

REPUBLIC OF SOUTH AFRICA

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# DENTAL TECHNICIANS AMENDMENT BILL

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*(As introduced)*

\_\_\_\_\_

(MINISTER OF HEALTH)

[B 8—97]



REPUBLIEK VAN SUID-AFRIKA

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# WYSIGINGSWETSONTWERP OP TANDTEGNICI

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*(Soos ingedien)*

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(MINISTER VAN GESONDHEID)

[W 8—97]

ISBN 0 621 27098 9

**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 Dental Technicians Act, 1979, in relation to the definitions; in order to provide for the recognition of the profession of dental technologist; to increase the number of the members of the South African Dental Technicians Council; to provide for an extension of the acts which may be performed by a dental laboratory assistant; to provide for the registration of dental laboratory assistants; to provide that settlement discounts be allowed, and for interest to be charged on outstanding accounts; to provide that a business in which acts specially pertaining to the profession of dental technician or dental technologist are performed, may be carried on by associations or juristic persons; to provide that a fine may also be imposed upon a conviction of misconduct; to increase penalties so as to cope with inflation; to amend certain obsolete provisions; and to provide for the rationalisation of certain laws relating to dental technicians that have remained in force in the various territories of the national territory of the Republic by virtue of section 229 of the Constitution of the Republic of South Africa, 1993; 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 1 of Act 19 of 1979**

1. Section 1 of the Dental Technicians Act, 1979 (hereinafter referred to as the principal Act), is hereby amended— 5
- (a) by the substitution for the definition of “dental laboratory assistant” of the following definition:
- “ ‘dental laboratory assistant’ means any person employed as such by a dentist **[or]**, dental technician or dental technologist in terms of section 28;”;
- 10
- (b) by the substitution for the definition of “dental technician contractor” of the following definition:
- “ ‘dental technician contractor’ means a dental technician or a dental technologist who, with due regard to the provisions of this Act, practises the profession of **[a]** dental technician or dental technologist, as the case may be, on his or her own account, or who is a member of a partnership
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- or an association of dental technicians or dental technologists, as the case may be, which practises that profession, or who is a **[director]** member of a **[company]** juristic person which carries on any business in which is performed any act specially pertaining to the profession of **[a]** dental technician or dental technologist, as the case may be;”;
- (c) by the insertion after the definition of “dental technician contractor” of the following definition:  
 “‘dental technologist’ means a person who has acquired a B.Tech.Dent.Tech. degree and who is registered as a dental technologist under section 18;”
- (d) by the insertion after the definition of “dentist” of the following definitions:  
 “‘Department’ means the national Department of Health;  
 ‘Director-General’ means the Director-General: Health;”;
- (e) by the deletion of the definition of “Secretary”;
- (f) by the substitution for the definition of “student dental technician” of the following definition:  
 “‘student dental technician’ means any person who is studying dental technology at an approved institution or is undergoing practical training in an approved dental laboratory, and who has been registered as such under section 19;”;
- (g) by the insertion after the definition of “student dental technician” of the following definition:  
 “‘student dental technologist’ means any person who is studying dental technology at an approved institution or is undergoing practical training in an approved dental laboratory, and who has been registered as such under section 19;”;
- (h) by the substitution for the definition of “training institution” of the following definition:  
 “‘training institution’ means an institution where persons are educated and trained for the profession of **[a]** dental technician or dental technologist.”.

#### **Amendment of section 3 of Act 19 of 1979**

2. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:  
 “(b) to control all matters relating to the education and training of dental technicians or dental technologists and the exercising of the practices in the supplying, making, altering or repairing of artificial dentures or other dental appliances or any other work pertaining to such dentures or appliances;”;
- (b) by the substitution for paragraph (d) of the following paragraph:  
 “(d) to promote good relations between dentists, **[and]** dental technicians and dental technologists and other supplementary dental health services personnel;”.

#### **Amendment of section 4 of Act 19 of 1979**

3. Section 4 of the principal Act is hereby amended by the substitution for paragraph (i) of the following paragraph:

- “(i) conduct or arrange courses for the supplementary training of dental technicians **[and for a master dental technician’s certificate]** or dental technologists and render financial assistance in respect of such courses;”.

