



Government Gazette

REPUBLIC OF SOUTH AFRICA

Regulation Gazette

No. 7505

Vol. 449

Pretoria

8

November

2002

No. 24038



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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF SOCIAL DEVELOPMENT DEPARTEMENT VAN MAATSKAPLIKE ONTWIKKELING

No. R. 1426

8 November 2002

DEPARTMENT OF SOCIAL DEVELOPMENT

REGULATIONS REGARDING THE FUNCTIONING OF PROFESSIONAL BOARDS

The Minister of Social Development intends, in terms of section 28(1)(gD) of the Social Service Professions Act, 1978 (Act 110 of 1978) and on the recommendation of the South African Council for Social Service Professions, to make the regulations in the Schedule hereto.

Interested parties are invited to submit written comments on the proposed regulations within thirty days of publication of this notice, by –

- (a) mailing comments to the Registrar, S A Council for Social Service Professions, Private Bag X2, Hatfield, Pretoria, 0028;
- (b) faxing comments to the Registrar, S A Council for Social Service Professions at (012) 342 3025;
- (c) delivering comments to the Registrar, S A Council for Social Service Professions, 2nd Floor, DRU Building, 413 Hilda Street, Hatfield, Pretoria;
- (d) E-Mailing comments to the Registrar at sacssp@lantic.net.

SCHEDULE

DEFINITIONS

1. In this Schedule "the Act" means the Social Service Professions Act, 1978 (Act 110 of 1978), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the content –

"*acting chairperson*" means the person acting as chairperson of a professional board in terms of regulation 4 or 6(3);

"*attendance register*" means an attendance register of a meeting of a professional board or of a committee of a professional board, kept by the registrar in terms of regulation 17 or 29;

"*chairperson*" means the chairperson of a professional board, appointed by the Minister in terms of section 28(1)(gD)(ix) of the Act;

"*member*" means a member of a professional board;

"*member of a committee*" means a member of a committee of a professional board established in terms of regulation 25;

"*Minister*" means the Minister of Social Development;

"*minutes*" means the minutes of meetings of a professional board or its committees, kept by the registrar in terms of regulation 22 or 29;

"*office bearer*" means a chairperson or vice-chairperson of a professional board;

"professional board" means a professional board, established in terms of section 14A(1) of the Act;

"section" means a section of the Act;

"special meeting" means a meeting of the professional board held in terms of regulation 7;

"vice chairperson" means the vice-chairperson of a professional board, appointed by the Minister in terms of section 28(1)(gD)(ix) of the Act.

APPOINTMENT OF OFFICE BEARERS

2. The first meeting of each newly constituted professional board shall be convened and chaired by the registrar and held in Pretoria as soon as possible after the constitution of such a board, in order to nominate office-bearers from amongst the members and to conduct urgent business.

3. As soon as possible after the nomination of a chairperson and a vice-chairperson in terms of regulation 2, the registrar shall inform the Minister of the nominations and request the Minister to appoint the chairperson and vice-chairperson in terms of section 28(1)(gD) of the Act.

4. Until such time as the Minister has appointed the chairperson, the members of the board may appoint an acting chairperson from among themselves to preside at the meetings of the professional board.

5. The chairperson or vice-chairperson may vacate his or her office without terminating his or her membership of the board.

6. (1) If the position of the chairperson or vice-chairperson becomes vacant, the members of the professional board shall, at the first meeting after such vacancy has occurred or as soon thereafter as may be convenient, nominate from among themselves a new chairperson or vice-chairperson, as the case may be.

(2) As soon as possible after the nomination in terms of subregulation (1), the registrar shall inform the Minister of the nomination and request the Minister to appoint a new chairperson or vice-chairperson as the case may be, in terms of section 28(1)(gD) of the Act.

(3) In the case of a chairperson to be appointed, the vice-chairperson shall act as chairperson until the Minister has appointed a new chairperson in terms of subregulation (2).

(4) The member so appointed by the Minister as chairperson or vice chairperson shall hold office for the unexpired portion of the period for which his or her predecessor was appointed.

MEETINGS OF PROFESSIONAL BOARD

7 (1) A professional board shall hold at least two meetings in each year at such places and such dates as the chairperson may determine, and may in addition hold such special meetings as the chairperson may from time to time determine.

(2)(a) A special meeting of a professional board may at any time be convened by the chairperson, and shall be convened by him or her at the written request of the Minister or of at least half the number of the total members of the professional board.

(b) A special meeting shall be held at such place in the Republic as the chairperson may determine and shall, in the case of any meeting convened as a result of a request referred to in paragraph (a), be held within thirty days after the date of receipt of such request by the chairperson.

(c) A request referred to in paragraph (a), shall clearly state the purpose for which the meeting is to be convened.

8. (1) Notices convening ordinary and special meetings shall be signed by the registrar and shall specify the business to be transacted at such meetings.

(2) In the case of ordinary meetings, such notices shall be sent by post, by hand or electronic mail to each member at least 14 days before the date scheduled for the meeting.

