a share capital and has been incorporated and registered under the Companies Act, 1973 (Act No. 61 of 1973), as a private company and if its memorandum of association states that its directors and former directors shall be liable, jointly and separately, together with the company for such debts and liabilities of the company as are or were contracted during their periods of office.

- (b) Notwithstanding anything to the contrary contained in the Companies Act, 1973, the following provisions shall apply in respect of such company—

(i) Only natural persons who are pharmacists, may hold the shares of such company or have any interest in such shares: Provided that in the event of any person dying or ceasing to qualify so to hold shares of the company, any shares of it held by him prior thereto, may continue to be held by him or his estate for a period of six months or such longer period as the board may determine.

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7. Artikel 7 van die Wet op Homeopate, Naturopate, Osteopate en Kruikundiges, 1974, word hierby deur die volgende artikel vervang:

Vervanging van artikel 7 van Wet 52 van 1974.

„Vermoede.

7. Wanneer iemand aangekla word weens 'n oortreding van 'n bepaling van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974, en daar beweer word dat 'n handeling by die inwerkingtreding van—

- (a) hierdie Wet gewoonlik verrig is deur persone wat 'n praktyk in die Republiek beoefen; of
- (b) die Wysigingswet op Gesondheidswetgewing, 1977, deur persone verrig is wat 'n praktyk in die gebied beoefen, rus die las om dit te bewys op die persoon wat dit beweer.”

8. Die volgende artikel word hierby in die Wet op Homeopate, Naturopate, Osteopate en Kruikundiges, 1974, na artikel 8 ingevoeg:

Invoeging van artikel 8A in Wet 52 van 1974.

„Toepassing van Wet in Suidwes-Afrika.

8A. Hierdie Wet en 'n wysiging daarvan en die reëls van tyd tot tyd daarkragtens uitgevaardig, is ook in die gebied met inbegrip van die Oostelike Caprivi Zipfel van toepassing.”

9. Artikel 22 van die Wet op Aptekers, 1974, word hierby gewysig—

Wysiging van artikel 22 van Wet 53 van 1974.

- (a) deur die woord „of” aan die einde van subparagraaf (iii) van paragraaf (b) van subartikel (1) te skrap;
- (b) deur die woord „of” aan die einde van subparagraaf (iv) van paragraaf (b) van subartikel (1) by te voeg;
- (c) deur die volgende subparagraaf by paragraaf (b) van subartikel (1) te voeg:
 - „(v) in die geval van 'n regs persoon in subartikel (6) bedoel, indien daardie regs persoon nie meer aan die bepalings van daardie subartikel voldoen nie;”;
- (d) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:
 - „(e) die regs persoon, indien hy as kleinhandelsapteker sake doen, moet of onmiddellik voor die inwerkingtreding van hierdie Wet as sodanig sake gedoen het of moet 'n regs persoon wees wat aan die bepalings van subartikel (6) voldoen.”; en
- (e) deur die volgende subartikel by te voeg:
 - „(6) (a) 'n Regs persoon wat nie onmiddellik voor die inwerkingtreding van hierdie Wet as kleinhandelsapteker sake gedoen het nie, mag as sodanig sake doen indien dit 'n private maatskappy is wat 'n aandeelkapitaal het en kragtens die Maatskappywet, 1973 (Wet No. 61 van 1973), as 'n private maatskappy ingelyf en geregistreer is en indien sy akte van oprigting bepaal dat sy direkteure en voormalige direkteure gesamentlik en afsonderlik, tesame met die maatskappy aanspreeklik is vir die skulde en verpligtings van die maatskappy wat gedurende hul ampstermyne aangegaan word of is.
 - (b) Ondanks die bepalings van die Maatskappywet, 1973, geld die volgende bepalings ten opsigte van so 'n maatskappy—
 - (i) Slegs natuurlike persone wat aptekers is, mag die aandele van so 'n maatskappy hou of 'n belang in sodanige aandele hê. Met dien verstande dat ingeval iemand te sterwe kom of ophou om te kwalifiseer om aldus aandele van die maatskappy te hou, enige aandele daarvan wat voor dit deur hom gehou is, nog deur hom of sy boedel gehou kan word vir 'n tydperk van ses maande of dié langer tydperk wat die raad bepaal.

