



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 9881

Regulasiekoerant

Vol. 570

Pretoria, 19 December 2012

No. 36015

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS**INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>	<i>No.</i>	<i>Bladsy No.</i>	<i>Koerant No.</i>
GOVERNMENT NOTICE			GOEWERMENTSKENNISGEWING		
Health, Department of			Gesondheid, Departement van		
<i>Government Notice</i>			<i>Goewermentskennisgewing</i>		
R. 1099			R. 1099		
Nursing Act (33/2005): Regulations relating to the conducting of inquiries into alleged unfitness to practice due to disability or impairment of persons registered in terms of the Act.....	3	36015	"Nursing Act" (33/2005): Regulasies betreffende die uitvoer van ondersoek na beweerde ongeskiktheid om te praktiseer weens die onvermoë of gestremdheid van persone geregistreer ingevolge die Wet.....	19	36015

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 1099

19 December 2012

Nursing Act, 2005 (Act No. 33 of 2005)

REGULATIONS RELATING TO THE CONDUCTING OF INQUIRIES INTO ALLEGED UNFITNESS TO PRACTISE DUE TO DISABILITY OR IMPAIRMENT OF PERSONS REGISTERED IN TERMS OF THE NURSING ACT, 2005 (ACT NO. 33 OF 2005)

The Minister of Health has, in terms section 58(1) (s) read with section 51(1) of the Nursing Act, 2005 (Act 33 of 2005) and after consultation with the Nursing Council of South Africa, made the regulations in the Schedule.

SCHEDULE

1. Definitions

1. In this schedule "**the Act**" means the Nursing Act, 2005 (Act No.33 of 2005), and any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless the context otherwise indicates—

"appellant" means a registered person or *pro forma* complainant who is aggrieved by any decision of the Impairment Committee and who appeals to the Appeals Committee;

"complaint" means any concern raised regarding the conduct that has been referred to the Impairment Committee due to disability, impairment or both which comes to the attention of the Registrar or the Council, or a formal complaint, charge or allegation of unfitness to practice against such person;

"disability" means any physical or mental condition/illness that may hamper the ability of the nurse to be fit for practice;

“health examiner” means a practitioner registered in terms of the Health Professions Act, 1974 (Act 56 of 1974), appointed by the chairperson or the Impairment Committee to examine the Respondent and to report to the chairperson or the Impairment Committee whether a Respondent is, due to impairment, unfit to practise in terms of the Act;

“impairment” refers to a condition which renders a practitioner incapable of practising nursing with reasonable skill and safety;

“Impairment Committee” means a committee appointed by the Council in terms of section 51(1) of the Act to conduct an inquiry as to whether or not a person registered in terms of the Act is unfit to practise;

“in camera” means conducted in the presence of every party and any person representing a party, but otherwise excluding the public;

“practitioner” means a person registered in terms of section 31(1) of the Act;

“preliminary assessment meeting” means a fact finding meeting of persons appointed by the Impairment Committee to gather information and assess evidence prior to an inquiry;

“pro forma complainant” means a person appointed by the Council in terms of section 47(2) of the Act

“Respondent” means a person registered in terms of section 31 or 32 of the Act in respect of whom a complaint or an allegation that such a person is or may be unfit to practise has been received by the registrar;

“supervisor” means a person approved and appointed by the Impairment Committee to supervise and report to the Impairment Committee in terms of these regulations regarding a Respondent who was found to be unfit to practise;

“therapist” means a medical practitioner or any other professional person who holds the appropriate registration, nominated by a Respondent and approved by the Impairment Committee to take responsibility for his or her treatment and to submit the required reports thereon and on his or her ability to practise in terms of the Act to the Impairment Committee;

“unfit to practice due to disability or impairment” means that a person registered in terms of the Act is incapacitated as a result of disability or is or may be impaired, whether mentally or otherwise, to such an extent that—

- (a) it would be detrimental to the public interest to allow him or her to continue to practise;
- (b) he or she is unable to practise the profession with reasonable skill and safety; or
- (c) in the case of a learner, has become unfit to continue with the education programme,

Constitution of Impairment Committee

- 2. (1) The Council must appoint an Impairment Committee whose function is *inter alia* to conduct an inquiry into allegations that a practitioner or learner nurse is unfit to practice due to disability or impairment.
- (2) The Impairment Committee shall be composed of four persons—
 - (a) three of whom must be persons registered in terms of the Act, ; and
 - (b) one of whom shall be the chairperson appointed on account of his or her knowledge of the law.

Lodging of Complaints

- 3. (1) Any person who has reason to believe that a person registered in terms of the Act may be unfit to practice may submit a complaint in writing to the Registrar or to the Council.
- (2) Where a complaint is addressed to Council and received by a Council member, the member must submit such a complaint to the Registrar within 2 working days of receiving or being aware of such complaint.

Receipts of Complaints

- 4. (1) The Registrar may, after the receipt of the complaint, and before referring the allegations to an Impairment Committee—

- (a) call for further information or an affidavit regarding the complaint or allegations from the complainant; or
 - (b) seek further information regarding the allegations from the complainant or from any other person, including the Respondent.
- (2) On receipt of the information referred to in sub-regulation (1), the registrar must submit the complaint or further information to—
- (a) the Impairment Committee at its next meeting; or
 - (b) the chairperson of the Impairment Committee during intervals between meetings of the Impairment Committee where the urgency of the matter requires immediate action;

Notice of Referral

5. (1) The Registrar must notify the person registered in terms of the Act, hereinafter referred to as “the Respondent” of any complaint or allegation against such Respondent, by serving a notice of referral on the Respondent.
- (2) The notice of referral must—
- (a) provide the details of the allegation or complaint lodged;
 - (b) inform the Respondent that he or she has a right to be represented by a legal practitioner, medical adviser his or her choice at his or her own cost or union representative and to be accompanied by a family member or friend at the enquiry representative;
 - (c) inform the Respondent of his or her right to be heard by the Impairment Committee;
 - (d) invite the Respondent to submit written representation to the Impairment Committee and state that representations must be submitted by the Respondent to the Registrar no later than 28 calendar days after the notice has been served;
 - (e) request the Respondent to voluntarily submit to examination by a health examiner(s);

- (f) inform the Respondent that he or she can within the time specified in such notice submit reports from a medical practitioner of his or her own choice to rebut the allegation or complaint that he or she is unfit to practise due to disability or impairment;
 - (g) invite the Respondent to submit within the time specified in such notice any observations or other evidence regarding his or her physical or mental condition which he or she may wish to offer;
 - (h) inform the Respondent that, if he or she refuses to submit voluntarily to examination by a health examiner or if, after having agreed to such examination, he or she subsequently fails to submit to the required examination, the matter may be referred to the Impairment Committee for an inquiry in terms of these regulations;
 - (i) inform the Respondent that the information, reports and other documentation may be submitted to a health examiner for evaluation and a recommendation; and
 - (j) inform the Respondent that the Impairment Committee may seek such further information as it considers necessary for the purposes of carrying out its functions in investigating the allegation from the Respondents' employer, if any, or any other source other than the Respondent.
- (3) The Registrar must furnish the Respondent with the information received and must enclose copies of any medical reports.

