

NATURAL SCIENTIFIC PROFESSIONS ACT 106 OF 1993

[ASSENTED TO 28 JUNE 1993]

[DATE OF COMMENCEMENT: 1 SEPTEMBER 1993]

(Afrikaans text signed by the Acting State President)

ACT

To provide for the establishment of the South African Council for Natural Scientific Professions; and for the registration of professional natural scientists, professional natural scientists-in-training, professional natural science technologists and professional natural science technologists-in-training; and for matters connected therewith.

[s1]1 Definitions

In this Act, unless the context otherwise indicates-

'Committee of Technikon Principals', means the committee established by section 28 of the Technikons Act, 1967 (Act 40 of 1967);

'Committee of University Principals' means the committee established by section 6 of the Universities Act, 1955 (Act 61 of 1955);

'council' means the South African Council for Natural Scientific Professions established by section 2;

'department' means the Department of National Education;

'Director-General' means the Director-General: National Education;

'education advisory committee' means the Education Advisory Committee established in terms of section 10 (1) (a);

'inquiry', for the purposes of sections 7 (1) (j), 14 and 15, means an inquiry or preliminary investigation by the council or a committee of the council;

'Minister' means the Minister of National Education;

'natural scientific work' means natural scientific work reserved in terms of section 7 (6);

'prescribed' means prescribed by or under this Act;

'professional natural science technologist' means a person registered in terms of section 11 (6);

'professional natural science technologist-in-training' means a person registered in terms of section 11 (7);

'professional natural scientist' means a person registered in terms of section 11 (2) or (4);

'professional natural scientist-in-training' means a person registered in terms of section 11 (3);

'register' means the register or registers referred to in section 7 (3);

'registrar' means the person appointed as a registrar in terms of section 7 (1) (a);

'rule' means a rule made under this Act;

'this Act' includes any notice or rule issued or made under this Act.

[s2]2 Establishment of South African Council for Natural Scientific Professions

There is hereby established a juristic person to be known as the South African Council for Natural Scientific Professions.

[s3]3 Constitution of council and appointment of members

(1) The council shall consist of the following members, to be appointed by the Minister, namely-

(a) ten persons registered in terms of this Act, of whom-

(i) one shall be nominated by the Joint Council of Earth Sciences after consultation with the Soil Science Society of South Africa, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of earth sciences;

(ii) one shall be nominated by the South African Chemical Institute, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of chemistry;

(iii) one shall be nominated by the Zoological Society of Southern Africa after consultation with the Southern African Society for Aquatic Scientists, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of zoology;

(iv) one shall be nominated by the South African Institute of Physics, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of physics;

(v) one shall be nominated by the Liaison Committee of Scientific Societies Concerned with Agriculture from those scientific societies in respect of which a person has not already been nominated in terms of subparagraph (i), and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the sciences related to agriculture;

(vi) one shall be nominated by the South African Association of Botanists after consultation with the Southern African Society of Aquatic Scientists, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of botany;

(vii) one shall be nominated by the South African Mathematical Society after consultation with the South African Institute of Computer Scientists, the South African Statistical Association and the Operations Research Society of South Africa, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of mathematics;

(viii) one shall be nominated by the South African Society of Crop Production after consultation with the Southern African Society for Horticultural Sciences, the South African Society for Ecology and Viticulture, the Southern African Weed Science Society and the Southern African Institute of Forestry, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the sciences related to plant production;

(ix) one shall be nominated by the South African Society for Animal Production after consultation with the South African Society for Animal Science, the Grassland Society of Southern Africa and the South African Institute

of Ecologists, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the sciences related to animal production; and

(x) one shall be nominated by the Joint Council of Scientific Societies, and in respect of whom the Minister shall be satisfied that he has a thorough knowledge of the natural sciences in South Africa;

(b) five persons, at least one of whom shall be an officer as defined in section 1 of the Public Service Act, 1984 (Act 111 of 1984), appointed by the Minister on the grounds that by virtue of their knowledge and experience of public affairs or the industrial requirements of the country they are particularly suited to judge how the public interest, in so far as it is affected by the natural sciences and technology, can best be safeguarded and promoted;

(c) three persons, registered in terms of this Act, who shall be nominated by the Association of Natural Science Technologists, and in respect of whom the Minister shall be satisfied that they have a thorough knowledge of the work performed by professional natural science technologists;

(d) two persons, employed by universities in the Republic, nominated by the Committee of University Principals, and in respect of whom the Minister shall be satisfied that they have a thorough knowledge of the teaching of natural sciences at universities; and

(e) two persons employed by technikons in the Republic, nominated by the Committee of Technikon Principals, and in respect of whom the Minister shall be satisfied that they have a thorough knowledge of the teaching of natural sciences at technikons.

