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## GENERAL NOTICE

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### NOTICE 499 OF 2015

#### SOUTH AFRICAN LANGUAGE PRACTITIONERS' COUNCIL ACT, 2014 (ACT NO.8 OF 2014)

#### PROPOSED REGULATIONS

The Minister of Arts and Culture intends to make the regulations in the Schedule in terms of section 41 of the South African Language Practitioners' Council Act, 2014 (Act No.8 of 2014).

The Minister hereby invites interested persons to submit their comments or representations on the proposed regulations, within 30 (thirty) days of the date of publication of this notice at any of the following addresses:

**For attention:**

The Minister of Arts and Culture  
c/o Sipho Manganyi / Zanele Mtsweni  
Private Bag X 897  
Pretoria  
0001

Or

**Attention:** Sipho Manganyi / Zanele Mtsweni  
481 Stanza Bopape Street  
6<sup>th</sup> Floor, Kingsley Centre  
Arcadia  
Pretoria  
0083


Or

By **telefax** at the following fax numbers:  
086 640 1743 or 086 579 3935

Or

By **e-mail** at the following e-mail addresses:  
[SiphoM@dac.gov.za](mailto:SiphoM@dac.gov.za) or [ZaneleZ@dac.gov.za](mailto:ZaneleZ@dac.gov.za)

Signed by:

  
MR NATHI MTHETHWA, MP  
MINISTER OF ARTS AND CULTURE  
DATE: 12/05/2015

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## Chapter 1

### 1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been ascribed or assigned in the Act shall bear that meaning and unless the context otherwise indicates:-

**“Act”** means the South African Language Practitioners Council Act, Act 8 of 2014;

**“accreditation”** as defined in the Act, means the certification, usually for a particular period of time, in respect of individuals, as having the capacity to fulfil a language function as prescribed in the quality assurance system set up by the South African Language Practitioners' Council;

**“accredited institution”** means a tertiary institution offering a qualification(s) included in the National Qualifications Framework, or any other institution which is involved in the training, examination and/or continuing professional development of language practitioners and has been approved by the Council as such;

**“accredited CPD”** means confirmed continuing professional development for the language practitioner as approved by the Council, which shall be provided by accredited institutions in consultation with the Council;

**“continuing professional development (CPD)”** means the on-going learning, or other means by which a person maintains, broadens and improves their professional and/or practising competence during their working life.

**“Council”** as defined in the Act, means the South African Language Practitioners' Council as established in terms of section 3 of the Act.

**“Disciplinary Committee”** means the South African Language Practitioner's Council Disciplinary Committee;

**“language practitioner”** as defined within the Act, means a paid occupation which involves the work that is done by language practitioners including, but not limited to translators, interpreters, language planners, terminologists, lexicographers, text editors and any other person conducting language related work, registered as such under this Act;

**“categories of language practitioners”** means the division of language practitioners into categories in terms of the different fields of language practice including but not limited to translators, interpreters, text editors, terminologists and lexicographers;

**“subcategories of language practitioners”** means the subdivision within the categories of language practitioners into subcategories including but not limited to paraprofessional translators, professional

translators and sworn translators, in the category of translators; paraprofessional interpreters, professional simultaneous interpreters and professional consecutive interpreters in the category of interpreters and paraprofessional editors and professional editors in the category of text editors;

**“level one”** means a paraprofessional language practitioner within a category or subcategory of language practitioner with prior learning and experience;

**“level two”** means a professional language practitioner within a category or subcategory of language practitioner holding a relevant qualification from a tertiary institution or language learning institute or with recognised prior learning and experience in lieu of such qualification;

**“level three”** means an expert language practitioner within a category or subcategory of language practitioner; who is accredited at level two prior to applying for a level three accreditation and is competent to handle complex, technical and sophisticated language practice work;

**“prior learning and experience”** means the previous learning and experience of an applicant howsoever obtained, measured against the learning outcomes required for a specific qualification and the acceptance for the purpose of the qualification of that which meets those requirements;

