

HEALTH PROFESSIONS ACT 56 OF 1974

REGULATIONS RELATING TO THE FUNCTIONS AND FUNCTIONING OF PROFESSIONAL BOARDS

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The Minister of Health has, in terms of [section 15](#)(4) and (5)(f), (h) and (i) of the Health Professions Act, 1974 (Act No. 56 of 1974), on the recommendation of the Health Professions Council of South Africa, made the regulations in the Schedule.

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1. Definitions

In these regulations -

“**member**” means a member of a professional board;

“**professional board**” means a professional board established in terms of [section 15](#) of the Act;

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

CHAPTER 1

ESTABLISHMENT OF COMMITTEES

2. A professional board -
 - (a) may from time to time establish such standing committees as it may deem necessary, each consisting of as many persons, appointed by the professional board, as the professional board may determine but including at least one member of the professional board who shall be the chairperson of such committee, and shall determine the composition, quorum, and terms of reference of each committee so established;
 - (b) shall at its first meeting each year appoint the members of the committees established in terms of paragraph (a);
 - (c) may establish professional conduct committees, each consisting of as many persons, appointed by the professional board, as the professional board may determine, but including at least one member of the professional board who shall be the chairperson of such professional conduct committee;
 - (d) may from time to time, as the need arises, establish such *ad hoc* committees as may be required to investigate and report on such matters as may be referred to such ad hoc committees by the professional board;
 - (e) may, subject to the provisions of [regulations 3, 4](#) and [5](#), delegate to any committee so established or to any person such of its powers as it may from time to time determine, but shall not be divested of any power so delegated;
 - (f) may co-opt any person as a member of the professional board or of a committee of the professional board.
3. A decision of a professional conduct committee, unless appealed against, shall be of force and effect from the date determined by the professional conduct committee.

CHAPTER II

CONDUCT OF BUSINESS OF A PROFESSIONAL BOARD, INCLUDING THE ELECTION OF A CHAIRPERSON AND VICE-CHAIRPERSON

4. **Election of chairperson and vice-chairperson**
 - (1) At the first meeting of every newly constituted professional board the members present shall elect from among their number a chairperson and vice-chairperson, who shall hold office during the term of office of the professional board, unless any one of them resigns or ceases to be a member before the expiry of his or her term of office,
 - (2) The election shall be by ballot and the ballot papers shall be counted by the registrar.
 - (3) Any member shall be competent to nominate by ballot a member for the office of chairperson, and the registrar shall announce the names of the members so nominated and arrange for a vote by ballot.

- (4) Every vote cast in such a ballot for any person who was not nominated shall be void and invalid.
- (5) If only two persons are nominated the voting in the first ballot shall be final, except in the case of an equality of votes.
- (6) If more than two persons are nominated the candidate obtaining the lowest number of votes in the first ballot shall be eliminated, and thereafter successive ballots shall be taken with one candidate being eliminated each time until only two candidates remain, when the ballot shall be final, except in the case of an equality of votes.
- (7) 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 such ballot is indecisive, the result of the ballot shall be decided by drawing lots.

5. The chairperson, having been elected, shall take the chair and the members shall proceed to elect a vice-chairperson, following the procedure prescribed by [regulation 4](#), except that in the event of an equality of votes the chairperson shall have a casting vote.

6. Functions of chairperson

The chairperson shall preside at all ordinary and special meetings of the professional board and shall be responsible for the proper conduct of its meetings and, if during a meeting a procedural problem arises which is not provided for in these regulations, the chairperson shall determine the procedure to be followed.

7. In the absence of the chairperson, the vice-chairperson shall take the chair at a meeting of a professional board.

8. In the absence of the chairperson, the vice-chairperson shall perform all the functions of chairperson.

9. If both the chairperson and the vice-chairperson are absent from a meeting of a professional board, the members present at that meeting shall forthwith from among their number elect an acting chairperson, who shall perform all the functions of chairperson until the chairperson or vice-chairperson resumes his or her duties or vacates his or her office.

10. The chairperson, vice-chairperson or acting chairperson presiding at a meeting shall, in the case of an equality of votes, have a casting vote.

11. The chairperson shall *ex officio* be a member of the executive committee of a professional board and chairperson of that committee.