(2) Whenever any nomination under subsection (1) (a), (c), (d) and (e) becomes necessary, the Minister shall call upon the body concerned or cause it

to be called upon, by notice in writing, to nominate within a period specified in the notice, being not less than 60 days from the date thereof, so many persons as may be required to be nominated by it for appointment to the council.

(3) If after having been called upon by notice in terms of subsection (2), the body concerned fails to nominate within the period specified in such notice so many persons as were in terms of such notice required to be nominated, the Minister may appoint the person or persons whom he may deem suitable and who hold the qualifications necessary for appointment, to be a member or members of the council in terms of the paragraph concerned of subsection (1).

(4) For every member of the council appointed in terms of subsection (1) or (3) there shall be an alternate member appointed in the same manner as such member, and any alternate member so appointed may attend and take part in the proceedings at any meeting of the council whenever the member to whom he has been appointed as an alternate member is absent from such meeting.

(5) When the council is constituted for the first time the three persons referred to in subsection (1) (c) need not be registered in terms of this Act, but such a member shall vacate his office if he is not so registered within 12 months after the commencement of this Act.

[s4]4 Circumstances under which member vacates office

A member and an alternate member of the council shall vacate his office if he-

(a) submits his resignation in writing to the Minister;

(b) becomes a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973);

(c) has been removed from an office of trust on account of improper conduct;

(d) has been absent from three consecutive meetings of the council without its leave;

(e) is disqualified from registration in terms of a punishment imposed under this Act;

(f) is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;

(g) is a person appointed in terms of section 3 (1) (a) or (c) and ceases to be a person registered in terms of this Act;

(h) is an officer who was appointed in terms of section 3 (1) (b) and ceases to be employed by the State; or

(i) was appointed in terms of section 3 (1) (d) or (e) and ceases to be employed by a university or a technikon in the Republic, as the case may be.

[s5]5 Period of office of members, first meeting of council and resolutions of council

(1) Every member or alternate member of the council shall be appointed for a period of four years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(2) Whenever a member or alternate member of the council vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the provisions of section 3, appoint a person to fill the vacancy for the unexpired portion of the period for which such member or alternate member was appointed.

(3) Any person whose period of office as a member of the council has expired, shall be eligible for reappointment.

(4) The first meeting of the council shall be held at a time and place to be fixed by the Minister.

(5) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of a vacancy on the council or of the fact that a person who was not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at that time and entitled to sit as members.

[s6]6 President and vice-president of council

(1) The members of the council shall, at the first meeting of every newly constituted council, out of their number elect a president and vice-president of the council, and the president and the vice-president shall hold office during the term of office of the council: Provided that a member of the council who is not a professional natural scientist or professional natural science technologist shall not be elected president or vice-president of the council or preside at any meeting of the council.

(2) If the president or the vice-president of the council vacates his office before the expiration of the period for which he was appointed as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as president or vice-president, as the case may be, of the council.

(3) If for any reason the president is not able to act, the vice-president, if able to do so, shall act in his stead.

(4) If the president and the vice-president are absent from any meeting of the council or unable to preside, the members present shall subject to the provisions of subsection (1) elect one of their number to preside at that meeting, and the person so elected to preside may during that meeting and until the president or the vice-president resumes duty, perform all the duties of the president.

[s7]7 Powers of council

(1) The council shall have the power-

(a) to appoint and remunerate a registrar and other officials, to determine their duties and responsibilities and to do whatever the council considers necessary in relation to their conditions of service;

(b) to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions and maintain, let or sell or in any other manner dispose of property so acquired;

(c) to enter into contracts and to decide the manner in which contracts shall be entered into on behalf of the council;

(d) to collect the funds of the council and to invest such funds as the council deems fit;

(e) to determine the fees which shall be payable to the council in respect of any examination, or part thereof, conducted by or on behalf of the council in terms of this Act;

(f) subject to the provisions of section 10 (3), to consider and give its final decision on recommendations of a committee of the council;

(g) to prescribe the manner in which a person shall apply for registration in terms of section 11, to prescribe the registration fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person while he is registered in terms of this Act, to determine what portion of such annual fees shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and payable, and to grant exemption from payment of such registration or annual fees or portion thereof;

(h) to consider and decide upon any application for registration in terms of section 11;

(i) to decide upon the form of the register or registers and certificates to be kept, maintained or issued in terms of this Act, the reviewing thereof and the manner in which alterations thereto may be effected;

(j) to determine, subject to the provisions of this Act, the method of inquiry into allegations of improper conduct of which any person registered in terms of this Act is alleged to have been guilty;

(k) to finance, print, circulate, sell and administer the publication of and generally to take any steps necessary to publish any publication relating to the professions of professional natural scientists and professional natural science technologists and cognate matters;

