

# HEALTH PROFESSIONS ACT 56 OF 1974

## RULES RELATING TO THE CONDUCT OF THE BUSINESS AND THE PROCEDURE AT MEETINGS OF THE COUNCIL

Published under Board Notice 120 in *Government Gazette* 25600 of 17 October 2003.

The Health Professions Council of South Africa, having given notice of its intention previously, in terms of [section 61A](#) (1)(a) of the Health Professions Act, 1974 (Act No. 56 of 1974), made the rules as set out in the Schedule.

### SCHEDULE

In addition to the provisions concerning the conduct of the business of the Council as prescribed in [Sections 7](#) (President and Vice President), [8](#) (Meetings of Council), [9](#) (Quorum and procedure at meetings) and [10](#) (Committees) of the Health Professions Act, the following rules shall apply:

#### Meetings

- [\(1\)](#)
- [\(2\)](#)
- [\(3\)](#)
- [\(4\)](#)
- [\(5\)](#)
- [\(6\)](#)
- [\(7\)](#)
- [\(8\)](#)
- [\(9\)](#)
- [\(10\)](#)

#### Minutes

- [\(11\)](#)
- [\(12\)](#)
- [\(13\)](#)
- [\(14\)](#)

#### Order of business and debate

- [\(15\)](#)
- [\(16\)](#)
- [\(17\)](#)
- [\(18\)](#)
- [\(19\)](#)
- [\(20\)](#)
- [\(21\)](#)
- [\(22\)](#)
- [\(23\)](#)
- [\(24\)](#)
- [\(25\)](#)
- [\(26\)](#)
- [\(27\)](#)
- [\(28\)](#)
- [\(29\)](#)

[\(30\)](#)

[\(31\)](#)

[\(32\)](#)

[\(33\)](#)

## **Election of President and Vice-President President**

[\(34\)](#)

## **Vice-President**

[\(35\)](#)

# **SCHEDULE**

## **Meetings**

- (1) Notices convening ordinary and special meetings of the Council shall be signed by the Registrar and shall specify the business to be transacted at the meeting. They shall be sent by post or by hand to each member and issued, in the case of ordinary meetings, at least ten (10) days before the date for which the meeting is convened. In the case of special meetings, a period of notice, deemed sufficient by the President, will be given and, if necessary, may be given by telegram, facsimile, e-mail or telephone. If all members agree, specific meetings can be convened at shorter notice or without notice.
- (2) The agenda for every meeting of the Council shall be compiled by the Registrar in consultation with the President or Chairperson and shall, *inter alia*, include the following: -
  - (a) Confirmation of the minutes of the previous meeting;
  - (b) matters arising from the minutes of the previous meeting;
  - (c) matters arising from the minutes of standing committees;
  - (d) financial matters;
  - (e) policy matters;
  - (f) matters referred to the Council by Professional Boards;
  - (g) motions;
  - (h) general.
- (3) No business shall be transacted at a meeting other than that specified in the notice relating thereto, except matters which the Council shall resolve to deal with as urgent.
- (4) The Council may adjourn a meeting to any day or hour, but no business, other than that set out in the notice convening the adjourned meeting shall be transacted at the resumption of the meeting except matters which are brought forward in accordance with the preceding rule.
- (5) The Registrar shall keep an attendance register of all members attending a meeting.

- (6) Any member desirous of bringing any matter before the Council shall forward in writing to the Registrar, at least 30 days before the date for which a meeting is to be convened, a written notice of his or her motion, and the notice of his or her motion. This notice and motion shall appear in the agenda convening the meeting and shall be considered with the other business to be brought before the Council in the order indicated.
- (7) No matter shall be considered unless due notice has been given in accordance with the preceding rule, unless permission is obtained from the meeting to bring it forward as a motion. Should the motion find no seconder, it shall not be considered further.
- (8) The quorum of any committee established under [section 10](#) of the Act shall consist of the majority of the members of the relevant committee. The President and Vice President shall *ex officio* be members of the Executive Committee of Council and the President or in the absence of the President, the Vice President shall be the Chairperson of that Committee.
- (9) The Registrar shall, when the Council is not sitting, refer, as far as possible, all matters within the terms of reference of a committee to such committee and the committee shall then consider, deal with and finalise all routine matters and such other matters of which the principles have already been laid down by regulations or resolutions of the Council.
- (10) The rules of procedure laid down herein for the conduct of ordinary and special meetings of the Council shall apply, *mutatis mutandis*, to meetings of committees.

