



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Allied Health Professions Act 7 of 2004

section 55 read with sections 26 and 32

**Regulations relating to the Registration of Biokineticist,
Additional Qualifications and Interns, and
the Restoration of a Name to a Register**

Government Notice 106 of 2007

(GG 3853)

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The Government Notice which publishes these regulations notes that they were made on the recommendation of the Interim Allied Health Professions Council of Namibia.

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PART I
DEFINITIONS

Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and -

“additional qualification” means an additional qualification referred to in section 32(1)(a) of the Act and in regulation 11;

“approved facility” means any hospital, clinic, private practice or other health facility in Namibia defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994) and which has been approved by the Council for the purpose of training biokinetics interns;

“biokineticist” means any person registered under the Act as a biokineticist;

“biokinetics intern” means any person registered as a biokinetics intern in accordance with these regulations for the purpose of qualifying for registration as a biokineticist;

“speciality” means a speciality referred to in regulation 9;

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“the Act” means the Allied Health Professions Act, 2004 (Act No. 7 of 2004).

PART II
REGISTRATION OF BIOKINETICISTS

Application for registration as a biokineticist

2. (1) An application for registration as a biokineticist must be made in accordance with section 20 of the Act.

(2) An application referred to in subregulation (1) must be accompanied, in addition to the documents and particulars specified in section 20(2) of the Act, by -

- (a) a certified copy of the identity document or passport of the applicant; and
- (b) if the qualification upon which the applicant relies for registration as a biokineticist is a qualification referred to in section 22(1)(a) of the Act, the original certificate of registration to practise as a biokineticist in the country where the applicant obtained the qualification, issued by the relevant registration authority of such country.

(3) If the applicant referred to in subregulation (2)(b) is not registered with the registration authority referred to in that subregulation, the applicant must submit

[The word “he” should be “the” in the phrase
“registered with he registration authority”.]

- (a) a certificate, issued by that registration authority, certifying that qualification which the applicant holds, entitles him or her to registration as a biokineticist in the country where the applicant obtained such qualification; or
- (b) if he or she had been so registered previously, a certificate issued by that registration authority, specifying the reasons why the applicant is not so registered any more,

together with his or her application for registration.

(4) If the qualification upon which the applicant relies for registration has been awarded by an educational institution at which the medium of instruction is not the English language, the Council may require the applicant to provide, in such manner as the Council may determine, the Council with proof of the applicant’s proficiency in the English language.

Additional examinations

3. (1) The additional examinations referred to in section 22(1)(b)(ii) of the Act must consist of written or oral or practical examinations, or of written and oral and practical examinations, in such disciplines as the Council may determine in respect of every person who is to be examined as required by that section, for the purpose specified in subregulation (2).

(2) The purpose of the examination referred to in subregulation (1), is to determine whether the person to be examined possesses the knowledge, skills and competence required to be possessed by any person who holds the qualification prescribed under section 19(1) of the Act, and which prescribed qualification so held entitles a person to be registered as a biokineticist under section 21 of the Act.

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(3) The Council may appoint, subject to such conditions as it may determine, a suitable person or persons to conduct the examinations referred to in subregulation (1).

Additional education, tuition and training

4. (1) If the Council registers a person conditionally under section 22(2)(a) of the Act, the Council must determine the additional education, tuition or training, referred to in section 22(1)(b)(i) of the Act, required by the person so conditionally registered in order to qualify for registration as a biokineticist.

(2) Particulars of the additional education, tuition or training referred to in subregulation (1) must be endorsed by the Council upon the certificate of conditional registration issued by the Council in the name of that person under section 22(2)(b) of the Act.

PART III
BIOKINETICS INTERNS

Registration and training of biokinetics intern before registration as biokineticist

5. (1) Any person who holds a qualification prescribed under section 19(1) of the Act as a minimum requirement for registration as a biokineticist under the Act, must undertake, after obtaining such qualification and before he or she is entitled to registration as a biokineticist, training as a biokinetics intern for the period and in the manner referred to in regulation 6.

(2) An application for registration as a biokinetics intern must be made and be submitted to the registrar in such form as the Council may determine.