**“quality assurance system”** means a system used to establish a language practitioner's accreditation, which includes determining the level at which the language practitioner will be accredited through competency tests, through qualifications and examination criteria from a tertiary or other appropriate learning institution or from prior learning and experience;

**“qualification”** as defined in the Act, means a duly accredited degree, diploma or certificate awarded after examination by a registered training institution to a person's proficiency in a particular subject;

**“qualified language practitioner”** means a language practitioner having a qualification;

**“registration”** as defined in the Act, means the act of registering, after compliance with the accreditation process prescribed by the Council;

## Chapter 2

Purpose of these regulations

### 2. PURPOSE OF THESE REGULATIONS

- (1) These regulations prescribe the manner in which language practitioners will be registered and accredited by the Council.
- (2) These regulations will initially apply only to registration of language practitioners working as translators, interpreters and/or editors with effect from the promulgation of these regulations and will be extended to other language practitioners at a date to be determined by the Council and approved by the Minister.
- (3) The accreditation of the language practitioners through the quality assurance system will be implemented at a date to be determined by the Council and approved by the Minister and said date will be at least one year following promulgation of these regulations.
- (4) When accreditation is introduced, it will initially apply only to language practice in the official languages of the Republic of South Africa and South African Sign Language

and will be extended to other languages at a date or dates to be determined by the Council and approved by the Minister.

- (5) The subcategory of paraprofessionals must apply to register on the prescribed Form SALPC 1 with supporting documentation but are exempt from; accreditation as a level one language practitioner through the quality assurance system, payment of an annual practising fee and continuing professional development requirements, until such time as the Council determines whether or not accreditation through the quality assurance system is to be made applicable to paraprofessionals.

### Chapter 3

Admission to the register, certificates, annual fees, lapsing, removal and restoration

#### 3. PARTICULARS TO BE ENTERED IN THE REGISTERS

- (1) The following particulars must be entered in the register in respect of each person:
- (i) full names;
  - (ii) residential address;
  - (iii) postal address;
  - (iv) email address;
  - (v) telephone contact details;
  - (vi) the date of lodgement and application number;
  - (vii) registration number and registration date which will be deemed to be the date of lodgement of the initial application to register; (Form SALPC 1);
  - (viii) qualification(s), name of institution and year in which they were obtained where relevant;
  - (ix) in the event of prior learning and experience, details of the referee;
  - (x) date of accreditation which will be deemed to be the date the Council has satisfied itself as to the language practitioner's compliance with the quality assurance system; and
  - (xi) accreditation level under the quality assurance system.

#### 4. ADMISSION TO THE REGISTER

- (1) A person who has lodged Form SALPC1 and submitted the information as set out in the form and paid the prescribed registration fee will receive confirmation of said lodgement and be provided with an application number.

- (2) Once the Council has satisfied itself as to the formalities having been met, in that Form SALPC 1 has been duly completed, the relevant supporting documentation submitted and the registration fee paid, the Council will issue the person with a registration number and a registration certificate.
- (3) A person who has registered, paid the required accreditation fee and complied with the quality assurance system to be determined by the Council will be considered a registered and accredited language practitioner and will be issued with an accreditation certificate.
- (4) The certificates of registration and accreditation will be issued in forms to be determined by the Council and signed by the chief executive officer or a person with delegated authority to do so in terms of section 38(3) of the Act.
- (5) An application for registration and accreditation must be made on the prescribed Form SALPC 1 and accompanied by-
  - (i) a certified copy of the applicant's identity document and/ or passport;
  - (ii) certified copies of a certificate(s) of any relevant qualification(s), where appropriate in terms of the quality assurance system;
  - (iii) an academic record issued by the tertiary institution or language learning institute which conferred said certificate in sub-regulation 4(5)(ii) above;
  - (iv) where appropriate, details of prior experience in terms of the quality assurance system as set out in Form SALPC 1;
  - (v) where appropriate, references and testimonials confirming prior experience in terms of the quality assurance system;
  - (vi) the prescribed registration and accreditation fee as determined by the Council and gazetted, which shall not be refunded if the application is withdrawn or abandoned or whatever the outcome of the application may be.
  - (vii) if called upon to do so by the Council, such other information as the Council may determine, which may include proof of the authenticity and validity of the documents submitted and/ or such details of the course and examination as the Council may consider necessary.
- (6) The Council has the right to refuse the registration of an applicant-
  - (i) if the applicant has been removed from an office of trust or on account of improper conduct;
  - (ii) if the applicant has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without the option of a fine, or, in the case of fraud, to a fine or imprisonment or both;
  - (iii) if the applicant has been declared by the High Court to be of unsound mind or, mentally disordered or is detained under the Mental Health Act of 1973;

