

## GOVERNMENT NOTICE

### DEPARTMENT OF HEALTH

No. R. 195

19 February 2008

### SOUTH AFRICAN NURSING COUNCIL

#### REGULATIONS RELATING TO THE PARTICULARS TO BE FURNISHED TO THE COUNCIL FOR KEEPING OF THE REGISTER FOR NURSING PRACTITIONERS, THE MANNER OF EFFECTING ALTERATIONS TO THE REGISTER, AND CERTIFICATES THAT MAY BE ISSUED BY THE COUNCIL

The Minister of Health has, in terms of section 58(1) of the Nursing Act, 2005 (Act No. 33 of 2005), and after consultation with the South African Nursing Council, made the regulations in the Schedule. These regulations are deemed to have come into operation on 1 January 2008.

### SCHEDULE

#### Definitions

1. In these regulations, **"the Act"** means the Nursing Act, 2005 (Act No. 33 of 2005), and any word or expression to which a meaning has been assigned in the Act has such meaning and, unless the context otherwise indicates –

**"category"** means a category of practitioner referred to in section 31(1) and (2) of the Act, and the category community service referred to in section 40(2) of the Act;

- (d) date on which the qualification on which registration is based was obtained;
  - (e) registration certificate number;
  - (f) in the case of a limited registration under section 33 of the Act, the period of registration and the conditions under which the person may practise as determined by the Council;
  - (g) in the case of registration for community service under section 40(2) of the Act, the period of such registration; and
  - (h) any other particulars regarding such registration that the Council may require from time to time in order to fulfil its functions.
- (3) The Registrar must enter the following particulars in the register in respect of each deletion from the register of an entry made in terms of subregulation (2):
- (a) Date of deletion; and
  - (b) reason for deletion.
- (4) The Registrar must enter the following particulars in the register in respect of each person suspended from practising:
- (a) Effective date of suspension;
  - (b) expiry date of suspension;
  - (c) reason for suspension; and
  - (d) any conditions to be met during the period of suspension.
- (5) The Registrar must enter the following particulars in the register in respect of each person removed from the register, or removed from a particular category in the register:
- (a) Date of removal; and

be compiled, checked and submitted directly to the Council by the person in charge of the nursing education institution within 30 days after the date of completion.

- (2) An application referred to in subregulation (1) must be made on an approved form obtainable from the Council for that purpose and must be accompanied by –
- (a) a certified copy of the applicant's South African identity document or passport;
  - (b) a declaration issued by the person in charge of the nursing education institution, under the hand of the person in charge of training at that institution, confirming the successful completion of the training programme by the applicant;
  - (c) an official transcript of training ; and
  - (d) the applicable registration fee or proof of payment thereof.
- (3) The Registrar must register an applicant whose application complies with the requirements of subregulations (1) and (2) with effect from the last day of the month in which the accredited programme was successfully completed.
- (4) Notwithstanding anything contained in subregulation (3), in the case of an applicant who is a citizen of South Africa intending to register for the first time in a category for which community service is prescribed in terms of the regulations published by Government Notice No. R.765 of 24 August 2007 –
- (a) the Registrar must, in terms of section 40 of the Act, register the applicant in the category community service with effect from the last day of the month in which the accredited programme was successfully completed; and
  - (b) the Registrar must register the applicant in the appropriate category for which he or she trained on the last day of the month in which the applicant complies with the prescribed requirements of section 40 of the Act, and

purpose and which must not be more than six months old when received by the Council;

- (g) in the case where the training programme for the qualification was not undergone through the medium of English, a certificate confirming to the satisfaction of the Council that the applicant has successfully completed an internationally recognised English proficiency test;
  - (h) in the case where any of the documents to be submitted with the application are in a language other than English, a sworn translation into English of such documents;
  - (i) the applicable application fee or proof of payment thereof, which application fee will not be refunded if the application is withdrawn or abandoned, or whatever the outcome of the application may be; and
  - (j) Where relevant, the applicant should meet any official requirements from any authority regarding employment of foreign persons.
- (2) The Registrar must inform the applicant in writing of the outcome of the evaluation of the information and documentation submitted in support of the application, which could be that the applicant –
- (a) meets the requirements of the Act for registration in a specific category or categories; or
  - (b) does not meet the requirements of the Act.
- (3) If the Registrar is satisfied that the applicant is suitably qualified, on payment of the applicable registration fee, the Registrar must register the applicant with effect from the last day of the month in which the Registrar satisfied himself or herself that all the requirements of the Act have been met, and must upon registration issue such applicant with a registration certificate in a form to be determined by the Council.
- (4) Notwithstanding anything contained in subregulation (3), in the case of an applicant who is a citizen of South Africa intending to register for the first time in