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- (ii) No voting rights shall attach to any share held in terms of the proviso to subparagraph (i), and the holder of any such share shall not receive any director's fees or remuneration or participate in the income or profits earned by that company by the carrying of its retail pharmacy business.
- (iii) Every holder of shares of such company, other than a person referred to in the proviso to subparagraph (i), shall be deemed to be a director of the company, and no other person who is not such a holder shall be a director of that company.
- (iv) The name of the company shall consist solely of the name or names of any of the members or former members of the company or of persons who carried on, either for their own account or in partnership, any pharmacy business which may reasonably be regarded as a predecessor of the business of the company: Provided that the words "and associates" or "and company" may be included in the name of the company."

Insertion of section 22A in Act 53 of 1974.

10. The following section is hereby inserted in the Pharmacy Act, 1974, after section 22:

"Prohibition of opening, purchase or acquisition of certain pharmacies by certain bodies corporate.

22A. (1) As from the commencement of the Health Laws Amendment Act, 1977, no body corporate, other than a body corporate which complies with the provisions of section 22 (6), shall open, purchase or otherwise acquire a pharmacy in which the business of a retail pharmacy is carried on, or acquire any share in such pharmacy.

(2) Any contravention of the provisions of subsection (1) shall be an offence and any person shall on conviction thereof be liable to a fine not exceeding five hundred rand."

Amendment of section 49 of Act 53 of 1974.

11. Section 49 (1) of the Pharmacy Act, 1974, is hereby amended by the substitution for paragraph (m) of the following paragraph:

- "(m) (i) the registration by the board of pharmaceutical technicians and other pharmaceutical auxiliary personnel;
- (ii) the persons required to be registered as pharmaceutical technicians or other pharmaceutical auxiliary personnel and the circumstances under which such persons shall be required to be so registered;
- (iii) the training and the educational or other qualifications required for registration as pharmaceutical technicians or other pharmaceutical auxiliary personnel."

Amendment of section 1 of Act 56 of 1974, as amended by section 1 of Act 33 of 1976.

12. Section 1 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the insertion after the definition of "scheduled substance" of the following definition:

"'student intern' means a person registered as such under this Act;"

Amendment of section 18 of Act 56 of 1974, as amended by section 48 of Act 57 of 1975 and section 3 of Act 33 of 1976.

13. Section 18 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The registrar shall keep separate registers in respect of medical practitioners, dentists, interns, student interns, medical students, dental students, psychologists, intern-psychologists and psychology students and shall, on the instructions of the council, enter in the appropriate register the name, address, qualifications, date of initial registration

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- (ii) Daar is geen stemreg verbonde aan 'n aandeel wat ingevolge die voorbehoudsbepaling by subparagraaf (i) gehou word nie, en die houer van so 'n aandeel mag nie direkteursgelde ontvang of enige vergoeding ontvang of deel in die inkomste of die winste deur daardie maatskappy deur die dryf van sy kleinhandels-aptekersaak verdien nie.
- (iii) Elke houer van aandele van sodanige maatskappy, uitgesonderd iemand bedoel in die voorbehoudsbepaling by subparagraaf (i), word geag 'n direkteur van die maatskappy te wees, en niemand wat nie so 'n houer is nie, mag 'n direkteur van die maatskappy wees nie.
- (iv) Die naam van die maatskappy moet uitsluitlik bestaan uit die naam of name van lede of voormalige lede van die maatskappy of van persone wat, hetsy vir eie rekening of in vennootskap, enige aptekersaak gedryf het wat redelikerwys as 'n voorganger van die saak van die maatskappy beskou kan word: Met dien verstande dat die woorde „en geassosieerdes” of „en maatskappy” by die naam van die maatskappy ingesluit kan word.”

10. Die volgende artikel word hierby in die Wet op Aptekers, 1974, na artikel 22 ingevoeg:

Byvoeging van artikel 22A in Wet 53 van 1974.