(3) In the case of special meetings, such notice shall be given as the chairperson may deem adequate and, if necessary, notice may be given by facsimile, electronic mail or telephone.

PROCEDURE OF MEETINGS OF PROFESSIONAL BOARD

9. (1) The majority of the members of the professional board shall constitute a quorum at any meeting of the professional board.

(2) No resolution of the professional board or act performed under authority of the council or professional board shall be invalid by reason only of an interim vacancy on the professional board or by reason of the fact that a person who is not entitled to sit as a member of the professional board sat as a member at the time when the decision was taken or the act was authorised if the decision was taken or the act was authorised by the requisite majority of the members of the professional board who were present at the time and entitled to sit as members.

10. No matter which is not included in the notice issued in terms of regulation 8 shall be considered at any meeting of the professional board, unless the majority of the members present at such meeting consent thereto or the Minister so directs.

11. Any member wishing to bring any matter before the professional board shall forward in writing to the registrar, at least one month before the date appointed for a meeting, a notice of motion thereof, which motion shall be published in the notice convening the meeting and shall be considered with the other business to be brought before the professional board.

12. (1) No matter shall be considered without due notice having been given as required by regulation 11, unless permission has been obtained from the meeting to bring such matter forward as a motion.

(2) Should the motion find no seconder, it shall not be further considered.

13. On the motion of a member which has been duly seconded and agreed to, the professional board may adjourn a meeting to any day or hour, on condition that no other business shall be transacted or considered at an adjourned meeting, other than matters which are brought forward in terms of regulation 10.

14. Every member shall attend every meeting of the professional board, unless he or she has been granted leave by the chairperson or, in his or her absence, by the vice-chairperson, to be absent from such meeting.

15. (1) The chairperson, or in his or her absence, the vice-chairperson, shall preside at all meetings of the professional board, except at the first meeting of the newly constituted professional board, which shall be chaired by the registrar in terms of regulation 2.

(2) If both the chairperson and the vice-chairperson are absent from a meeting of the professional board or if both offices are vacant, the members present at the said meeting shall elect a member who is so present to preside at such meeting as acting chairperson.

16. The person so presiding at such meeting shall take the chair at the scheduled hour, and if at the expiration of a quarter of an hour there is no quorum, he or she may postpone the meeting to a day and hour to be fixed by him or her.

17. An attendance register shall be kept by the registrar, who shall enter therein at each meeting the names of all members attending.

18. (1) The decision of the majority of the members present at any meeting of the professional board shall be the decision of the professional board.

(2) Every member, at a meeting of the professional board, shall have one vote and in the event of an equality of votes in regard to any matter, the member so presiding shall have a casting vote.

19. The votes of the members present at a meeting of the professional board shall be cast in the manner determined by the person presiding at such meeting.

20. If a member who is present at a meeting of the professional board does not agree with a resolution of the professional board passed at such meeting, he or she may request to abstain from voting, with or without furnishing the reasons therefor, and the member presiding at such meeting shall comply with such request or ensure that it is complied with.

21. (1) Except in so far as these regulations provide otherwise, the person presiding at a meeting of the professional board shall decide any question of order or procedure at any meeting of the professional board.

(2) If any member objects to such decision, the question shall be put to the vote without further discussion, and the decision of the meeting shall be final.

22. (1) The registrar shall keep typewritten minutes of the proceedings at all meetings of the professional board.

(2) Such minutes shall include a statement of the date and place of the meeting and shall contain a list of the names of all members present at such meeting and a résumé of the subject dealt with and such resolutions as were adopted, but without any comment or observations by the members.

23. A copy of the minutes of a meeting shall, as soon as possible after every such meeting, be forwarded by the registrar to each member.

24. (1) The minutes of a meeting of the professional board shall be presented to the professional board at the first ensuing meeting of the professional board.

(2) If such minutes are confirmed at such ensuing meeting, whether with or without amendments, it shall be signed by the person presiding at such meeting and by the registrar.

COMMITTEES OF PROFESSIONAL BOARD

25. (1) A professional board may, from time to time, establish such committees as it may deem necessary to assist it in the execution of its powers or the performance of its functions.

(2) A committee shall exercise such powers and perform such functions as may from time to time be conferred or imposed upon it or delegated to it under the Act or by the professional board.

26. Such a committee shall, in terms of section 28(1)(gD)(vi) of the Act, consist of as many persons as appointed by the professional board, but including at least one member of the professional board.

27. The chairperson of each committee shall be a member of the professional board, designated as chairperson by the professional board, or if a chairperson is not so designated, the members of such committee may elect a chairperson from the members of the professional board on the committee.

28. The majority of the members of each committee shall constitute a quorum at any meeting of the committee.

29. The provisions of regulations 9 to 24 shall, as far as they are applicable, apply in the same manner as the procedure at meetings of the committees of professional boards.

ROLE OF REGISTRAR

30. The registrar of the council appointed in terms of section 11 of the Act shall execute the powers and perform the functions relating to a professional board which, from time to time, are conferred or imposed upon him or her under the Act or by the professional board, and shall be assisted by any other person employed by the Council.