- (iv) for as long as the applicant is disqualified from registration as a result of any punishment imposed on him or her under the Act;
  - (v) if the applicant is a rehabilitated insolvent whose insolvency was caused by his or her negligence or incompetence in performing work falling within the scope of the category in respect of which he or she is applying for registration.
- (7) Where the Council refuses to register an applicant on the basis of the reasons above or any other reason, the Council will provide the applicant with a notice of refusal and remedial recourse for the applicant.

**5. REGISTRATION OF CHANGE OF ACCREDITATION LEVEL UNDER THE QUALITY ASSURANCE SYSTEM**

- (1) In the event that a registered and accredited language practitioner obtains an additional qualification, such language practitioner may apply to record a change of accreditation level in the register upon completion of the relevant portion of Form SALPC 1.
- (2) The registered and accredited language practitioner will, upon payment of the required accreditation fee and compliance with the quality assurance system to be determined by the Council, accordingly be issued with a new accreditation certificate.
- (3) The registrar must send the certificate of accreditation to the language practitioner by registered post to the postal address or residential address reflected on the register for the language practitioner or by any other means to be determined by Council.

**6. ANNUAL FEE**

- (1) Except for paraprofessionals, a registered person, excluding paraprofessionals, will pay an annual registration fee to practise, such fee to be determined by the Council and gazetted in respect of each amendment thereof.
- (2) The fee becomes payable on 1 July of the year preceding the year for which it is due and must be paid not later than 30 September of the year preceding the year for which it is due.
- (3) The fee is not payable in respect of the calendar year during which a person is registered for the first time under the Act.
- (4) A receipt shall be issued in a form determined by the Council.
- (5) The annual fee prescribed in sub-regulation 6(1) is subject to an increase that shall not exceed the average annual percentage change in the consumer price index (CPI) for the previous year.
- (6) Subsequent to the first year of registration, an annual practising certificate in terms of section 31(4) of the Act will be issued, in a form to be determined by the Council, upon payment of the prescribed annual fee.
- (7) The annual practising certificate shall be sent by registered post to the registrant at the postal or residential address reflected on the register for said language practitioner or by any other means to be determined by the Council.

**7. REMOVAL FROM THE REGISTERS UPON APPLICATION BY THE REGISTRANT AND OR INTERESTED PARTY**

- a. The name of a person will be removed from the register upon submission of Form SALPC 2 accompanied by-
- (i) in terms of section 27(1)(a) of the Act, in the event of the death of a registrant, a certified copy of a death certificate provided by next of kin or any interested person;
  - (ii) in terms of section 27(1)(b) of the Act, in the event of absence from the Republic by a registrant for a continuous period of three years, a sworn affidavit executed by any interested person setting out details of the absence and reasons for removal due to said absence provided that the Council has satisfied itself that attempts have been made to contact the registrant at all contact details reflected in the register;
  - (iii) in terms of section 27 (1)(d) of the Act, in the event of a registrant requesting his or her own removal, an affidavit as mentioned in a form determined by the Council;
  - (iv) in terms of section 27(1)(g) of the Act, in the event of a registrant having been registered in error or through fraud, a sworn affidavit executed by any interested person.

