

No. R. 591

2 May 2003

**HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)****REGULATIONS RELATING TO THE ELECTION OF MEMBERS OF A PROFESSIONAL BOARD**

The Minister of Health has, in terms of section 15(5), read with section 61(1), of the Health Professions Act, 1974 (Act No. 56 of 1974), on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director- General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Development), within 6 weeks of the date of publication of this notice.

**SCHEDULE****1. Definitions**

In these regulations "the Act" means the Health Professions Act, 1974 (Act No. 56 of 1974), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

**"board"** means a professional board established, in terms of section 15 of the Act, under Government Notice No. R. 75 of 16 January 1998;

**"category"** means previously disadvantaged individuals, race, gender, provincial representation or permanent residential requirements;

**"member"** means a member of a board.

**2. Returning officer and request for nominations**

- (1) The registrar shall be the returning officer at the election of members of a board.
- (2) The returning officer shall, prior to the date of expiry of the term of office of members of a board, by notice in the *Gazette* in the form set out in Annexure A to these regulations, invite the submission of nominations during a period of not less than one month after publication of such notice.

**3. Requirements for valid nominations**

- (1) Nominations will only be considered if nominees fall into one or more of the categories required for members of the board for which they are nominated.
- (2) In accordance with the Regulations relating to the Functions and Functioning of Professional Boards, published under Government Notice No. R. 979 of 13 August 1999, a candidate shall not be considered for nomination if he or she has served two terms of office on a professional board.
- (3) No person shall be eligible for election as a member unless -
  - (a) he or she is registered with the council;
  - (b) he or she is a South African citizen and is permanently resident in South Africa;
  - (c) a nomination, as nearly as possible in the form set out in Annexure B to these regulations, reaches the returning officer not later than the date and time determined for the receipt of nominations in terms of regulation 2(2);
  - (d) the nomination form states the full names and surname of the nominee and such other particulars as are required in Annexure B;

- (e) the nomination form is signed by two persons registered under the Act with the council and eligible to participate in the election in terms of the regulations relating to the constitution of the professional board concerned;
  - (f) each nomination form proposes only one person as a candidate;
  - (g) the nominee has signified to the returning officer his or her acceptance of the nomination on the nomination form or by letter or facsimile transmission not later than the hour and date referred to in regulation 2(2); and
  - (h) an amount of R200 is deposited with the returning officer prior to the date and time referred to in regulation 2(2).
- (4) The deposit referred to in subregulation (3)(h) shall be refunded to the candidate -
- (a) if he or she is elected; or
  - (b) if an election by vote is held and he or she received votes equal in number to at least one third of the total number of votes received by the successful candidate(s) elected with the smallest number of votes.
- (5) A person eligible to vote in an election may sign nomination forms for any number of candidates not exceeding the number to be elected: Provided that, if the returning officer receives a number of nomination forms signed by a person which number is greater than the number of candidates to be elected and the returning officer can not determine in which chronological sequence such forms were received, such person's signature shall be null and void on all nomination forms signed by him or her.

- (6) Nominations shall be categorised and the nomination process shall not close even after the return date until all categories of nominations have been duly satisfied as required in the regulations relating to the constitution of the professional board concerned.
- (7) A nominee may at any time prior to the date referred to in regulation 2(2) notify the returning officer in writing of the withdrawal of his or her candidature. After such date no withdrawal shall be accepted.

#### **4. Notice of election**

- (1) If the number of persons validly nominated does not exceed the number of persons to be elected, the persons so nominated shall be deemed to be duly elected.
- (2) If the number of persons validly nominated exceeds the number of persons to be elected, the returning officer shall as soon as possible publish in the *Gazette* a notice -
  - (a) giving the names of the validly nominated persons; and
  - (b) appointing a day and time, not less than one month after publication of the notice, on or before which every person entitled to vote in the election may sign and transmit or deliver to the returning officer the voting paper as nearly as possible in the form set out in Annexure C to these regulations.

#### **5. Transmission of voting papers**

- (1) If an election by vote becomes necessary, the returning officer shall, not less than one month prior to the date referred to in regulation 4(2)(b), transmit by post to the registered postal address in South Africa of every person eligible to vote in the election -

- (a) a voting paper, as nearly as possible in the form set out in Annexure C to these regulations; and
  - (b) an identification envelope, as nearly as possible in the form set out in Annexure D to these regulations,
- (2) If any voting paper or envelope so transmitted gets lost or is destroyed or spoiled, the returning office shall, if satisfied of the loss or destruction or spoiling, and if so requested by the person to whom it was transmitted, transmit or deliver to him or her a fresh voting paper or envelope, or both.
- (3) Every voting paper and identification envelope transmitted or delivered shall apply to one particular election.

