

# HEALTH PROFESSIONS ACT 56 OF 1974

## REGULATIONS RELATING TO INDEMNITY COVER FOR REGISTERED HEALTH PRACTITIONERS

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The Minister of Health has, in terms of [sections 61](#)(1)(c) of the Health Professions Act, 1974 (Act No. 56 of 1974), and after consultation with the Health Professions Council of South Africa, made the regulations in the Schedule.

### SCHEDULE

- [1. Definitions](#)
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#### 1. Definitions

In these regulations any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless the context otherwise indicates-

“**Council**” means the Health Professions Council of South Africa established in terms of 2 of the Act;

“**health practitioner**” means a person registered with Council in a profession registrable in terms of the Act;

“**indemnity cover**” means insurance provided by recognised providers in terms of the Short-Term Insurance Act, 1998 (Act No. 53 of 1998) or professional indemnity provided through membership of a recognised society or organisation, to cover for damages which may arise as a result of a wrongful act or omission by a registered health practitioner;

“**independent practice**” means the practising of a health profession by a registered health practitioner for his or her own account, either in *solus* practice, or as a partner in a partnership, or as an associate in an association with other practitioners registered under the Act, or as director of a company exempted from the provisions of the Act in terms of [section 54A](#) of the Act; and

“**Short-Term Insurance Act**” means Short-Term Insurance Act, 1998 (Act No. 58 of 1998)

“**the Act**” means the Health Professions Act, 1974 (Act No.56 of 1974).

**2. Requirements for indemnity cover**

A health practitioner, registered and practising in the category 'independent practice', must obtain a professional indemnity cover, which must be fully maintained at all times.

**3.** A health practitioner referred to in [regulation 2](#), must-

- (a) provide the Council on an annual basis with documentary proof and details of the required professional indemnity cover; and
- (b) obtain the professional indemnity cover from a person registered in terms of [section 7](#) of the Short-Term Insurance Act to carry on short-term insurance business.

**4.** A person who, on the date of publication of these regulations, was already providing professional indemnity cover to a health practitioner, but was not registered in terms of [section 7](#) of the Short-Term Insurance Act, must register within 4 months from the date of publication of these regulations.

**5. Contravention of Regulations**

A health practitioner who practices in contravention of these regulations commits unprofessional conduct that may lead to an inquiry in terms of [Chapter IV](#) of the Act.

**(Signed)**  
**MINISTER OF HEALTH**  
**DATE: 17/6/2010**