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OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1635.

31 July 1985

No. 1635.

31 Julie 1985

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

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

—o. 108 of 1985: Associated Health Service Professions Amendment Act, 1985.

No. 108 van 1985: Wysigingswet op Geassosieerde Gesondheidsdiensberoep, 1985.

Act No. 108, 1985

ASSOCIATED HEALTH SERVICE PROFESSIONS AMENDMENT
ACT, 1985**GENERAL EXPLANATORY NOTE:**

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Associated Health Service Professions Act, 1982, so as to define "qualification" and to amend the definition of "practitioner"; to regulate the keeping of registers of practitioners and students in chiropractic and homeopathy; to further regulate the registration of chiropractors and homeopaths; to provide for the exercise of control over the training of, and for the prescribing of qualifications necessary for registration as, chiropractors or homeopaths; to provide for limited registration as a chiropractor or homeopath; to provide for the investigation of matters relating to the education and training of certain classes of persons; to provide for the registration of certain persons so as to enable them to give educational demonstrations; to determine the particulars to be furnished by certain educational institutions to the South African Associated Health Service Professions Board; to further regulate the registration of students in chiropractic or homeopathy; to further regulate the power of the said board to remove the name of a practitioner or student from the relevant register; to further regulate the imposition of a fine and related matters at disciplinary inquiries; to adapt and extend the powers of the Minister of Health and Welfare relating to the making of regulations; to exclude students in chiropractic or homeopathy from certain provisions of the Act; and to provide for control over charges for the rendering of professional services by practitioners; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 10 July 1985.)

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

Amendment of
section 1 of
Act 63 of 1982.

1. Section 1 of the Associated Health Service Professions Act, 1982 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "profession" of the following definition:

“‘qualification’ means any degree, diploma or certificate awarded after examination of a person’s proficiency in a particular subject;” and

(b) by the substitution for the definition of "practitioner" of the following definition:

“‘practitioner’ means any person registered as such under **[section 14 (2)]** this Act;”.

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Amendment of
section 10 of
Act 63 of 1982.

2. Section 10 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) No penalty imposed by any committee established under subsection (1), other than a caution or a reprimand or a reprimand and a caution, shall be of force and effect until confirmed by the board: Provided that an order made by any such committee **[under section 30 (2)]** shall, if the committee so directs in the public interest, come into operation forthwith, but shall then lapse after the expiration of a period of six months unless confirmed by the board within that period.”.

Substitution of
section 14 of
Act 63 of 1982.

3. The following section is hereby substituted for section 14 of the principal Act:

“Keeping of registers.

14. (1) (a) The registrar shall keep registers in respect of all persons whose applications for registration have been approved by the board after the commencement of the Associated Health Service Professions Amendment Act, 1985. 15
(b) Separate registers shall be so kept in respect of the different professions as well as in respect of practitioners and students, respectively. 20
(c) The registrar shall enter the prescribed particulars regarding each such person in the appropriate register.
(2) The registers kept by the registrar in terms of this Act up to the date immediately preceding the date of the commencement of the Associated Health Service Professions Amendment Act, 1985, shall be incorporated with and form part of the appropriate registers required to be kept in terms of subsection (1). 25
(3) The registrar shall, at intervals to be determined by the board and according to the instructions and under the authority of the board— 30
(a) publish a list containing such particulars as the board may determine of the entries in each register required to be kept in terms of subsection (1); and 35
(b) publish a supplementary list containing such particulars as the board may determine of the additions, amendments and deletions effected in each such register since the last publication of a list in terms of paragraph (a) or in terms of this paragraph. 40
(4) Copies of a list or supplementary list published in terms of subsection (3) are obtainable from the registrar on payment of such amount as the board may determine.”. 45

Substitution of
section 15 of
Act 63 of 1982.

4. The following section is hereby substituted for section 15 of the principal Act: 50

“Registration of chiropractors and homeopaths.

15. (1) Any person who **[intends]** desires to be registered as a **[practitioner]** chiropractor or homeopath in terms of this Act, shall in the prescribed manner apply **[in writing]** to the board for registration, and such application shall be accompanied by— 55
(a) the qualification which in the applicant's submission entitles him to registration;
(b) the prescribed registration fee;
(c) proof of identity, citizenship, good character and the authenticity and validity of the qualification submitted; and 60
(d) such further documents and information as may be prescribed.