(3) An application form submitted to the registrar in terms of subregulation 2 must be accompanied by -

- (a) a certificate, or a certified copy of the certificate, as proof that the applicant holds a prescribed qualification referred to in subregulation (1);
- (b) if the applicant had been registered previously in a country other than Namibia as a biokinetics intern or as a biokineticist, or is still so registered, certificate of good standing from the registration authority with which the applicant had been so registered or is still so registered, which certificate must have been issued not more than 120 days before the date of the submission the application for registration to the registrar in accordance with subregulation (2);
- (c) a certified copy of the identity document or of the passport of the applicant;
- (d) such additional documents and information as the Council may determine; and
- (e) payment of the application fees, determined by the Council under section 27(1) of the Act, relating to the registration of a biokinetics intern.

(4) On receipt of an application for registration as a biokinetics intern in terms of subregulation (2), the registrar must submit the application to the Council for its decision.

(5) The Council, after having considered the application for registration, and the documents and other information referred to in subregulation (3), may -

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- (a) grant the application for the registration of the applicant as a biokinetics intern if the Council is satisfied that the applicant -
 - (i) meets the requirements relating to the registration of a biokinetics intern;
 - (ii) has complied with subregulation (3);
 - (iii) is proficient in the English language; and
 - (iv) has paid to the Council the fees relating to such application;
- (b) refuse the application for the registration of the applicant as a biokinetics intern if the Council is satisfied that the applicant -
 - (i) does not meet the requirements relating to the registration of a biokinetics intern;
 - (ii) has not complied with subregulation (3);
 - (iii) is not proficient in the English language; or
 - (iv) has not paid to the Council the fees relating to such application.
- (6) The Council must -
 - (a) inform the applicant in writing of the decision of the Council under subregulation (5);
 - (b) issue, if the application for registration is granted, to the applicant a certificate relating to such registration in such form as the Council may determine, and enter the name of the applicant into the relevant register; and
 - (c) inform the applicant in writing, if the application for registration is refused, as soon as practicable of the reasons for such refusal.
- (7) Upon submission to the Council of an application by a person in accordance with subregulation (2) for registration as a biokinetics intern, and if that person submits documentary proof to the satisfaction of the Council that he or she has -
 - (a) completed training substantially equivalent to the applicable training referred to in regulation 6, in another country at an institution or at a training facility in connection with the qualification concerned; or
 - (b) practised in another country as a biokineticist by reason of the qualification referred to in paragraph (a) for such period and under such circumstances as may give him or her experience and training substantially equivalent to the applicable training referred to in regulation 6,

the Council may exempt, on such conditions as it may determine, that person from the requirements of registration and training as a biokinetics intern in Namibia, or may reduce the period of training, by such period as the Council may determine, if the Council is satisfied with the completion of such training or the practising as a biokineticist by the applicant, and that the

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completion of such training or the practising as a biokineticist is substantially equivalent to the training and practice referred to in regulation 6.

(8) For the purpose of paragraph (a) of subregulation (7), “institution” or “training facility” means an institution or a training facility which is acceptable to the Council.

Period and manner of training by biokinetics intern and agreement of internship

6. (1) A biokinetics intern must complete internship training for a period of not less than one year.

(2) If the internship training referred to in subregulation (1) is interrupted, the internship training must consist of periods which, when added together, are not less than one year in total, including any sick leave or other leave taken by the biokinetics intern during the period of internship training.

(3) The internship training referred to in subregulations (1), must be undertaken at an approved facility.

(4) The period of one year internship training referred to in subregulation (1) must be completed, subject to subregulation (6), within a period of two years after the date of the first registration of the relevant person as a biokinetics intern.

(5) If a biokinetics intern fails to comply with subregulation (4), his or her registration as a biokinetics intern must be regarded as cancelled as from the date upon which the period of two years referred to in subregulation (4) is exceeded.

(6) The Council may extend in writing, on good cause shown, the period of two years referred to in subregulation (4), within which the biokinetics internship training must be completed.