**6. Manner of voting**

- (1) Each voter shall make a mark against the name of each candidate for whom he or she wishes to vote as directed on the voting paper that he or she has received.
- (2) A voter shall place the voting paper in the identification envelope and seal such envelope.
- (3) A voter shall sign a declaration in the form set out in Annexure D to these regulations, place such identification envelope in the covering envelope and post all the aforesaid to the returning officer, or otherwise deliver them to him or her.
- (4) A voter shall be deemed to have spoiled his or her voting paper, and the votes thereon shall not be counted, if the voter -
  - (a) votes for more candidates than there are persons to be elected;
  - (b) votes for a person who has not been validly nominated;

- (c) makes any mark or inscription on the voting paper other than the mark provided for in the first column of such voting paper and specified in paragraph 2 of such voting paper; or
  - (d) votes more than once for the same person or returns more than one voting paper.
- (5) No vote recorded on a voting paper shall be counted unless the voting paper, enclosed in the identification envelope as determined in subregulations (2) and (3), is received at the appointed place and before the date and time referred to in regulation 4(2)(b).

**7. Manner of counting votes**

- (1) The returning officer shall -
- (a) examine the identification envelopes and the declarations thereon to determine whether the declarations have been completed in accordance with the provisions of these regulations;
  - (b) as soon as possible, and in conjunction with a scrutineer appointed by the council, open the identification envelopes which in his or her opinion conform to the provisions of these regulations and place the voting papers into an empty and closed ballot box which has an aperture for inserting such voting papers; and
  - (c) on completion of the opening of identification envelopes and after the date and time referred to in regulation 4(2)(b), open the ballot box, examine the voting papers and ascertain the number of valid votes recorded for each candidate.
- (2) The returning officer may substitute for the persons with the lowest number of votes amongst those duly elected, for persons who are categorized as

previously disadvantaged or black in order to satisfy the representivity levels determined in the regulations relating to the constitution of the professional board concerned.

- (3) If the number of votes cast for two or more candidates is found to be equal and this equality of votes affects the result of the election, the returning officer shall immediately determine by lot, in the presence of the scrutineer, which of the candidates with an equal number of votes shall be declared elected.
- (4) A candidate for election may be present in person or by a representative appointed in writing by him or her at the opening of the ballot box and the subsequent proceedings.

**8. Publication of names of candidates, the number of votes recorded for each and keeping of voting papers**

- (1) As soon as possible after the election has been concluded, the returning officer shall publish by notice in the Gazette the names of all candidates validly nominated, the number of votes recorded for each candidate, and the names of the duly elected members of the board.
- (2) The returning officer shall keep all the identification envelopes and voting papers applicable to an election for a period of six months from the date on which the votes recorded in that election were ascertained in terms of regulation 7(1)(c).

**9. Repeal**

The regulations published under Government Notice No. R. 317 of 27 February 1998 are hereby repealed.

  
DR M E TSHABALALA-MSIMANG

DATE:

## ANNEXURE A

## NOTICE OF ELECTION

## ELECTION OF MEMBERS OF THE \*.....

- (1) Notice is hereby given in terms of the provisions of the Regulations relating to the Election of Members of the \*..... that an election of \*\*..... members of such board to serve during the period ending the ..... day of ..... 2..... is about to be held, as follows:

- (2) \*\*\* .....  
.....

- (3) Nominations of eligible persons are awaited. Every person whose name appears on the relevant register or registers kept under section 18 of Act 56 of 1974-

- (a) who has not entered into a composition with the creditors of his or her estate, or whose estate has not been sequestrated;
- (b) who is not disqualified under the Act from practising his or her profession;
- (c) who is a South African citizen and is permanently resident in South Africa;
- (d) who is not a patient as defined in section 1 of the Mental Health Act, 1973; or
- (e) who has not been convicted of an offence in respect whereof he or she was sentenced to imprisonment without the option of a fine,

is eligible for nomination.



- (4) Each candidate must be nominated on a separate nomination form, but any person entitled to vote in the election may sign the nomination forms of any number of candidates NOT exceeding the number to be elected.
- (5) Each nomination form must -
- (a) state the first names and the surname of the candidate nominated;
  - (b) state the candidate's registered profession and professional category, if any;
  - (c) state the other details of the candidate as required in the nomination form;
  - (d) be signed by two persons whose names appear in the register or registers referred to in paragraph (2) above; and
  - (e) be signed by the person nominated confirming that he or she consents to his or her nomination, while the postal addresses registered with the council of every person so signing, must be appended to his or her signature.
- (6) If the person nominated is unable to sign the nomination form, he or she may inform the returning officer by letter or facsimile transmission that he or she consents to his or her nomination.
- (7) Every nomination form must reach the returning officer, from whom nomination forms may be obtained by application, at the address given below not later than \*\*\*\*  
.....
- (8) A deposit of R200 must accompany the nomination.
- (9) Every nomination form in respect of which any of these provisions has not been complied with, or which is not received by the aforesaid date and time at the address given below, will be invalid.