**8. REMOVAL FROM THE REGISTER BY COUNCIL RESOLUTION AND UPON COURT ORDER NOTIFICATION**

- (1) In terms of section 27(1)(f) of the Act, removal shall be effected by resolution of the Council in the event that the qualification by virtue of which the registrant's registration was granted is withdrawn, cancelled or suspended by the issuing institution.
- (2) Removal shall be effected by resolution of the Council in the event that the registrant's registration was granted in error or through fraudulent means.
- (3) Removal shall be effected by the Council upon receipt of a court order declaring a registrant a mentally ill person.

**9. LAPSING OF REGISTRATIONS**

- (1) In terms of section 27(1)(e) of the Act, upon failure to pay the annual fee within 90 days as prescribed under regulation 6, the registrar upon direction of the Council will effect removal of a registrant from the register.
- (2) Upon removal from the register in terms of sub-regulation 9(1) above, the registrar will notify the person of such removal by registered post, at the address reflected in the register for the language practitioner or by any other means to be determined by Council.

**10. RESTORATION TO THE REGISTERS**

- (1) Subject to section 27(5) of the Act, an application for restoration may be lodged by a lapsed and/or removed registrant on Form SALPC 3, together with the prescribed fee



as determined by the Council and any outstanding annual fees, including the annual fee for the current calendar year as determined by the Council.

- (2) Subject to section 27(4) of the Act, in the event of the removal of a registrant as a result of being declared a mentally ill person by means of a court order, an application for restoration must be accompanied by a discharge notice from the institution, if relevant, in which he or she was detained and a sworn declaration by a registered medical doctor and/or a registered clinical psychologist stating that the person is fit to practise.
- (3) A certificate of restoration will be issued in a form determined by the Council and sent by registered post to the registrant at the postal and/or residential address reflected in the register for said registrant or by any other means to be determined by the Council.

#### **11. CHANGE OF NAME**

- (1) A registered person must specifically notify the Council in writing of a change of name by completion and lodgement of Form SALPC 4 accompanied by a certified copy of their marriage certificate and/or any such documentation in law authorising such change of name.
- (2) Upon lodgement of such form and documentation, the Registrar will update the register accordingly and confirmation of such change of name will be sent by registered post to the registrant at the postal and/or residential address reflected on the register for said registrant or by any other means to be determined by the Council.

#### **12. CHANGE OF RESIDENTIAL AND POSTAL ADDRESS**

- (1) A registered person must specifically notify the Council in writing of a change of residential and postal address by completion and lodgement of Form SALPC 4 accompanied by proof of such change of address such as a utility bill.
- (2) Upon lodgement of such form and documentation, the registrar will update the register accordingly and confirmation of such change of residential address will be sent by registered post to the registrant at the postal or residential address reflected in the register for said registrant or by any other means to be determined by the Council.

#### **13. SUSPENSION FROM PRACTISING**

- (1) Subject to section 28 of the Act, the registrar must mark in the register the name of a registrant 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 registrant by registered post at the postal address reflected in the register for the registrant or by any other means to be determined by the Council.
- (3) The registrar must remove the details of suspension from the register-
  - (i) upon expiry of the period of suspension, provided that the language practitioner has met all conditions that had to be met during the period of suspension; or

- (ii) at an earlier date by resolution of the Council.
- (4) The registrar must send confirmation of removal of suspension details to the language practitioner by registered post to the residential or postal address held in the register or by any other means to be determined by Council.