### **Minutes**

- (11) The proceedings of meetings of the Council shall be preserved in the form of typewritten minutes, authenticated after confirmation at the next meeting by the signature of the President.
- (12)
  - (a) The minutes of each meeting of the Council shall contain a resume of the subject matters dealt with and such motions and amendments proposed and adopted or rejected, as well as the name of the proposer and seconder in each instance, but without any comment or observation of the members.
  - (b) The minutes of all meetings of committees of the Council established under [section 10](#) of the Act shall contain a resume of the subject matter dealt with and resolutions adopted, but without any comment or observation of the members.
- (13) The Registrar shall forward a copy of the minutes of each meeting of the Council and of any committee to all members of the Council as soon as reasonably possible after the meeting has been held.
- (14) The minutes may be taken as read, unless any member moves that a particular section of the minutes should be read with a view to such correction therein or addition thereto as may be found necessary.

### **Order of business and debate**

- (15) At the opening of each separate session of the Council, opportunity shall be given to members to put questions with regard to the work of the Council, which questions shall be answered forthwith, if possible, or if not, at a later session by the President or by such office-bearer or official as the President may direct. No discussion thereon shall be permitted.

- (16) Any member of the Council shall be entitled to move, at a particular meeting, that any item for that meeting of the Council be advanced in the agenda.
- (17) All motions and amendments shall, unless otherwise permitted by the President be committed to writing and signed by the mover, and before they are spoken to by other members, shall be read by the President or by the Registrar under the authority of the President, and then seconded. All formal amendments shall be so framed that they may be read as independent motions. An amendment shall be relevant to the motion it is intended to amend and shall not alter the original motion so as to virtually make it a new motion. It shall be so framed -
  - (a) to add or insert certain words; or
  - (b) to omit certain words; or
  - (c) to omit certain words and add or insert others.
- (18) No motion or amendment shall be withdrawn after having been read by the President or by the authority of the President unless by permission of the Council.
- (19) The seconder of a motion or of an amendment may reserve his speech until any period of the debate.
- (20) if an amendment is proposed, it may be followed by other amendments and the last amendment shall be considered first.
- (21) Should every amendment be rejected, the original motion shall then be put to the vote.
- (22) if an amendment is carried, it shall then be regarded as a substantive motion and, as for further amendments, in all other respects be treated as an original motion.
- (23) When a motion is under debate, no further proposal shall be received except one of the following:
  - (a) an amendment, namely, “that the motion be amended as follows:...”;
  - (b) the postponement of consideration of the motion, namely, “that the meeting proceed to the next business”;
  - (c) the closure, namely, “that the motion now be put”;
  - (d) the adjournment of the debate, namely, “that the debate on the motion be adjourned to the next ordinary meeting of Council”; or
  - (e) the adjournment of the Council, namely, “that the Council do now adjourn”.
- (24) When an amendment is under debate, no further proposal shall be received except one of the following:
  - (a) an amendment, namely, “that the motion be amended as follows: ...”;
  - (b) the postponement of consideration of the amendment to the motion namely “that the meeting proceed to the next business”;