Service of Documents

6. (1) Any notice of referral or an inquiry required to be served upon the Respondent, shall be delivered by sending it by registered post or other delivery service in which delivery or receipt is recorded to—
- (a) his or her address in the register of the Council; or
 - (b) the address of the employer.
- (2) Any notice is served in terms of these regulations shall be deemed to have been served—

- (a) on the day such notice is hand-delivered to the registered address of the Respondent; or
- (b) where the notice has been sent by registered mail, on the seventh day following the date the notice was posted

In-Camera meetings and Inquiries

7. All meetings and inquiries before the Impairment Committee shall be conducted *in camera*.

Health examiners

8. (1) The registrar must, at the request of the chairperson or the Impairment Committee, submit the information referred to in regulation 4(1) to the health examiner(s) to evaluate such information and to report to the chairperson or the Impairment Committee—

- (a) on the physical or mental condition of the Respondent;
- (b) whether in the opinion of the health examiner(s) the Respondent—
 - (i) is fit to practice;
 - (ii) is fit to practice on a limited basis or under direct personal supervision, or both;
 - (iii) is unfit to practice; or
 - (iv) suffers from a recurring or episodic physical or mental condition which, although in remission at the time of the examination, could in future render the Respondent unfit to practice, or unfit to practice except on a limited basis or under direct personal supervision, or both.

(2) The Impairment Committee may, after due consideration of the matter, request the health examiner to make recommendations regarding the management of the Respondent to the Impairment Committee.

- (3) The registrar must submit copies of the reports received from the health examiner(s), if applicable, and all the information referred to in regulation 4, to—
- (a) the Impairment Committee at its next meeting; or
 - (b) the chairperson during intervals between meetings of the Impairment Committee.

Temporary suspension

9. The Impairment Committee may, any time, after receiving the documents contemplated in regulation 4, for a period not exceeding 90 days, temporarily suspend a Respondent from practicing on such terms or conditions as the Impairment Committee may deem fit, pending an assessment or investigation in terms of these regulations, if such suspension would be in the public's interest: Provided that the Respondent is entitled to request the Impairment Committee or Council to suspend the suspension subject to such terms as the Council may deem fit, upon proof to the satisfaction of the Impairment Committee or Council that the suspension is not necessary.

Preliminary Assessment

10. (1) Notwithstanding regulation 9, the Impairment Committee may, after due consideration of the matter referred to it in terms of regulation 4(2), schedule a preliminary assessment meeting and determine whether the matter should be referred for an inquiry.
- (2) At the preliminary assessment meeting, the Impairment Committee may—
- (a) invite the Respondent to make representations to the Impairment Committee in person;
 - (b) invite the Respondent, at the cost of the Council, to submit to medical examination by health examiner appointed by the Council;
 - (c) consult with or seek further information regarding the complaint from any person, including the Respondent.

- (3) A preliminary assessment meeting may after due consideration of the matter, decide to—
- (a) dismiss the complaint or allegation;
 - (b) refer the allegation to the Professional Conduct Committee to be dealt with in terms of the regulations relating to professional conduct enquiries, except where it appears that the Respondent may be a regular offender which may necessitate an investigation into possibility of impairment;
 - (c) refer the allegation for an inquiry in terms of these regulations; or
 - (d) temporarily suspend the Respondent from practice pending such an inquiry.
- (4) The Impairment Committee may adjourn its consideration of such an allegation—
- (a) until such time as any further information has been obtained, or
 - (b) where the Respondent has undertaken an assessment or medical examination, a report on him or her has been prepared, or the Impairment Committee was notified that the Respondent is not mentally fit to stand for assessment.
- (5) If preliminary assessment meeting decides, after due consideration of the matter, that there are no grounds for an inquiry, it shall direct the Registrar to communicate in writing its decision to the complainant and the Respondent stating the reason(s) for such decision.
- (6) If the preliminary assessment meeting decides, after due consideration of the matter, that an inquiry must be held in terms of section 51 of the Act, it must direct the Registrar who must communicate the decision to the Respondent and then arrange for the holding of an inquiry.

Enquiry by the Impairment Committee

11. On receipt of a directive referred in regulation 10(6) the Registrar must issue a notice to the Respondent—
- (1) The notice must—
- (a) state the date, time and venue of the inquiry;
 - (b) indicate the physical or mental condition by reason of which it is alleged that he or she is unfit to practice;
 - (c) contain the decision of the preliminary assessment meeting, a copy of the finding or provisional suspension previously made, and the reasons for making that decision;
 - (d) inform the Respondent of his or her right to attend, and to be represented by a legal practitioner, medical adviser or union representative and to be accompanied by a family member or friend at the enquiry;
 - (e) inform the Respondent that if he or she fails to present himself or herself before the Impairment Committee at the place and on the date and time determined by the Registrar in the notice, the Impairment Committee may proceed with the inquiry in his or her absence;
 - (f) inform the Respondent of his or her right to provide evidence in support of his or her case, including medical reports from her medical practitioners;
 - (g) inform the Respondent of his or her right to call witnesses, and to cross examine any witnesses called by the Impairment Committee;
 - (h) be accompanied by a copy of these regulations where they have not previously been sent to the Respondent;
 - (i) advise the Respondent of the findings that the Impairment Committee can make in terms of fitness to practice or limitations.
- (2) The chairperson may appoint one or more assessors to the Impairment Committee to advise on any relevant clinical matter.