#### Chapter 4

Application for accreditation, levels of accreditation, accreditation certificates and continuing professional development

#### 14. APPLICATION FOR ACCREDITATION AND LEVELS OF ACCREDITATION

- (1) Subject to section 21 of the Act and regulations 3 and 4 as they relate to admission to the register, a person seeking accreditation must complete Form SALPC 1 which includes selection of the category(ies) and subcategory(ies) of language practitioners being applied for and submission of supporting documentation in relation to said category(ies) and subcategory(ies) of for accreditation evaluation purposes.
- (2) The quality assurance system, as defined in the regulations, will be utilised by the Council together with the required supporting documentation as set out in Form SALPC 1, when reviewing the application for registration and accreditation to determine the level at which the language practitioner should be accredited within the category(ies) and subcategory(ies) of language practitioner selected.
- (3) So as to implement the provisions of sections 21(3), 21(4) and 33 of the Act and these regulations, the Council identifies the following categories, subcategories and levels of language practitioners:-
  - (i) The categories of language practitioners are as defined in the Act, including but not limited to translators, interpreters, text editors, terminologists and lexicographers.
  - (ii) The subcategories of translators are paraprofessional translators, professional translators and sworn translators.
  - (iii) The subcategories of interpreters are paraprofessional interpreters, professional simultaneous interpreters and professional consecutive interpreters.
  - (iv) The subcategories of text editors are paraprofessional editors and professional editors.
  - (v) The levels identified within each category are level one for paraprofessional language practitioners, level two for professional language practitioners and level three for expert language practitioners.
    - a. Level one – paraprofessional language practitioners represents persons who have no formal qualifications and practise as language practitioners in informal situations within a community environment. These include but are not limited to persons who interpret in

churches, assist members of their community by interpreting for them at hospitals and clinics, assist the Deaf and similar activities.

- b. Level two – professional language practitioners represents language practitioners whether working on a full-time or part-time basis, who are fully competent in the field of language practice concerned and are in possession of either a degree or postgraduate degree or recognised prior learning and experience in lieu of such degree. This category includes but is not limited to formal-hearing interpreters and medical interpreters.
  - c. Level three – expert language practitioners represents language practitioners who have been accredited at level two prior to applying for accreditation at level three and have the competency to handle complex, technical and sophisticated language practice work. The standard of an expert will be benchmarked according to international practice. The person must be in possession of either a degree or postgraduate degree or recognised prior learning and experience in lieu of such degree accompanied by a wealth of experience in the relevant field, which may include but is not limited to sworn translators with relevant legal knowledge and high-level conference interpreters.
- (4) Except for paraprofessionals, no person may practise at any of the levels contemplated in these regulations unless he or she has been accredited at that level within the quality assurance system.
  - (5) Upon compliance with the quality assurance system and acceptance by the Council the language practitioner will be granted accreditation denoted by category, subcategory and level of language practitioner.
  - (6) Subject to section 21(3)(b) of the Act and in terms of regulation 4(5)(vi), a prescribed accreditation fee will be determined by the Council and gazetted. The fee will not be refunded if the application is withdrawn or abandoned or whatever the outcome of the application may be.

#### 15. AUTHORISED TITLES

- (1) A person who is registered and accredited at any of the levels referred to in regulation 14(3)(v) may describe himself or herself as and use the following titles:-
  - (i) If accredited at level one - paraprofessional language practitioner
  - (ii) If accredited at level two - professional language practitioner
  - (iii) If accredited at level three – expert language practitioner
- (2) Any registered and accredited person must use their title in all services rendered, in any report produced or in any other documentation prepared by them in the course of their work.
- (3) The Council may determine abbreviations or acronyms for the titles referred to in these Regulations.

#### 16. ACCREDITATION CERTIFICATES

- (1) In terms of section 22(1) of the Act, a certificate of accreditation must be issued in a form determined by the Council and signed by the chief executive officer or a person with delegated authority to do so.

#### **17. CONTINUING PROFESSIONAL DEVELOPMENT**

- (1) Except for paraprofessionals, persons registered with the Council will be required to participate in a system of continuing professional development ("CPD") that will be introduced and administered by the Council in association with accredited institutions.
- (2) The Council will determine the CPD system to be used and the portfolio required towards earning CPD units.
- (3) Registered language practitioners who do not comply with the CPD system stand to have their registration withdrawn.
- (4) The Council must create relations with accredited institutions and in collaboration with these accredited institutions confirm events, courses and workshops to be conducted annually and the CPD units to be allocated to these.

