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Government Notices

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 273

2010

REGULATIONS ON CONDITIONS SUBJECT TO WHICH A REGISTERED PERSON MAY
RETURN TO ACTIVE PRACTISE AFTER NOT PRACTISING FOR A PERIOD OF TIME:
ALLIED HEALTH PROFESSIONS ACT, 2004

The Minister of Health and Social Services, under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004) and on the recommendation of the Interim Allied Health Professions Council of Namibia, has made the regulations set out in the Schedule.

R. N. KAMWI**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 28 November 2010

SCHEDULE

Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“practice” means the professional practice of a practitioner;

“practitioner” means a person registered under the Act to practise a profession;

“profession” includes a speciality registered under section 32 of the Act;

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

Competency examination and skills assessment before a practitioner may resume active practice

2. (1) A practitioner -

- (a) who has not started active practice in Namibia in the professional category of his or her registration within a period of three years after the date of his or her registration under the Act; or
- (b) who, at any time after his or her registration as a practitioner under the Act or a law repealed by section 62 of the Act, has not been engaged in Namibia in active practice in the professional category of his or her registration for a period of not less than three years,

may not start or resume practice in his or her professional category unless the requirements of subregulation (2) have been complied with and he or she has been issued by the Council with a written authority to start or resume practice.

(2) Before a practitioner referred to in subregulation (1) may start or resume practice in his or her professional category, whether for his or her own account or otherwise, he or she -

- (a) must give notice to the Council in writing of his or her intention to start or resume practice not less than 60 days before the date on which he or she intends to start or resume practice; and
- (b) must successfully complete and pass, at his or her own expense and as the Council may direct -
- (i) a competency examination approved by the Council;
 - (ii) an evaluation as contemplated in section 21(3) of the Act; or
 - (iii) both the examination and the evaluation referred to in subparagraphs (i) and (ii).
- (3) A person who fails to successfully complete an examination or an evaluation referred to subregulation (2)(b)(i)(ii) respectively, or both such examination or such evaluation, as the case may be, may from time to time, at intervals not shorter than six months, repeat such examination or such evaluation or both, as the Council on such occasion may direct.

Offence and penalty

3. A person who contravenes regulation 2(1) commits an offence and is on conviction liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 274

2010

REGULATIONS RELATING TO THE MINIMUM REQUIREMENTS OF STUDY FOR REGISTRATION AS A CLINICAL TECHNOLOGIST: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with section 19(1) of that Act and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

R.N. KAMWI**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 28 November 2010

SCHEDULE

Definitions

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

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

Minimum qualifications required for registration as a clinical technologist

2. (1) Subject to compliance, to the satisfaction of the Council, with the other requirements prescribed by or under the Act, any person who is the holder of any of the following qualifications is entitled to registration as a clinical technologist under the Act:

Educational Institution**Qualification****SOUTH AFRICA**

Durban University of Technology
(formerly Technikon Natal, Umlazi Campus
of University of Zululand, Mangosuthu
Technikon and ML Sultan Technikon)

Diploma in Clinical Technology

Central University of Technology,
Free State (formerly Technikon Free State
And Welkom Campus of the Vista University)

Diploma in Clinical Technology

Tshwane University of Technology
(formerly Pretoria Technikon, Technikon
Northern Gauteng and North West Technikon)

Diploma in Clinical Technology

(2) Any person who is not the holder of a qualification prescribed by subregulation (1) but who is the holder of a degree or a diploma in clinical technology obtained at an educational institution approved by the Council for that purpose, after the full time study -

- (a) for the degree for a period of four years at that educational institution: or
- (b) for the diploma for a period of three years at that educational institution,

which study for the degree or diploma must consist; subject to subregulation (2) of this regulation and to regulation 3, of a total not less than 4500 hours education, tuition and training, including practical training and instruction.