#### **Amendment of section 5 of Act 19 of 1979**

4. Section 5 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:  
 “(a) the Chief of **[the Dental Services Section]** Oral Health of the Department of Health;

- (b) **[three]** five persons appointed by the Minister, of whom—
- (i) one shall be a dentist attached to a university having a dental faculty;
  - (ii) one shall be a dental technician or a dental technologist attached to an institution at which dental technicians or dental technologists are educated and trained; 5
  - (iii) **[one]** three shall be [a person] persons who [is] are not registered in terms of this Act or the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), of whom at least one shall be appointed on account of his or her knowledge of the law;”; and 10
- (b) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs, respectively:
- “(d) two dental technicians or dental technologists who practise the profession of dental technician or dental technologist, as the case may be, as employees and who are nominated and elected in the prescribed manner by dental technicians or dental technologists, as the case may be, thus practising that profession; and 15
- (e) **[three]** two dentists nominated and elected by dentists in the prescribed manner.”. 20

**Amendment of section 6 of Act 19 of 1979, as amended by section 46 of Act 97 of 1986**

5. Section 6 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: 25
- “(b) who in terms of this Act or the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), is disqualified from practising his or her profession;”; and
- (b) by the substitution for subsection (2) of the following subsection: 30
- “(2) A member of the council shall vacate his or her office if—
- (a) he or she becomes subject to any disqualification referred to in subsection (1);
  - (b) he or she ceases to hold any qualification necessary for his or her appointment;
  - (c) he or she has been absent from more than two consecutive ordinary meetings of the council without the council’s leave; 35
  - (d) (i) being an elected member, he or she tenders his or her resignation in writing to the registrar; or  
(ii) being a member appointed or designated by the Minister, he or she tenders his or her resignation in writing to the Minister and the Minister accepts his or her resignation; 40
  - (e) he or she becomes a patient or a [President’s patient] State patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
  - (f) he or she is convicted of an offence, whether in the Republic or elsewhere, in respect whereof he or she is sentenced to imprisonment without the option of a fine; 45
  - (g) the Minister in the public interest terminates his or her membership.”. 50

**Amendment of section 10 of Act 19 of 1979** 50

6. Section 10 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 55
- “(1) There shall be an executive committee of the council consisting of the president, the vice-president, the treasurer and such other members of the council as the council may designate, of whom at least one shall be a dental technician or a dental technologist.”.

**Amendment of section 11 of Act 19 of 1979, as amended by section 3 of Act 118 of 1993**

7. Section 11 of the principal Act is hereby amended by the substitution for paragraphs (b), (c) and (d) of subsection (1) of the following paragraphs, respectively:

- “(b) establish an education committee consisting of such number of persons, appointed by the council, as the council may determine but which shall include at least one member of the council, who shall be the **[chairman] chairperson** of such committee, and at least one representative of each institution where dental technicians or dental technologists are trained; 5
- (c) establish a service conditions committee for the purpose of investigating and determining conditions of employment of dental technicians or dental technologists (except dental technicians or dental technologists who are in the employment of the State or a provincial administration), consisting of such number of persons, appointed by the council, as the council may determine, but which shall include the president of the council, who shall be the **[chairman] chairperson** of such committee; 10 15
- (d) establish a tariff committee for the purpose of investigating and determining the tariff of fees payable by a dentist to a dental technician contractor for work done as a dental technician or a dental technologist, which shall consist of such number of persons appointed by the council as the council may determine but which shall include the president of the council, who shall be the **[chairman] chairperson** of such committee.”. 20

**Amendment of section 12 of Act 19 of 1979**

8. Section 12 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively: 25

“(1) The council may, notwithstanding anything to the contrary in any law contained, conduct an inquiry into and determine—

- (a) the conditions of employment of dental technicians or dental technologists who are employees, except dental technicians or dental technologists who are in the employment of the State or a provincial administration; and 30
- (b) the tariff of fees payable to a dental technician contractor by a dentist for work done as a dental technician or a dental technologist.