„Verbod op opening, aankoop of verkryging van sekere apteke deur sekere regspersone.

22A. (1) Vanaf die inwerkingtreding van die Wysigingswet op Gesondheidswetgewing, 1977, mag geen regspersoon, behalwe 'n regspersoon wat aan die bepalings van artikel 22 (6) voldoen, 'n apteek waarin sake as 'n kleinhandelsapteek gedoen word, open, aankoop of andersins verkry of 'n aandeel in sodanige apteek verkry nie.

(2) 'n Oortreding van die bepalings van subartikel (1) maak 'n misdryf uit en iemand is by skuldigbevinding daaraan strafbaar met 'n boete van hoogstens vyfhonderd rand.”

11. Artikel 49 (1) van die Wet op Aptekers, 1974, word hierby gewysig deur paragraaf (m) deur die volgende paragraaf te vervang:

Wysiging van artikel 49 van Wet 53 van 1974.

- „(m) (i) die registrasie van farmaseutiese tegnisi en ander farmaseutiese hulppersoneel deur die raad;
- (ii) die persone wat as farmaseutiese tegnisi of ander farmaseutiese hulppersoneel geregistreer moet word en die omstandighede waaronder sulke persone aldus geregistreer moet word;
- (iii) die opleiding en die opvoedkundige of ander kwalifikasies wat vereis word vir registrasie as farmaseutiese tegnisi of ander farmaseutiese hulppersoneel.”

12. Artikel 1 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepers, 1974, word hierby gewysig deur na die omskrywing van „sielkundige” die volgende omskrywing in te voeg:

Wysiging van artikel 1 van Wet 56 van 1974, soos gewysig deur artikel 1 van Wet 33 van 1976.

„student-intern” iemand wat as sodanig kragtens hierdie Wet geregistreer is;”

13. Artikel 18 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepers, 1974, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 18 van Wet 56 van 1974, soos gewysig deur artikel 48 van Wet 57 van 1975 en artikel 3 van Wet 33 van 1976.

„(1) Die registrateur moet afsonderlike registers ten opsigte van geneeshere, tandartse, interns, student-interns, studente in geneeskunde, studente in tandheelkunde, sielkundiges, intern-sielkundiges en studente in sielkunde hou en moet, in opdrag van die raad, die naam, adres, kwalifikasies, datum van eerste registrasie en die ander besonderhede (met

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and such other particulars (including, in the case of medical practitioners, dentists and psychologists, the name of their speciality, if any, and in the case of psychologists also the name of their category) as the council may determine, of every person whose application for registration in terms of section 17 (2) has been granted.”

Amendment of section 32 of Act 56 of 1974, as substituted by section 5 of Act 33 of 1976.

14. Section 32 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) (a) The registrar shall, as from time to time directed by the council, establish and keep registers in which shall, subject to the provisions of section 33 (2), be entered particulars in respect of categories of persons who, to the satisfaction of the council, are being trained with a view to qualifying them for the practising of, or have been trained and have passed examinations with a view to qualifying them for the practising of, or of persons who are practising, any profession, other than the profession of a medical practitioner, dentist, intern, psychologist, intern-psychologist or any profession to which the provisions of the Nursing Act, 1957 (Act No. 69 of 1957) or the Pharmacy Act, 1974 (Act No. 53 of 1974), are applicable, which has as its object the treatment, prevention or relief of physical or mental defects, illnesses or deficiencies in man.
- (b) The council may conduct examinations for persons who intend to qualify for the practising of a supplementary health service profession.
- (c) The council may make rules—
- (i) prescribing the fee for the registration of persons under paragraph (a);
 - (ii) providing for the recognition by the council of qualifications which may be accepted for registration in lieu of the passing of any examination prescribed by the council, and the conditions of acceptance.”

Insertion of sections 32A and 32B in Act 56 of 1974.

15. The following sections are hereby inserted in the Medical, Dental and Supplementary Health Service Professions Act, 1974, after section 32:

“Limited registration in respect of supplementary health service professions.