### **CHAPTER 5**

#### **Code of conduct**

#### **18. CODE OF CONDUCT**

- (1) The Council is responsible for administering a code of conduct and must ensure that all language practitioners are provided with a copy of the code of conduct and that the code is available to all language practitioners and members of the public at all reasonable times.
- (2) All registered language practitioners must comply with the code of conduct and failure to do so will constitute improper conduct on their part.
- (3) The Council is responsible for determining the rules applicable to the code of conduct for language practitioners and for specific categories and/or subcategories of language practitioners.

#### **19. PROFESSIONAL CONDUCT**

- (1) Any person registered with the Council as a language practitioner must conduct themselves in a professional manner by complying with the following duties:-
  - (i) Competency
    - a. They must discharge their duties in a professional manner with due care, skill and diligence.
    - b. They may only undertake work, which their education, training and or prior leaning and experience have rendered them competent to

perform and which is within the category and level of their accreditation and registration.

- c. They must, when carrying out their work, adhere to the norms of the language practitioner's profession.

(ii) Integrity

- a. They must discharge their duties with integrity, fidelity and honesty.
- b. They must not undertake work under conditions or on terms that would compromise their ability to carry out their work in accordance with the norms of such work.
- c. They must not engage in any work of corruption, dishonesty or bribery.

(iii) Confidentiality

They must treat all assignment related work as strictly confidential.

(iv) Impartiality

They must maintain professional detachment, impartiality and objectivity in their work.

(v) Quality

They must strive to maintain the highest possible quality in their work.

(vi) Responsibility

They must accept full responsibility for their work.

(vii) Obligations to fellow professionals and the profession

They must take part in professional activities and always conduct themselves in a manner that will be to the credit of the profession and that respects and supports fellow language practitioners.

(viii) Dignity of the profession

- a. They must conduct themselves in a manner that upholds the dignity of the profession.
- b. They may not maliciously, whether in the practice of their profession or otherwise, knowingly injure the reputation of another registered and accredited language practitioner or that of the Council.

- c. They may not advertise their professional services in a misleading or exaggerated manner or in a manner that is harmful to other language practitioners or the Council.
- d. They may not maliciously criticise the work of other language practitioners or discuss such work except as it may be required by the Act or any other law.

## 20. DISCIPLINARY PROCEDURES

The Council is responsible for appointing a Disciplinary Committee to attend to disciplinary hearings through the following procedures --

- (1) Investigation of a charge of improper conduct-
  - (i) Subject to the provisions of section 14 of the Act, the Council will establish an Investigating Committee for matters brought to it for investigation.
  - (ii) The Council must refer any matter brought against a registered and/or accredited language practitioner to an Investigating Committee if: –
    - a. the Council has reasonable grounds to suspect that a registered and accredited language practitioner has committed an act which may render him or her guilty of improper conduct; or
    - b. a complaint, charge or allegation of improper conduct has been brought against a registered language practitioner by another language practitioner or any member of the public.
  - (iii) At the request of the Council, the investigating committee must:-
    - a. investigate the matter; and
    - b. obtain evidence to determine whether or not in its opinion the registered language practitioner concerned may be charged and, if so, recommend to the Council the charge or charges that may be brought against the registered language practitioner.
- (2) An Investigating Committee may not question the registered language practitioner concerned unless the Investigating Committee informs that language practitioner that he or she -
  - (i) has the right to be assisted or represented by another Language Practitioner; and
  - (ii) is not obliged to make any statements and that any statements so made may be used in evidence against that language practitioner.
- (3) The Investigating Committee must after the conclusion of its investigation, submit a report making its recommendations to the Council regarding any matter referred to it in terms of these regulations.