(3) The curriculum of study for the degree or the diploma referred to in subregulation (1) must include -

- (a) theoretical and practical education, tuition and training in the following subjects:
 - (i) Anatomy I, II and III;
 - (ii) Physiology I, II and III;
 - (iii) Clinical Technology Practice I, II and III;
 - (iv) Clinical Practice I, II and III;
 - (v) Organ and System Pathophysiology I, II and III;
 - (vi) Bio-Medical Apparatus and Procedures I, II and III;
 - (vii) Pharmacology I and II;
 - (viii) Computer Application I;
 - (ix) Physics I;
 - (x) Chemistry I;
 - (xi) Calculations and Statistics II;

- (xii) Psychodynamics I;
 - (xiii) Research Methodology; and
 - (xiv) Research Dissertation; and
- (b) not less than 1950 hours of supervised practical training in a training hospital approved by the educational institution referred to in subregulation (2), in any of the following specialised groups of domains:
- (i) Group A, consisting of Cardiology; Echocardiography; Cardiac Catheterisation; Paediatric Cardiology; Pacemakers; Defibrillation; Electrophysiology and Pharmacology; or
 - (ii) Group B, consisting of Perfusion; Haemodynamic Measurements; Intra-Aortic Balloon Pump; Limb Perfusion; Cell Saving; Blood Gasses; Extra Corporeal Membrane Oxygenation; Pharmacology; Cardioplegia and Hypothermia; or
 - (iii) Group C, consisting of Pulmonology; Exercise Studies; Cardio Pulmonary Sleep Studies (Polysomnography); Advanced Body Phethysmography Studies; Allergy Testing; Clinical Trials and Research Methodology; Brochosopic Procedures and Laser Techniques; Pulmonary Function Testing (Specialised Test Regimes) and Blood Gasses; or
 - (iv) Group D, consisting of Nephrology; Continuous Veno-Venous Haemodialysis; Plasma Filtration; Plasma Pheresis; Acute Dialysis; Plasma Exchange; Haemo Perfusion; Haemofiltration; or
 - (v) Group E, consisting of Neurophysiology; Nerve Conduction Studies; Evoked Potentials (including Brainstem; Auditory; Somatosensory and Visual); Transcranial Dopplers; Caution Ultrasonic Surgical Aspirator and Blood Gasses; or
 - (vi) Group F, consisting of Reproductive Biology; Normal Chromosome Composition Analysing; Chromosomal Abnormality on Fertility; Sex Chromosomal Abnormalities; Introgenic Factors on Fertility; Psychosexual Factors in Female Fertility and Electronic Devices and Apparatus (CASA); or
 - (vii) Group G, consisting of Critical Care; Electrocardiography; Invasive and Non-invasive Pressure Monitoring; Assessment of Pulmonary Volumes and Capacities; Recording of Arterial Oxygen Saturation; Measurements of pH; Blood Gasses and Electrolytes; Modalities for the Treatment of Respiratory Systems; Medical Gas Supply; Thermometry, Humidity and Thermoregulation; Anticoagulation and Haemostasis Instrumentation System; Blood Flow Measurements; Infusion Devices; Cardiopulmonary Resuscitation and Nebulisation and Humification.

Recognition of qualification by Council

3. The Council may recognise, for the purpose of the registration of a person as a clinical technologist, a qualification prescribed by subregulation (2) of regulation 2, if -

- (a) the educational institution at which that person obtained that qualification is approved by the Council for that purpose;

- (ii) the registration authority responsible for the registration of persons to practise as clinical technologists in the country in which that person obtained that qualification, recognises that qualification for registration to practise as a clinical technologist in that country; and
- (iii) that person complies with the other requirements for registration as a clinical technologist prescribed by or under the Act.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 275

2010

REGULATIONS RELATING TO THE REGISTRATION OF CLINICAL TECHNOLOGISTS OF SPECIALITIES AND ADDITIONAL QUALIFICATIONS; THE KEEPING OF REGISTERS AND THE RESTORATION OF A NAME TO A REGISTER: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with sections 24, 26 and 32 of that Act and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

R.N. KAMWI**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 28 November 2010