32A. (1) The Minister may from time to time on the recommendation of the council by regulation provide that any person who holds a qualification which is not recognized by the council under section 32 but which qualification the council, for the purposes of registration under this section, accepts by virtue of the fact that such qualification, in the opinion of the council, indicates a satisfactory standard of professional education, and who belongs to a prescribed category of persons, may be registered in respect of a supplementary health service profession, and thereupon the council may in its discretion; but subject to the provisions of the regulations, register such person.

(2) Any person registered under subsection (1) in respect of a supplementary health service profession, shall only be entitled to practise such profession—

- (a) for an initial period not exceeding five years and thereafter for such period or periods as the council may determine;
- (b) in respect of such area or areas as the council may determine; and
- (c) subject to such restrictions in respect of his professional activities as the council may determine.

(3) Any person registered under subsection (1) shall, subject to the provisions of subsection (2), for the purposes of this Act (except section 32B (1)) be

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inbegrip van, in die geval van geneeshere, tandartse en sielkundiges die naam van hul spesialiteit, as daar is, en in die geval van sielkundiges ook die naam van hul kategorie) wat die raad bepaal, van elke persoon wie se aansoek om registrasie ingevolge artikel 17 (2), toegestaan is, in die toepaslike register inskryf."

14. Artikel 32 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 32 van Wet 56 van 1974, soos vervang deur artikel 5 van Wet 33 van 1976.

- „(1) (a) Die registrateur moet, soos van tyd tot tyd deur die raad gelas, registers aanlê en hou waarin, behoudens die bepalings van artikel 33 (2), ingeskryf moet word besonderhede ten opsigte van kategorieë van persone wat, ten genoë van die raad, opgelei word met die doel om hul te bekwaam vir die beoefening van, of opgelei is en eksamens met goeie gevolg afgelê het met die doel om hul te bekwaam vir die beoefening van, 'n beroep wat hom ten doel stel die behandeling, voorkoming of leniging van liggaamlike of geestesgebreke, ongesteldhede of tekortkominge by die mens, of persone wat so 'n beroep beoefen, uitgesonderd die beroep van 'n geneesheer, tandarts, intern, sielkundige, intern-sielkundige of 'n beroep waarop die bepalings van die Wet op Verpleging, 1957 (Wet No. 69 van 1957), of die Wet op Aptekers, 1974 (Wet No. 53 van 1974), van toepassing is.
- (b) Die raad kan eksamens van persone wat hul vir die beoefening van 'n aanvullende gesondheidsdiensberoep wil bekwaam, afneem.
- (c) Die raad kan reëls uitvaardig wat—
- (i) die gelde vir die registrasie van persone kragtens paragraaf (a) voorskryf;
 - (ii) voorsiening maak vir die erkenning deur die raad van kwalifikasies wat aanvaar kan word vir registrasie in plaas van die aflegging met goeie gevolg van 'n deur die raad voorgeskrewe eksamen, en die voorwaardes vir aanvaarding."

15. Die volgende artikels word hierby in die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, na artikel 32 ingevoeg:

Invoeging van artikels 32A en 32B in Wet 56 van 1974.

„Beperkte registrasie ten opsigte van aanvullende gesondheidsdiensberoep.

32A. (1) Die Minister kan van tyd tot tyd op aanbeveling van die raad by regulasie bepaal dat iemand wat 'n kwalifikasie besit wat nie deur die raad kragtens artikel 32 erken is nie, maar watter kwalifikasie die raad vir die doel van registrasie kragtens hierdie artikel aanvaar op grond daarvan dat bedoelde kwalifikasie, na die oordeel van die raad, getuig van 'n bevredigende standaard van professionele opleiding, en wat in 'n voorgeskrewe kategorie van persone val, ten opsigte van 'n aanvullende gesondheidsdiensberoep geregistreer kan word, en daarna kan die raad na goeddunke, maar behoudens die bepalings van die regulasies, so iemand registreer.

