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THE PRESIDENCY

No. 1395

1 December 2004

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

No. 24 of 2004: Dental Technicians Amendment Act, 2004.



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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 25 November 2004.)

ACT

To amend the Dental Technicians Act, 1979, so as to define “informally trained person”; to provide for the restricted registration of informally trained persons as dental technicians; to make direct billing by a dental technician contractor discretionary; to restrict the performance of certain acts by members of certain juristic persons; and to make provision for the publication of draft regulations for comment; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 19 of 1979, as amended by section 1 of Act 43 of 1997

1. Section 1 of the Dental Technicians Act, 1979 (hereinafter referred to as the “principal Act”), is hereby amended by the insertion after the definition of “Director-General” of the following definition: 5

“**‘informally trained person’** means a person who has been employed as a dental laboratory assistant for a period of not less than five years under the supervision of a dentist or dental technician and who has been trained by such dentist or dental technician to perform the work of a dental technician;” 10

Insertion of section 23A in Act 19 of 1979

2. The following section is hereby inserted in the principal Act after section 23:

“Restricted registration of informally trained persons

23A. (1) Notwithstanding sections 16, 17, 18 and 22, the Minister may, on the recommendation of the council, prescribe conditions in terms of which an informally trained person may be registered by the council as a dental technician in terms of this Act. 15

(2) The regulation contemplated in subsection (1) shall at least provide for—

- (a) the application by an informally trained person for restricted registration as a dental technician; 20
- (b) the establishment by the council of a selection committee to consider every application contemplated in paragraph (a);

- (c) an informally trained person to undergo a practical examination at an approved institution before he or she may obtain restricted registration as a dental technician; and
- (d) the conditions in terms of which an informally trained person who obtained restricted registration as a dental technician may practise his or her profession.”

Amendment of section 32 of Act 19 of 1979, as amended by section 25 of Act 43 of 1997

3. Section 32 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A dental technician contractor [**shall**] may, from a date determined by the Minister by notice in the *Gazette*, directly claim from the patient or medical aid scheme concerned for services rendered.”

Amendment of section 32A of Act 19 of 1979, as inserted by section 26 of Act 43 of 1997

4. Section 32A of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) [A] Subject to paragraph (b), a juristic person being an incorporated company or a close corporation may carry on any business involving the performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be: **Provided that**, as long as all the members of such juristic person [shall be] are either dentists or clinical dental technologists on the one hand, or dental technicians or dental technologists or both, on the other hand.

(b) If the members of such juristic person are dentists or clinical dental technologists conducting a dental laboratory, they may only perform work in the laboratory for patients of that juristic person and all the members of the juristic person shall practise their profession and conduct the laboratory on the same premises.”

Amendment of section 50 of Act 19 of 1979, as amended by section 34 of Act 43 of 1997

5. Section 50 of the principal Act is hereby amended—

(a) by the insertion in subsection (1) after paragraph (q) of the following paragraph:

“(qA) the conditions on which an informally trained person may be registered by the council as a dental technician in terms of section 23A;” and

(b) by the addition of the following subsections:

“(5) The Minister shall, not less than three months before any regulation is made in terms of this Act, cause the text of such draft regulation to be published in the *Gazette* together with a notice declaring his or her intention to make such regulation and inviting interested persons to furnish him or her with comments thereon or any representations they wish to make in regard thereto.

(6) The provisions of subsection (5) shall not apply in respect of—

(a) any regulation which, after the provisions of subsection (5) have been complied with, has been amended by the Minister in consequence of representations received by him or her in pursuance of the notice issued thereunder; and

(b) any regulation in respect of which the Minister is advised by the council that the public interest requires it to be made without delay.”

Act No. 24, 2004

DENTAL TECHNICIANS AMENDMENT ACT, 2004

Short title and commencement

6. This Act is called the Dental Technicians Amendment Act, 2004, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.