- (3) Before commencement of the inquiry by the Impairment Committee, the registrar must furnish each member of the Impairment Committee and the Respondent copies of the notice of enquiry and all documents referred to in regulations 4 and 8, and all medical reports and any observations or other documents submitted by the Respondent.
- (4) The *pro forma* complainant must read the notice addressed to the Respondent.
- (5) Where the Respondent or his or her representative is not present at the inquiry after having been duly informed and without having notified the Registrar at least seven days before the commencement of the inquiry, the inquiry shall proceed in the absence of the Respondent.
- (6) Where the Respondent is present or represented the chairperson of the Impairment Committee must enquire from the Respondent or his or her representative whether they admit or deny the allegations contained in the notice.
- (7) In cases where the Respondent admits the allegations and that his or her fitness to practise is impaired, and the Impairment Committee is of the opinion that further information is required for purposes of making a finding as to whether the complaint renders the Respondent unfit to practice, the Impairment Committee may call any witness summoned before the Impairment Committee by the *pro forma* complainant or the Respondent to give oral evidence under oath and may accept such documentary evidence relevant to the complaint as it deems necessary, before making a finding that the Respondent is unfit to practise.
- (8) Any person called to give evidence must take an oath or make an affirmation before giving evidence at the enquiry.
- (9) After all evidence has been adduced, the *pro forma* complainant and the Respondent or his or her legal representative may address the Impairment Committee on the evidence and the legal position.
- (10) In coming to a decision the Impairment Committee shall consider the reports, written statements, other documents circulated to members in accordance with sub-regulation 4, oral representations made and

question any person present called to give evidence or who has submitted a report.

Findings by the Impairment Committee

12. (1) The Impairment Committee may—

- (a) postpone the inquiry to such later date as the Impairment Committee might determine;
 - (b) adjourn the inquiry in order to refer the Respondent for examination(s) or to obtain further medical reports or other information as to his or her physical or mental condition or with regard to her ability to practise in terms of the Act;
 - (c) make a finding on whether—
 - (i) the Respondent is fit to practise;
 - (ii) the Respondent is not fit to practice except on terms or conditions as may be determined by the Impairment Committee;
 - (iii) the Respondent is unfit to practise; or
 - (iv) the Respondent suffers from a recurring or episodic physical or mental condition/illness which, although in remission at the time of the examination, may be expected in future to render him or her unfit to practise or fit to practise subject to such terms or conditions as may be determined by the Impairment Committee and provide reasons for such a finding; or
 - (d) recommend to Council that the Respondent be suspended from practicing for a determinate period with such conditions as the Impairment Committee may deem fit.
- (2) Where, after announcing its finding, the Impairment Committee considers that it may be appropriate to provisionally suspend the Respondent pending the outcome of any appeal, the Impairment Committee shall—

- (a) invite representations from the parties (where present) on whether or not the Respondent should be provisionally suspended;
 - (b) take any representations received into account before deciding whether or not to provisionally suspend;
 - (c) deliberate in private; and
 - (d) announce its decision in the presence of the parties (where present), and shall give reasons for its decision.
- (3) Notwithstanding the decision on provisional temporary suspension set out in sub-regulation (2), the Impairment Committee may allow the parties to make additional submissions.
- (4) If the Impairment Committee after holding the enquiry finds the Respondent unfit for practice as referred to in section 51(1) of the Act, the Impairment Committee may—
 - (a) allow the Respondent to continue practising the profession and in the case of a learner to continue with the education programme under such conditions as it may deem fit;
 - (b) remove the Respondent's name from the register; or
 - (c) invoke Section 49 of the Act, with the necessary changes, in respect of a practitioner suspended in terms of these regulations.
- (5) If conditions or limitations to practise are imposed on a Respondent—
 - (a) the supervisor or therapist must submit regular reports to the Impairment Committee to determine whether there is compliance with the stated conditions or limitations;
 - (b) such conditions or limitations must be reviewed by the Impairment Committee at least once every six months until the Impairment Committee decides on whether the Respondent is fit to be practice.
- (6) The Impairment Committee must report its finding, the penalty imposed to the Council.

- (7) The Respondent must be informed of his or her right to appeal against the finding of the Impairment Committee to the Appeal Committee established in terms of section 57(1) of the Act.

Mitigation of findings

13. (1) The Impairment Committee—

- (a) may invite any person who, in its opinion, has an interest in the proceedings to submit written representations within such time as the Impairment Committee may direct, and
- (b) shall invite representations from the Respondent as to any mitigating circumstances which may affect the Impairment Committee's finding and conditions, if any, to be made.
- (2) The *pro forma* complainant may, after the Respondent has addressed the Impairment Committee or adduced evidence in mitigation of the findings to be made, make representations to the Impairment Committee or lead evidence, orally or in writing, regarding a suitable penalty to be imposed.

Appeal process

14. (1) The Respondent or the *pro forma* complainant may appeal against the finding and/or penalty of the Impairment Committee to the Appeal Committee appointed by the Minister in terms of section 57(1) of the Act.
- (2) The appellant must inform the Registrar by written notice within fourteen (14) calendar days from the date of the Impairment Committee's decision of his or her intention to appeal against the finding and/or penalty.
- (3) In the event that a Respondent has been provisionally suspended, such suspension is effective until the appeal is finalised.

Recording of proceedings and outcomes

- 15 (1) The Council must ensure that all proceedings of the preliminary assessment meeting, enquiry and appeal are recorded in electronic form and transcribed.

- (2) Transcribed records will be case coded for the purpose of anonymity.
- (3) Any party to the proceedings shall, on application to the Council, be furnished with a transcript of the record of any part of the inquiry or preliminary assessment meeting at which he or she was entitled to be present.
- (4) Subregulation (1) and (3) shall not apply to the private deliberations of the Impairment Committee.

Referral of allegation from the Impairment Committee to the Professional Conduct Committee

16. (1) Where the Impairment Committee is considering an allegation or complaint referred to it in terms of these regulations and the Impairment Committee—

(a) at a preliminary assessment meeting held in accordance with regulation 10; or

(b) at the commencement of or during the inquiry by the Impairment Committee;

it appears that the allegation would be better dealt with by the Professional Conduct Committee; the Impairment Committee may refer the allegation to the Professional Conduct Committee, and shall suspend its consideration of the allegation and accordingly inform the Respondent and the complainant, if any.

(2) Where the Impairment Committee refers an allegation to the Professional Conduct Committee under sub-regulation (1); and the Professional Conduct Committee determines, after the close of the Council's case, that the allegation is not well founded, or that the allegation has not been proved, the Impairment Committee may resume its consideration of the allegation.