(2) Iemand wat kragtens subartikel (1) ten opsigte van 'n aanvullende gesondheidsdiensberoep geregistreer is, is slegs geregtig om daardie beroep te beoefen—

- (a) vir 'n aanvanklike tydperk van hoogstens vyf jaar en daarna vir die tydperk of tydperke wat die raad bepaal;
- (b) ten opsigte van die gebied of gebiede wat die raad bepaal; en
- (c) onderworpe aan die beperkinge ten opsigte van sy professionele bedrywighede wat die raad bepaal.

(3) Iemand kragtens subartikel (1) geregistreer, word behoudens die bepalings van subartikel (2) by die toepassing van hierdie Wet (uitgesonderd artikel

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deemed to be registered under section 32 in respect of the profession concerned.

Exemption of persons registered under section 32A from restrictions imposed in terms of that section.

32B. (1) Any person (in this section referred to as the applicant) who—

- (a) holds a qualification which is accepted under section 32A (1);
- (b) has for a period of at least two years been registered under section 32A (1) in respect of a supplementary health service profession; and
- (c) has, while being registered as contemplated in paragraph (b), practised the profession in question for a period of at least two years at any institution in the Republic, of which at least one year shall have been at an institution approved for this purpose by the council; and
- (d) submits a certificate issued by the head of the institution at which the applicant practised as required by paragraph (c), if such head is registered under section 32 in respect of the profession in question, or, if such head is not so registered, by a person who is registered in respect of the profession in question and who has personal knowledge of the applicant's practice of the profession during the period of two years referred to in paragraph (c) and, if the council so requires, by a person indicated by the council, who is registered under section 32 in respect of the profession in question, stating that the applicant was during such period professionally competent and of good character,

may apply to the council to be admitted to sit for the examination referred to in subsection (2).

(2) If the council is satisfied that the applicant complies with the requirements of subsection (1), it shall allow the applicant to sit for an examination prescribed under subsection (3), on a date and at a place determined and before examiners appointed by the council, for the purpose of ascertaining whether the applicant—

- (a) possesses professional knowledge and skill which is of a standard not lower than that prescribed in the Republic in respect of the profession to which the application relates;
- (b) has sufficient knowledge of the laws of the Republic applying to such profession;
- (c) is proficient in at least one of the official languages of the Republic.

(3) If the applicant passes the examination referred to in subsection (2) to the satisfaction of the council, it shall exempt the applicant from all restrictions imposed in respect of the applicant under section 32A (2).

(4) The Minister may from time to time, on the recommendation of the council, make regulations—

- (a) prescribing the examination to be held for the purposes of this section;
- (b) prescribing the fee to be paid by persons intending to sit for such examination; and
- (c) prohibiting a person who has failed such an examination a prescribed number of times from sitting again for such an examination."

Amendment of section 36 of Act 56 of 1974.

16. Section 36 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the insertion after paragraph (a) of subsection (2) of the following paragraph:

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32B (1) geag kragtens artikel 32 ten opsigte van die betrokke beroep geregistreer te wees.

Vrystelling van persone kragtens artikel 32A geregistreer, van beperkings ingevolge daardie artikel opgelê.

32B. (1) 'n Persoon (in hierdie artikel die aansoeker genoem) wat—

- (a) 'n kwalifikasie besit wat kragtens artikel 32A (1) aanvaar word;
- (b) vir 'n tydperk van minstens twee jaar kragtens artikel 32A (1) ten opsigte van 'n aanvullende gesondheidsdiensberoep geregistreer was; en
- (c) terwyl hy soos in paragraaf (b) beoog, geregistreer was, vir 'n tydperk van minstens twee jaar die betrokke beroep beoefen het in 'n inrigting in die Republiek, waarvan minstens een jaar in 'n inrigting moet wees wat vir dié doel deur die raad goedgekeur is; en
- (d) 'n sertifikaat voorlê wat uitgereik is deur die hoof van die inrigting waar die aansoeker soos deur paragraaf (c) vereis, gepraktiseer het, indien sodanige hoof kragtens artikel 32 ten opsigte van die betrokke beroep geregistreer is, of, indien sodanige hoof nie aldus geregistreer is nie, deur iemand wat ten opsigte van die betrokke beroep geregistreer is en wat persoonlike kennis dra van die aansoeker se beoefening van die betrokke beroep gedurende die tydperk van twee jaar in paragraaf (c) bedoel en, indien die raad dit vereis, deur iemand deur die raad aangedui, wat kragtens artikel 32 ten opsigte van die betrokke beroep geregistreer is, waarin verklaar word dat die aansoeker gedurende sodanige tydperk professioneel bekwaam en van goeie sedelike gedrag was,

kan by die raad aansoek doen om toegelaat te word om die eksamen bedoel in subartikel (2) af te lê.