- (c) the closure, namely, “that the amendment be now put”;
  - (d) the adjournment of the debate, namely, “that the debate on the amendment to the motion be adjourned to the next meeting of Council”; or
  - (e) the adjournment of the Council, namely, “that the Council do now adjourn”.
- (25) The proposal for the postponement of consideration of a motion or an amendment thereto (which may specify a date or time for the further consideration of the matter) shall be made and seconded without debate, and may be moved at any time, even during the debate on an amendment. If the proposal is carried, the matter shall be dropped from the programme of business until the date or time specified in the proposal for postponement. If it is lost, the debate shall proceed.
- (26) The proposal for the closure shall be made and seconded without debate and shall be put forthwith. Should the proposal be carried, the motion or amendment under debate shall at once be voted on by the Council.
- (27) If the proposal for the adjournment of the debate is carried, the Council shall pass to the next item on the programme of business and the debate shall be resumed at the next ordinary meeting of the Council. The proposer of the adjournment shall, on the resumption of the debate, be entitled to speak first.
- (28) If the proposal for the adjournment of the Council is proposed and seconded, it shall be competent for the President, before putting the question, to take the opinion of the Council as to whether it shall, before rising, proceed to the transaction of unopposed business.
- (29) A motion to rescind a resolution which has been passed at a previous meeting shall be considered only if notice thereof has been given in terms of rule (6). It shall be passed if a majority of the votes recorded is in favour of the motion. A motion to rescind a resolution which has been passed during a session of the Council may be considered at the same session of the Council, provided that written notice thereof is given that the matter be considered on a subsequent day or specified time of that session. It shall be passed only if two thirds of the votes recorded are in favour of the motion.
- (30) The President or, in the absence of the President, the Vice- President shall preside at all ordinary and special meetings of Council and shall be responsible for the proper conduct of the meeting and if, during a meeting, a procedural problem arises which is not provided for in these rules, the President or, in the absence of the President, the Vice President shall determine the procedure to be followed, provided that the Registrar shall embody in the minutes any ruling of the President or Vice President as to the interpretation of these rules, if so requested by a member at the time of the ruling.
- (31) Notice may be given of a motion to review any ruling of the President or Vice-President as to the interpretation of these rules, if so requested by a member at the time of the ruling, and when given shall constitute an instruction to the Executive Committee to consider and report to the Council on such ruling and shall then be placed on the agenda.
- (32) The ruling of the chairperson of any committee on a point of order may, at the request of any two members of the committee present at the meeting at which such ruling was given, be reviewed by the Executive Committee, which may direct that such ruling be cancelled or amended and the decision of the Executive Committee shall be acted on by the chairperson of the committee whose ruling is called in question, unless and until reversed by the Council. If any ruling of the

Chairperson of the Executive Committee is called in question, the Chairperson shall vacate the chair while the matter is under discussion or reviewed during the meeting of the committee at which it has been given.

- (33) If any member dissents from the opinion of the majority and wishes to have his dissent recorded, he or she shall state so forthwith. Such dissent shall then be entered in the minutes.

### **Election of President and Vice-President President**

- (34) When about to elect a president in accordance with the provisions of [section 7](#) of the Act, the members present shall elect a temporary chairman, by ballot if necessary, which ballot shall be taken by the registrar. The meeting shall then proceed to the election of a president, which shall be by ballot. It shall be competent for any member to nominate by ballot a member for the office of president, and the temporary chairman shall announce the names of the members so nominated and arrange for a ballot. Every vote given at such ballot for a person who has not been nominated shall be void and ineffectual. Should only two persons be nominated, the voting at the first ballot shall be final, except in the case of an equality of votes. If more than two persons are nominated, the candidate obtaining the lowest number of votes at the first ballot shall be eliminated, and thereafter successive ballots shall be taken and one candidate eliminated each time until only two remain, when the ballot shall be final, except in the case of an equality of votes. In the case of an equality of votes affecting the elimination of any candidate or the result of the final ballot, a further ballot shall be taken and, if that be indecisive, the result of the ballot shall be decided by drawing lots.

### **Vice-President**

- (35) The president, having been elected, shall take the chair, and members shall proceed to elect a vice-president, the procedure laid down in Rule 34 being followed, except that in the event of an equality of votes the president shall have a casting vote.