(3) Subject to sub-regulation (2), where the Impairment Committee refers an allegation to the Professional Conduct Committee under paragraph (1); and the Professional Conduct Committee makes a decision on the

sanction the Impairment Committee shall have no further function in relation to the allegation.

Burden of Proof

- 17 Where facts relating to an allegation are in dispute, the burden of proving such facts must rest on the Council.

Evidence

- 18 (1) A certificate relating to a determination about a Respondent's fitness to practise made by a licensing body elsewhere, signed by an officer authorised by the body to sign such certificates, shall be admissible as evidence of the facts referred to in the determination.
- (2) In determining whether a Respondent's fitness to practise is impaired by reason of physical or mental health or disability or both, the Impairment Committee may take into account, amongst other matters—
- (a) a refusal by the Respondent to submit to medical examination;
 - (b) the Respondent's current physical or mental condition;
 - (c) any continuing or episodic condition suffered by the Respondent; and
 - (d) a condition/illness suffered by the Respondent which, although currently in remission, may be expected to cause a recurrence of the impairment of the Respondent's fitness to practise

Postponements and adjournments

- 19 (1) The Impairment Committee may of its own accord or at the request of the *pro forma* complainant or of the defendant or his or her legal representative, adjourn any inquiry being held in terms of these regulations to be resumed on such date and at such time and place as the Impairment Committee may determine or as the Impairment Committee may by registered post communicate to the parties concerned.

(2) In considering whether or not to grant a request for postponement or adjournment, the Impairment Committee shall, amongst other matters, have regard to—

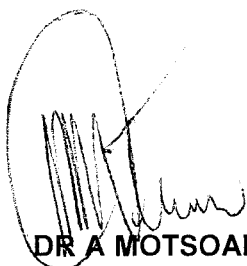
(a) the public interest in the expeditious disposal of the case;

(b) the potential inconvenience caused to a party or any witnesses to be called by that party; and

(c) fairness to the Respondent.

Transitional arrangements

20 An inquiry or appeal pending before an Impairment Committee or a Professional Conduct Committee of the Council, respectively, immediately prior to the commencement of these regulations must be conducted and finalized under the procedures prescribed by the regulations in force when such inquiry or appeal was commenced.



DR A MOTSOLEDI, MP

MINISTER OF HEALTH

DATE: 17/12/2012

No. R. 1099

19 Desember 2012

"Nursing Act, 2005" (Wet No. 33 van 2005)**REGULASIES BETREFFENDE DIE UITVOER VAN ONDERSOEKE NA
BEWEERDE ONGESKIKTHEID OM TE PRAKTISEER WEENS DIE ONVERMOË
OF GESTREMDHEID VAN PERSONE GEREISTREER INGEVOLGE DIE
"NURSING ACT, 2005" (WET NO. 33 VAN 2005)**

Die Minister van Gesondheid het, ingevolge artikel 58(1)(s), saamgelees met artikel 51(1), van die "Nursing Act, 2005" (Wet No. 33 van 2005), en na oorleg met die Suid-Afrikaanse Raad op Verpleging (SARV), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1 In hierdie bylae beteken "**die Wet**" die "Nursing Act, 2005" (Wet No. 33 van 2005), en het 'n uitdrukking waaraan daar in die Wet 'n betekenis geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken—

"appellant" 'n geregistreerde persoon of 'n *pro forma*-klaer wat hom of haar veronreg voel deur 'n besluit van die komitee vir gestremdheid en wat appelleer na die appèlkomitee;

"gesondheidsondersoeker" 'n praktisyn geregistreer ingevolge die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), wat deur die komitee vir gestremdheid of sy voorsitter aangestel word om die respondent te ondersoek en aan die komitee of sy voorsitter verslag te doen oor of die respondent weens gestremdheid ongeskik is om te praktiseer ingevolge die Wet;

"gestremdheid" 'n toestand wat 'n praktisyn onbekwaam maak om verpleging met redelike vaardigheid en veiligheid te beoefen;

"in camera" uitgevoer in die aanwesigheid van elke party en enige persoon wat 'n party verteenwoordig, maar andersins die publiek uitsluit;

"klag" enige aangeleentheid geopper betreffende die gedrag van 'n praktisyn, wat na die komitee vir gestremdheid verwys is weens onvermoë, gestremdheid of beide, of wat tot die aandag van die registrateur of die raad kom; of 'n formele klag, aanklag of bewering van ongeskiktheid om te praktiseer teen sodanige praktisyn;

"komitee vir gestremdheid" 'n komitee aangestel deur die raad ingevolge artikel 51(1) van die Wet om 'n ondersoek uit te voer oor of 'n persoon wat ingevolge die Wet geregistreer is, geskik is om te praktiseer al dan nie;

"ongeskik om te praktiseer weens onvermoë of gestremdheid" dat 'n persoon wat ingevolge die Wet geregistreer is, weens onvermoë onbekwaam geword het of gestremd is of kan wees, hetsy geestelik of op 'n ander manier, in so 'n mate dat—

- (a) dit nadelig sou wees vir die openbare belang om hom of haar toe te laat om voort te gaan om te praktiseer;
- (b) hy of sy nie in staat is om die beroep met redelike vaardigheid en veiligheid te beoefen nie; of
- (c) in die geval van 'n leerder, hy of sy ongeskik geword het om met die onderwysprogram voort te gaan;

"onvermoë" enige fisiese of geestestoestand of -siekte wat die vermoë van die verpleegkundige om geskik te wees vir die praktyk, belemmer;

"praktisyn" iemand wat ingevolge artikel 31(1) van die Wet geregistreer is;

"pro forma-klaer" iemand wat ingevolge artikel 47(2) van die Wet deur die raad aangestel is;

"respondent" iemand wat ingevolge artikel 31 of 32 van die Wet geregistreer is, ten opsigte van wie die registrateur 'n klag of 'n bewering ontvang het dat sodanige persoon ongeskik is of kan wees om te praktiseer;

"terapeut" 'n mediese praktisyn of 'n ander beroepspersoon wat toepaslik geregistreer is, wat deur 'n respondent benoem en deur die komitee vir gestremdheid goedgekeur is om verantwoordelikheid te aanvaar vir sodanige respondent se behandeling en om die vereiste verslae daaroor en oor die respondent se vermoë om ingevolge die Wet te praktiseer by die komitee vir gestremdheid in te dien;

"toesighouer" iemand wat deur die komitee vir gestremdheid goedgekeur is en aangestel is om ingevolge hierdie regulasies toesig te hou oor en aan die komitee verslag te doen betreffende 'n respondent wat ongeskik bevind is om te praktiseer;

"voorlopige beramingsvergadering" 'n feitebepalende vergadering van persone wat deur die komitee vir gestremdheid aangestel is om inligting te versamel en bewyse te evalueer vóór 'n ondersoek.