(2) Indien die raad oortuig is dat die aansoeker aan die vereistes van subartikel (1) voldoen, moet hy die aansoeker toelaat om 'n eksamen voorgeskryf kragtens subartikel (3) af te lê op 'n datum en plek bepaal en voor eksaminatore aangestel deur die raad, met die doel om vas te stel of die aansoeker—

- (a) oor professionele kennis en vaardigheid beskik wat van 'n standaard is wat nie laer is nie as dié wat in die Republiek voorgeskryf word ten opsigte van die beroep waarop die aansoek betrekking het;
- (b) oor voldoende kennis beskik van die wette van die Republiek wat van toepassing is op sodanige beroep;
- (c) minstens een van die amptelike tale van die Republiek magtig is.

(3) Indien die aansoeker die in subartikel (2) bedoelde eksamen ten genoeë van die raad affê, stel die raad die aansoeker vry van alle beperkings wat ten opsigte van die aansoeker kragtens artikel 32A (2) opgelê is.

(4) Die Minister kan van tyd tot tyd, op aanbeveling van die raad, regulasies uitvaardig—

- (a) wat die eksamen wat vir die doeleindes van hierdie artikel afgeneem moet word, voorskryf;
- (b) wat die gelde wat betaal moet word deur persone wat van voorneme is om sodanige eksamen af te lê, voorskryf; en
- (c) wat 'n persoon wat sodanige eksamen 'n voorgeskrewe getal kere gedruip het, verbied om weer sodanige eksamen af te lê."

16. Artikel 36 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, word hierby gewysig deur na paragraaf (a) van subartikel (2) die volgende paragraaf in te voeg:

Wysiging van artikel 36 van Wet 56 van 1974.

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- “(aA) a student intern in the course of his training from—
- (i) performing under the supervision of a medical practitioner any act mentioned in paragraph (b) of subsection (1) which has been prescribed;
 - (ii) issuing in connection with such performance of that act in the institution where he is undergoing his training, any document required in respect of the performance of that act;”.

Insertion of section 52A in Act 56 of 1974.

17. The following section is hereby inserted in the Medical, Dental and Supplementary Health Service Professions Act, 1974, after section 52:

“Authority for supply in certain circumstances of certain medicines by certain registered persons in accordance with directions of medical practitioner.

52A. The Secretary for Health may, if he is of the opinion that the consulting rooms of a medical practitioner are not situated within a reasonable distance of a retail pharmacy, grant authority, subject to such conditions as he may deem fit to impose, for the supply by any person who is in the employment of such medical practitioner and who is registered or enrolled as a nurse under the Nursing Act, 1957 (Act No. 69 of 1957), of any medicine mentioned in Schedule 1, 2, 3 or 4 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), to any person under the treatment of such medical practitioner: Provided that such supply shall take place in accordance with the directions of such medical practitioner.”.

Amendment of section 61 of Act 56 of 1974, as amended by section 10 of Act 33 of 1976.

