

REPUBLIC OF SOUTH AFRICA

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**EXTENSION OF TERMS OF  
OFFICE OF MEMBERS OF  
CERTAIN COUNCILS  
BILL**

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*(As introduced)*

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(MINISTER OF HEALTH)

[B 50—97]

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REPUBLIEK VAN SUID-AFRIKA

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**WETSONTWERP OP DIE  
VERLENGING VAN  
AMPSTERMYNE VAN LEDE VAN  
SEKERE RADE**

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*(Soos ingedien)*

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(MINISTER VAN GESONDHEID)

[W 50—97]

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**GENERAL EXPLANATORY NOTE:**

- [                    ]    Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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**BILL**

**To amend the Pharmacy Act, 1974, in order to extend the terms of office of the members of the Interim Pharmacy Council of South Africa; to amend the Medical, Dental and Supplementary Health Service Professions Act, 1974, in order to extend the terms of office of the members of the Interim National Medical and Dental Council of South Africa; to amend the Nursing Act, 1978, in order to extend the terms of office of the members of the South African Interim Nursing Council; and to provide for matters connected therewith.**

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**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 3 of Act 53 of 1974, as amended by section 4 of Act 6 of 1995**

1. Section 3 of the Pharmacy Act, 1974, is hereby amended by the substitution for paragraph (e) of the following paragraph: 5  
“(e) to make recommendations to the Minister on the constitution of a new council within a period not exceeding [24] 30 months calculated as from the date of commencement of the Pharmacy Amendment Act, 1995 (Act No. 6 of 1995); and”.

**Amendment of section 5 of Act 53 of 1974, as substituted by section 6 of Act 6 of 1995** 10

2. Section 5 of the Pharmacy Act, 1974, is hereby amended by the substitution for subsection (6) of the following subsection:  
“(6) Subject to the provisions of section 7, the members of the council shall hold office as from the date contemplated in subsection (5) until the date of constitution of a new council, but not exceeding [24] 30 months.”. 15

**Amendment of section 3 of Act 56 of 1974, as amended by section 2 of Act 58 of 1992 and section 4 of Act 18 of 1995**

3. Section 3 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for paragraph (f) of the following paragraph: 5

“(f) to make recommendations to the Minister on the constitution of a new council within a period not exceeding [24] 30 months calculated as from the date of commencement of the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995 (Act No. 18 of 1995);”.

**Amendment of section 5 of Act 56 of 1974, as substituted by section 5 of Act 18 of 1995** 10

4. Section 5 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Subject to the provisions of section 6, the members of the council shall hold office as from the date contemplated in subsection (5) until the date of constitution of a new council, but not exceeding [24] 30 months.”. 15

**Amendment of section 3 of Act 50 of 1978, as amended by section 4 of Act 5 of 1995**

5. Section 3 of the Nursing Act, 1978, is hereby amended by the substitution for paragraph (f) of the following paragraph: 20

“(f) to make recommendations to the Minister on the constitution of a new council within a period not exceeding [**two years**] 30 months from the date of the commencement of the Nursing Amendment Act, 1995 (Act No. 5 of 1995);”.

**Amendment of section 5 of Act 50 of 1978, as substituted by section 5 of Act 5 of 1995** 25

6. Section 5 of the Nursing Act, 1978, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Subject to the provisions of section 6, the members of the council shall hold office as from the date contemplated in subsection (5) until the constitution of a new council but not exceeding a period of [**two years**] 30 months.”. 30

**Short title**

7. This Act shall be called the Extension of Terms of Office of Members of Certain Councils Act, 1997.

**MEMORANDUM ON THE OBJECTS OF THE EXTENSION OF  
TERMS OF OFFICE OF MEMBERS OF CERTAIN COUNCILS BILL,  
1997**

During 1995 three transitional councils, namely—

- (a) the South African Interim Nursing Council;
- (b) the Interim Pharmacy Council of South Africa; and
- (c) the Interim National Medical and Dental Council of South Africa,

were established in terms of the Nursing Amendment Act, 1995 (Act No. 5 of 1995), the Pharmacy Amendment Act, 1995 (Act No. 6 of 1995), and the Medical, Dental and Supplementary Health Service Professions Amendment Act, 1995 (Act No. 18 of 1995), respectively.

One of the objects of these interim councils was to make recommendations to the Minister on the constitution of new councils, within a period not exceeding 24 months. Those recommendations were made.

Separate Amendment Bills which provide for the constitution of the new councils were introduced in Parliament during January and April 1997. Although the Nursing Amendment Bill was debated by both the Portfolio Committee for Health (National Assembly) and the National Council of Provinces (NCOP) they are not in agreement with all the amendments effected by the NCOP and therefore the said Bill will in due course be debated in a joint committee meeting. The Minister of Health decided to withdraw the Pharmacy Amendment Bill and the Medical, Dental and Supplementary Health Professions Bill after public hearings were held by the Portfolio Committee. The reason for the withdrawal was to consider all the submissions.

However, in terms of the said Acts the interim councils will cease to exist on—

- (a) 22 August 1997 (in the case of the South African Interim Nursing Council);
- (b) 11 October 1997 (in the case of the Interim Pharmacy Council of South Africa); and
- (c) 14 September 1997 (in the case of the Interim National Medical and Dental Council of South Africa).

As elections are still to be held before the said dates and since the Bills have not yet been passed by Parliament, it is proposed in this Bill that the terms of office of members of the councils be extended.

In the opinion of the Department and the State Law Advisers this Bill should be dealt with in terms of section 76 of the Constitution.