SCHEDULE

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PART II REGISTRATION OF CLINICAL TECHNOLOGISTS

2. Application for registration as clinical technologist and submitting of particulars
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PART III REGISTRATION OF SPECIALITIES AND ADDITIONAL QUALIFICATIONS

4. Registrable specialities
5. Application for the registration of a speciality and submitting of particulars
6. Conditions applicable to the practising of a speciality
7. Cessation of speciality practice
8. Registrable additional qualifications
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PART IV REGISTERS AND RESTORATION OF NAME TO REGISTER

10. Register of clinical technologists
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PART V
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12. Language of forms and documents

PART I
PRELIMINARY

Definitions

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

“additional qualification” means an additional qualification referred to in section 32(1)(a) of the Act and prescribed by regulation 8;

“applicant” means the person submitting an application to the Council in accordance with these regulations;

“certified” means certified as a true copy of the original by a commissioner of oaths appointed under section 5, or designated under section 6, of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

“registration authority” means the registration authority of a country responsible for the registration of a person to practise as a clinical technologist in that country;

“speciality” means a speciality referred to in section 32(1)(b) of the Act and prescribed by regulation 4; and

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

PART II
REGISTRATION OF CLINICAL TECHNOLOGISTS

Application for registration as a clinical technologist and submitting of particulars

2. (1) An application for the registration of a person as a clinical technologist in accordance with subsection (1) of section 20 of the Act must be accompanied, in addition to the documents, particulars and payments specified in subsection (2) of that section, by –

- (a) a certified photocopy of the identity document or the passport of the applicant;
- (b) a certificate issued by the Council in the form that the Council may determine, certifying that the applicant has passed the evaluation referred to in section 21(3) of the Act, if applicable; and
- (c) subject to subregulation (2), the original certificate of registration to practise as a clinical technologist in the country in which the applicant obtained the qualification referred to in paragraph (a) of that subsection (2), issued by the registration authority of that country.

(2) If the applicant is not registered with the registration authority referred to in paragraph (c) of subregulation (1), he or she must submit to the registrar, together with his or her application for registration –

- (a) a certificate, issued by that registration authority, certifying that the qualification of which the applicant is the holder, entitles him or her to registration as a clinical technologist in the country in which the applicant obtained the qualification; or
 - (b) if he or she had been so registered previously, a certificate issued by that registration authority certifying that the applicant had been so registered, that his or her name has been removed from the register and the grounds for the removal.
- (3) The Council may require the applicant to furnish, in the manner that the Council may determine, proof of the applicant's proficiency in the English language.

Additional education, tuition and training

3. (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 that the person so conditionally registered requires in order to qualify for registration as a clinical technologist under the Act.

(2) Particulars of the additional education, tuition or training, as the case may be, 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 REGISTRATION OF SPECIALITIES AND ADDITIONAL QUALIFICATIONS

Registrable specialities

4. (1) For the purposes of section 32(1)(b) of the Act -
- (a) a Doctorate; or
 - (b) a Master of Science Degree,

in Clinical Technology is a speciality that may be registered, subject to compliance with these regulations, in the name of a clinical technologist.

(2) The standard of the education, tuition and training provided by an educational institution in respect of a speciality prescribed by subregulation (1) must be adequate and satisfactory, in the opinion of the Council.

- (3) A speciality prescribed by subregulation (1) must only be registered by the Council if -
- (a) it has been obtained at an educational institution approved by the Council for that purpose, after receiving full time education, tuition and training at that educational institution; and
 - (b) the registration authority responsible for the registration of persons to practise as clinical technologists in the country in which that person obtained that qualification, recognises that qualification for registration as a speciality in that country.

Application for the registration of a speciality and submitting of particulars

5. (1) An application for the registration of a speciality in accordance with subsection (2) of section 32 of the Act, must be accompanied, in addition to the documents,

information and payments specified in subsection (3) of that section and subregulation (2) of this regulation, by a certified photocopy of the -

- (a) registration certificate of the applicant; and
- (b) identity document or passport of the applicant.