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(2) For the purposes of considering any application contemplated in subsection (1), the board may require the applicant in support of the application to furnish such further proof, whether orally or in writing [or in the form of an examination], regarding his identity, good character, training and experience, as the board may deem necessary. 5

(3) If the board after consideration of an application in terms of subsection (1) and after such investigation and enquiries as it may deem necessary, is satisfied that the applicant concerned may be registered in terms of this Act, it shall approve the application, and the registrar shall thereupon register the applicant by— 10

(a) issuing an appropriate certificate of registration to him; and 15

(b) entering the prescribed particulars in respect of him in the appropriate register.

(4) (a) The said registration of a person shall be subject to the provisions of this Act and such further conditions as the board may determine in each case. 20

(b) Such conditions may—

(i) relate to the kind of work which a person who is registered in terms of this Act may perform; 25

(ii) include requirements to be complied with in the practice of the profession in question; or

(iii) contain provisions regarding compulsory practical experience which a person who has before the date of his registration as a practitioner in terms of this Act— 30

(aa) not yet practised; or

(bb) in the opinion of the board not yet gained sufficient practical experience, shall acquire, including the determination of a period during which, and the designation of a place or places where and the person or persons under whose supervision, such compulsory practical experience shall be acquired. 40

(5) If the board refuses to approve an application, the applicant concerned shall be notified in writing of such decision and of the grounds on which it is based. 45

(6) Any person who is registered or deemed to be registered in terms of this Act shall, in the practice of his profession, only state particulars of those degrees, diplomas or certificates entered in the appropriate register against his name. 50

(7) (a) The board may delegate any of the powers conferred upon it by this section to the registrar, but shall not be divested of any power so delegated. 55

(b) Any registration or refusal of registration by the registrar in the exercise of a power delegated to him in terms of paragraph (a), shall be of full force and effect, unless it is set aside or amended by the board at its first meeting following upon the date on which such registration or refusal of registration occurred." 60

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ACT, 1985Insertion of
sections 16A,
16B, 16C, 16D,
16E and 16F in
Act 63 of 1982.6. The following sections are hereby inserted in the principal
Act after section 16:"Control
over train-
ing.**16A. (1)** Notwithstanding anything to the contraryin any law contained, no person, excluding a univer-
sity or technikon established by or under an Act of
Parliament, shall offer or provide any education or
training which is intended to qualify any person for
the practising of any profession to which the provis-
ions of this Act apply, unless such education or train-
ing has been approved by the board.(2) Any person wishing to offer or to provide the
education or training referred to in subsection (1)
shall, before offering or providing such education or
training, apply to the board in writing for its appro-
val of such education or training and shall furnish
such particulars regarding such education or training
as the board may require.(3) The board may grant or refuse any application
made in terms of subsection (2) and may, if it has
granted such application, prescribe such conditions
and requirements as it may deem fit subject to
which the education or training in question may be
provided.(4) Any decision made by the board in terms of
subsection (3) shall be final.(5) Any person who contravenes or fails to comply
with any provision of this section, or any condition
or requirement prescribed thereunder, shall be guilty
of an offence and liable on conviction to a fine not
exceeding two thousand rand or to imprisonment for
a period not exceeding six months or to both such
fine and such imprisonment.Prescribing
of qualifica-
tions.**16B. (1)** Subject to the provisions of subsection (2)
the Minister may from time to time, on the recom-
mendation of the board, prescribe the qualifications
obtained by virtue of examinations conducted by a
university or other examining authority which, when
held singly or conjointly with any other qualification,
shall entitle any holder thereof to registration under
this Act as a chiropractor or homeopath, as the case
may be, if he has, before or in connection with or
after the acquisition of the qualification in question,
complied with such conditions or requirements as
may be so prescribed.(2) No qualification obtained by virtue of examina-
tions conducted by a university or other examining
authority situated outside the Republic shall be pre-
scribed under this section unless—(a) such qualification entitles the holder thereof to
practise as a chiropractor or homeopath, as the
case may be, in the country or state in which
such university or other examining authority is
situated;(b) the board is satisfied that possession of such qual-
ification indicates a standard of professional
training not lower than that prescribed in respect
of the training of chiropractors or homeopaths
within the Republic.Limited
registration.**16C. (1)** The board may accept a qualification
other than a qualification referred to in section 16B,
for the purposes of registration under this subsec-
tion, if such qualification, in the opinion of the
board, indicates a satisfactory standard of profession-
al education, and may, subject to the provisions of
subsections (2) and (3) and section 15 (1) and (2),

