

## ASSOCIATED HEALTH SERVICE PROFESSIONS AMENDMENT ACT NO. 63 OF 1993

[ASSENTED TO 29 APRIL, 1993]

[DATE OF COMMENCEMENT: 7 MAY, 1993]

(English text signed by the State President)

### ACT

To amend the Associated Health Service Professions Act, 1982, so as to delete, define or further define certain expressions; to change the name of the South African Associated Health Service Professions Board to the Chiropractors, Homeopaths and Allied Health Service Professions Council; to extend the general functions of the council; to provide for the establishment of professional boards for allied health service professions; to further regulate the registration of practitioners; to provide for the establishment of allied health service professions and for defining the scope thereof; to further regulate the prescribing of qualifications and temporary registration; to further regulate the registration of certain persons to give education or training, and the registration of students; to provide for the removal of names registered in error or through fraud; to provide for inquiries by professional boards into alleged misconduct by practitioners of allied health service professions; to increase the fines that may be imposed for misconduct; to provide for the payment of a fine where a person charged with misconduct admits his guilt; to provide that the execution of certain penalties may be suspended in part; to provide that a professional board may also take cognizance of certain conduct of practitioners; to provide for offences and penalties in respect of certain acts committed by practitioners of allied health service professions; to extend the powers of the Minister to make regulations and to increase the penalty for any contravention of the regulations; to provide that an aggrieved person may appeal to an appeal committee; and to provide that the Minister may exempt a juristic person from the operation of the Act; and to provide for matters connected therewith.

**1.** Amends section 1 of the Associated Health Service Professions Act, No. 63 of 1982, as follows:

paragraph (a) inserts the definition of allied health service profession;  
paragraph (b) deletes the definition of board;  
paragraph (c) inserts the definition of council;  
paragraph (d) substitutes the definition of Minister;  
paragraph (e) substitutes the definition of practitioner;  
paragraph ( f ) substitutes the definition of profession; and  
paragraph (g) inserts the definition of professional board?.

**2 and 3.** Substitute respectively the heading to Chapter 1 and section 2 of the Associated Health Service Professions Act, No. 63 of 1982.

4. Amends section 4 (1) of the Associated Health Service Professions Act, No. 63 of 1982, by inserting paragraph (gA).
5. Inserts section 10A in the Associated Health Service Professions Act, No. 63 of 1982.
6. Substitutes section 15 of the Associated Health Service Professions Act, No. 63 of 1982.
7. Inserts section 16 in the Associated Health Service Professions Act, No. 63 of 1982.
- 8 to 10 inclusive.** Substitute respectively sections 16B, 16C and 16E of the Associated Health Service Professions Act, No. 63 of 1982.
11. Amends section 16F of the Associated Health Service Professions Act, No. 63 of 1982, as follows:  
paragraph (a) substitutes subsections (1) and (2); and paragraph (b) substitutes subsections (5) and (6).
12. Substitutes section 18 of the Associated Health Service Professions Act, No. 63 of 1982.
13. Amends section 21 of the Associated Health Service Professions Act, No. 63 of 1982, as follows:  
paragraph (a) substitutes the words preceding subsection (1) (a);  
paragraph (b) adds subsection (1) ( f );  
paragraph (c) substitutes subsection (2);  
paragraph (d) substitutes the words preceding subsection (4) (a); and  
paragraph (e) adds subsection (5).
14. Substitutes section 23 of the Associated Health Service Professions Act, No. 63 of 1982.
15. Amends section 24 of the Associated Health Service Professions Act, No. 63 of 1982, as follows:  
paragraph (a) substitutes subsection (1) (d);  
paragraph (b) substitutes the words following upon subsection (3) (c) (iv), but preceding the proviso;  
paragraph (c) deletes subsection (8) (b); and  
paragraph (d) adds subsections (9), (10), (11) and (12).
- 16 to 18 inclusive.** Substitute respectively sections 25, 27 and 29 of the Associated Health Service Professions Act, No. 63 of 1982.

**19.** Amends section 31 of the Associated Health Service Professions Act, No. 63 of 1982, as follows:

paragraph (a) substitutes subsection (1) (d); and paragraph (b) substitutes subsection (2).

**20.** Amends section 32 (1) (d) of the Associated Health Service Professions Act, No. 63 of 1982, by substituting the words preceding subparagraph (i).

**21.** Amends section 38 of the Associated Health Service Professions Act, No. 63 of 1982, as follows:

paragraph (a) substitutes subsection (1) (b) and (c);

paragraph (b) substitutes subsection (1) (sA) (ii);

paragraph (c) adds subsection (2) (b), the existing subsection becoming subsection (2) (a); and

paragraph (d) substitutes subsection (4).

**22.** Inserts sections 38B and 38C in the Associated Health Service Professions Act, No. 63 of 1982.

**23.** Substitution of word in Act 63 of 1982.

The principal Act is hereby amended by the substitution for the word board, wherever it occurs, of the word council.

**24 and 25.** Substitute respectively section 43 and the long title of the Associated Health Service Professions Act, No. 63 of 1982.

**26.** Transitional provisions.

(1) Any reference in any law or document in force immediately prior to the commencement of this Act, to the South African Associated Health Service Professions Board, shall, unless inconsistent with the context or otherwise clearly inappropriate, be construed as a reference to the Chiropractors, Homeopaths and Allied Health Service Professions Council.

(2) The provisions of this Act shall not derogate from the rights of any person who, immediately prior to the commencement of this Act, is deemed under section 42 (3) of the Associated Health Service Professions Act, 1982 (Act No. 63 of 1982), to be registered as a naturopath, osteopath, or herbalist, and in respect of the practising of his profession such person shall remain subject to the provisions of the latter Act as amended from time to time.

**27.** Short title.

This Act shall be called the Associated Health Service Professions Amendment Act, 1993.