(2) If the speciality that the applicant wishes to register is a speciality obtained in a country other than Namibia, the application referred to in subregulation (1) must be accompanied by a certificate issued by the registration authority of that country certifying that the qualification complies with paragraph (b) of subregulation (3) of regulation 4.

Conditions applicable to the practising of a speciality

- 6.** (1) A specialist clinical technologist -
- (a) may conduct tests on a patient referred to him or her by a medical practitioner registered as such under the Medical and Dental Act, 2004 (Act No. 10 of 2004), as requested by that medical practitioner in the referral;
 - (b) must report to the medical practitioner who referred the patient to him or her as prescribed by paragraph (a), the results of the tests conducted by him or her on that patient;
 - (c) must confine his or her practice to the speciality registered in his or her name;
 - (d) must not take over a patient from another clinical technologist, whether practising as a specialist or as a clinical technologist, without the written consent of that clinical technologist, unless consent to that taking over is unreasonably withheld; and
 - (e) may charge fees for procedures which usually pertain to another speciality in clinical technology only if the procedures are also recognised in his or her speciality as generally accepted practice, but -
 - (i) those fees may not exceed the fees charged by a clinical technologist specialist for the same procedures; and
 - (ii) the procedures must be conducted only relating to his or her *bona fide* patients.

Cessation of speciality practice

7. A specialist who discontinues to practise his or her speciality must notify the registrar in writing thereof within a period of 30 days after the date upon which he or she so ceases to practise that speciality.

Registrable additional qualifications

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

- (a) A bachelors degree in clinical technology (cardiology);
- (b) a bachelors degree in clinical technology (cardio-vascular perfusion);

- (c) a bachelors degree in clinical technology (critical care);
- (d) a bachelors degree in clinical technology (nephrology);
- (e) a bachelors degree in clinical technology (neurophysiology);
- (f) a bachelors degree in clinical technology (pulmonology); or
- (g) a bachelors degree in clinical technology (reproductive biology).

(2) An additional qualification prescribed by subregulation (1) must only be registered by the Council if -

- (a) it has been obtained at an educational institution approved by the Council for that purpose, after receiving education, tuition and training at that educational institution for a period of not less than 3 years; and
- (b) the registration authority responsible for the registration of persons to practise as clinical technologists in the country in which that person obtained that qualification, recognises that qualification for registration as an additional qualification in that country.

Requirements for registration of an additional qualification

9. (1) An application for the registration of an additional qualification in accordance with subsection (2) of section 32 of the Act, must be accompanied, in addition to the documents, information and payments specified in subsection (3) of that section and subregulation (2) of this regulation, by a certified photocopy of the -

- (a) registration certificate of the applicant; and
- (b) identity document or passport of the applicant.

(2) If the additional qualification that the applicant wishes to register is a qualification obtained in a country other than Namibia, the application referred to in subregulation (1) must be accompanied by a certificate issued by the registration authority of that country certifying that the qualification complies with paragraph (b) of subregulation (3) of regulation 8.

PART IV

REGISTERS AND RESTORATION OF NAME TO REGISTER

Register of clinical technologists

10. The register of clinical technologists 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 clinical technologist in accordance with subsection (4) of section 32 of the Act, including any change in any of the particulars recorded in the register.

Restoration of name to register

11. (1) An application in accordance with subsection (1) of section 26 of the Act for the restoration of name to a register of clinical technologists must be accompanied, in addition to the documents, information and payments specified by subsection (2) of that section, by the following documents:

- (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 had been so registered;
 - (b) a certified photocopy of the identity document or of the passport of the applicant; and
 - (c) a certificate by two persons registered as clinical technologists under the Act confirming the identity and good character of the applicant in the form that the Council may determine.
- (2) If the applicant is unable to comply with the requirements of paragraph (b) of subregulation (1), the Council may accept certificates by two other persons registered under the Act.