(l) to advise the Minister on all matters relating to the professions of professional natural scientists and professional natural science technologists and cognate matters;

(m) to recommend to the Minister the kinds of work in connection with projects, undertakings or services of a natural scientific nature which shall be reserved for persons registered in terms of this Act: Provided that in making any such recommendation the council shall show how the proposed reservation will protect the interests of the public: Provided further that recommendations to reserve academic research work, teaching and related academic activities in any branch of the natural sciences at a university or technikon shall only be made with the concurrence of the Committee of University Principals or the Committee of Technikon Principals, as the case may be;

(n) to prescribe the requirements with which an association of natural scientists or of natural science technologists or a combination thereof shall comply in order to qualify for recognition as such an association for the purposes of this Act, and to consider and decide upon any application for such recognition;

(o) to prescribe the examinations to be passed by persons applying for registration in terms of this Act, and to authorize the conducting of such examinations;

(p) to encourage research (excluding natural scientific research) into matters relating to the professions of professional natural scientists and

professional natural science technologists, and to give advice or render such financial and other assistance as it may deem fit to any educational institution or examining body providing tuition or conducting examinations required for the purposes of this Act; and

(q) to take such other action and do such other things as may be required for the proper performance of its functions and duties under this Act.

(2) (a) The council shall take such steps as it may deem expedient for the protection of the public in their dealings with persons registered in terms of this Act, for the maintenance of the integrity and the enhancement of the status of persons so registered, and for the improvement of the services rendered by and the raising of the standards of professional qualifications of such persons.

(b) The council may incur such expenditure and render such financial and other assistance as it may deem fit in connection with any matter referred to in paragraph (a).

(3) The council shall keep and maintain a register or registers of persons registered in terms of this Act, and such register or registers shall at all reasonable times be open to inspection by any member of the public upon payment of such fees as the council may prescribe.

(4) Any fees prescribed under subsection (1) (e) or (g) shall be made known by the council by notice in the Gazette.

(5) Before any provision is made under subsection (1) (p), the council shall refer the proposed provision to the education advisory committee for its recommendation.

(6) The Minister may, if after consideration of any relevant recommendation made by the council in terms of subsection (1) (m) he is of the opinion that it is in the public interest, with the concurrence of the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act 96 of 1979), prescribe the kinds of work in connection with projects, undertakings or services of a natural scientific nature which shall be reserved for persons registered in terms of this Act.

(7) Before any provision is made under subsection (6), a notice setting forth the proposed provision shall be published by the Minister in the Gazette, together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provision: Provided that if the Minister thereafter determines on any alteration in the provision published as aforesaid as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision under this section.

(8) Provisions made under subsection (6) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.

(9) Any provision made under subsection (6) shall be made known by the Minister by notice in the Gazette.

(10) Any provision made under subsection (6) may at any time, after consultation with the council and with the concurrence of the said Competition Board, be amended or repealed.

[s8]8 Funds of council and keeping and auditing of accounts

(1) The funds of the council shall consist of any money received by it in pursuance of any provision made under this Act and such other money as may from time to time accrue, become payable or be donated to the council.

(2) The council shall cause full and correct account to be kept of all money received or expended by it.

(3) (a) The council shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year.

(b) The council shall cause such statement and balance sheet to be audited by a public accountant in the Public Accountants' and Auditors' Act, 1991 (Act 80 of 1991), and appointed by the council.

(c) The council shall cause copies of such statement and balance sheet, so audited, to be transmitted to every member of the council and cause a copy thereof to be open for inspection at its office by any person registered in terms of this Act.

[s9]9 Reports to Minister

(1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 8 (3) in respect of that financial year.

(2) The president of the council shall from time to time submit to the Minister reports in regard to matters relating to the activities of the council which, in the opinion of the council, should be brought to the Minister's notice.

(3) The council shall at the request of the Minister or the Director-General furnish the Minister or the Director-General, as the case may be, with advice on matters relating to the professions of professional natural scientists and professional natural science technologists and cognate matters, and shall communicate to the Minister information acquired by it in the course of its duties, on matters regarded by it as being of public importance.

(4) The Minister shall lay copies of every report submitted to him in terms of subsection (1), together with the annexures thereto, upon the Table in Parliament within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.

[s10]10 Establishment of education advisory committee and other committees and delegation of powers by council

(1) (a) There is hereby established an advisory committee to be known as the Education Advisory Committee.

(b) The members of the education advisory committee shall be appointed by the council in terms of the rules: Provided that at least two members shall be appointed after consultation with the Committee of University Principals and at least two members shall be appointed after consultation with the Committee of Technikon Principals and that each university offering courses in natural sciences shall also be entitled to nominate one representative for appointment to the committee: Provided further that the university shall defray all costs of the representative so nominated by it.