18. Section 61 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended—

- (a) by the substitution for subparagraph (i) of paragraph (h) of subsection (1) of the following subparagraph:

“(i) the registration by the council of medical, dental or psychology students studying at any university, the fees payable in respect of such registration and the removal by the council from the registers in question of the names of such students so registered;”;
- (b) by the addition to paragraph (l) of subsection (1) of the following subparagraph:

“(viii) the nature and duration of the practical training to be undergone by persons who have obtained such certificates but who have not yet been registered in respect of the supplementary health service professions in question, before they may be so registered;”;
- (c) by the substitution for paragraph (n) of subsection (1) of the following paragraph:

“(n) (i) the registration of interns, student interns or intern-psychologists, including the recording of particulars of their training and proof of the performance thereof;

 - (ii) the hospitals or other institutions at which or the persons with whom such training may be undertaken;
 - (iii) any other matter incidental to the registration or training of interns, student interns or intern-psychologists; and
- (d) by the substitution in paragraph (r) of the words preceding subparagraph (i) of the following words:

“the conduct of an enquiry held in terms of the provisions of section 41 or 48, including—”.

Short title

19. This Act shall be called the Health Laws Amendment Act, 1977.

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- „(aA) 'n student-intern om in die loop van sy opleiding—
- (i) onder die toesig van 'n geneesheer 'n in paragraaf (b) van subartikel (1) vermelde handeling wat voorgeskryf is, te verrig nie;
 - (ii) in verband met bedoelde verrigtinge van so 'n handeling in die inrigting waar hy sy opleiding ondergaan, 'n dokument wat ten opsigte van die verrigting van daardie handeling vereis word, uit te reik nie;”.

17. Die volgende artikel word hierby in die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepers, 1974, na artikel 52 ingevoeg: Invoeging van artikel 52A in Wet 56 van 1974.

„Magtiging vir verskaffing in sekere omstandighede van sekere medisyne deur sekere geregistreerde persone ooreenkomstig opdragte van geneesheer. **52A.** Die Sekretaris van Gesondheid kan, indien hy van oordeel is dat die spreekkamer van 'n geneesheer nie binne 'n redelike afstand van 'n kleinhandelsap- teek geleë is nie, magtiging verleen, onderworpe aan die voorwaardes wat hy goedvind om op te lê, vir die verskaffing deur iemand wat in die diens van daardie geneesheer is en wat kragtens die Wet op Verpleging, 1957 (Wet No. 69 van 1957), as verpleegster geregistreer of ingeskryf is, van enige medisyne vermeld in Bylae 1, 2, 3 of 4 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), aan iemand wat deur daardie geneesheer behandel word: Met dien verstande dat sodanige verskaffing ooreenkomstig die opdragte van daardie geneesheer moet geskied.”.

18. Artikel 61 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepers, 1974, word hierby gewysig— Wysiging van artikel 61 van Wet 56 van 1974, soos gewysig deur artikel 10 van Wet 33 van 1976.

- (a) deur subparagraaf (i) van paragraaf (h) van subartikel (1) deur die volgende subparagraaf te vervang:

„(i) die registrasie deur die raad van studente in die geneeskunde, tandheelkunde of sielkunde wat aan 'n universiteit studeer, die gelde betaalbaar ten opsigte van sodanige registrasie en die skraping deur die raad uit die betrokke registers van die name van sodanige studente wat aldus geregistreer is;”;

- (b) deur die volgende subparagraaf by paragraaf (l) van subartikel (1) te voeg:

„(viii) die aard en duur van die praktiese opleiding wat ondergaan moet word deur persone wat sodanige sertifikate verwerf het, maar wat nog nie ten opsigte van die betrokke aanvullende gesondheidsdiensberoepers geregistreer is nie, alvorens hulle aldus geregistreer kan word;”;

- (c) deur paragraaf (n) van subartikel (1) deur die volgende paragraaf te vervang:

„(n) (i) die registrasie van interns, student-interns of intern-sielkundiges, met inbegrip van die aantekening van besonderhede betreffende hul opleiding en bewys van die volvoering daarvan;

(ii) die hospitale of ander inrigtings waarin of die persone by wie sodanige opleiding ontvang kan word;

(iii) enige ander aangeleentheid wat in verband staan met die registrasie of opleiding van interns, student-interns of intern-sielkundiges; en

- (d) deur in paragraaf (r) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

„die instelling van 'n ondersoek gehou ingevolge die bepalings van artikel 41 of 48, met inbegrip van—”.

19. Hierdie Wet heet die Wysigingswet op Gesondheidswetge- Kort titel.
wing, 1977.