12. Vacation of office and filling of vacancies

A member of a professional board shall vacate his or her office if -

- (1) his or her estate is sequestrated or he or she has entered into a composition with the creditors of his or her estate;
- (2) he or she has been absent from more than two consecutive ordinary meetings of the professional board without the professional board's leave: Provided that if a member of any

committee of a professional board fails to attend two consecutive meetings or fails to attend three meetings within the term of office of the committee, such member shall forfeit his or her membership of that committee;

- (3) he or she is or becomes disqualified under the Act from practising his or her profession;
 - (4) he or she ceases to hold any qualification necessary for his or her designation or appointment or tenders his or her resignation in writing to the person or body or group by whom he or she was designated or appointed and that person or body or group accepts his or her resignation;
 - (5) as an elected member, he or she notifies the professional board, in writing, of his or her resignation;
 - (6) he or she ceases to be a South African citizen;
 - (7) he or she becomes a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (8) he or she is convicted of an offence in respect of which he or she is sentenced to imprisonment without the option of a fine; or
 - (9) the Minister, in the public interest and for just cause, and after consultation with the person or body or group by whom the member was designated or appointed, terminates his or her membership.
- 13.** (1) Every vacancy on a professional board arising from circumstances referred to in [regulation 12](#), and every vacancy caused by the death of a member shall be filled by designation or appointment by the person or body or group by whom and in the manner in which the vacating member was designated or appointed, and every member so designated or appointed shall hold office for the unexpired portion of the period for which the vacating member was designated or appointed: Provided that in the case of an elected member vacating his or her office, such vacancy shall be filled by a candidate -
- (a) who, in succession, obtained the highest number of votes amongst the candidates who were not successful in the elections in terms of the Regulations and subject to the conditions specified in the Regulations; and
 - (b) who complies with the same requirements prescribed by regulation 3 of the Regulations relating to the Election of Members of a Professional Board as published in Government Notice No. R. 1055 of 28 July 2003, as those with which the vacating member complied.
- (2) If no candidate who was validly nominated in the election and who complies with the proviso to subregulation (1) is available, or if no such candidate is willing or able to serve in the vacancy for the unexpired portion of the board's term of office, the registrar shall call for a by-election to be conducted in terms of the Regulations relating to the Election of Members of a Professional Board as published in Government Notice No. R. 1055 of 28 July 2003.

14. (1) The chairperson or vice-chairperson may vacate his or her office without such vacation by that very fact terminating his or her membership of the professional board.
- (2) In the event of a vacation of office referred to in subregulation (1), the members present at a meeting of a professional board at which the announcement of vacation of office is made or, it vacation of office takes place between meetings, at the following meeting of the professional board, shall from among their number elect a chairperson or a vice-chairperson, as the case may be, following the procedure set out in [regulation 4](#).

15. Meetings

All acts of a professional board shall, unless consensus on a matter is reached, be decided by a majority of the votes of the members present at any meeting.

16. The date or approximate date and place of each ordinary meeting of a professional board shall be fixed by the professional board at its preceding meeting.
17. Each newly constituted professional board shall meet as soon as practicable to elect office-bearers, establish committees as set out in [Chapter I](#) and consider such other matters as may be necessary.
18. The registrar shall determine the place, date and time of the first meeting of a newly constituted professional board.
19. Special meetings may be convened by the chairperson and shall be convened by him or her upon the written request of at least twenty-five percent of the membership of a professional board, who shall clearly state in such request the purpose for which the meeting is to be convened.
20. Notices convening ordinary meetings, together with agendas, shall be signed by the registrar and shall specify the business to be discussed at the meeting.
21. In the case of an ordinary meeting, such notice and agenda shall be forwarded to each member at least 14 days before the date for which the meeting has been convened.
22. In the case of a special meeting, such notice and agenda shall be given as the chairperson may deem adequate and, if necessary, notice may be given by facsimile transmission, e-mail or telephone.
23. Ordinary and special meetings of a professional board shall be open to the public, but a member shall be competent to move at any time that the professional board go into committee to discuss any particular item of business and, if such a motion is seconded and carried, non-members shall retire from the meeting.
24. No business shall be discussed at a meeting other than business specified in the notice and agenda for that meeting, except such business as a professional board may resolve to deal with as a matter of urgency.
25. A professional board may adjourn a meeting to any day or hour, but no business shall be discussed at an adjourned meeting except that business specified in the agenda for the meeting of which it is an adjournment, other than business brought forward in accordance with [regulation 24](#).

26. The registrar shall keep an attendance register in which he or she shall enter the names of all the members attending each meeting, and the names of members absent with or without leave.
27. The chairperson shall take the chair at the appointed hour and, if at the expiry of a quarter of an hour a quorum is not present, he or she may declare the meeting postponed to a day and hour to be fixed by him or her.
28. A majority of the members of a professional board shall constitute a quorum at a meeting of the professional board.
29. Any member desirous of bringing any matter before a professional board shall forward in writing to the registrar, at least 30 days before the date appointed for a meeting, a notice of motion thereof, which notice of motion shall be specified in the notice convening the meeting and the agenda and shall be considered in proper sequence with the other business presented to the professional board.
30. No matter shall be discussed without the notice referred to in [regulation 29](#), unless permission has been obtained from the meeting to introduce a matter as a motion.
31. Should a motion referred to in [regulation 30](#) find no seconder, it shall not be further considered.