(c) For every member of the education advisory committee appointed in terms of paragraph (b) there shall be an alternate member appointed in accordance with the rules: Provided that each university offering courses in natural sciences and which has nominated a representative, may at its own expense nominate an alternate.

(d) The provisions of section 3 (2) and (3) shall mutatis mutandis apply in respect of the nomination of a representative by a university in terms of paragraph (b).

(e) It shall be the function of the education advisory committee to assist the council in the performance of its functions and duties in terms of this Act and to inquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to the committee, either specifically or generally, or which has been raised by the committee of its own accord.

(2) The council may establish committees to assist it in the performance of its functions and duties and may appoint as many of its members and other persons as it may deem fit, to be members of any such committee.

(3) (a) The council may, subject to the provisions of paragraphs (b) and (c), assign to a committee so established or to the education advisory committee such of its powers as it may deem fit, but shall not be divested of any power which it may have so assigned to a committee or the education advisory committee, and may amend or repeal any decision of any committee or the education advisory committee.

(b) Whenever the council has assigned to any committee the power to determine whether or not any person shall be registered in terms of this Act, or

the power to cancel the registration of any person registered in terms of this Act, or the power to inquire in accordance with the provisions of section 14 into any case of alleged improper conduct and to impose a penalty in respect thereof, the council shall not amend or repeal any decision arrived at or anything done by such committee under the power so assigned, but the council may, subject to the rules, mitigate any penalty so imposed by any committee: Provided that any person aggrieved by a decision of such committee shall have the right to appeal to the full council, whereupon the provisions of section 15 shall mutatis mutandis apply to such an appeal.

(c) A committee to which the council has assigned the power to inquire into any case of alleged improper conduct and to impose a penalty in respect thereof in accordance with the provisions of section 15 may, notwithstanding the expiry of the tenure of office of the members of the council, continue to exercise such power until the conclusion of such inquiry, and such power shall for the purposes of paragraph (b) be deemed to have been assigned to the committee by the newly constituted council.

(4) Any reference in this Act to the council or to the president of the council, in relation to the exercise of any power which the council has assigned to a committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(5) The provisions of section 5 (5) shall apply mutatis mutandis in respect of the education advisory committee and any other committee of the council.

[s11]11 Registration of professional natural scientist, professional natural scientist-in-training, professional natural science technologist and professional natural science technologist-in-training

(1) Any person who desires to be registered as a professional natural scientist or as a professional natural scientist-in-training shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(2) If after consideration of any such application the council is satisfied that the applicant-

(a) (i) holds an appropriate qualification recognized by the council; or

(ii) has passed the examinations prescribed by the council from time to time in respect of persons not holding an appropriate qualification so recognized; and

(b) has for such a period as may from time to time be determined by the council performed work of a natural scientific nature specially pertaining to one or more of the professions referred to in Section A of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature or standard,

the council shall, subject to the provisions of subsection (10), register the applicant as a professional natural scientist and issue to him a certificate of registration in the prescribed form.

(3) (a) If after consideration of any such application the council is satisfied that the applicant complies with the requirement mentioned in subsection (2) (a), but not with the requirement mentioned in subsection (2) (b), the council shall, if the applicant so requests, register the applicant as a professional natural

scientist-in-training and issue to him a registration certificate to that effect in the prescribed form.

(b) Whenever any person registered under paragraph (a) has complied with the requirement mentioned in subsection (2) (b), the council shall, subject to the provisions of subsection (9), on application in the prescribed form cancel the registration of such person and register him in terms of subsection (2).

(4) If the council finds that an applicant in terms of subsection (1) does not hold an appropriate qualification recognized by the council, but is satisfied that the applicant-

(a) (i) has for a period not less than 20 years performed work of a natural scientific nature as a full-time occupation specially pertaining to any one or more of the professions referred to in Section A of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and

(ii) has passed an examination, if any, prescribed by the council; or

(b) on 1 June 1982 was engaged in the performance of work of a natural scientific nature specially pertaining to any one or more of the professions referred to in Section A of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged during a period of not less than 10 years prior to that date,

the council shall, subject to the provisions of subsection (9), register the applicant as a professional natural scientist and issue to him a certificate of registration in the prescribed form.

(5) Any person who desires to be registered as a professional natural science technologist or as a professional natural science technologist-in-training shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(6) If after consideration of any such application the council is satisfied that the applicant-

(a) (i) holds an appropriate qualification recognized by the council; or

(ii) has passed the examinations prescribed by the council from time to time in respect of persons not holding an appropriate qualification so recognized; and

(b) has for such a period as may from time to time be determined by the council, performed work of a natural scientific nature specially pertaining to one or more of the professions referred to in Section B of Schedule I, and which in the opinion of the council is of sufficient variety and of a satisfactory nature or standard,

the council shall, subject to the provisions of subsection (10), register the applicant as a professional natural science technologist and issue to him a certificate of registration in the prescribed form.