(7) Before any person commences with his or her biokinetics internship at an approved facility, he or she must -

- (a) enter into a written agreement of internship with the approved facility at which he or she is to complete the internship, in such form and containing such conditions as the Council may determine;
- (b) register with the Council as a biokinetics intern in accordance with the Act and these regulations; and
- (c) obtain from the Council a written approval of the agreement of internship referred to in paragraph (a).

(8) The Council may specify in writing, when approving a facility for the purposes of these regulations, that only a specified portion of the training of a biokinetics intern must be undertaken at such facility, and that the remainder of such training must be undertaken at another approved facility.

(9) If at any time during the period of internship of a biokinetics intern referred to in this regulation, the Council considers any training approved for such purpose to be inadequate or unsatisfactory for any reason, the Council may withdraw its approval of the written agreement of internship referred to in subregulation (7)(c) by means of a written notice to both

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the approved facility and to the biokinetics intern, after having afforded both the approved facility and the biokinetics intern the opportunity to be heard.

(10) Unless the Council otherwise determines, on good cause shown, any period of internship completed by a biokinetics intern under an agreement of internship cancelled or terminated, or in respect of which the Council has withdrawn its approval, in terms of these regulations, is void.

(11) If a biokinetics intern enters into an agreement of employment with the Ministry of Health and Social Services for the purpose of receiving training as a biokinetics intern, subregulations (7)(a) and (c), (8) and (9) and regulation 7(2) do not apply to the biokinetics intern or to his or her internship.

(12) The Council must provide a biokinetics intern, before he or she commences with his or her internship, with copies of all the rules of professional conduct applicable to biokineticists.

(13) A biokinetics intern is subject, during his or her period of internship, to all the rules of professional conduct applicable to biokineticists.

(14) The criteria pertaining to biokinetics internship training are specified in the Annexure to these regulations.

Cancellation or cession of internship, and change of name

7. (1) If a biokineticist intern terminates his or her internship at an approved facility, he or she must notify the Council in writing of such termination, and submit to the Council documentary proof thereof, within a period of 30 days after the date of such termination.

(2) If the biokinetics intern intends to cancel his or her internship at an approved facility and to commence internship at another approved facility, he or she must notify the Council in writing, not less than 30 days before the intended date of commencement of the internship at the other approved facility, and submit to the Council -

- (i) proof of the cancellation of the existing agreement of internship; and
- (ii) a certified copy of the agreement of internship entered into by the biokinetics intern and the other approved facility at which the internship is to be completed, which agreement must be approved by the Council; and
- (iii) the fees determined by the Council relating to such application for cession of the internship.

(3) If the name of a biokinetics intern is changed for any reason, he or she must notify the Council in writing of the change of name within 30 days after the change of name, and submit to the Council documentary proof of the change of name and such other particulars relating to the change of name as the Council may require in writing.

Completion of internship

8. (1) Upon the completion of the internship undertaken by a biokinetics intern in accordance with these regulations, he or she must submit proof to the Council, in the form of a certificate issued by the approved facility, as the case may be, in or at which he or she

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completed the internship, to the satisfaction of the Council, that he or she has duly undertaken and completed the internship concerned.

(2) The certificate referred to in subregulation (1) must be in such form, and contain such particulars, as the Council may determine.

(3) A biokinetics intern may not be registered as a biokineticist unless he or she has submitted to the Council the certificate referred to in subregulation (1).

PART IV
REGISTRATION OF SPECIALITIES AND ADDITIONAL QUALIFICATIONS

Registrable specialities

9. The following specialities may be registered under section 32 of the Act, subject to compliance with the Act and of these regulations:

Speciality	Abbreviation
Doctorate in Biokinetics	D Sc (Biokinetics)
Doctorate in Biokinetics	D Com (Biokinetics)
Doctorate in Biokinetics	PhD (Biokinetics)

Requirements for the registration of a speciality

10. (1) A biokineticist who wishes to have a speciality registered must submit to the registrar an application in accordance with subsections (2) and (3) of section 32 of the Act.

