DEPARTMENT OF HEALTH

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ISAZISO SIKAHULUMENI

UMNYANGO WEZEMPILO

HEALTH PROFESSIONS ACT, 1974 (ACT NO.56 OF 1974)

IMITHETHO ZIMISO EMAYELANA NOKUBHALISWA KWABAFUTHI BOBUCHWEPHESHE BENDLEBE

UNgqongqoshe wezeMpilo, ngokwemigomo yesigaba sama-61(1) (a) (i) se-*Health Professions Act, 1974 (Act No. 56 of 1974),* kanye nangemuva kokuxoxisana noMkhandlu wobuChwepheshe bezeMpilo eNingizimu Afrika, wenze imithethozimiso kule Sheduli.

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UNGQONGQOSHE WEZEMPILO
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Izincazelo

1. Kule mithethozimiso **"uMtheto"** usho i-*Health Professions Act, 1974 (Act No. 56 of 1974),* nanoma isiphi isisho lapho incazelo ifakwe eMthethweni, kumele ithathe leyo ncazelo, ngaphandle uma ingahambisani naleyo ndawo —

"isikhungo sokufunda esigunyaziwe" kusho isikhungo sokufunda esigunyazwe ibhodi longcweti ukuthi sihlinzeke ngemfundo kanye noqeqesho lobungcweti bendlebe;

"ibhodi longcweti" kusho iBhodi loNgcweti bezokuKhuluma, uLimi kanye nobungweti boKuzwa elasungulwa ngokwemigomo yesigaba se-15 soMthetho, kanye

"umfundi" kusho umuntu ofunda ngezobuchwepheshe bezindlebe esikhungweni sokufunda esigunyaziwe, noma umuntu obhalise njengomfundi wezobuchwepheshe bendlebe ngokwemigomo yoMthetho.

Ukubhalisa njengomfundi

2. (1) Umfundi kumele ahambise isicelo kumbhalisi ukuze abhaliswe njemgomfundi efomini elihlinzekelwa yona le nhloso yibhodi longcweti ukuhambisana nezihlinzeko zomthethosimiso wesi-(2)—

(a) odabeni lokubhalisa esikhungweni esigunyaziwe onyakeni wakhe wokuqala, ezinyangeni ezine zokubhaliswa okunjalo; noma

(b) odabeni lomfundi oxolelwe ukuthi abhalisele unyaka wakhe wokuqala noma wesibili wokufunda, ezinyangeni ezine zokubhaliswa okunjalo onyakeni wesibili noma wesithathu wokufunda, ngokulandelana; noma

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(c) odabeni lomfundi okuthi ngosuku lokushicilela le mithetho-zimiso usevele useqalile ukwenza izifundo zakhe esikhungweni semfundo esigunyaziwe, ezinyangeni ezine kusukela ngosuku lokushicilelwa kwale mithetho-zimiso.

(2) Isicelo sokubhaliswa njengomfundi kumele sihambe ne—

(a) nekhophi yomazisi efungelwe yaloyo mfundi noma isitifiketo sokuzalwa, noma uma umfundi engakwazi ukukhipha konke lokhu okushiwo, obunye ubufakazi beminyaka yakhe kanye namagama akhe afanele engemukelwa umbhalisi, kanye nasodabeni lapho kushintshwa igama ngenxa yomshado, ikhophi efungelwe yesitifiketi somshado;

(b) isitifiketi ukufakaza ukuthi umfundi onjalo uqale izifundo zakhe esifundweni noma ezifundweni esikhungweni semfundo esigunyaziwe, lapho isitifiketi kumele siveze unyaka wokufunda kanye nosuku ukuthi umfundi wabhalisa nini; kanye

(c) nemali yokubhalisa.

(3) Isicelo zokubhalisa njengomfundi komfundi ovakashile osuka kwelinye izwe ngaphandle kweNingizimu Afrika othathiwe esikhungweni semfundo esigunyaziwe ngezizathu okungezona ukuthola iziqu ngesikhathi esingevile onyakeni owodwa, kumele sihambe ne—

(a) isitifiketi esifakazayo ukuthi umfundi uqale izifundo ezinjalo;

(b) ubufakazi bokubhalisa njengo mfundi wobungcweti bendlebe yisiphathimandla esibhalisayo esaziwayo ezweni noma umbuso ngaphandle kweNingizimu Afrika; kanye

(c) nemali yokubhalisa

(4) Umfundi oqala izifundo zakhe emuva kokuthi ephazamise izifundo ezinjalo okungenani unyaka owodwa kumele ehambise isicelo sakhe sokuphinda abhalise ezinyangeni ezine eqale izifundo ezinjalo.