(2) The **[Representative Association of Medical Schemes established by section 23A of the Medical Schemes Act, 1967 (Act No. 72 of 1967), in the case of a determination of the tariff of fees referred to in subsection (1)(b), and the]** Dental Association of South Africa and any other association or body of persons which, in the opinion of the council, is representative of the majority of dental technician contractors, **[or]** dental technicians or dental technologists who are employees, may make representations to the council that the council conduct an inquiry for the purposes of making a determination of the conditions of employment or tariff of fees referred to in subsection (1), or for the purposes of effecting any amendment in terms of subsection (5), and any such association or body may, with the approval of the council, make representations, oral or written, to the council with regard to any such determination or amendment.”. 35 40

**Amendment of section 13 of Act 19 of 1979**

9. Section 13 of the principal Act is hereby amended by the deletion of subsection (4). 45

**Amendment of heading to Chapter 2 of Act 19 of 1979**

10. The following heading is hereby substituted for the heading to Chapter 2 of the principal Act:

“Education, Training and Registration of Dental Technicians and Dental Technologists”.

**Amendment of section 16 of Act 19 of 1979**

11. Section 16 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in any law contained, no person or institution may offer or provide any education or training 55

which is intended to qualify any person to practise the profession of [a] dental technician or dental technologist, unless such education and training have been approved by the council.”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) Any person who contravenes or fails to comply with any provision of this section or any condition or requirement referred to in subsection (3) shall be guilty of an offence and on conviction be liable to a fine not exceeding [R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment] R10 000.”.

#### **Substitution of section 17 of Act 19 of 1979**

12. The following section is hereby substituted for section 17 of the principal Act:

##### **“Unregistered persons may not practise or be trained as dental technicians or dental technologists**

17. No person shall practise the profession of [a] dental technician or dental technologist, or be educated or trained as a dental technician or a dental technologist, unless he or she is registered in terms of this Act as a dental technician, dental technologist, [or] student dental technician or student dental technologist, as the case may be.”.

#### **Substitution of section 18 of Act 19 of 1979**

13. The following section is hereby substituted for section 18 of the principal Act:

##### **“Registration of dental technicians and dental technologists**

18. (1) Any person who intends to be registered as a dental technician or a dental technologist in terms of this Act shall apply to the council in writing and shall submit the qualification which, in his or her submission, entitles him or her to registration, together with such proof of his or her identity and of the authenticity and validity of the qualification submitted, as may be required by the council.

(2) If the council is satisfied that the qualification and the other documents submitted in support of the application comply with the requirements of this Act, it shall, upon payment of the prescribed fee, cause the necessary entry to be made in the register and the registrar shall thereupon issue a registration certificate authorising the applicant, subject to the provisions of this Act or any other law, to practise the profession of dental technician or dental technologist, as the case may be.”.

#### **Substitution of section 19 of Act 19 of 1979**

14. The following section is hereby substituted for section 19 of the principal Act:

##### **“Registration of student dental technicians and student dental technologists**

19. (1) Any person who intends to be registered as a student dental technician or a student dental technologist in terms of this Act shall apply in writing to the council, and such application shall be accompanied by the prescribed particulars and registration fee.

(2) If the council is satisfied that the applicant is entitled to registration, it shall cause the necessary entry to be made in the register, and the registrar shall thereupon issue to the applicant a registration certificate in the prescribed form.

(3) The person in charge of an approved institution shall forthwith notify the council of the termination of the education and training of a student dental technician or a student dental technologist at such institution, whether by reason of the abandonment or completion of education and training or the transfer of such student to another such institution or for any other reason.”.

**Amendment of section 20 of Act 19 of 1979**

15. Section 20 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The council shall keep separate registers in respect of dental technicians, **[and] dental technologists**, student dental technicians **and student dental technologists**, and shall enter in the appropriate register the prescribed particulars of every person whose application is granted under section 18 or 19.”. 5

**Substitution of section 21 of Act 19 of 1979**

16. The following section is hereby substituted for section 21 of the principal Act:

**“Council may refuse registration” 10**

21. Notwithstanding any provision to the contrary in this Act contained, the council may refuse to register any person under section 18 or 19 or to restore the name of any person to a register, if, in the opinion of the council, such person is by reason of a conviction, in the Republic or elsewhere, of a prescribed offence, not fit to practise as a dental technician **or a dental technologist**, or to be a student dental technician **or a student dental technologist**.”. 15

**Substitution of section 22 of Act 19 of 1979**

17. The following section is hereby substituted for section 22 of the principal Act:

**“Minister may prescribe qualifications required for registration as dental technician or dental technologist” 20**

22. The Minister may, from time to time on the recommendation of the council, prescribe the qualifications obtained by virtue of examinations conducted by an approved institution which shall, if possessed alone or together with another qualification, entitle the possessor thereof to registration as a dental technician **or a dental technologist** in terms of this Act, if he **or she** complies, before **or in connection with** or after the acquisition of the qualification in question, with the conditions or requirements so prescribed.”. 25