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register any person as a chiropractor or homeopath who possesses such qualification and who, in the opinion of the board, possesses sufficient professional knowledge and ability and is proficient in at least one of the official languages of the Republic. 5

(2) A person referred to in subsection (1) may only practise as a chiropractor or homeopath, as the case may be—

(a) for such period, not exceeding five years, as the board may determine and before the expiration of which he shall satisfy the board that— 10

(i) he possesses professional knowledge and skill which is of a standard not lower than that prescribed in terms of this Act in respect of chiropractors or homeopaths, as the case may be, in the Republic; and 15

(ii) he is conversant with the laws of the Republic relating to chiropractic or homeopathy and the practising of the profession of a chiropractor or homeopath, as the case may be; 20

(b) in such area or areas as the board may determine; and

(c) subject to such further conditions as the board may determine. 25

(3) The board may for the purposes of subsection (2) (a) require the person concerned to sit for such examination or examinations as the board may determine.

(4) The Minister may from time to time, on the recommendation of the board, make regulations— 30

(a) prescribing the fee to be paid by persons intending to sit for an examination; and

(b) prohibiting a person who has failed such examination a prescribed number of times, from sitting again for such an examination. 35

(5) If at the expiration of the period referred to in subsection (2) (a) the board is satisfied that a person registered in terms of subsection (1) complies with the requirements of subsection (2) (a) (i) and (ii), it shall exempt such person from all restrictions imposed in respect of him under subsection (2), and if the board is not so satisfied, he shall remove the name of such person from the register. 40

Investigation of matters relating to education or training of certain classes of persons.

16D. (1) Notwithstanding anything to the contrary in any law contained, any person who has been authorized by the board in writing to investigate any matter relating to the education or training of any class of persons registered under this Act, may, for the purpose of making such investigation, enter any institution or premises, excluding a university or a technikon established by or under an Act of Parliament and any premises of such a university or technikon, utilized in the education or training of any such class of persons. 45 50 55

(2) Any person who prevents any person authorized in terms of subsection (1) from entering any institution or premises referred to in that subsection or who hinders him in the making therein or thereon of any investigation contemplated in that subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding R100. 60

Registration of certain persons so as to enable them to give educational demonstrations.

16E. (1) For the purposes of promoting education or training in chiropractic or homeopathy, the board may, notwithstanding the provisions of this Act, register any person not permanently resident within the Republic as a chiropractor or homeopath for such period as the board may determine. 65

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Educational institutions to furnish board with certain particulars.

(2) Any person registered in terms of subsection (1), may give demonstrations, at institutions approved for that purpose by the board, relating to chiropractic or homeopathic techniques, as the case may be, for such period as the board may determine. 5

16F. (1) Every educational institution at which a qualification can be obtained which entitles any holder thereof to registration under this Act as a chiropractor or homeopath, excluding a university or technikon established by or under an Act of Parliament, shall furnish the board on its request with such information relating to entrance requirements, curricula and syllabuses, examinations and any related matter as the board may from time to time require. 10 15

(2) If any educational institution referred to in subsection (1) fails or refuses to furnish any information requested by the board under that subsection, or if it appears to the board that any provision of this Act is not being properly complied with by any such educational institution and that such improper compliance is having or may have an adverse effect on the standards of education in chiropractic or homeopathy maintained at that educational institution, the Minister may, on the recommendation of the board, by notice in the Gazette declare that any specified qualification granted by such educational institution after a date specified in the notice shall not entitle any holder thereof to registration under this Act. 20 25

(3) The Minister may, when it appears to him upon representations made by the board that satisfactory provision has been made for complying with the requirements of this Act by any educational institution referred to in subsection (1) in respect of any qualification which is the subject of a notice issued under subsection (2), withdraw the said notice. 30 35

(4) A qualification specified in a notice issued under subsection (2) which has been granted by the educational institution to which such notice relates between the date specified in that notice and the date of withdrawal of that notice, shall not entitle the holder thereof to registration under this Act. 40

(5) The board may appoint a person to be present whenever tests are being conducted by any educational institution referred to in subsection (1) in respect of the academic progress made by students in chiropractic or homeopathy at such educational institution and to report to the board upon such tests. 45

(6) The person in charge of an educational institution referred to in subsection (1) shall forthwith notify the board of the termination of the education or training of a student in chiropractic or homeopathy at such institution, whether by reason of the abandonment or completion of education or training or the transfer of such student to another such institution, or for any other reason." 50 55

Substitution of section 18 of Act 63 of 1982.