(5) Isicelo okukhulunywe ngaso kumthetho-simiso wesi-(4) kumele sihambisane ne—

(a) isitifiketi sokuqinisekisa ukuthi umfundi onjalo useqalile ukufunda izifundo ezinjalo;

(b) isitifiketi ngqo sokubhalisa okwedlule esikhishwa umbhalisi; kanye

(c) nemali yokubhalisa

(6) Maqondana nezihlinzeko zomthetho-zimiso wesi-(3)(3), igama lomfundi owaphazamiseka kwezinye izifundo zakhe ngesikhathi esingaphezu konyaka, kodwa okuvezayo njalo Ngonyaka ukuthi inhloso yakhe ukuqhubeka nezifundo zakhe, akumele asuswe ohlwini.

(7) Umfundi ofake isicelo sokubhalisa ngokwemigomo yomthetho-simiso wesi-(4) futhi ongakwazi ukuhambisa isitifiketi ngqo sokubhalisa, kumele afake isicelo somfanekiso wesitifiketi, lapho kumele kukhokhwe imali yakhona.

(8) Isicelo sokubhalisa, sihambisana nemaphepha kanye nezimali okufanele, okuhanjiswa emuva kwesikhathi esinqunyiwe sezinyanga ezine, kumele sikhokhe imali yenhlawulo yokubhalisa sekudlule isikhathi ngokuhambisana nenyanga noma Ingxenye yenyanga esihanjiswe ngayo emuva kosuku lokuhanjiswa kwezicelo.

(9) Akekho umfundi okumele abhaliswe noma aphinde abhaliswe njengomfundi ngaphansi koMthetho ngaphandle uma ehambisene nazo zonke izimfuneko zalo mthetho-zimiso.

(10) Umbhalisi kumele anike umfundi obhalisile isitifiketi sakhe sokubhalisa.

(11) Uma umfundi eshintshe isikhungo sokufunda noma uhlelo ukuya kokunye ngesikhathi sokwenza izifundo zakhe, ibhodi longcweti kumele laziswe ezinyangeni ezine zokwenziwa koshintsho olunjalo.

Ulwazi okumele luhanjiswe ebhodini longcweti

3. (1) Isikhungo semfundo esigunyaziwe eNingizimu Afrika, kumele sihambise ebhodini longcweti zingama-31 kuNhlaba njalo ngonyaka noma ngaphambi kwalolo suku—

(a) uhlu lwabafundi ababhalisile kulowo nyaka; kanye

(b) nohlu lwabo bonke abafundi abaziyekile izifundo zabo ngokuqhubeka konyaka.

(2) Uhlu okukhulunywe ngalo kumthethi-simiso woku-(1) kumele lube namagama aphelele abafundi, unyaka wesingaki, uma kunesidingo, usuku lokuyeka ukufunda.

(3) Ndawonye nohlu okukhulunywe ngalo kumthetho-simiso woku-(1), isikhungo semfundo esigunyaziwe kumele sihambise—

(a) uhlu lwabafundi abayeke izifundo zabo ngokuqhubeka kwezinyanga eziyishumi nambili, kuvezwe izizathu zokuyeka kanye nosuku abafundi abanjalo abalindeleke ukuthi baqale futhi ngalo izifundo zabo; kanye

(b) uhlu lwabafundi abaziqalilse futhi izifundo zabongokuqhubeka kwezinyanga eziyishumi nambili emuva kokuziyeka isikhashana izifundo zabo.

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(4) Igama lomfundi okumele asuswe ohlwini lwabafundi ababhalisile ngokushesha emuva kokuthi esengungcweti wezendlebe obhalisile noma ngokushesha emuva kokuthi umbhalisi ethola ubufakazi bokuthi umfundi onjalo useziyekile izifundo zakhe eNingizimu Afrika.

Isihloko Esincane

4. Le mithetho-zimiso kumele ibizwe Imithetho Zimiso Emayelana Nokubhaliswa Kwabafuthi Bobuchwepheshe Bendlebe.