**Amendment of section 23 of Act 19 of 1979 30**

18. Section 23 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) The council may, subject to the provisions of subsections (2) and (3), register as a dental technician **or a dental technologist**, **as the case may be**, any person who acquired a qualification or underwent training outside the Republic if such qualification or training entitled the person to practise as a dental technician **or a dental technologist**, **as the case may be**, in the country or state in which he **or she** acquired the qualification or underwent the training. 35

(2) A person registered in terms of subsection (1) as a dental technician **or a dental technologist** shall be entitled to practise as such, only— 40

(a) for the period or periods determined by the council, during which he **or she** shall satisfy the council that—

(i) he **or she** possesses professional knowledge and ability of a standard not lower than that prescribed in respect of dental technicians **or dental technologists** in the Republic; and 45

(ii) he **or she** is conversant with the laws of the Republic regarding dental practice and the practising of the profession of **[a] dental technician or dental technologist**;

(b) in the area or areas determined by the council; and

(c) subject to any further conditions determined by the council.”. 50

**Amendment of section 24 of Act 19 of 1979**

19. Section 24 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (3) and the words following thereupon, of the following paragraph and words, respectively:

“(b) such person shall cease to practise the profession of dental technician or dental technologist, as the case may be, or to perform any act which he or she was entitled to perform as a registered person, until such time as his or her name or the entry removed from the register in terms of section 20(4), as the case may be, is restored to the register.”. 5 10

**Substitution of section 27 of Act 19 of 1979**

20. The following section is hereby substituted for section 27 of the principal Act:

**“Acts which may be performed only by dentists, dental technicians or dental technologists**

27. (1) No person other than a dentist shall, for gain— 15

(a) supply or undertake to supply any artificial denture or other dental appliance to any person for use by that person; or

(b) make, repair, alter or work upon, or undertake to make, repair, alter or work upon, any artificial denture or other dental appliance unless the denture or appliance, or the impression, model or other direction for making, repairing or altering of or the working upon the denture or appliance, has been or is to be delivered to him or her by a dentist, and the denture or appliance is to be returned or delivered, as the case may be, by him or her to the dentist. 20

(2) No person other than a dentist shall— 25

(a) pretend or hold himself or herself out to be entitled or prepared to supply, make, repair, alter or work upon any artificial denture or other dental appliance otherwise than in accordance with the provisions of subsection (1); or

(b) solicit or accept, for execution by any person in contravention of subsection (1), any order for the supply, making, repair or alteration of or the working upon any artificial denture or other dental appliance. 30

(3) No person, other than a person referred to in subsection (9), shall for gain practise the profession of [a] dental technician or dental technologist or perform any act specially pertaining to the profession of [a] dental technician or dental technologist, as the case may be, unless he or she has been registered as a dental technician or a dental technologist, as the case may be, under section 18. 35

(4) In any prosecution for a contravention of any provision of subsection (1) or (3), the accused shall, unless the contrary is proved, be deemed to have performed the act in respect of which the prosecution is instituted for gain. 40

(5) No person who is not registered under section 18 shall hold himself or herself out to be registered as a dental technician or a dental technologist or use any name, title, description or symbol indicating or calculated to lead persons to infer that he or she is registered as a dental technician or a dental technologist. 45

(6) (a) No [person] dental technician shall for his or her own account practise the profession of dental technician or shall be a member of a partnership or an association of dental technicians or dental technologists which practises that profession or shall be a [director] member of a [company] juristic person which carries on a business in which is performed any act specially pertaining to the profession of [a] dental technician, unless he or she has, after having been registered as a dental technician performed the work of a dental technician for a period of not less than three years as an employee in a dental laboratory and has acquired a National Higher Diploma in Dental Technology. 50 55

(b) The provisions of paragraph (a) shall not apply to any person who at the commencement of this Act so practised that profession or was then such member **[or director]** or then had the right to practise that profession or to be such a member.

(7) (a) The prohibitions in subsections (1) and (2) shall not replace those contained in section 38(1) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974).