Grondwet van komitee vir gestremdheid

2 (1) Die raad moet 'n komitee vir gestremdheid aanstel wat onder meer die werksaamheid het om 'n ondersoek uit te voer na bewerings dat 'n praktisyn of 'n leerderverpleegkundige weens onvermoë of gestremdheid ongeskik is om te praktiseer.

(2) Die komitee vir gestremdheid word saamgestel uit vier persone-

(a) waarvan drie persone moet wees wat ingevolge die Wet geregistreer is; en

(b) waarvan een die voorsitter moet wees wat aangestel is uit hoofde van sy of haar kennis van geestesgesondheid.

Indien van klagte

3 (1) Enigiemand wat rede het om te glo dat 'n persoon wat ingevolge die Wet geregistreer is ongeskik is om te praktiseer, kan 'n skriftelike klag by die registrateur of die raad indien.

(2) Waar 'n klag aan die raad gerig en deur 'n raadslid ontvang word, moet die raadslid sodanige klag binne twee werksdae nadat hy of sy daardie klag ontvang of daarvan bewus geword het, by die registrateur indien.

Ontvangs van klagte

- 4 (1) Die registrateur kan, ná ontvangs van die klag en vóór verwysing van die bewerings na 'n komitee vir gestremdheid—
- (a) by die klaer aandring op verdere inligting of 'n verklaring betreffende die klag of bewerings; of
 - (b) verdere inligting betreffende die bewerings aanvra van die klaer of van enige ander persoon, ook die respondent.
- (2) By ontvangs van die inligting in subregulasie (1) genoem, moet die registrateur die klag en verdere inligting indien by—
- (a) die komitee vir gestremdheid by sy volgende vergadering; of
 - (b) die voorsitter van die komitee vir gestremdheid in die tydperke tussen die vergaderings van die komitee wanneer die dringendheid van die saak onmiddellike optrede noodsaak.

Kennisgewing van verwysing

- 5 (1) Die registrateur moet die persoon wat ingevolge die Wet geregistreer is, hierna "die respondent" genoem, in kennis stel van 'n klag of bewering teen sodanige respondent deur 'n kennisgewing van verwysing aan die respondent te beteken.
- (2) Die kennisgewing van verwysing moet—
- (a) die besonderhede verskaf van die bewering of klag wat ingedien is;
 - (b) die respondent inlig dat hy of sy 'n reg het om deur 'n regspraktisyn en/of 'n mediese raadgewer van sy of haar keuse op sy of haar koste en/of 'n vakbondvertegenwoordiger verteenwoordig te word en om deur 'n gesinslid of vriend na die ondersoek vergesel te word;
 - (c) die respondent inlig van sy of haar reg om deur die komitee vir gestremdheid aangehoor te word;

-
- (d) die respondent nooi om skriftelike verhoë aan die komitee vir gestremdheid voor te lê, en meld dat die respondent die verhoë nie later nie as 28 kalenderdae nadat die kennisgewing beteken is, by die registrateur moet indien;
 - (e) die respondent versoek om hom of haar vrywillig aan 'n ondersoek deur 'n gesondheidsondersoeker of gesondheidsonderzoekers te onderwerp;
 - (f) die respondent inlig dat hy of sy, binne die tyd voorgeskryf in daardie kennisgewing, verslae kan indien van 'n mediese praktisyn van sy of haar keuse om die bewering of klag dat hy of sy weens onvermoë of gestremdheid ongeskik is om te praktiseer, te weerlê;
 - (g) die respondent nooi om, binne die tyd voorgeskryf in daardie kennisgewing, enige waarnemings of ander getuienis betreffende sy of haar fisiese of geestestoestand wat hy of sy wil aanbied, in te dien;
 - (h) die respondent inlig dat, indien hy of sy weier om hom of haar vrywillig aan 'n ondersoek deur 'n gesondheidsondersoeker te onderwerp, of indien hy of sy na instemming tot sodanige ondersoek later versuim om hom of haar aan die vereiste ondersoek te onderwerp, die aangeleentheid na die komitee vir gestremdheid verwys kan word vir 'n ondersoek ingevolge hierdie regulasies;
 - (i) die respondent inlig dat die inligting, verslae en ander dokumentasie by 'n gesondheidsondersoeker vir evaluasie en 'n aanbeveling ingedien kan word; en
 - (j) die respondent inlig dat die komitee vir gestremdheid sodanige verdere inligting wat hy nodig ag vir die doeleindes van die uitvoering van sy werksaamhede in die ondersoek na die bewering, van die respondent se werkgewer, indien enige, of van enige ander bron as die respondent kan aanvra.
- (3) Die registrateur moet die respondent voorsien van inligting wat ontvang is, en afskrifte van enige mediese verslae daarby insluit.

Betekening van dokumente

- 6 (1) Enige kennisgewing van 'n verwysing of 'n ondersoek wat aan die respondent beteken moet word, moet afgelewer word deur dit per aangetekende pos, of deur 'n ander afleweringdiens waarin aflewering of ontvangs aangeteken word, te stuur na—
- (a) sy of haar adres in die register van die raad; of
 - (b) die adres van die werkgewer.
- (2) 'n Kennisgewing beteken ingevolge hierdie regulasies word geag beteken te wees—
- (a) op die dag waarop sodanige kennisgewing per hand by die aangetekende adres van die respondent afgelewer is; of
 - (b) waar die kennisgewing per aangetekende pos gestuur is, op die sewende dag wat volg op die datum waarop die kennisgewing gepos is.

Vergaderings en ondersoeke *in camera*

- 7 Alle vergaderings en ondersoeke van die komitee vir gestremdheid word *in camera* gevoer.