PART V
GENERAL

Language of forms and documents

12. (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 thereof into that language, acceptable to the Council.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 276

2010

REGULATIONS RELATING TO THE MINIMUM REQUIREMENTS OF STUDY
FOR REGISTRATION AS A DISPENSING OPTICIAN:
ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with section 19(1) of that Act, and on the recommendation of the Allied Health Professions Council of Namibia, I have -

- (a) made the regulations set out in the Schedule; and
- (b) repealed the rules published under Government Notice R 2339 of 3 December 1976.

R.N. KAMWI
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 28 November 2010

SCHEDULE

Definitions

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

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

Minimum qualifications required for registration as a dispensing optician

2. (1) Subject to compliance with the other requirements prescribed by or under the Act, a person may be registered as a dispensing optician, if that person is the holder of any of the following qualifications:

Educational Institution or Examining Authority	Qualification
Cape Peninsula University of Technology (formerly Cape Technikon and Peninsula Technikon): South Africa	National Diploma in Optical Dispensing
Association of British Dispensing Opticians: United Kingdom	Fellowship Diploma
Handwerkskammer: Germany	Augenoptikergeselle (Augenoptikergesellin)
Handwerkskammer: Austria	Augenoptikergeselle (Augenoptikergesellin)
Handwerkskammer: Switzerland	Augenoptikergeselle (Augenoptikergesellin)

(2) Any person who is not the holder of a qualification prescribed by subregulation (1) may be registered as a dispensing optician, subject to subregulation (3) of this regulation, to regulation 3 and to compliance with the other requirements prescribed by or under the Act, if he or she is the holder of a Diploma in Optical Dispensing obtained at an educational institution, after receiving full time education, tuition and training in optical dispensing at that educational institution a period of two years and practical training in the employment an optometrist for a period of one year.

(3) The education, tuition and training prescribed by subregulation (2) must include -

(a) education, tuition and training in the subjects of -

- (i) Dispensing Optics;
- (ii) Visual Optics;
- (iii) Ophthalmic Lenses;
- (iv) Ocular Anatomy and Pathology; and

(b) practical training in the employment of an optometrist for a period of one year, in -

- (i) Optical Dispensing;
- (ii) Practice Management; and
- (iii) Ethics and Jurisprudence,

to the satisfaction of the Council.

Recognition of qualification by Council

3. The Council may recognise, for the purpose of the registration of a person as a dispensing optician, a qualification prescribed by subregulation (2) of regulation 2, if -

- (a) the educational institution at which that person obtained that qualification is approved by the Council for that purpose;
- (b) the registration authority responsible for the registration of persons to practise as dispensing opticians in the country in which that person obtained that qualification, recognises that qualification for registration to practise as a dispensing optician in that country; and
- (c) that person complies with the other requirements for registration as a dispensing optician prescribed by or under the Act.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 277

2010

REGULATIONS RELATING TO THE REGISTRATION OF DISPENSING
OPTICIANS AND ADDITIONAL QUALIFICATIONS, THE KEEPING OF
REGISTERS AND THE RESTORATION OF A NAME TO A REGISTER:
ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with sections 20, 21, 22, 24, 26 and 32 of that Act, and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

R.N. KAMWI**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 28 November 2010

SCHEDULE**ARRANGEMENT OF REGULATIONS****PART I****PRELIMINARY**

- 1 Definitions

PART II**REGISTRATION OF DISPENSING OPTICIANS**

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PART III**REGISTRATION OF ADDITIONAL QUALIFICATIONS**

3. Registrable additional qualifications
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PART IV
REGISTERS AND RESTORATION OF NAME TO REGISTER

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GENERAL

8. Language of forms and documents

PART I
PRELIMINARY

Definitions

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

“additional qualification” means an additional qualification referred to in section 32(1)(a) of the Act and prescribed by regulation 3;

“applicant” means any person making an application in accordance with these regulations;

“certified” means certified as a true copy of the original by a commissioner of oaths appointed under section 5, or designated under section 6, of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

“registration authority” means the registration authority of a country responsible for the registration of a person to practise as a dispensing optician in that country; and