**21. CHARGE OF IMPROPER CONDUCT**

- (1) The Council must, after considering a report of the Investigating Committee, charge a registered language practitioner with improper conduct if the Council is convinced that sufficient grounds exist for a charge to be brought against such a registered language practitioner.
- (2) The Council must furnish the registered language practitioner so charged with a charge sheet -
  - (i) with the details and nature of the charge;
  - (ii) requiring that he or she, in writing, admit or deny the charge;
  - (iii) indicating that he or she may, together with the admission or denial, submit a written explanation regarding the improper conduct with which he or she is charged; and
  - (iv) indicating the period, which must be reasonable, within which his or her admission or denial in terms of these regulations must be submitted to the Council.
- (3) Where a registered language practitioner so charged admits that he or she is guilty of the offence, he or she is considered to have been found guilty of improper conduct as charged.
- (4) Where the registered language practitioner has admitted guilt, the Council may -
  - (i) impose upon him or her a fine not exceeding R5 000,00 or a written warning;
  - (ii) for a specified period or until otherwise decided by the Council remove the language practitioner from the register of practitioners;
  - (iii) recover from him or her the costs incurred by the Council in connection with the investigation.
- (5) An acquittal or conviction of a registered language practitioner by a court of law on a criminal charge is not a bar to proceedings against him or her under these regulations on a charge of improper conduct, even if the facts stated in the charge of improper conduct would, if proved, constitute an offence stated in the criminal charge on which he or she was acquitted or convicted or any other offence of which he or she might have been acquitted or convicted on the criminal charge.

**22. APPOINTMENT OF A DISCIPLINARY COMMITTEE**

- (1) The Council must appoint a Disciplinary Committee to hear a charge of improper conduct if the registered language practitioner so charged –
  - (i) denies the charge; or
  - (ii) fails to comply with the code of conduct as set out in the regulations; or

- (iii) displays any conduct which in the opinion of the Council undermines the profession.
- (2) The Disciplinary Committee must consist of at least –
  - (i) two registered and accredited language practitioners who specialise in the professional field concerning the charge;
  - (ii) a person with relevant appropriate experience in disciplinary matters; and
  - (iii) a person who is qualified in law and who has appropriate experience in disciplinary matters.

### 23. DISCIPLINARY HEARING

- (1) The disciplinary hearing must be conducted by the Disciplinary Committee.
- (2) The Disciplinary Committee may, for the purpose of a hearing, subpoena any registered and accredited language practitioner or any other person –
  - (i) who in its opinion may be able to give material information concerning the subject of the hearing; or
  - (ii) who it suspects or believes has in his or her possession or custody or under his or her control any book, document or object which has any bearing on the subject of the hearing, to appear before the Disciplinary Committee at the time and place specified in the subpoena, to be questioned or to produce a book, document or object.
- (3) A subpoena issued in terms of these regulations must –
  - (i) be in the prescribed form;
  - (ii) be signed by the chairperson of the Disciplinary Committee or, in his or her absence, any member of the Disciplinary Committee; and
  - (iii) be served on the language practitioner concerned personally or by registered post.
- (4) The Disciplinary Committee may retain a book, document or object produced in terms of these regulations for the duration of the hearing.
- (5) The chairperson of the Disciplinary Committee may call upon and administer an oath to or take an affirmation from any witnesses at the hearing who were subpoenaed in terms of these regulations.
- (6) At the hearing the registered and accredited language practitioner charged:-
  - (i) may be personally present at the proceedings;
  - (ii) may be assisted or represented by another language practitioner in the proceedings;