7. The following section is hereby substituted for section 18 of the principal Act:

18. (1) Any person who desires to be registered as a student in chiropractic or homeopathy shall in writing apply therefor to the board, and such appli- 60

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homeopathy. cation shall be accompanied by the prescribed particulars and registration fee.

(2) If the board is satisfied that the applicant is entitled to registration as such a student, it shall cause the necessary entry to be made in the register, and the registrar shall thereafter issue to the applicant a registration certificate in the prescribed form.” 5

Repeal of
section 19 of
Act 63 of 1982.

8. Section 19 of the principal Act is hereby repealed.

Repeal of
section 20 of
Act 63 of 1982.

9. Section 20 of the principal Act is hereby repealed.

Amendment of
section 21 of
Act 63 of 1982.

10. Section 21 of the principal Act is hereby amended— 10

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The board may instruct the registrar to remove the name of any practitioner **[or student]** from the register if the board is satisfied that that practitioner **[or student]**—” 15

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

“(d) has failed to notify the registrar of any change in his **[address]** residential address or postal address 20 or in the address of his practice within three months after any such change;”

(c) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) he shall cease to practise any profession in respect 25 of which he was registered as a practitioner or to perform any act specially pertaining to any profession in respect of which he was registered **[as a student and which he is under this Act authorized to perform]**; and;” 30

(d) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) he shall **[in the case of a person who was registered as a practitioner]** cease to indicate any profession of his upon his nameplate or in any other man- 35 ner.”

Amendment of
section 23 of
Act 63 of 1982.

11. Section 23 of the principal Act is hereby amended by the deletion of the words “or student” wherever they occur.

Amendment of
section 24 of
Act 63 of 1982.

12. Section 24 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following 40 subsection:

“(1) Any practitioner **[or student]** who after the holding of an inquiry referred to in section 23 (1) is found guilty of improper or disgraceful conduct or of conduct which in consideration of any profession in respect of which that practitioner **[or student]** is registered, is improper or disgraceful, shall be liable to one or other of the following penalties, namely— 45

(a) a caution or a reprimand or a reprimand and a caution; or 50

(b) suspension for a specified period **[in the case of that practitioner]** from practising any profession in respect of which he is registered or **[in the case of that student]** from performing any act specially pertaining to any profession in respect of which he 55 is registered **[and which he is under this Act authorized to perform]**;

(c) removal of his name from the register; or

(d) a fine not exceeding R2 000.”

(b) by the deletion, in subsections (2) and (6), of the words 60 “or student” wherever they occur; and

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- (c) by the addition of the following subsection:
 - “(8) (a) A penalty imposed under subsection 1 (d) shall be paid to the registrar within 14 days after such imposition.
 - (b) Any amount received by the registrar by virtue of paragraph (a) shall within 14 days after receipt thereof be paid by him to the Receiver of Revenue in the district where the office of the board is situated, and the said Receiver shall deposit such amount in the Consolidated Revenue Fund.
 - (c) The imposition of a penalty in terms of subsection (1) (d), shall have the effect of a civil judgment of the magistrate’s court of the district in which the inquiry by the board took place.”.

Amendment of section 25 of Act 63 of 1982.

13. Section 25 of the principal Act is hereby amended by the deletion of the words “or student” wherever they occur.

Amendment of section 26 of Act 63 of 1982.

- 14. Section 26 of the principal Act is hereby amended—
 - (a) by the deletion of subsection (2); and
 - (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
 - “(b) upon receipt of a written application by a person referred to in subsection (1) [or (2)] whose name has been removed from the register; and”.

Substitution of section 27 of Act 63 of 1982.

15. The following section is hereby substituted for section 27 of the principal Act:

27. (1) Any practitioner [or student] who, either before or after registration, has been convicted in the Republic or elsewhere of any offence, may be dealt with by the board in terms of this Chapter if the board is of the opinion that the offence concerned constitutes conduct which is improper or disgraceful or which in consideration of any profession in respect of which the practitioner [or student] concerned is registered, is improper or disgraceful, and that practitioner [or student] shall, upon proof of the conviction, be liable to one or other of the penalties referred to in section 24 (1): Provided that the said practitioner [or student] shall, before any penalty is imposed, be afforded the opportunity of tendering an explanation to the board in mitigation of any such penalty.