(7) (a) If after considering any such application the council is satisfied that the applicant complies with the requirement mentioned in subsection (6) (a), but not with the requirement mentioned in subsection (6) (b), the council shall, if the applicant so requests, register the applicant as a professional natural science

technologist-in-training and issue to him a registration certificate to that effect in the prescribed form.

(b) Whenever any person registered under paragraph (a) has complied with the requirement mentioned in subsection (6) (b), the council shall, subject to the provisions of subsection (9), on application in the prescribed form cancel the registration of such person and register him in terms of subsection (6).

(8) The council shall register a professional natural scientist or professional natural scientist-in-training in one or more of the categories set out in Section A of Schedule I and a professional natural science technologist or professional natural science technologist-in-training in one or more of the categories set out in Section B of Schedule I.

(9) The council may refuse to register any person in terms of this Act if he-

(a) has at any time been removed from an office of trust on account of improper conduct;

(b) has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document knowing it to be false or perjury and has in respect thereof been sentenced to imprisonment without the option of a fine or to a fine exceeding R1 000;

(c) is a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973);

(d) is disqualified from registration in terms of a punishment imposed under this Act;

(e) is an unrehabilitated insolvent and it can be proved that his insolvency was occasioned by his own doing under circumstances which specifically indicate that he was negligent or incompetent in performing work falling within the purview of the category in respect of which he applies for registration.

(10) The council may cancel the registration of any person registered in terms of this Act who, subsequent to his registration, becomes subject to any of the disqualifications referred to in subsection (9) (a), (b), (c) or (d) or whose registration was made in error or on information subsequently proved to be false.

(11) The registration of any person registered in terms of this Act shall lapse if such person fails to pay the annual fee or portion thereof prescribed under section 7 (1) (g) and payable by him, within six months after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow: Provided that this subsection shall not be so construed that the lapsing of a person's registration shall relieve him of his liability for the annual fee due and payable by him.

(12) The council shall at the written request of any person registered in terms of this Act cancel his registration, but the cancellation shall not affect any liability incurred by such person prior to the date of the request: Provided that where an investigation into alleged improper conduct by such person is in progress or is to be held, such cancellation shall not be made until the investigation has been concluded.

(13) (a) Any person whose registration has been cancelled or has lapsed under subsection (10), (11) or (12) shall return to the registrar the certificate of registration previously issued to him within 30 days from the date upon which he is directed by the registrar by notice in writing transmitted by post, to do so.

(b) Any person who fails to comply with any direction given under paragraph (a) shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding three months.

(14) Any person who was previously registered under this section may reapply for such registration if he pays the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 7 (1) (g) which is due and payable by him, and the council shall, subject to the provisions of subsection (13), reinstate such applicant's registration, re-enter his name in the register and issue to him a certificate of registration.

(15) (a) Any person who is registered as a professional natural scientist shall be entitled to describe himself as such and to indicate his profession or make it known by using for all purposes the title 'Pr. Sci. Nat.' after his name.

(b) Any person who is registered as a professional natural science technologist shall be entitled to describe himself as such and to indicate his profession or make it known by using for all purposes the title 'Pr. Sci. Nat. Tnl.' after his name.

(c) Any person who is not registered in terms of this Act and who uses any title referred to in paragraph (a) or (b), shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding one year.

(16) Before any qualification is recognized or any examination is prescribed by the council, as the case may be, as contemplated by subsections (2) (a), (4) (a) (ii) or (6) (a), the council shall refer the proposed recognition or prescription to the education advisory committee for its recommendation.

(17) The council shall after consultation with the education advisory committee publish the qualifications contemplated in subsection (16) by notice in the Gazette.

(18) The Minister may, after considering and approving a relevant recommendation by the council, by notice in the Gazette amend, add to or delete from Schedule I.

[s12]12 Prohibition of performance of natural scientific work by unregistered persons

(1) Subject to any exemption granted under subsection (4), except in accordance with the provisions of any other Act of Parliament, any person not registered in terms of this Act and who for gain-

(a) performs natural scientific work; or

(b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a person registered in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding one year.

(2) The provisions of subsection (1) (a) shall not be construed as prohibiting any person not registered in terms of this Act from performing natural scientific work under the direction, control or supervision of a professional natural scientist or professional natural science technologist, who shall be deemed to assume responsibility for the work so performed: Provided that for a period of five years commencing on the date on which this Act comes into operation, natural scientific work specially pertaining to any profession referred to in Section B of

Schedule I may be performed without being subject to the direction, control or supervision of a person in terms of this Act.