## **Removal from the register**

8. (1) The Registrar, on instruction of Council, must remove from the register, in accordance with regulation 2(5) of these regulations, the name of a practitioner for any of the reasons contemplated in the Act and specifically –
- (a) on failure to pay the prescribed annual fee on a date on which it became due for payment;
  - (b) by resolution of the Council in terms of the Act;
  - (c) on expiry of the period of registration under section 33 of the Act; or
  - (d) on expiry of the period of registration prescribed in terms of the regulations published under Government Notice No. R.765 of 24 August 2007, if the practitioner failed to comply with the prescribed requirements for community service, unless the Council decides otherwise.
- (2) The Registrar may remove the name of a practitioner from the register in accordance with regulation 2(5) of these regulations –
- (a) if such practitioner failed to comply with the conditions relating to continuing professional development prescribed by the Council from time to time; or
  - (b) by request made on an approved form obtainable from the Council for that purpose, provided an affidavit or affirmation contemplated in section 44(1)(e) of the Act is submitted with such a request.
- (3) The Registrar must send the required notice of removal to the practitioner by registered post at the postal address appearing in the register.
- (4) The Council may publish the details of persons removed from the register and the reason for such removal.

## **Restoration to the register**



- (b) on an earlier date by resolution of the Council.

### **Annual practising certificate**

11. (1) The Registrar must issue an annual practising certificate in terms of section 36(2) of the Act to a practitioner who pays the prescribed annual fee before the final date for payment of the annual fee.
- (2) An annual practising certificate must be issued in a form determined by the Council.
- (3) Duplicate annual practising certificates are not issued, but an application in terms of section 45 of the Act or regulation 13 may be made for a certificate of status.

### **Duplicate certificate of registration**

12. (1) The Registrar may issue a duplicate certificate of registration to a practitioner whose original certificate has been lost or destroyed.
- (2) An application for a duplicate certificate must be made on an approved form obtainable from the Council for that purpose and must be accompanied by –
- (a) a certified copy of the applicant's South African identity document or passport;
- (b) an affidavit in which the applicant confirms that the certificate of registration has been lost or destroyed; and
- (c) the applicable fee or proof of payment thereof.

### **Certificate of status**

13. (1) The Registrar may issue to any registered practitioner, or to another person at the request of the registered practitioner, a certificate of status containing –
- (a) particulars relating to such practitioner's registration; and
- (b) a statement to the effect that –

- ((f) A person who prior to the commencement of the Act was enrolled or eligible to be enrolled as midwife must be transferred to the category auxiliary midwife in the register for nursing practitioners.
- (g) A person who prior to the commencement of the Act was enrolled or eligible to be enrolled as nursing auxiliary must be transferred to the category auxiliary nurse in the register for nursing practitioners.
- (h) A person who prior to the commencement of the Act was registered or eligible to be registered as general nurse and who has not been transferred to the category professional nurse in terms of paragraphs (a), (b) or (c) of this subregulation, must be transferred to the category professional nurse (general nursing) in the register for nursing practitioners.
- (i) A person who prior to the commencement of the Act was registered or eligible to be registered as psychiatric nurse and who has not been transferred to the category professional nurse in terms of paragraphs (a), (b) or (c) of this subregulation, mustshall be transferred to the category professional nurse (psychiatric nursing) in the register for nursing practitioners.
- (j) A person who prior to the commencement of the Act was registered or eligible to be registered as mental nurse and who has not been transferred to the category professional nurse in terms of paragraph (a), (b) or (c) of this subregulation, and who has not been transferred to the category professional nurse (psychiatric nursing) in terms of paragraph (i) of this subregulation, must be transferred to the closed category professional nurse (mental nursing) in the register for nursing practitioners and no new entries will be permitted in this category;
- (k) A person who prior to the commencement of the Act was registered or eligible to be registered as nurse for mental defectives and who does not qualify to be registered as professional nurse in terms of paragraph (a), (b) or (c) of this subregulation, and who has not been transferred to the category professional nurse (psychiatric nursing) in terms of paragraph (i)

- (d) completes the course prescribed by the regulations published under Government Notice No. R.2176 of 19 November 1993 must be registered in the category auxiliary nurse;
  - (e) completes the course prescribed by the regulations published under Government Notice No. R.683 of 14 April 1989 leading to registration as a general nurse must be registered in the category professional nurse (general nursing);
  - (f) completes the course prescribed by the regulations published under Government Notice No. R.683 of 14 April 1989 leading to registration as a psychiatric nurse must be registered in the category professional nurse (psychiatric nursing).
- (3) A person who applies to be restored to the register following the commencement of the Act must be transferred to the appropriate category in the register for nursing practitioners according to the arrangements set out in subregulation (1).

