

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
HEALTH PROFESSIONS
AMENDMENT BILL**

[B 10B—2006]

*(As agreed to by the Select Committee on Social Services
(National Council of Provinces))*

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AMENDMENTS AGREED TO

HEALTH PROFESSIONS AMENDMENT BILL

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CLAUSE 1

1. On page 3, in line 6, to insert the following definition:

“health practitioner” means any person, including a student, registered with the council in a profession registrable in terms of this Act;

2. On page 3, in line 31, to insert the following definition:

“public representative” means a person appointed by the Council to serve in the committees or subcommittees of the Council or professional boards for a particular purpose, and who is not registered in any of the professions falling under this Act;

CLAUSE 12

1. On page 10, in line 9, substitute the word “community” for “public”.

CLAUSE 40

1. On page 24, in line 15, to insert the following subsection:

“(6) (a) An investigating officer carrying out an investigation in terms of this section may request any person to—

(i) produce to him or her any book, document, electronic data or thing which such investigating officer on reasonable grounds believes to relate to the matter which he or she is investigating, and which such investigating officer on reasonable ground believes to be—

(aa) on any premises which are owned by or in the possession of or controlled by such person; or

(bb) in the possession of or under the control of or upon such person; and

(ii) furnish such explanations to him or her as he or she may reasonably require in relation to any such book, document, electronic data or thing.

(b) Subject to paragraph (h), an investigating officer carrying out an investigation in terms of this section must apply to a magistrate or a judge for a search warrant for—

(i) any premises on which the investigating officer on reasonable ground believes one or more articles referred to in paragraph (a) may be found; or

(ii) any person whom the investigating officer on reasonable grounds believes to have in his or her possession or upon his or her person or under his or her control one or more articles referred to in paragraph (a).

(c) The magistrate or judge to whom an application in terms of paragraph (b) is made must issue the search warrant if it appears to him or her from information on oath that there are reasonable grounds for believing that any such article is—

(i) upon or at any such premises within his or her area of jurisdiction; or

(ii) in the possession or under the control of or upon any such person within his or her area of jurisdiction.

(d) A search warrant issued under paragraph (c) must require the investigating officer and, if so requested by the investigating officer, any named police official or police officials who have agreed to assist in executing the search warrant, to seize the article or articles in question, and must to that end authorise such investigating officer and police official or police officials to search any person identified in the warrant or to enter and search any premises identified in the warrant and to search any person found on or at such premises.

(e) A search warrant issued under paragraph (c) must be executed by day, unless the magistrate or judge issuing the warrant in the warrant authorises the execution thereof by night.

(f) A search warrant may be issued under paragraph (c) on any day and must be of force until it is executed or cancelled by the magistrate or judge who issued it or, if such person is not available, by a person with like authority.

(g) An investigating officer executing a warrant under this section must after such execution, upon demand of any person searched or who owns or is in possession of or controls any premise searched or whose rights in respect of any search or article seized under the warrant may have been affected, hand to such person a copy of the warrant so executed.

(h) An investigating officer carrying out an investigation in terms of this section may without a search warrant issued under paragraph (c) search any person or premises for the purpose of seizing any article referred to in paragraph (a) if—

(i) the person concerned consent to such search for and the seizure of the article in question;

(ii) the person who may consent to the search of the premises consents to such search for and the seizure of the article in question; or

(iii) the investigating officer on reasonable grounds believes that a search warrant will be issued to him or her under paragraph (c) if he or she applies for such warrant and that the delay in obtaining such warrant would defeat the object of the search.

CLAUSE 44

1. On page 27, from line 14, delete paragraphs (a) and (b).

CLAUSE 53

1. On page 33, to insert the following subsection:

(1) The Minister may, on the recommendation of the Council, at any time by notice in the *Gazette* authorize [a professional board] the council to prescribe a fee to be paid annually to the [professional board] council by the registered persons concerned: Provided that in prescribing such fee the [professional board] council may differentiate between persons according to whether they have been registered before or after a date specified in the notice and may vary such fee according to whether it is paid before or after a specific date, and the profession and registration category in which they hold registration.

2. On page 33, in line 26, insert the following section:

58. This Act is called the Health Professions Amendment Act, 2007, and takes effect on a date fixed by the President by proclamation in the Gazette.