(b) The provisions of subsection (2) shall not imply that any dentist who solicits, or allows any person to solicit on his or her behalf, any order referred to in that subsection, or accepts any such order so solicited, is not guilty of improper conduct, or that an inquiry under Chapter IV of the Medical, Dental and Supplementary Health Service Professions Act, 1974 **[(Act No. 56 of 1974)]**, may not be instituted against any such dentist.

(8) Subject to the provisions of sections 19, 23 and 28 no person shall employ any other person to perform the work of a dental technician or a dental technologist or any act specially pertaining to the profession of **[a]** dental technician or dental technologist, as the case may be, unless such other person is registered **[under]** in terms of section 18.

(9) The prohibition in subsection (3) shall not apply in respect of—

- (a) a dentist;
- (b) a student dental technician or a student dental technologist, if the act in question is performed for purposes of his or her training in dental technology;
- (c) a person registered in terms of section 23, provided he or she observes the restrictions in respect of such registration;
- (d) a dental laboratory assistant in the employment of a dental technician or a dental technologist who performs any act referred to in paragraphs (a) to ~~[(e)]~~ ~~(f)~~ of subsection (1) of section 28 in the circumstances referred to in subsection (2) of that section.”.

#### **Amendment of section 28 of Act 19 of 1979**

**21.** Section 28 of the principal Act is hereby amended—

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:
 

“Notwithstanding the provisions contained in section 27 a dentist **[or]**, a dental technician or a dental technologist may employ an unregistered person as a dental laboratory assistant to perform the following acts specially pertaining to the profession of **[a]** dental technician or dental technologist, as the case may be, namely—”;
- (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 

“(a) all plaster work in connection with artificial dentures or dental appliances **[except—**

  - (i) the articulation of models on an articulator; and**
  - (ii) the casting of plaster models for crown and bridge work];**”;
  - (c) by the addition to subsection (1) of the following paragraphs:
 

“(e) the packing of acrylic dentures;  
(f) the manufacturing of record blocks and special impression trays.”;
  - (d) by the substitution for subsection (2) of the following subsection:
 

“(2) A dental laboratory assistant may perform the acts referred to in subsection (1) only as an employee in a dental laboratory under the continuous personal supervision of a dentist **[or]**, a dental technician or a dental technologist.”; and
  - (e) by the addition of the following subsection:
 

“(3) Any unregistered person employed as a dental laboratory assistant, as contemplated in this section, may apply to the council in the prescribed manner for registration as a dental laboratory assistant provided that—

    - (a) he or she—
      - (i) has acquired such certified qualification or equivalent qualification as the council may determine; or

- (ii) is familiar with, and has appropriate experience concerning the performance of, the acts referred to in subsection (1);
- (b) he or she has been employed as a dental laboratory assistant for a period of not less than three years in a registered dental laboratory; and
- (c) his or her application is supported by an affidavit by an owner of a registered dental laboratory.”.

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#### Amendment of section 29 of Act 19 of 1979

22. Section 29 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 10
  - “(1) Subject to the provisions of section [32(2)], 32A, no person other than a dental technician contractor or, subject to the provisions of subsection (3), a dentist, may be the owner of a dental laboratory.”;
- (b) by the deletion of paragraphs (b) and (c) of subsection (2);
- (c) by the substitution for paragraph (d) of subsection (2) of the following 15
  - paragraph:
    - “(d) any university or approved institution for the training of dental technicians or dental technologists; or”;
- (d) by the substitution for the words following upon paragraph (e) of subsection 20
  - (2) of the following words:
    - “in respect of a dental laboratory used in connection with the training of dentists [**and**], dental technicians and dental technologists or the rendering of dental services to its employees or to members of the public.”;
- (e) by the substitution for paragraph (b) of subsection (3) of the following 25
  - paragraph:
    - “(b) shall supervise or conduct any dental laboratory in which work is performed for any person who is not a patient of that dentist or the partnership, association or juristic person of which that dentist is a member.”;
- (f) by the substitution for paragraph (a) of subsection (4) of the following 30
  - paragraph:
    - “(a) a dentist, provided the dental laboratory is one of which he or she or the partnership, association or juristic person of which he or she is a member, is the owner;”;
- (g) by the substitution for paragraph (c) of subsection (4) of the following 35
  - paragraph:
    - “(c) a dental technician who for a period of not less than three years after his or her registration as a dental technician performed the work of a dental technician at a dental laboratory, provided it is a laboratory 40
      - which is used by at least one dentist for the performance of an act specially pertaining to the profession of [a] dental technician;”;
- (h) by the addition to subsection (4) of the following paragraph:
  - “(d) a dental technologist.”; and
- (i) by the substitution for subsections (5) and (6) of the following subsections, 45
  - respectively:
    - “(5) From a date determined by the Minister by notice in the *Gazette*, no person who [**is not the holder of a master dental technician’s certificate of competency**] has not acquired a B.Tech.Dent.Tech. degree shall supervise any dental laboratory unless he or she supervised a dental 50
      - laboratory on or before the date so specified or had the right to exercise such supervision.
    - (6) No person shall conduct a dental laboratory otherwise than under the continuous personal supervision of a person referred to in subsection (4) or, from the date determined in terms of subsection (5), otherwise 55
      - than under the continuous personal supervision of the holder of a [**certificate**] degree referred to in that subsection, or of a person who supervised a dental laboratory on or before that date or had the right to exercise such supervision.”.