- (iii) has the right to be heard;
  - (iv) may call witnesses;
  - (v) may cross-examine any language practitioner called as a witness in support of the charge;
  - (vi) may have access to documents produced in evidence;
  - (vii) may admit at any time before conviction that he or she is guilty of the charged offence despite the fact that he or she denied the charge at an initial stage;
  - (viii) may in the case where he or she makes an admission in terms of these regulations, be deemed to be guilty of improper conduct as charged.
- (7) The registered and accredited language practitioner charged, may during the hearing –
- (i) lead evidence and advance argument in support of his or her defence and may cross examine witnesses;
  - (ii) question any language practitioner who was subpoenaed in terms of these regulations;
  - (iii) call anyone to give evidence or to produce any book, document or object in his or her possession or custody or under his or her control which the language practitioner so charged suspects or believes to have a bearing on the subject of the hearing.
- (8) A witness who has been subpoenaed may not –
- (i) without sufficient cause, fail to attend the hearing at the time and place specified in the subpoena;
  - (ii) refuse to be sworn in or to be affirmed as a witness;
  - (iii) without sufficient cause, fail to answer fully and satisfactorily to the best of his or her knowledge to all questions lawfully put to him or her; or
  - (iv) fail to produce any book, document or object in his or her possession or custody or under his or her control which he or her has been required to produce.
- (9) A witness who has been subpoenaed must remain in attendance until excused by the chairperson of the Disciplinary Committee from further attendance.
- (10) A witness who has been subpoenaed may request that the names of the members of the Disciplinary Committee be made available to her or him.
- (11) The law relating to privilege, as applicable to a witness subpoenaed to give evidence or produce a book, document or object in a civil trial before a court of law may, with the necessary changes, apply in relation to the examination of, or the production of any book, document or object for the Disciplinary Committee by, any language practitioner called as a witness in terms of these Regulations.

- (12) A witness may not, after having been sworn in or having been affirmed as a witness, give false statement on any matter, knowing the answer or statement to be false.
- (13) A language practitioner may not prevent another language practitioner from complying with these regulations or the subpoena or from giving evidence or producing a book, document or object which he or she is in terms of these regulations required to give or produce.
- (14) The record of evidence which has a bearing on the charge before the Disciplinary Committee and which was presented before any commission which investigated an event or conduct is admissible without further evidence being led, if-
  - (i) the record is accompanied by a certificate from the chairperson; and
  - (ii) the certificate certifies that the investigation was lawful, reasonable and procedurally fair.
- (15) If the improper conduct with which the language practitioner is charged amounts to an offence of which he or she has been convicted by a court of law, a certified copy of the record of his or her trial and conviction by that court is, on the identification of the language practitioner as the language practitioner referred to in that record, sufficient proof of the commission by him or her of that offence, unless the conviction has been set aside by a superior court.

#### **24. PROCEEDINGS AFTER THE HEARING**

- (1) After the conclusion of the hearing, the Disciplinary Committee must within thirty (30) days -
  - (i) decide whether or not the registered language practitioner charged is guilty of improper conduct;
  - (ii) if the Disciplinary Committee finds that the language practitioner charged is guilty of improper conduct, take cognisance of any aggravating or mitigating circumstances;
  - (iii) inform the registered language practitioner so charged and the Council of its findings; and
  - (iv) inform the registered language practitioner so charged of his or her right to appeal its decision.
- (2) A registered language practitioner found guilty of improper conduct may -
  - (i) address the Disciplinary Committee in mitigation of the sentence;
  - (ii) call witnesses to give evidence on his or her behalf in mitigation of sentence.
- (3) If the registered language practitioner charged is found guilty of improper conduct, or if he or she admits that he or she is guilty of the charge, the Disciplinary Committee must either -
  - (i) caution or reprimand the registered language practitioner;
  - (ii) suspend the registration of the registered language practitioner concerned for a period not exceeding one year; or

- (iii) cancel the registration of the registered language practitioner concerned and remove his or her name from the register; and
  - (iv) impose a fine to be determined by the Council.
- (4) Unless such sanction was appealed, the Council must publish the findings and the sanction imposed in the Government Gazette.

**25. APPEAL AGAINST DECISION OF THE DISCIPLINARY COMMITTEE**

- (1) Any registered language practitioner whose interests and rights are affected by a decision made by the Disciplinary Committee may appeal to the Council.
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