(2) When in the course of any criminal proceedings it appears to the court that there is *prima facie* proof of conduct contemplated in section 24 (1) on the part of a practitioner [or student], the court shall direct that a copy of the record of the proceedings or of such portion thereof as is material to such conduct, be transmitted to the board.”.

Amendment of section 29 of Act 63 of 1982.

16. Section 29 of the principal Act is hereby amended by the deletion, in subsection (1), of the words “or student”.

Substitution of section 30 of Act 63 of 1982.

17. The following section is hereby substituted for section 30 of the principal Act:

30. (1) When it appears to the board that any practitioner [or student]—

- (a) has become mentally or physically disabled to such an extent that it would be detrimental to the public interest to allow him to continue [in the case of that practitioner] to practise any profession in respect of which he is registered or [in the case of that student] to perform any act specially pertaining to any profession in respect

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of which he is registered **[and which he is under this Act authorized to perform]**; or
 (b) has become addicted to the use of any scheduled substance as defined in section 1 (1) of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965),
 the board shall cause the matter to be investigated and may, if it deems it necessary, hold an inquiry in respect of that practitioner **[or student]** *mutatis mutandis* in accordance with the provisions of section 24 and the regulations made under section 38 (1) (q).
 (2) If the board, after holding an inquiry under subsection (1), finds that any circumstance referred to in that subsection exists in respect of the practitioner **[or student]** concerned, it may by order—
 (a) suspend that practitioner **[or student]** for a specified period from **[in the case of that practitioner]** practising any profession in respect of which he is registered or **[in the case of that student]** from performing any act specially pertaining to any profession in respect of which he is registered **[and which he is under this Act authorized to perform]**; or
 (b) impose such conditions as it may deem fit subject to which that practitioner will be entitled to continue practising any such profession or **[that student will be entitled]** to continue with the performance of any such act.
 (3) The board may extend for any period the operation of any order made under subsection (2) or in any other manner amend any such order or withdraw any such order.
 (4) The provisions of section 26 shall *mutatis mutandis* apply in respect of any practitioner **[or student]** who has been suspended under a provision of subsection (2) of this section.
 (5) When the board has made any order under subsection (2), the registrar shall inform the practitioner **[or student]** concerned thereof in writing.
 (6) Any practitioner **[or student]** who contravenes or fails to comply with any order made under subsection (2), shall be guilty of an offence and on conviction liable to a fine not exceeding R100.”

Amendment of section 31 of Act 63 of 1982.

18. Section 31 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (2). 45

Substitution of section 33 of Act 63 of 1982.

19. The following section is hereby substituted for section 33 of the principal Act:

“Receipt for annual fees *prima facie* proof of registration of practitioner.
 33. A receipt purporting to be issued—
 (a) within the preceding 12 months;
 (b) by or on behalf of the board;
 (c) in respect of annual fees;
 (d) to a person of a name substantially corresponding to that of a practitioner **[or student]** who is involved in any proceedings in a court of law, shall on its mere production at those proceedings be *prima facie* proof that that practitioner **[or student]** is registered.” 50

Amendment of section 34 of Act 63 of 1982.

20. Section 34 of the principal Act is hereby amended by the deletion of the words “or student” wherever they occur.

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Substitution of section 37 of Act 63 of 1982.

21. The following section is hereby substituted for section 37 of the principal Act:

"No remuneration recoverable by unregistered persons in respect of certain acts.

37. No remuneration shall be recoverable in respect of any act specially pertaining to any profession if performed by a person who is **[neither] not** a practitioner in the profession concerned **[nor a student who is authorized under this Act to perform any such act for gain]."**

Amendment of section 38 of Act 63 of 1982.