**Amendment of section 30 of Act 19 of 1979**

23. Section 30 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

“(a) of which a dentist is the owner and in which no person other than that dentist performs any act specially pertaining to the profession of [a] dental technician or dental technologist, as the case may be;”;

and

- (b) by the deletion of paragraphs (b) and (c) of subsection (7).

**Amendment of section 31 of Act 19 of 1979**

24. Section 31 of the principal Act is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection:

“(4) No inspector shall, except for the purposes of this Act or when required to do so as a witness in a court of law, disclose any information relating to any person, partnership, association, juristic person or business acquired in the performance of his or her duties.”; and

- (b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) without previous notice, at any time enter any registered dental laboratory or any other premises where he or she has reasonable cause to believe that any act specially pertaining to the profession of [a] dental technician or dental technologist is being performed or has been performed, and make such examination and enquiry as he or she deems necessary;”.

**Substitution of section 32 of Act 19 of 1979**

25. The following section is hereby substituted for section 32 of the principal Act:

**“Discount, commission or remuneration**

**32.** No dental technician or dental technologist shall offer or allow to or accept from any dentist any discount on the tariff of fees determined under section 12(1)(b), or may in connection with his or her work as a dental technician or a dental technologist, as the case may be, offer, allow or pay any commission or remuneration to a dentist, and no dentist may propose, offer, allow or accept such discount, commission or remuneration to or from any dental technician or any dental technologist: Provided that—

- (a) such discount as may be determined by the council from time to time by notice in the *Gazette* may be allowed by a dental technician or a dental technologist in respect of the settlement of any amount owed by a dentist;

- (b) interest at such rate as the council may from time to time determine by notice in the *Gazette* may be charged on outstanding accounts.”.

**Insertion of section 32A in Act 19 of 1979**

26. The following section is hereby inserted after section 32 of the principal Act:

**“Performance of certain acts or carrying on of certain business by partnership, association or juristic person**

**32A.** (1) The performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be, may be carried on in partnership: Provided that all members of such partnership shall be either dentists on the one hand, or dental technicians or dental technologists or both, on the other hand.

(2) The performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be, may be carried on in association: Provided that—

- (a) written proof of the formation of the association, including the names of all associates, shall be submitted to the council together with the application for registration of the dental laboratory;
  - (b) the associates shall annually before 31 March submit an affidavit to the council confirming the continued existence of the association and re-stating the names of all associates; 5
  - (c) in the case of an association of dentists conducting a dental laboratory, only work for the patients of that association shall be done in that laboratory;
  - (d) all the associates practise their profession and operate the laboratory on the same premises: 10
- Provided further that all members of such association shall be either dentists on the one hand, or dental technicians or dental technologists or both, on the other hand.
- (3) A juristic person being an incorporated company or a close corporation may carry on any business involving the performance of any act specially pertaining to the profession of dental technician or dental technologist, as the case may be: Provided that all members of such juristic person shall be either dentists on the one hand, or dental technicians or dental technologists or both, on the other hand.”. 15 20

#### **Amendment of section 36 of Act 19 of 1979**

- 27.** Section 36 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (d) of subsection (1) of the following paragraph: 25
    - “(d) in the case of a student dental technician or a student dental technologist, extension of the prescribed period of education and training; or;”;
  - (b) by the addition to subsection (1) of the following paragraph:
    - “(e) a fine not exceeding R10 000.”;
  - (c) by the substitution in the words following on paragraph (c) of subsection (4) for the expression “R100” of the expression “R2 000”; and 30
  - (d) by the addition of the following subsection:
    - “(8) (a) A fine imposed under subsection (1)(e) shall be paid to the council within 14 days after such imposition. 35
    - (b) The imposition of a fine under subsection (1)(e) shall have the effect of a judgment in civil proceedings in the magistrate’s court of the district in which the inquiry in terms of section 35 took place.
    - (c) The Minister may on the recommendation of the council amend the amount mentioned in subsection (1)(e) by notice in the *Gazette*.”.