.....  
Returning Officer

Street address: 553 Vermeulen Street  
Arcadia  
PRETORIA

Postal address: PO Box 205  
PRETORIA  
0001

Date: .....

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- \* Insert the name of the board concerned
- \*\* Insert how many members are to be elected
- \*\*\* Insert details of persons to be elected and by whom
- \*\*\*\* Insert the date and time

## ANNEXURE B

## NOMINATION FORM

## ELECTION OF A MEMBER OF THE \* .....

We, the undersigned, registered \*\* ..... hereby  
nominate ....., who is a  
registered \*\* ....., and a South African citizen who  
permanently residing in South Africa, as a candidate for election as a member of such board  
at the forthcoming election.

- (1) Signature .....  
First names and surname (in block letter) .....  
.....  
Registered as \*\* .....  
Registration number .....  
Registered postal address .....  
.....  
Tel. No.: ..... Cell No.: .....  
Fax No.: ..... E-mail: .....  
Signed in the presence of the following two witnesses:  
Signature: .....  
Signature: .....

- (2) Signature .....  
First names and surname (in block letter) .....  
.....  
Registered as \*\* .....  
Registration number .....  
Registered postal address .....  
.....  
Tel. No.: ..... Cell No.: .....

Fax No.: ..... E-mail: .....

Signed in the presence of the following two witnesses:

Signature: .....

Signature: .....

- (3) I, the undersigned, hereby consent to my nomination as a candidate for election as a member of the \* ..... and confirm the following:

(a) My registered postal address is: .....  
.....

(b) Gender Male ☐ Female ☐

(c) Race Black ☐ White ☐

(d) Previously disadvantaged Yes ☐ No ☐

Tel. No.: ..... Cell No.: .....

Fax No.: ..... E-mail: .....

.....

Date

.....

Signature

\* Insert the name of the board concerned

\*\* Insert designation of profession for which registered and professional category, if any

NB The postal addresses given in this form must in every case correspond with the postal addresses registered with the council.




## ANNEXURE C

## VOTING PAPER

ELECTION OF \* .....

Official mark of returning officer.

Election of \*\* ..... members.

Column for voter's mark	Name of candidates***	Gender	Race	Registered postal address	Province in which candidate permanently resides ****
					
					
					

## INSTRUCTIONS TO VOTERS

1. The voter is entitled to vote for \*\* ..... candidates and no more, and must vote by placing his or her mark opposite the name of each candidate for whom he or she votes.
2. The voter's mark shall be made by colouring in the circle next to the name of the candidate for whom you wish to vote.
3. A voting paper is invalid if the voter -
  - (a) votes for more than \*\* ..... candidates;

- (b) votes for a person who has not been validly nominated;
  - (c) places any mark on the voting paper other than the mark provided for in the first column of this voting paper and specified in paragraph 2 above;
  - (d) gives more than one vote for the same candidate;
  - (e) returns more than one voting paper; or
  - (f) returns his or her voting paper in a manner other than in the **identification envelope**, with the declaration thereon duly completed.
4. The voting paper must be folded, placed in the accompanying **identification envelope** which must then be sealed and placed in a covering envelope and sent to the returning officer so as to reach him or her not later than the ..... day of .....2..... at ..... (time).
5. Please take note of the specifications pertaining to the members to be elected in terms of gender, race and previously disadvantaged individuals as specified in the regulations relating to the constitution of the professional board concerned.

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\* Insert name of board concerned

\*\* Insert number of candidates

\*\*\* Insert the names of all validly nominated candidates in alphabetical order (according to surname) in this column

\*\*\*\* This only applies in the case of the Medical and Dental Professional Board

## ANNEXURE D

## DECLARATION ON IDENTIFICATION ENVELOPE

THE \* .....

I (first names and surname, in block letters) .....

..... hereby declare as follows:

- (a) I am the person to whom the enclosed voting paper was addressed      Yes ☐      No ☐
- (b) I am a South African citizen      Yes ☐      No ☐
- (c) My identity number is the following .....
- (d) I am permanently resident in South Africa      Yes ☐      No ☐
- (e) I am registered under the Act      Yes ☐      No ☐
- (f) I am registered as a \*\* .....
- (g) My registration number with the council is: .....

Signature: .....

Date: .....

\* Insert the name of the board

\*\* Insert your profession and professional category, if any