Gesondheidsondersoekers

- 8 (1) Die registrateur moet op versoek van die komitee vir gestremdheid of die voorsitter van daardie komitee die inligting in regulasie 4(1) genoem by die gesondheidsonderzoeker/s indien om sodanige inligting te evalueer en aan die komitee of sy voorsitter verslag te doen—
- (a) oor die fisiese of geestestoestand van die respondent;
 - (b) oor of die respondent, na die mening van die gesondheidsonderzoeker/s—
 - (i) geskik is om te praktiseer;

- (ii) geskik is om te praktiseer op 'n beperkte grondslag of onder regstreekse persoonlike toesighouding, of beide;
 - (iii) nie geskik is om te praktiseer nie; of
 - (iv) ly aan 'n herhalende of episodiese fisiese of geestestoestand wat, hoewel in remissie ten tye van die ondersoek, die respondent in die toekoms ongeskik kan maak om te praktiseer, of ongeskik kan maak om te praktiseer buiten op 'n beperkte grondslag of onder regstreekse persoonlike toesighouding, of beide.
- (2) Die komitee vir gestremdheid kan, ná behoorlike oorweging van die aangeleentheid, die gesondheidsondersoeker versoek om aanbevelings betreffende die hantering van die respondent aan die komitee te maak.
- (3) Die registrateur moet afskrifte van die verslae ontvang vanaf die gesondheidsondersoeker/s, indien van toepassing, en al die inligting in regulasie 4 genoem, indien by die—
- (a) komitee vir gestremdheid op sy volgende vergadering; of
 - (b) die voorsitter van die komitee in die tydperke tussen die vergaderings van die komitee.

Tydlike skorsing

- 9 Die komitee vir gestremdheid kan te eniger tyd, ná ontvangs van die dokumente in regulasie 4 bedoel, 'n respondent tydelik uit die praktyk skors vir 'n tydperk van hoogstens 90 dae, op sodanige bepalinge en voorwaardes wat die komitee geskik ag, hangende 'n beraming of ondersoek ingevolge hierdie regulasies, indien sodanige skorsing in die openbare belang is: Met dien verstande dat die respondent daarop geregtig is om die komitee vir gestremdheid of die raad te versoek om die skorsing op te hef behoudens daardie bepalinge wat die raad geskik ag, by bewyslewering tot die bevrediging van die komitee of die raad dat die skorsing nie nodig is nie.

Voorlopige beraming

10(1) Ondanks regulasie 9, kan die komitee vir gestremdheid, ná behoorlike oorweging van die aangeleentheid wat ingevolge regulasie 4(2) na hom verwys is, 'n voorlopige beramingsvergadering reël en besluit of die aangeleentheid vir 'n ondersoek verwys moet word.

(2) By die voorlopige beramingsvergadering kan die komitee vir gestremdheid—

- (b) die respondent nooi om in eie persoon vertoë te rig tot die komitee;
- (c) die respondent nooi om hom or haar, op die koste van die raad, te onderwerp aan 'n mediese ondersoek deur 'n gesondheidsonderseker wat deur die raad aangestel is;
- (d) oorleg pleeg met, of verdere inligting betreffende die klag aanvra van, enigiemand, ook die respondent.

(3) 'n Voorlopige beramingsvergadering kan, ná behoorlike oorweging van die aangeleentheid, besluit om—

- (a) die klag of bewering af te wys;
- (b) die bewering te verwys na die beroepsgedragskomitee wat daarmee moet handel ingevolge die regulasies betreffende beroepsgedragsondersoeke, uitgesonderd waar dit blyk dat die respondent 'n gereelde oortreder is, wat 'n ondersoek na die moontlikheid van gestremdheid noodsaak;
- (c) die bewering te verwys vir 'n ondersoek ingevolge hierdie regulasies; of
- (d) die respondent tydelik uit die praktyk te skors hangende sodanige ondersoek.

(4) Die komitee vir gestremdheid kan sy oorweging van so 'n bewering verdaag—

- (a) totdat enige verdere inligting bekom is; of
- (b) waar die respondent 'n beraming of mediese ondersoek ondergaan het, totdat 'n verslag oor hom of haar voorberei is, of die komitee in kennis

gestel is dat die respondente geestelik nie in staat is om beraam te word nie.

- (5) Indien die voorlopige beramingsvergadering, ná behoorlike oorweging van die aangeleentheid, besluit dat daar geen gronde bestaan vir 'n ondersoek nie, moet hy die registrateur opdrag gee om sy besluit skriftelik aan die klaer en die respondente mee te deel, met vermelding van die rede/s vir daardie besluit.
- (6) Indien die voorlopige beramingsvergadering, ná behoorlike oorweging van die aangeleentheid, besluit dat 'n ondersoek ingevolge artikel 51 van die Wet gehou moet word, moet hy die registrateur opdrag gee om die besluit aan die respondente mee te deel en dan te reël vir die hou van 'n ondersoek.

Ondersoek deur die komitee vir gestremdheid

11 By ontvangs van 'n opdrag genoem in regulasie 10(6) moet die registrateur 'n kennisgewing aan die respondente uitreik—

(1) welke kennisgewing—

- (a) die datum, tyd en plek van die ondersoek moet meld;
- (b) die fisiese of geestestoestand moet aandui ingevolge waarvan daar beweer word dat hy of sy ongeskik is om te praktiseer;
- (c) die besluit van die voorlopige beramingsvergadering, 'n afskrif van die bevinding of voorwaardelike skorsing wat voorheen uitgevaardig is en die redes vir die neem van daardie besluit, moet bevat;
- (d) die respondente moet inlig van sy of haar reg om die ondersoek by te woon, en daartydens deur 'n regspraktisyn en/of mediese raadgewer en/of vakbondvertegenwoordiger verteenwoordig te word en deur 'n gesinslid of vriend vergesel te word;
- (e) die respondente moet inlig dat indien hy of sy versuim om voor die komitee vir gestremdheid te verskyn op die plek en op die datum en tyd wat deur die registrateur in die kennisgewing bepaal word, die komitee in sy of haar afwesigheid met die ondersoek kan voortgaan;