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

PART II
REGISTRATION OF DISPENSING OPTICIANS

Application for registration as a dispensing optician and submitting of particulars

2. (1) An application for the registration of a person as a dispensing optician submitted to the registrar in terms of subsection (1) of section 20 of the Act must be accompanied, in addition to the documents and particulars specified in subsection (2) of that section, by -

- (a) a certified photocopy of the identity document or passport of the applicant;
- (b) a certificate issued by the Council in such form as the Council may determine, certifying that the applicant has passed the evaluation referred to in section 21(3) of the Act, if applicable; and
- (c) if the qualification upon which the applicant relies for registration as a dispensing optician is a qualification obtained at an educational institution situated in a country other than Namibia, the original certificate of registration to practise as a dispensing optician in the country in which the applicant obtained the qualification, issued by the registration authority of that country.

(2) If the applicant is not registered with the registration authority referred to in paragraph (c) of subregulation (1), he or she must submit to the registrar, together with his or her application for registration -

- (a) a certificate, issued by that registration authority, certifying that the qualification of which the applicant is the holder, entitles him or her to registration as a dispensing optician in the country where the applicant obtained that qualification; or
- (b) if he or she had been so registered previously, a certificate issued by that registration authority, specifying that the applicant had been so registered previously, that his or her name has been removed from the register, and the grounds for the removal.
- (3) The Council may require the applicant to furnish, in the manner that the Council may determine, proof of the applicant's proficiency in the English language.

PART III REGISTRATION OF ADDITIONAL QUALIFICATIONS

Registrable additional qualifications

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

Educational institution or other examining authority	Qualification
Association of British Dispensing Opticians: United Kingdom:	Advanced Contact Lens Diploma; Low Vision Honours.

Registration of additional qualification

4. An application for the registration of an additional qualification in accordance with subsection (2) of section 32 of the Act must be accompanied, in addition to the documents and particulars specified in subsection (3) of that section, by a certified photocopy of the identity document or passport of the applicant.

Registration of non-prescribed additional qualification

5. (1) In this regulation, "non-prescribed additional qualification" means an additional qualification that has not been prescribed by regulation 3 as a registrable additional qualification, but that complies with paragraph (a) of subsection (5) of section 32 of the Act.

(2) If an application for the registration of a non-prescribed additional qualification is submitted to the Council in accordance with subsection (2) of section 32 of the Act, the application must be accompanied, in addition to the documents and particulars specified in subsection (3) of that section and in regulation 4, by a transcript, issued by the educational institution or examining body where the applicant obtained that additional qualification, specifying particulars, to the satisfaction of the Council, of the additional qualification, including the curriculum applicable thereto.

PART IV REGISTERS AND RESTORATION OF NAME TO REGISTER

Register of dispensing opticians

6. The register of dispensing opticians established and kept in accordance with subsection (2)(a) of section 24 of the Act, must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the additional qualifications registered against the name

of the dispensing optician in accordance with subsection (4) of section 32 of the Act, including any change in any of the particulars recorded in the register.

Restoration of name to register

7. An application in accordance with section 26 of the Act for the restoration of the name of a person to the register, in addition to the documents and particulars specified in subsection (2) of that section, must be accompanied by -

- (a) the original registration certificate issued in the name of the applicant 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 had been so registered; and
- (b) a photocopy of the identity document or the passport of the applicant, duly certified by a commissioner of oaths as a true copy of the original.

PART V GENERAL

Language of forms and documents

8. (1) Subject to subregulation (2), any form or document that must be submitted to the Council or to the registrar in terms of these regulations must be 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 thereof into that language, acceptable to the Council.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 278

2010

REGULATIONS RELATING TO ADDITIONAL EXAMINATIONS THAT MAY BE CONDUCTED BY THE PHARMACY COUNCIL OF NAMIBIA: PHARMACY ACT, 2004

Under section 66 of the Pharmacy Act, 2004 (Act No. 9 of 2004), read with section 23(1)(b)(ii) of that Act and on the recommendation of the Pharmacy Council of Namibia, I have made the regulations set out in the Schedule.

