

DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID

No. R. 964

7 October 2005

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

REGULATIONS RELATING TO THE FUNCTIONS AND FUNCTIONING OF PROFESSIONAL
BOARDS AMENDMENT

The Minister of Health intends, in terms of section 61(2) and (6) of the Health Professions Act, 1974 (Act No. 56 of 1974), and in consultation with the Health Professions Council of South Africa, to amend the regulations published under Government Notice No.R.979 of 13 August 1999 as reflected in the schedule.

interested persons are invited to submit any substantiated comments or representations on the proposed amendment to the Director-General: Health, Private Bag X 828, Pretoria, 0001 (for the attention of the Director: Human Resources Development), within one month from date of publication of this notice.

SCHEDULE

Definitions

1. In this Schedule "the regulations" means the Regulations relating to the Functions and Functioning of Professional Boards published under Government Notice No. R. 979 of 13 August 1999 (hereinafter referred to as 'the regulations'), and any expression to which a meaning has been assigned in the regulations, shall bear such meaning and, unless the context otherwise indicates.

2. Amendment of regulation 13 of the regulations.

Regulation 13 of the regulations is hereby amended-

(a) by the substitution for that regulation of the following regulation:

"13.(1) Every vacancy on a professional board arising from circumstances referred to in regulation 12, and every vacancy caused by the death of a member shall be filled by designation[,] **or** appointment [or **election**] by the person or body or group by whom and in the manner in which the vacating member was designated[,] **or** appointed [or **elected**], and every member so designated [,] **or** appointed [or **elected**] shall hold office for the unexpired portion of the period for which the vacating member was designated [,] **or** appointed [or **elected**]; Provided that in the case an elected member vacating his or her office, such vacancy shall be filled by a candidate -

- (a) who complies with the same Described conditions, in terms of the regulations relating to the election of members of a professional board as Published under Government Notice No. R.1055 of 23 July 2003, as those with which the vacating member complied with: and
- (b) who in succession obtained the highest number of votes amongst the candidates who were not successful in the elections in terms of the regulations referred to in paragraph (a) and subject to the conditions specified in that paragraph."; and

(b) by the addition of the following subregulation:

"13.m If no validly nominated candidate in the election is available who complies with the proviso of subregulation (1), or if no such candidate is willing or able to serve in the vacancy for the unexpired portion of the board's term of office, the registrar shall call for a by-election under the regulations relating to the election of members of a professional board as published under Government Notice No. R.1055 of 23 July 2003."


MINISTER OF HEALTH