## Repeal

15. The following regulations are hereby repealed:

<b>Government Notice No.</b>	<b>Date of publication</b>
R.3588	24 October 1969
R.3589	24 October 1969
R.1206	7 July 1972



**ME Tshabalala-Msimang**

**Minister of Health**

**Date** 11. 2. 2008



of this subregulation, must be transferred to the closed category professional nurse (nursing for mental defectives) in the register for nursing practitioners and no new entries will be permitted in this category;

- (l) A person who prior to the commencement of the Act was registered or eligible to be registered as fever nurse and who has not been transferred to the category professional nurse in terms of paragraph (a), (b) or (c) of this subregulation, must be transferred to the closed category professional nurse (fever nursing) in the register for nursing practitioners and no new entries will be permitted in this category; and
- (m) A person who prior to the commencement of the Act was registered or eligible to be registered as sick children's nurse and who has not been transferred to the category professional nurse in terms of paragraph (a), (b) or (c) of this subregulation, must be transferred to the closed category professional nurse (sick children's nursing) in the register for nursing practitioners and no new entries will be permitted in this category.

(2) Unless the Council decides otherwise, any person who, following the commencement of the Act –

- (a) completes the education and training prescribed by the regulations published under Government Notice No. R.425 of 22 February 1985 must be registered in the category professional nurse and in the category midwife;
- (b) completes the course prescribed by the regulations published under Government Notice No. R.254 of 14 February 1975 must be registered in the category midwife;
- (c) completes the course prescribed by the regulations published under Government Notice No. R.2175 of 19 November 1993 must be registered in the category staff nurse;

- (i) the said practitioner is not disqualified from practising his or her occupation; and
- (ii) no disciplinary steps are pending against him or her in terms of the Act.

(2) An application for a certificate of status must be made on an approved form obtainable from the Council for that purpose and must be accompanied by the applicable fee or proof of payment thereof.

### **Transitional arrangements**

14. (1) In order to facilitate transitional arrangements, the following must be done by the Council:
- (a) A person who prior to the commencement of the Act was registered or eligible to be registered as nurse (general, psychiatric and community) must be transferred to the category professional nurse in the register for nursing practitioners.
  - (b) A person who prior to the commencement of the Act was registered or eligible to be registered as both general nurse and psychiatric nurse must be transferred to the category professional nurse in the register for nursing practitioners.
  - (c) A person who prior to the commencement of the Act was registered or eligible to be registered as both general nurse and midwife must be transferred to the category professional nurse in the register for nursing practitioners.
  - (d) A person who prior to the commencement of the Act was registered or eligible to be registered as midwife must be transferred to the category midwife in the register for nursing practitioners.
  - (e) A person who prior to the commencement of the Act was enrolled or eligible to be enrolled as nurse must be transferred to the category staff nurse in the register for nursing practitioners.

9. (1) The Registrar may restore to the register the particulars of a person who is, in terms of section 44(4) of the Act, eligible for restoration and who complies with the requirements necessary for such restoration.
- (2) An application for restoration must be made on a form obtainable from the Council for this purpose, accompanied by the current annual fee or proof of payment thereof, and –
- (a) if the applicant was removed from the register under regulation 8(2)(b) of these regulations, the reduced restoration fee applicable to practitioners who were removed from the register at their own request; or
- (b) if the applicant was removed from the register for any other reason, the applicable restoration fee.
- (3) The date of restoration must be indicated on the annual practising certificate and entered in the register.
- (4) An applicant applying for restoration to the register following a period of more than five years during which the applicant was not registered, must comply with such requirements as the Council may determine before the Registrar can restore such applicant.

### **Suspension from practising**

10. (1) The Registrar must mark in the register the name of a practitioner who has been suspended from practising and must indicate in the register the period of suspension.
- (2) The Registrar must send the required notice of suspension to the practitioner by registered post at the postal address held in the register.
- (3) The Registrar must remove the details of suspension from the register –
- (a) on expiry of the period of suspension, provided that the practitioner has met all conditions that had to be met during the period of suspension; or

a category for which community service is prescribed in terms of the regulations published by Government Notice No. R.765 of 24 August 2007 –

- (a) the Registrar must, in terms of section 40 of the Act, register the applicant in the category community service with effect from the last day of the month in which the Registrar satisfied himself or herself that all the requirements of the Act for registration have been met; and
- (b) the Registrar must register the applicant in the appropriate category on the last day of the month in which the applicant complies with the requirements prescribed in terms of the regulations published by Government Notice No. R.765 of 24 August 2007.