22. Section 38 of the principal Act is hereby amended—

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

"(l) [subject to the provisions of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)—

(i) the remedies which a practitioner may in the practice of any profession in respect of which he is registered, prescribe or prepare for or supply to a patient of his, or may have in his possession or under his control for the practise by him of any such professions; **[and**

(ii) **the requirements with which such remedies shall comply with regard to manufacture, packing and labelling];"**

(b) by the deletion of paragraphs (o) and (p) of subsection (1);

(c) by the deletion of the word "and" at the end of paragraph (s) of subsection (1);

(d) by the insertion after paragraph (s) of subsection (1) of the following paragraph:

"(sA) (i) the registration of students in terms of this Act, the conditions subject to which they are registered, the maintenance and alteration of such registration and the circumstances in which the name of a student who is or was so registered may be removed from or restored to the register in question;

(ii) **the minimum requirements of the curricula and the standards of education and examinations in chiropractic or homeopathy which shall be maintained at any educational institution at which such education is provided, in order to secure recognition under this Act of the qualification in chiropractic or homeopathy obtained at such educational institution;**

(iii) **the standards of general education required of such students as a condition precedent to such registration;**

(iv) **the duration of the curricula to be followed by such students at educational institutions referred to in subparagraph (ii); and;"** and

(f) by the addition of the following subsection: 50

"(7) The board may from time to time determine and publish requirements with regard to the manufacture, packing and labelling of remedies which may be prescribed, prepared or supplied by a practitioner in terms of subsection (1) (l) for the purposes of the practising of his registered profession."

Insertion of section 38A in Act 63 of 1982.

23. The following section is hereby inserted in the principal Act after section 38:

"Charges by registered persons.

38A. (1) Every practitioner shall, unless the circumstances render it impossible for him to do so, and before rendering any professional services, inform the person to whom the services are to be rendered or any person responsible for the maintenance of such

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person, of the fee which he intends to charge for such services—

- (a) when so requested by the person concerned; or
(b) when such fee exceeds that usually charged for such services,

and shall in a case to which paragraph (b) relates, also inform the person concerned of the usual fee.

(2) Any practitioner who in respect of any professional services rendered by him claims payment from any person (in this section referred to as the patient) shall furnish the patient with a detailed account within a reasonable period.

(3) (a) The patient may, within three months after receipt of the account referred to in subsection (2), apply in writing to the board to determine the amount which in the opinion of the board should have been charged in respect of the services to which the account relates, and the board shall, as soon as possible after receipt of the application, determine the said amount and notify the practitioner and the patient in writing of the amount so determined: Provided that before the board determines the said amount, it shall afford the practitioner concerned an opportunity to submit to it in writing his case in support of the amount charged.

(b) A determination made by the board under this section shall be final.

(c) The Minister may, after consultation with the board, make such regulations as he may deem necessary in relation to the procedure which the board shall follow in disposing of an application under this subsection.

(d) The board may from time to time determine and publish the fees used by the board as a norm for the determination of amounts contemplated in paragraph (a).

(4) A claim which is the subject of an application referred to in subsection (3) of which notice has been given by the board or the patient to the practitioner, shall not be recoverable until a determination has been made in terms of that subsection, and when such a determination has been made no amount which exceeds the amount so determined shall be payable: Provided that if the patient has paid to the practitioner an amount in settlement or part settlement of such claim and such amount exceeds the amount so determined, the practitioner shall refund to the patient the amount by which that payment exceeds the amount so determined.

(5) This section shall not be deemed to divest the board of any of its powers or functions under Chapter 3 with regard to acts or omissions in respect of which it may take disciplinary steps.”

Substitution of section 39 of Act 63 of 1982.

24. The following section is hereby substituted for section 39 of the principal Act:

“Unregistered persons not eligible for or entitled to hold certain appointments.

39. No person, except a practitioner in the profession concerned, shall be eligible for or entitled to hold any office which involves the performance by him of any act specially pertaining to a profession which he may not perform for gain: Provided that nothing in this section contained shall be construed so as to prohibit the training of any student [or the employment subject to the prescribed conditions of any student by a practitioner].”

Act No. 108, 1985

ASSOCIATED HEALTH SERVICE PROFESSIONS AMENDMENT ACT, 1985

Substitution of section 40 of Act 63 of 1982.

25. The following section is hereby substituted for section 40 of the principal Act:

“Saving.

40. The provisions of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), shall not be construed as prohibiting any practitioner [or student] from performing for gain any act usually performed at the commencement of this Act by persons who practise the profession concerned in the Republic and the performance of which by any such practitioner is not prohibited by this Act [or by any such student is authorized under this Act, as the case may be].”

Short title and commencement.

26. This Act shall be called the Associated Health Service Professions Amendment Act, 1985, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.