(3) Any person who requires of or causes any person in his employ who is registered in terms of this Act, to act or fail to act in such a manner that it constitutes a violation of any of the provisions of section 13 (1) (a), (b), (c), (d) or (f), shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding one year.

(4) The provisions of subsection (1) shall not be construed as prohibiting any of the following persons from performing any work in the course of practising his profession for which his education, training and experience have specifically rendered him competent, namely-

(i) persons registered in terms of the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990);

(ii) architects registered in terms of the Architects' Act, 1970 (Act 35 of 1970);

(iii) quantity surveyors registered in terms of the Quantity Surveyors' Act, 1970 (Act 36 of 1970);

(iv) pharmacists registered in terms of the Pharmacy Act, 1974 (Act 53 of 1974);

(v) persons registered in terms of the Medical Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974);

(vi) persons registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982);

(vii) professional land surveyors and technical surveyors registered in terms of the Professional Land Surveyors' and Technical Surveyors' Act, 1984 (Act 40 of 1984);

(viii) persons registered in terms of the Town and Regional Planners Act, 1984 (Act 19 of 1984); and

(ix) persons registered in terms of the Dental Technicians Act, 1979 (Act 19 of 1979).

[s13]13 Improper conduct

(1) Any person registered in terms of this Act shall be guilty of improper conduct if he-

(a) in practising his profession, fails to have due regard to public safety, public health and the public interest;

(b) in practising his profession, fails to discharge his duties to his employer or client in an efficient and competent manner with complete fidelity and honesty;

(c) in practising his profession, fails to uphold the dignity, standing and reputation of the profession;

(d) performs or undertakes to perform work of a natural scientific nature for which his education, training or experience does not render him competent;

(e) contravenes or fails to comply with any requirement prescribed by rules under section 17 (f);

(f) pretends to be or by any means whatsoever holds himself out or allows himself to be held out to be a person registered in a category or categories different from the category or categories in which he is registered; or

(g) does anything which constitutes improper conduct as prescribed by rules made under section 17 (g).

(2) The acquittal or the conviction of any person registered in terms of this Act by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, notwithstanding the fact that the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was acquitted or convicted or another offence of which he might have been convicted at his trial on the said criminal charge.

(3) If the improper conduct with which such person registered in terms of this Act is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such person as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the person charged to adduce evidence that he was in fact wrongly convicted.

(4) Whenever in the course of any proceedings before any court of law or in the course of an investigation in terms of any law it appears to the court or to the person in charge of the investigation, as the case may be, that there is prima facie evidence of improper or disgraceful conduct on the part of a person

registered in terms of this Act, or conduct which, regard being had to the profession which he is practising, is improper or disgraceful, the court or the person in charge of the investigation, as the case may be, shall direct that a copy of the record of the proceedings or the investigation or such part thereof as is material to the issue be transmitted to the council.

[s14]14 Disciplinary powers of council

(1) The Council may conduct a preliminary investigation regarding a complaint, accusation or allegation or information indicating prima facie improper conduct of a person registered in terms of this Act, for the purpose of determining whether prima facie evidence exists of such conduct on the part of such person while he was thus registered.

(2) The council may inquire into cases of improper conduct of which a person registered in terms of this Act is alleged to have been guilty while so registered and to impose in respect thereof, if found proved, any punishment prescribed under section 17 (h): Provided that in the case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the inquiry until such proceedings have been determined.

(3) Whenever punishment imposed under subsection (2) consists of or includes a fine, the amount thereof shall be recoverable by the council from the person concerned and be paid into the funds of the council.

(4) If the person referred to in subsection (3) refuses or fails to pay a fine within 30 days of the date on which it is imposed, his registration in terms of this Act shall be deemed to be suspended until such time as the fine concerned has been paid to the council.

(1) For the purposes of an inquiry under section 14, the council may-

(a) summon any person who in its opinion may be able to give material information concerning the subject of the inquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the inquiry, to appear before it, at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and retain for examination any book, document or thing so produced;

(b) call and by its president administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned in terms of paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;

(c) appoint any person to advise the council at such inquiry on matters pertaining to law, procedure or evidence.

(2) A summons for the attendance before the council of any person or for the production of any book, document or thing shall be in the form prescribed by the council, shall be signed by the president of the council or a person authorized thereto by him, and shall be served in the same manner as a subpoena for the attendance of a witness at a civil trial in a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until discharged from further attendance by the president of the council, or any person called in terms of subsection (1) (b)

refuses to be sworn or to make an affirmation as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the inquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any witness who, having been duly sworn or having made an affirmation, gives a false answer to any question lawfully put to him or makes a false statement in any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the president or any member or officer of the council in the exercise of any power conferred upon him by or under this section shall be guilty of an offence.