- (5) The Council may require the applicant to undergo a Council approved assessment for admission to the register.

### **Change of particulars entered in the register**

- 6. (1) Every practitioner who changes any of his or her particulars kept in terms of regulation 2(1) of these regulations must notify the Council in writing within 30 days of such change and furnish the new particulars to be entered in the register.
- (2) In the case of a notice of change of particulars as appearing in the South African identity document or passport, such notice of change must be accompanied by a certified copy of the new South African identity document or passport reflecting the changes and such other proof as the Council may require.

### **Correction of errors in the registers**

- 7. The Registrar must delete from the register, in accordance with regulation 2(3) of these regulations, any entry which is proved to the satisfaction of the Council to have been made in error or through misrepresentation or in circumstances not authorised by the Act, and any certificate issued in respect of such registration must be returned to the Council by the holder thereof immediately upon receipt of a notice from the Registrar to return such certificate.



the entry in the category community service must be deleted from the register in accordance with regulation 2(3) of these regulations.

- (5) The Registrar must issue the successful applicant with a certificate of registration, in a form to be determined by the Council, within 60 days of receipt of the completed application

### **Application for registration based on a foreign qualification**

5. (1) An application for registration as a nursing practitioner that is based on a foreign qualification must be made on an approved form obtainable from the Council for that purpose and must be accompanied by –
- (a) a certified copy of the applicant's identity document or passport;
  - (b) a copy, certified by a **notary public**, of the qualification on which the application is based;
  - (c) a verification, stating that the qualification is recognized by the registering authority for nurses in the country in which the qualification was obtained, made by the registering authority on a form obtainable from the Council for that purpose, and sent directly to the Council by the registering authority;
  - (d) an evaluation certificate from the South African Qualification Authority's Centre for the Evaluation of Educational Qualifications (CEEQ);
  - (e) a transcript of training, giving such details of the education and training received and examinations passed as may be required by the Council from time to time, made by the nursing education institution that issued the qualification, on an approved form obtainable from the Council for that purpose and sent directly to the Council by the nursing education institution;
  - (f) a certificate of good character and standing, issued by the registering authority for nurses in the country in which the nurse is currently or was last practising, on an approved form obtainable from the Council for that



(b) reason for removal.

- (6) The Registrar must enter the date of restoration in the register in respect of each person restored to the register or to a particular category in the register.

### **Categories of registration for practitioners**

3. (1) A practitioner may be registered to practise in –

- (a) one or more of the categories referred to in sections 31(1) and (2) of the Act; or
- (b) the category community service referred to in section 40(2) of the Act.

(2) Notwithstanding anything to the contrary contained in these regulations or any other regulations under the Act, in terms of section 31(13) of the Act –

- (a) a staff nurse who meets the prescribed requirements for registration as a professional nurse may be registered as such, and upon registration as professional nurse the entry as staff nurse must be deleted from the register in accordance with regulation 2(3) of these regulations;
- (b) an auxiliary nurse who meets the prescribed requirements for registration as staff nurse or professional nurse may be registered as such, and upon registration as staff nurse or professional nurse the entry as auxiliary nurse must be deleted from the register in accordance with regulation 2(3) of these regulations; and
- (c) an auxiliary midwife who meets the prescribed requirements for registration as midwife may be registered as such, and upon registration as midwife the entry as auxiliary midwife must be deleted from the register in accordance with regulation 2(3) of these regulations.

### **Application for registration**

4. (1) An application for registration as a nursing practitioner following the successful completion of an accredited programme at a nursing education institution must

**“fee”** means a fee or fees determined by the Council from time to time and published by notice in the *Gazette*;

**“limited registration”** means registration on specific conditions and for a specified period.

## **Particulars to be kept in the register for nursing practitioners**

2. (1) The Registrar must enter the following particulars in the register in respect of each practitioner whose name is entered in the register:

- (a) Surname and full names;
- (b) South African identity number or, in the case of a foreign person who does not have a South African identity number, passport number, country of issue and expiry date;
- (c) physical (residential) address;
- (d) postal address;
- (e) telephone numbers and other contact details;
- (f) date of birth;
- (g) any other personal particulars that the Council may require from time to time.

(2) The Registrar must enter the following particulars in the register in respect of each category in which a person is registered to practise:

- (a) Category in which the person is registered to practise;
- (b) date of first registration;
- (c) qualification on which registration is based;