(2) An application referred to in subregulation (1) must be accompanied, in addition to the documents and particulars specified in section 32(3) of the Act, by documentary proof -

- (a) that the applicant obtained a qualification relating to a speciality in the form of a degree or of a diploma from an educational institution or from any other examining authority referred to in section 19(4) of the Act, and which is of a standard acceptable to the Council; and
- (b) that a period of not less than five years has elapsed from the date upon which the applicant obtained a qualification prescribed under section 19(1) of the Act or referred to in section 22(1)(a) of the Act, and in the calculation of that period the period of service by the applicant as a biokinetics intern must be included.

Registrable additional qualifications

11. The following qualifications may be registered as additional qualifications under section 32 of the Act, subject to compliance with the Act and of these regulations:

Qualification	Abbreviation
Master of Science Degree in Biokinetics	M Sc (Biokinetics)
Master of Commerce Degree in Biokinetics	M Com (Biokinetics)
Master of Arts Degree in Biokinetics	M A (Biokinetics)

Requirements for registration of an additional qualification

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12. (1) A biokineticist who wishes to have an additional qualification registered must submit to the registrar an application in accordance with subsections (2) and (3) of section 32 of the Act.

(2) An application referred to in subregulation (1) must be accompanied, in addition to the documents and particulars specified in section 32(3) of the Act, by documentary proof that the applicant obtained a qualification relating to an additional qualification in the form of a degree or of a diploma from an educational institution or from any other examining authority referred to in section 19(4) of the Act, and which qualification is of a standard acceptable to the Council.

PART V
REGISTERS AND RESTORATION OF NAME TO REGISTER

Register of biokineticists

13. The register of biokineticists established and kept in accordance with subsection (2) of section 24 of the Act, must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the specialities and additional qualifications entered against the name of the biokineticist concerned in accordance with section 32(4) of the Act, including any change in any of the particulars recorded in the register.

Register of biokinetics interns

14. The register of biokinetics interns established and kept in accordance with subsection (2)(c) section 24 of the Act must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the approved facility where the biokinetics intern is completing his or her internship, and the date upon which such internship commenced and is to be completed, including any change in any of the particulars recorded in the register.

Restoration of name to register

15. (1) Any person whose name has been removed from a register in accordance with section 25 of the Act and who wishes to have his or her name restored to such register in accordance with section 26 of the Act, must apply to the Council for such restoration in accordance with section 26(1) of the Act.

(2) An application referred to in subregulation (1) must comply with the provisions of section 26(2) of the Act and with subregulation (3) of this regulation.

(3) The following documents must accompany an application referred to in subregulation (1):

- (a) the original registration certificate issued under section 21(4)(b) of the Act, or if for any reason the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant was so registered; and
- (b) a declaration by two biokineticists confirming the identity and good character of the applicant in such form as the Council may determine.

PART VI
GENERAL

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Language of forms and documents

16. (1) Any form or document required to be submitted to the Council or to the registrar in terms of these regulations must be, subject to subregulation (2), in the English language.

(2) Any form or document referred to in subregulation (1) that is not in the English language must be accompanied by a sworn translation of the form or document in English, which translation must be acceptable to the Council.

ANNEXURE

**CRITERIA PERTAINING TO THE ONE YEAR PERIOD
BIOKINETICS INTERNSHIP TRAINING PROGRAMME**

(Regulation 6(14))

The training of a biokinetics intern during the one year biokinetics internship period must take place as follows, as the Council must direct in writing before the commencement of, or at any time during, the internship:

- (1) A total period of not less than 1500 hours must be spent on training in the following main domains of biokinetics:
 - (a) Cardiovascular and pulmonary diseases: Assessment, program prescriptio and monitoring;
 - [The word “prescription” is misspelt in the *Government Gazette*, as reproduced above.]
 - (b) Orthopaedic diseases, disabilities and injury: Assessment, program prescription and monitoring;
 - (c) Neuromuscular disorders and diseases: Assessment, program prescription and monitoring;
 - (d) Metabolic diseases: Assessment, program prescription and monitoring;
 - (e) Preventative lifestyle intervention strategies: Assessment, program prescription and monitoring; and
 - (f) Sport Specific Exercise Testing: Program prescription.
- (2) Not less than 250 hours must be spent on training in each of the main domains specified in paragraph (1).
- (3) “Training” includes theoretical and practical training and tuition.