#### **Amendment of section 43 of Act 19 of 1979** 40

- 28.** Section 43 of the principal Act is hereby amended by the substitution in subsection (5) for the expression “R100” of the expression “R2 000”.

#### **Amendment of section 44 of Act 19 of 1979**

- 29.** Section 44 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of the following paragraph: 45
    - “(a) procures for himself or herself or any other person registration under this Act, or any certificate, permit or receipt referred to in this Act, by means of a false representation, whether verbally or in writing;”;
  - (b) by the substitution for the words following upon paragraph (f) of the following words: 50
    - “shall be guilty of an offence and liable on conviction to a fine not exceeding [R1 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment] R40 000.”.

**Amendment of section 46 of Act 19 of 1979**

30. Section 46 of the principal Act is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

“Provided that nothing in this subsection contained shall be construed as prohibiting the education and training of any student in dental technology, or the employment of any student dental technician or any student dental technologist in any authorised dental laboratory with a view to registration under section 18.”. 5

**Amendment of section 47 of Act 19 of 1979**

31. Section 47 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection: 10

“(2) Any person guilty of an offence under this Act shall, where no punishment is expressly provided for such offence, be liable on conviction to a fine not exceeding **[R200 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment]** R10 000.”; 15

(b) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) (i) hinders or obstructs an inspector in the exercise of his or her powers or the performance of his or her duties under section 31; 20

(ii) without valid excuse refuses or fails to answer to the best of his or her ability any question which an inspector in the exercise of his or her powers or the performance of his or her duties under the said section has put to him or her;

(iii) refuses or fails to comply to the best of his or her ability with any requirement made by an inspector in the exercise of his or her powers or the performance of his or her duties under the said section; 25

(iv) wilfully furnishes to any inspector any information which is false or misleading; 30

(v) falsely holds himself or herself out to be an inspector.”;

(c) by the substitution in subsection (3) for the words following upon paragraph (d) of the following words:

“shall be guilty of an offence and liable on conviction to a fine not exceeding **[R500 or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment]** R20 000.”; and 35

(d) by the substitution for subsection (4) of the following subsection:

“(4) Any person who contravenes or fails to comply with the provisions of section 32, ~~32A~~ or 34 shall be guilty of an offence and liable on conviction to a fine not exceeding **[R300 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment]** R10 000.”. 40

**Amendment of section 49 of Act 19 of 1979**

32. Section 49 of the principal Act is hereby amended— 45

(a) by the substitution for subsection (1) of the following subsection:

“(1) (a) The Minister may on the recommendation of the council at any time by notice in the *Gazette* fix a fee to be paid annually to the council by every dentist, **[and every]** dental technician and dental technologist. 50

(b) Different fees may be fixed in respect of dentists, **[and]** dental technicians and dental technologists.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) The council may by resolution exempt for an indefinite or definite period any dentist, **[or]** dental technician or dental technologist specified in the resolution from payment of any annual fee prescribed in terms of subsection (1).” 55