(6) A person whose conduct is being inquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorized in writing on his behalf and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under this section shall be liable to a fine, or to imprisonment for a period not exceeding three months.

[s16]16 Suspension from practice of persons who have become of unsound mind

(1) Whenever it appears to the council from information on oath or affirmation that any person registered in terms of this Act has become of unsound mind to such an extent that it would be contrary to the public welfare to allow him to continue in practice, the council may, if it deems fit, hold an inquiry mutatis mutandis in accordance with the provisions of section 15 in respect of such person.

(2) If the council finds that such person has so become of unsound mind, it may order the suspension of such person from practising his profession for a specified period.

(3) The council may extend the period of any order made under this section for any period determined by it, or withdraw such order.

[s17]17 Rules

(1) The council may by notice in the Gazette make rules-

(a) as to the constitution of the education advisory committee and its subcommittees, the requirements with which a person shall comply for appointment as a member or an alternate member of the education advisory committee and its subcommittees, the circumstances under which a member or alternate member of the education advisory committee shall vacate his office as such, the period of office for which a member or alternate member shall be appointed, and the designation of a chairman and vice-chairman of the education advisory committee and any of its subcommittees;

(b) as to the constitution of other committees of the council, the designation of a chairman and vice-chairman of such a committee, the period of office of such a committee, and, generally, as to any matter which the council deems necessary for the proper functioning of such committees;

(c) as to the convening of and procedure and quorum at meetings of the council or of a committee of the council or of the education advisory committee and its subcommittees;

(d) as to the determination of allowances and remuneration and the payment thereof out of its funds to members of the council or members of a committee of the council or members of the education advisory committee and its subcommittees: Provided that members of the council, or members of the education advisory committee and its subcommittees who are officers as defined in section 1 of the Public Service Act, 1984 (Act 111 of 1984), shall not be eligible for such allowances and remuneration;

(e) as to the keeping, custody and publication of a register or registers of persons registered in terms of this Act;

(f) as to the requirements with which a person registered in terms of this Act shall comply in practising his profession;

(g) prescribing conduct (apart from conduct referred to in section 13) on the part of a person registered in terms of this Act which shall constitute improper conduct;

(h) prescribing the method of inquiry into allegations of improper conduct, the appointment by the council of a committee to conduct an inquiry into an allegation of improper conduct and the punishment which may be imposed in respect of improper conduct (including a reprimand or a caution or a reprimand and caution, a fine, a suspension from practice, removal from the register or temporary or permanent disqualification from registration), and as to the mitigation of any penalty so imposed;

(i) as to the qualifications recognized and the examinations prescribed by the council for the purposes of section 11;

(j) as to the investigation and enquiries that may be instituted or conducted by the council at educational institutions with a view to the recognition of qualifications referred to in section 11, and the procedure to be observed in connection therewith;

(k) as to any matter which shall or may be prescribed under this Act;

(l) as to, generally, all matters which it considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Rules referred to in subsection (1) (f), (g) and (i) shall only be made with the concurrence of the Minister and the Competition Board established by section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act 96 of 1979).

[s18]18 Procedure and evidence

(1) The register shall be prima facie evidence of all matters directed or authorized by this Act to be noted therein.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorized by this Act to be done has or has not been done shall be prima facie evidence of the matters specified in that certificate.

(3) A copy of an entry in the register or of a document in the custody of the registrar, or an extract from the register or from any such document, purporting to

be certified by the registrar, shall be admitted in evidence in all courts without further proof of* production of the original.

[s19]19 Rectification of errors

Whenever anything which, in terms of the provisions of this Act, is required to be done or performed by the council on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to error or oversight, and that it is in the interest of the natural science professions to do so, authorize such thing to be done or performed on or before some other day or at some other time or during some other period, as he may direct, and anything so done or performed shall be of full force and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

[s20]20 Liability of council

No legal proceedings, whether civil or criminal, shall lie against the council or any member or official thereof in respect of any act or duty performed in good faith in accordance with the provisions of sections 14, 15 or 16.

[s21]21 Delegation of powers

(1) The Minister may in writing delegate to the Director-General or any other officer of the department all or any of the powers conferred upon him by this Act other than the powers referred to in sections 3 (1), (3) and (4), 7 (6) and (7), 11 (18) and 22.

(2) Any person to whom any power has been delegated in terms of subsection (1) shall exercise that power subject to the directions of the Minister.

(3) The Minister shall at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.