- (f) die respondent moet inlig van sy of haar reg om getuienis ter ondersteuning van sy of haar saak, ook mediese verslae van mediese praktisyne, te lewer;
 - (g) die respondent moet inlig van sy of haar reg om getuies te roep, en om enige getuies te kruisondervra wat deur die komitee vir gestremdheid geroep word;
 - (h) vergesel moet gaan van 'n afskrif van hierdie regulasies waar dit nie vantevore aan die respondent gestuur is nie;
 - (i) die respondent moet inlig oor die bevindinge wat die komitee vir gestremdheid ten opsigte van die geskiktheid om te praktiseer of die beperkinge kan maak.
- (2) Die voorsitter kan een of meer assessore op die komitee vir gestremdheid aanstel om die komitee oor enige toepaslike kliniese aangeleentheid van raad te dien.
- (3) Die registrateur moet, vóór die aanvang van die ondersoek deur die komitee vir gestremdheid, elke lid van die komitee en die respondent voorsien van afskrifte van die kennisgewing van ondersoek en al die dokumente in regulasie 4 en 8 genoem, en alle mediese verslae en enige waarnemings of ander dokumente wat deur die respondent ingedien is.
- (4) Die *pro forma*-klaer moet die kennisgewing lees wat tot die respondent gerig is.
- (5) Waar die respondent of sy of haar verteenwoordiger nie by die ondersoek aanwesig is nie nadat hulle behoorlik daarvoor ingelig is en sonder om die registrateur minstens sewe dae voor die aanvang van die ondersoek van niebywoning in kennis te stel, moet die ondersoek in die afwesigheid van die respondent voortgaan.
- (6) Waar die respondent aanwesig is of verteenwoordig word, moet die voorsitter van die komitee vir gestremdheid van die respondent of sy of haar verteenwoordiger verneem of hulle die bewerings erken of ontken wat in die kennisgewing vervat is.

- (7) In gevalle waar die respondent die bewerings erken, en erken dat sy of haar geskiktheid om te praktiseer belemmer is, en die komitee vir gestremdheid van mening is dat verdere inligting nodig is vir die doeleindes van die maak van 'n bevinding oor óf die klag die respondent ongeskik maak om te praktiseer, kan die komitee enige getuie roep wat deur die *pro forma*-klaer of die respondent geroep is om voor die komitee te verskyn om mondeling onder eed getuienis te lewer, en sodanige dokumentêre bewyse aanvaar wat op die klag van toepassing is wat hy nodig ag, voordat hy 'n bevinding maak dat die respondent ongeskik is om te praktiseer.
- (8) Enigiemand wat geroep word om getuienis te lewer, moet 'n eed of 'n verklaring aflê voordat hy of sy by die ondersoek getuienis lewer.
- (9) Nadat al die getuienis aangevoer is, kan die *pro forma*-klaer en die respondent of sy of haar regsvertegenwoordiger die komitee vir gestremdheid oor die getuienis en die regsposisie toespreek.
- (10) In sy besluitneming moet die komitee vir gestremdheid die verslae, die skriftelike verklarings, ander dokumente wat ooreenkomstig subregulasie 4 aan lede gestuur is, en die mondelinge verhoër wat gerig is, oorweeg, en enige persoon aanwesig wat geroep is om te getuig of wat 'n verslag ingedien het, ondervra.

Bevindinge deur die komitee vir gestremdheid

12 (1) Die komitee vir gestremdheid kan—

- (a) die ondersoek uitstel tot sodanige later datum wat die komitee kan bepaal;
- (b) die ondersoek verdaag ten einde die respondent te verwys vir ondersoek/e of om verdere mediese verslae of ander inligting te verkry aangaande sy of haar fisiese of geestestoestand of met betrekking tot sy of haar vermoë om te praktiseer ingevolge die Wet;
- (c) 'n bevinding maak oor óf—
- (i) die respondent geskik is om te praktiseer;

- (ii) die respondent ongeskik is om te praktiseer, buiten op die bepalinge en voorwaardes wat die komitee vir gestremdheid kan bepaal;
 - (iii) die respondent ongeskik is om te praktiseer; of
 - (iv) die respondent ly aan 'n herhalende of episodiese fisiese of geestestoestand of -siekte wat, hoewel in remissie ten tye van die ondersoek, hom of haar in die toekoms na verwagting ongeskik kan maak om te praktiseer of geskik kan maak om te praktiseer behoudens daardie bepalinge en voorwaardes wat die komitee vir gestremdheid kan bepaal,

en redes verskaf vir sodanige bevinding; of
- (d) by die raad aanbeveel dat die respondent vir 'n bepaalde tydperk uit die praktyk geskors word onder daardie voorwaardes wat die komitee vir gestremdheid gepas ag.
- (2) Waar die komitee vir gestremdheid, ná bekendmaking van sy bevinding, van mening is dat dit gepas is om die respondent voorwaardelik te skors hangende die uitkoms van 'n appèl, moet die komitee vir gestremdheid—
- (a) verhoë aanvra van die partye (waar aanwesig) oor óf die respondent voorwaardelik geskors moet word, al dan nie;
 - (b) enige verhoë ontvang in ag neem voordat besluit word om die respondent voorwaardelik te skors al dan nie;
 - (c) privaat beraadslaag; en
 - (d) sy besluit in die teenwoordigheid van die partye (waar aanwesig) bekendmaak en die redes daarvoor gee.
- (3) Ondanks die besluit oor voorwaardelike tydelike skorsing in subregulasie (2) uiteengesit, kan die komitee vir gestremdheid die partye toelaat om bykomende voorleggings te doen.

- (4) Indien die komitee vir gestremdheid ná die hou van die ondersoek bevind dat die respondent ongeskik is vir die praktyk soos genoem in artikel 51(1) van die Wet, kan die komitee vir gestremdheid—
- (a) toelaat dat die respondent voortgaan om sy of haar beroep te beoefen en in die geval van 'n leerder om die onderwysprogram voort te sit onder daardie voorwaardes wat die komitee gepas ag;
 - (b) die respondent se naam uit die register verwyder; of
 - (c) hom beroep op artikel 49 van die Wet, met die nodige veranderinge, ten opsigte van 'n praktisyn wat ingevolge hierdie regulasies geskors word.
- (5) Wanneer 'n respondent voorwaardes of beperkings om te praktiseer opgelê word—
- (a) moet die toesighouer of terapeut gereeld verslae by die komitee vir gestremdheid indien om te bepaal of daar nakoming van die vermelde voorwaardes of beperkings is;
 - (b) moet daardie voorwaardes of beperkings minstens een keer elke ses maande deur die komitee vir gestremdheid hersien word totdat die komitee besluit dat die respondent geskik is om te praktiseer.
- (6) Die komitee vir gestremdheid moet sy bevinding en die strafbepaling opgelê aan die raad meedeel.
- (7) Die respondent moet verwittig word van sy of haar reg om teen die bevinding van die komitee vir gestremdheid te appelleer na die appèlkomitee wat ingevolge artikel 57(1) van die Wet ingestel is.