32. Minutes

The proceedings of each meeting of a professional board and its committees shall be preserved in minutes ratified at the next meeting, after confirmation, by the signature of the chairperson.

33. Subject to the provisions of these regulations, the minutes of each meeting of a professional board and of its committees shall contain the resolutions adopted and, if so requested by a member, such motions and amendments as have been proposed and adopted or voted down, but without any comment or remark by any member.
34. The registrar shall forward a copy of the minutes of each meeting of a standing committee of a professional board to all members of the professional board as soon as possible after the conclusion of the meeting of any such committee.
35. The minutes may be taken as read: Provided that any member may move that any portion of minutes should be read with a view to such correction therein or addition thereto as may be necessary.

36. Order of business and debate

At the opening of each meeting of a professional board an opportunity shall be given to members of the professional board to put questions regarding the work of the professional board, which questions shall be answered forthwith, if possible, or, if not, at a later sitting by the chairperson or by such office-bearer or official as the chairperson may direct. No discussion thereon shall be permitted.

37. A member of a professional board shall be competent to move at a meeting that any item appearing on the agenda for that meeting be advanced in the agenda or be considered later at the same meeting.

38. No member shall address a professional board more than once on any agenda item, motion or amendment, except with the permission of the professional board: Provided that these restrictions shall not apply to meetings of any committee of the professional board: Provided further that the mover of an original motion may reply, but he or she shall confine himself or herself strictly to answering previous speakers and shall not introduce any new matter into the debate, and the right of reply shall not extend to the mover of an amendment.
39. The chairperson shall call the attention of a professional board to continued irrelevant, tedious repetition, unbecoming language or any breach of order on the part of any member, and shall direct such member, if speaking, to desist from speaking in the manner to which exception is taken or, in the event of persistent disregard of the authority of the chair, to retire for the remainder of the sitting.
40. Whenever the chairperson addresses a professional board or intervenes during a debate, any member speaking shall temporarily desist from speaking.
41. Any member, whether or not he or she has spoken on a matter under discussion, may rise to a point of order or in explanation, but such explanation shall be confined to a material part of a speech or statement which may have been misunderstood. A member so rising to a point of order or in explanation shall be entitled to be heard forthwith.
42.
 - (1) All motions in terms of [regulations 29](#) and [30](#) and amendments thereto shall, unless otherwise permitted by the chairperson, be committed to writing and signed by the mover and shall, before they are spoken to by other members, be read from the chair or by the registrar under the authority of the chair, and seconded. All formal amendments shall be framed so that they may be read as independent motions.
 - (2) An amendment referred to in subregulation (1) shall be relevant to the motion it is intended to amend and shall not alter the original motion in such a way as to make it essentially a new motion. Such an amendment shall be so framed as -
 - (i) to add or insert certain words;
 - (ii) to omit certain words; or
 - (iii) to omit certain words and add or insert others.
43. No motion or amendment shall be withdrawn after having been read by the chairperson or by his or her authority, except by leave of the professional board.
44. The seconder of a motion or of an amendment may reserve his or her speech for any stage of the debate.
45. If an amendment is proposed, it may be followed by other amendments, and the last amendment shall be considered first.
46. Should every amendment be rejected, the original motion shall then be put to the vote.
47. If an amendment is agreed to, it shall be regarded as a substantive motion and become the decision of the professional board.

- 48.** When a motion is under debate, no further motion 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 matter under discussion, namely “That the meeting proceed to the next item on the agenda”.
 - (c) The closure of the debate, namely “That the matter be put to the vote”.
 - (d) The adjournment of the debate, namely “That debate on the motion be adjourned”.
 - (e) The adjournment of the professional board, namely “That the professional board now adjourns”.
- 49.** When an amendment is under debate, no further motion shall be received, except one of the following:
- (a) An amendment, namely “That the motion be amended as follows:”.
 - (b) The closure of the debate, namely “That the matter be put to the vote”.
 - (c) The adjournment of the debate, namely “The debate on the motion be adjourned”.
 - (d) The adjournment of the professional board, namely “That the professional board now adjourns”.
- 50.** A motion for the adjournment of a debate (which may specify a date for further consideration of the matter) shall be made and seconded without debate and may be moved at any time, even during debate on an amendment. If the motion is carried, consideration of the matter shall be deferred. If it is lost, the debate shall proceed.
- 51.** A motion that a matter be put to the vote shall be made and seconded without debate and shall be voted on forthwith. If the motion is carried, the motion or amendment under debate shall at once be voted on by the professional board.
- 52.** If a motion for the adjournment of a debate is carried, the professional board shall pass to the next item on the agenda, and the debate shall be resumed at the next ordinary meeting of the professional board. The mover of the adjournment shall, on the resumption of the debate, be entitled to speak first.
- 53.** If a motion for the adjournment of a professional board is proposed and seconded, the chairperson shall, before putting the matter to the vote, be competent to take the opinion of the professional board as to whether the professional board shall, before rising, proceed to the transaction of unopposed business.
- 54.** Except as provided for in [regulation 55](#), when a matter is put to the vote, the chairperson, having first ascertained the number of members present, shall ask for a show of hands for or against the motion or amendment and shall then declare that the vote appears to him or her to be in the affirmative or the negative, as the case may be. Any member of the professional board may require that the numbers or the names, or both the numbers and the names, of the members voting for or against the motion or amendment shall be entered in the minutes: Provided that a member

shall be competent to ask for a vote by ballot, and such request shall be granted if the majority of the members present support it.