[s22]22 Exemption from operation of provisions of Act

(1) The Minister may, after consultation with the council, and if he is satisfied that it is in the public interest to do so, by notice in the Gazette exempt any person employed by any company, close corporation or other juristic person or any class of persons so employed and specified in the notice, and for such period as may be so specified, from the operation of any one or more of the provisions of this Act.

(2) The Minister may, after consultation with the council, at any time by notice in the Gazette amend or repeal any notice issued under subsection (1).

[s23]23 Agreements with other states or territories

If the Government of the Republic and the government of any foreign state, any state the territory of which formerly formed a part of the Republic or any self-governing territory as defined in the Self-governing Territories Constitution Act, 1971 (Act 21 of 1971), agree thereto and the law of such state or territory provides therefor-

- (a) the council, with the concurrence of the Minister, may-
 - (i) in respect of persons and matters in such state or territory perform the same functions as the council could have performed in the Republic in terms of this Act; and

(ii) make arrangements with bodies in such state or territory with which professional persons should register in order to carry on their professions, so as to facilitate the mutual recognition of such registration; and

(b) the provisions of this Act shall apply mutatis mutandis in such state or territory in respect of the registration of any person practising a profession as contemplated in this Act, and the rights, duties and obligations of any such person so registered.

[s24]24 Repeal of laws, and transitional provisions

(1) The laws mentioned in Schedule II are hereby repealed.

(2) Anything done under any provision of a law repealed by subsection (1) and which could have been done under a provision of this Act, shall be deemed to have been done under the latter provision.

(3) All assets, liabilities, rights and duties acquired or incurred by the South African Council for Natural Scientists under the Natural Scientists' Act, 1982 (Act 55 of 1982), shall vest in the council, and shall be deemed to have been acquired or incurred by the council under the provisions of this Act.

(4) Any person who immediately prior to the commencement of this Act was registered as a natural scientist or as a natural scientist-in-training in terms of the Natural Scientists' Act, 1982, or was deemed to have been so registered, shall be deemed to be registered as a professional natural scientist or a professional natural scientist-in-training, as the case may be, in terms of this Act.

(5) If an inquiry into alleged improper conduct conducted by the South African Council for Natural Scientists under sections 21, 22 and 23 of the Natural Scientists' Act, 1982, has not been concluded at the date of commencement of

this Act, such proceedings shall be continued and concluded in accordance with the provisions of the Natural Scientists' Act, 1982, and any relevant rule and regulation made thereunder, as if the said Act had not been repealed.

(6) Notwithstanding the provisions of subsection (1) the council may institute and conclude disciplinary proceedings against any person registered in terms of this Act who, at any time prior to the commencement of this Act, is alleged to have committed an act which may have constituted improper conduct in terms of the provisions of the Natural Scientists' Act, 1982, or any regulation or rule made thereunder: Provided that no proceedings shall be so instituted unless the act concerned is substantially the same as an act constituting improper conduct in terms of this Act.

[s25]25 Short title and commencement

(1) This Act shall be called the Natural Scientific Professions Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

(2) Different dates may be so fixed in respect of different provisions of this Act.

Schedule I

[Schedule I amended by Government Notice 1960 of 15 October 1993, by Government Notice 1243 of 15 July 1994, by Government Notice 1270 of 25 August 1995 and by Government Notice 567 of 18 April 1997.]

SECTION A

Natural Scientific Professions

Agricultural Scientist
Animal Scientist
Biological Scientist
Botanical Scientist
Chemical Scientist
Earth Scientist
Ecological Scientist
Environmental Scientist
Food Scientist
Forestry Scientist
Geographical Scientist
Geological Scientist
Hydrological Scientist
Industrial Scientist
Marine Scientist
Material Scientist
Mathematical Scientist
Mathematics Education Scientist
Metallurgical Scientist
Microbiological Scientist
Natural Science Education Scientist
Physical Scientist
Radiation Scientist
Zoological Scientist

SECTION B

Professions of Natural Science Technologist

Agricultural Technologist

Animal Technologist
Biological Technologist
Botanical Technologist
Chemical Technologist
Earth Science Technologist
Ecological Technologist
Environmental Technologist
Food Technologist
Forestry Technologist
Geographical Technologist
Geological Technologist
Hydrological Technologist
Industrial Technologist
Marine Technologist
Material Technologist
Mathematical Technologist
Mathematics Education Technologist
Metallurgical Technologist
Microbiological Technologist
Natural Science Education Technologist
Physical Science Technologist
Radiation Science Technologist
Zoological Technologist

Schedule II

LAWS REPEALED

(Section 25*)

No and year of law Title

Act 55 of 1982	Natural Scientists' Act, 1982
Act 77 of 1985	Natural Scientists' Amendment Act, 1985
Act 73 of 1987	Natural Scientists' Amendment Act, 1987
Act 46 of 1990	Natural Scientists' Amendment Act, 1990