Versagting van bevindinge

13 (1) Die komitee vir gestremdheid—

- (a) kan enigiemand nooi wat na sy mening 'n belang by die verrigtinge het om binne daardie tydperk wat die komitee kan bepaal skriftelike vertoë voor te lê, en

- (b) moet versoë versoek van die respondent aangaande enige versagtende omstandighede wat die bevindinge en voorwaardes kan raak wat die komitee maak, indien enige.
- (2) Die *pro forma*-klaer kan, nadat die respondent die komitee vir gestremdheid toegespreek het of getuienis aangevoer het ter versagting van die bevindinge wat gemaak word, versoë rig tot die komitee of getuienis lei, mondeling of skriftelik, betreffende 'n geskikte strafbepaling wat opgelê kan word.

Appèlproses

- 14** (1) Die respondent of die *pro forma*-klaer kan teen die bevinding en/of strafbepaling van die komitee vir gestremdheid appelleer na die appèlkomitee wat ingevolge artikel 57(1) van die Wet deur die Minister aangestel is.
- (2) Die appellant moet die registrateur, binne 14 kalenderdae vanaf die datum van die komitee vir gestremdheid se besluit, skriftelik in kennis stel van sy of haar voorneme om teen die bevinding en/of strafbepaling te appelleer.
 - (3) In die geval dat 'n respondent voorwaardelik geskors is, is daardie skorsing van krag totdat die appèl afgehandel is.

Opname van verrigtinge en uitkomst

- 15** (1) Die raad moet seker maak dat alle verrigtinge van die voorlopige beramingsvergadering, die ondersoek en die appèl in elektroniese vorm opgeneem en getranskribeer word.
- (2) Die getranskribeerde rekords word vir die doel van anonimiteit as 'n saak gekodeer.
 - (3) 'n Party by die verrigtinge moet, by aansoek aan die raad, voorsien word van 'n transkripsie van die rekord van enige deel van die ondersoek of voorlopige beramingsvergadering waarop hy of sy geregtig was om aanwesig te wees.
 - (4) Subregulasie (1) en (3) is nie op die privaat beraadslagings van die komitee vir gestremdheid van toepassing nie.

Verwysing van bewering vanaf die komitee vir gestremdheid na die beroepsgedragskomitee

16 (1) Waar die komitee vir gestremdheid 'n bewering of klag oorweeg wat ingevolge hierdie regulasies na hom verwys is en dit—

(a) by 'n voorlopige beramingsvergadering gehou ooreenkomstig regulasie 10, of

(b) by die aanvang van of tydens die ondersoek deur die komitee vir gestremdheid,

blyk dat die beroepsgedragskomitee beter met die bewering sou handel, kan die komitee vir gestremdheid die bewering na die beroepsgedragskomitee verwys, en sy oorweging van die bewering opskort, en die respondent en die klaer, indien enige, ooreenkomstig inlig.

(2) Waar die komitee vir gestremdheid 'n bewering kragtens subregulasie (1) na die beroepsgedragskomitee verwys, en die beroepsgedragskomitee ná die sluiting van die raad se saak besluit dat die bewering nie goed gefundeer is nie of dat die bewering nie bewys is nie, kan die komitee vir gestremdheid sy oorweging van die bewering hervat.

(3) Behoudens subregulasie (2), waar die komitee vir gestremdheid 'n bewering kragtens subregulasie (1) na die beroepsgedragskomitee verwys, en die beroepsgedragskomitee 'n besluit oor die strafbepaling neem, het die komitee vir gestremdheid geen verdere werksaamheid in verband met die bewering nie.

Bewyslas

17 Waar die feite betreffende 'n bewering betwis word, rus die las om sodanige feite te bewys by die raad.

Bewyslewing

- 18 (1) 'n Sertifikaat betreffende 'n beslissing oor 'n respondent se geskiktheid om te praktiseer wat elders deur 'n lisensiëringsliggaam uitgevaardig is, en wat onderteken is deur 'n beampte wat deur daardie liggaam gemagtig is om sodanige sertifikate te onderteken, is toelaatbaar as bewyslewing van die feite in die beslissing genoem.
- (2) By besluitneming of 'n respondent se geskiktheid om te praktiseer belemmer word weens sy of haar fisiese of geestesgesondheid of onvermoë, of beide, kan die komitee vir gestremdheid onder andere die volgende aangeleenthede in ag neem:—
- (a) 'n weiering deur 'n respondent om hom of haar aan 'n mediese ondersoek te onderwerp;
- (b) die respondent se huidige fisiese of geestestoestand;
- (c) enige voortgaande of episodiese toestand waaraan die respondent ly; en
- (d) 'n toestand of siekte waaraan die respondent ly wat, hoewel tans in remissie, na verwagting 'n herhaling van die belemmering van die respondent se geskiktheid om te praktiseer kan veroorsaak.

Uitstel en verdagings

- 19 (1) Die komitee vir gestremdheid kan, uit eie beweging of op versoek van die *pro forma*-klaer of die respondent of sy of haar regsvertegenwoordiger, 'n ondersoek wat ingevolge hierdie regulasies gehou word, verdaag om hervat te word op sodanige datum, tyd en plek waarop die komitee vir gestremdheid kan besluit of wat hy per aangetekende pos aan die betrokke partye mededeel.
- (2) By oorweging van die toestaan van 'n versoek om uitstel of verdaging al dan nie, moet die komitee vir gestremdheid onder andere die volgende aangeleenthede in ag neem:—

- (a) die openbare belang in die spoedige afhandeling van die saak;
- (b) die potensiële ongemak wat 'n party of 'n getuie wat daardie party roep, aangedoen word; en
- (c) billikheid teenoor die respondent.

Oorgangsreëlings

- 20** 'n Ondersoek of 'n appèl wat onmiddellik vóór die aanvang van hierdie regulasies hangende is voor onderskeidelik 'n komitee vir gestremdheid of 'n beroepsgedragskomitee of die raad, moet uitgevoer en afgehandel word kragtens die prosedures voorgeskryf by die regulasies wat van krag was toe daardie ondersoek of appèl 'n aanvang geneem het.

DR A MOTSOLEDI
MINISTER VAN GESONDHEID

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531