55. (1) A motion to rescind a resolution passed at a previous meeting shall be considered only if notice thereof was given in terms of [regulation 29](#). Such motion shall be passed if a majority of the votes recorded are in favour of it.
- (2) A motion to rescind a resolution passed during a meeting of a professional board may, notwithstanding the above provision, be considered during the same meeting of the professional board, provided that written notice is given during the same meeting that the matter be considered. Such motion shall be passed only if two-thirds of the votes recorded are in favour of it.
56. The registrar shall embody in the minutes any rulings of the chairperson as to the interpretation of these regulations, if so requested by a member at the time of the ruling.
57. If any ruling of the chairperson of a professional board is called in question, he or she shall vacate the chair while the matter is under discussion.
58. If any member dissents from the opinion of the majority and wishes to have his or her dissenting vote recorded, he or she shall declare his or her position forthwith whereupon his or her dissenting vote shall be entered in the minutes.
59. Any provision relating to the order of business and debate contained in these regulations may be suspended if a motion to that effect is carried by a majority of votes.

CHAPTER III

TERM OF OFFICE OF A MEMBER OF A PROFESSIONAL BOARD

60. Subject to the provisions of [regulation 13](#), the members of a professional board shall hold office for a period of five years, but shall be eligible for re-election, redesignation or reappointment for one more term.
61. **Repeal**

The following regulations are hereby repealed:

- (a) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Occupational Therapy published under Government Notice No. R.2287 of 3 December 1976;
- (b) Regulations relating to the Constitution of the Professional Board for Optical Dispensers published under Government Notice No. R. 816 of 16 April 1981;
- (c) Regulations relating to the Constitution of the Professional Board for Dietetics published under Government Notice No. R. 2547 of 12 December 1980;
- (d) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Physiotherapy published under Government Notice No.R.2297 of 3 December 1976, as amended by Government Notices Nos. R.2833 of 24 December 1987 and R.2297 of 11 September 1992;

- (e) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Medical Orthotists and Prosthetists published under Government Notice No. R.2316 of 3 December 1976, as amended by Government Notices Nos. R1733 of 14 August 1981, R.2353 of 23 October 1987, R.2109 of 7 September 1990 and R. 1701 of 25 October 1996;
- (f) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Medical Technology published under Government Notice No. R. 2303 of 3 December 1976, as amended by Government Notice No. R. 1988 of 18 September 1981;
- (g) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Health Inspectors published under Government Notice No. R.2307 of 3 December 1976;
- (h) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Clinical Technology published under Government Notice No. R. 1213 of 25 June 1982, as amended by Government Notice No. R. 1996 of 24 August 1990;
- (i) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Medical Science published under Government Notice No. R. 2785 of 13 November 1990;
- (j) Regulations relating to the Constitution of the Professional Board for Oral Hygiene published under Government Notice No. R.2135 of 17 October 1980;
- (k) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Optometry published under Government Notice No. R.2311 of 3 December 1976;
- (l) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Radiography published under Government Notice No. R.2320 of 3 December 1976, as amended by Government Notices Nos. R.2297 of 12 October 1979 and R. 1732 of 9 August 1985:
- (m) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Psychology published under Government Notice No. R.2327 of 3 December 1976, as amended by Government Notices Nos. R.437 of 9 March 1979, R. 333 of 24 February 1984, R.334 of 24 February 1984, R. 556 of 31 March 1989, R. 1389 of 30 June 1989 and R. 1095 of 17 June 1994;
- (n) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Speech Therapy and Audiology published under Government Notice No. R.2332 of 3 December 1976, as amended by Government Notices Nos. R. 1360 of 4 July 1986 and R.765 of 21 April 1989;
- (G) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Podiatry published under Government Notice No. R.2293 of 3 December 1976;
- (p) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Emergency Care Personnel published under Government Notice No. R. 173 of 10 January 1992;

- (q) Regulations relating to the Constitution, Functions, Powers and Duties of the Professional Board for Dental Therapy published under Government Notice No. R.362 of 31 January 1992; and
- (r) Regulations relating to the Conduct of the Business of Professional Boards published under Government Notice No. R.873 of 26 April 1991.

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