### Amendment of section 50 of Act 19 of 1979

33. Section 50 of the principal Act is hereby amended—

- (a) by the substitution for subparagraph (i) of paragraph (c) of subsection (1) of the following subparagraph:
- “(i) **[the allowance which may be paid to any such]** a member who is in the full-time service of the State **[shall not exceed the allowances to which he would be entitled in terms of the laws governing the public service]** shall only receive a daily allowance if he or she has not been appointed by the Minister;”;
- (b) by the substitution for subparagraph (i) of paragraph (g) of subsection (1) of the following subparagraph:
- “(i) the nature and duration of the training to be undergone by any person who has obtained a qualification in dental technology prescribed under section 22, but who has not yet been registered as a dental technician or a dental technologist, as the case may be, the examination which the council may conduct in order to determine the competence of such person and the period within which such a person shall pass the examination before he or she may be registered as a dental technician or a dental technologist, as the case may be;”;
- (c) by the substitution for paragraph (l) of subsection (1) of the following paragraph:
- “(l) the acts which shall for the purpose of this Act be deemed to be acts specially pertaining to the profession of **[a] dental technician or dental technologist**, the scope of the employment of other registered persons, and the conditions under which registered persons may practise their professions;”;
- (d) by the substitution for paragraph (o) of subsection (1) of the following paragraph:
- “(o) the books, accounts and records to be kept and the particulars to be entered therein by—
- (i) an employer of a dental technician, dental technologist, student dental technician, student dental technologist and dental laboratory assistant; and
- (ii) a dental technician contractor in respect of work done as a dental technician or a dental technologist for any dentist;”;
- (e) by the substitution for subsections (2) and (3) of the following subsections, respectively:
- “(2) The Minister may, after consultation with the executive committee of the council, if **[he] the Minister** deems it in the public interest, without the recommendation of the council make regulations relating to any of the matters referred to in subsection (1), or amend or repeal any regulation made in terms of that subsection.
- (3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of **[R100] R2 000.**”.

### Substitution of certain expressions in Act 19 of 1979

34. The principal Act is hereby amended—

- (a) by the substitution in section 24 for the expression “State President”, wherever it occurs in subsection (4), of the expression “President”; and
- (b) by the substitution in section 48 for the expression “Secretary” of the expression “Director-General”.

### Repeal of laws

35. The laws mentioned in the Schedule are hereby repealed to the extent to which those laws formed a part of the legislation of the areas of the former—

- (a) Republics of Transkei, Bophuthatswana, Venda and Ciskei; and
- (b) self-governing territories of Lebowa, Gazankulu, QwaQwa, KwaZulu, KwaNdebele and KaNgwane in terms of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971).

**Extension of application of Act 19 of 1979**

**36.** The Dental Technicians Act, 1979, and all amendments thereof, shall apply throughout the Republic.

**Short title**

**37.** This Act shall be called the Dental Technicians Amendment Act, 1997. 5

**SCHEDULE**

<b>No. and year of law</b>	<b>Short title</b>
Act No. 30 of 1945	Dental Mechanics Act, 1945
Act No. 33 of 1947	Dental Mechanics Amendment Act, 1947
Act No. 8 of 1954	Dental Mechanics Amendment Act, 1954
Act No. 43 of 1972	Dental Mechanics Amendment Act, 1972
Act No. 17 of 1976	Dental Mechanics Amendment Act, 1976
Act No. 19 of 1979	Dental Technicians Act, 1979

**MEMORANDUM ON THE OBJECTS OF THE DENTAL  
TECHNICIANS AMENDMENT BILL, 1997**

The Bill seeks to extend the application of the Dental Technicians Act, 1979 (Act No. 19 of 1979), hereinafter referred to as the "principal Act", to the territories of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and of the former self-governing territories. At the same time it is proposed that the corresponding laws of the republics and self-governing territories concerned, which remained in force by virtue of section 229 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), be repealed.

The Bill also provides for the following:

- (a) The profession of dental technologist is recognised. A dental technologist is a person who has obtained a B.Tech.Dent.Tech. degree.
- (b) Owing to the fact that dental laboratory assistants are skilled in certain aspects of basic dental laboratory work, it is proposed in clause 21 that the acts that may be performed by them be extended. The same clause provides for the registration of dental laboratory assistants.
- (c) In order to have uniform standards it is proposed in clause 23 that section 30 of the principal Act regarding the registration of dental laboratories will also apply to the State and universities.
- (d) It happens from time to time that dental technicians illegally give discounts to dentists. Since no successful prosecutions have been instituted against persons who have so given or received illegal discounts, it would appear to be more constructive to regulate the custom. It is proposed in clause 25 that the prohibition be replaced with an authorisation of discounts at fixed rates, and provision is made for the charging of interest in the event of late settlement of accounts.
- (e) At present acts specially pertaining to the profession of dental technician may be performed in partnership. This privilege is extended in clause 26 so as to include associations and juristic persons such as companies and close corporations.

In the opinion of the State Law Advisers this Bill should be dealt with in terms of section 76 of the Constitution of the Republic of South Africa, 1996.