R.N. KAMWI

MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 28 November 2010

SCHEDULE

Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“conditional registration” means the conditional registration, under section 23(2)(a) of the Act, of a person as a pharmacist;

“full registration” does not include conditional registration as a pharmacist;

“the Act” means the Pharmacy Act, 2004 (Act No. 9 of 2004).

Prescribed additional examinations for pharmacists

2. (1) A person registered conditionally as a pharmacist under section 23(2) of the Act, before he or she becomes entitled to full registration as a pharmacist under section 22 of the Act, must pass, in addition to the other requirements prescribed by or under the Act, the additional examinations prescribed by subregulation (2).

(2) The prescribed additional examinations referred to in section 23(1)(b)(ii) of the Act and in subregulation (1), are examinations in or relating to -

- (a) each of the following domains:
 - (i) Pharmaceutics;
 - (ii) Pharmacology;
 - (iii) Pharmacy Practice;
 - (iv) Pharmaceutical Chemistry; and
 - (v) Pharmacotherapy;
- (b) Pharmaceutical Ethics; and
- (c) the Pharmacy Act, 2004 (Act No. 9 of 2004) and the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), including the regulations made or in force under those Acts, in so far as those Acts and Regulations relate to pharmacists.

Conducting of examinations

- 3.** (1) The examinations prescribed by regulation 2 -
- (a) must be conducted -
 - (i) by the Council; or
 - (ii) for and on behalf of the Council by a person or institution, whether in Namibia or elsewhere, appointed by the Council for the purpose; or
 - (iii) by an institution outside Namibia recognised by the Council as competent to conduct examinations in the domains prescribed by regulations 2;
 - (b) may be written, oral or practical examinations, or written, oral and practical examinations; and
 - (c) must be taken by the applicant on the date and at the time and venue notified in writing to the applicant by the Council.
- (2) A notice by the Council in terms of subregulation (1)(c) must be sent -
- (a) by pre-paid registered post to the applicant, addressed to his or her postal address as it appears on his or her application for registration; and

- (b) not less than 30 days and not more than 60 days before the date of the examinations prescribed by subregulation (1).

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 279

2010

**REGULATIONS ON CONDITIONS SUBJECT TO WHICH A REGISTERED PERSON
MAY RETURN TO ACTIVE PRACTISE AFTER NOT PRACTISING FOR A PERIOD
OF TIME: PHARMACY ACT, 2004**

Under section 66 of the Pharmacy Act, 2004 (Act No. 9 of 2004) and on the recommendation of the Pharmacy Council of Namibia, I have made the regulations set out in the Schedule.

R.N. KAMWI

MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 28 November 2010

SCHEDULE

Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“practice” means the professional practice of a practitioner;

“practitioner” means a person registered under the Act to practise a profession;

“profession” includes a speciality registered under section 31 of the Act;

“the Act” means the Pharmacy Act, 2004 (Act No. 9 of 2004).

Competency examination and skills assessment before a practitioner may resume active practice

2. (1) A practitioner -

(a) who has not started active practice in Namibia in the professional category of his or her registration within a period of five years after the date of his or her registration under the Act or a law repealed by section 72 of the Act; or

(b) who, at any time after his or her registration as a practitioner under the Act or a law repealed by section 72 of the Act, has not been engaged in Namibia in active practice in the professional category of his or her registration for a period of not less than five years,

may not start or resume practice in his or her professional category unless the requirements of subregulation (2) have been complied with and he or she has been issued by the Council with a written authority to start or resume practice.

(2) Before a practitioner referred to in subregulation (1) may start or resume practice in his or her professional category, whether for his or her own account or otherwise, he or she -

- (a) must give notice to the Council in writing of his or her intention to start or resume practice not less than 60 days before the date on which he or she intends to start or resume practice; and
- (b) must successfully complete and pass, at his or her own expense and as the Council may direct -
 - (i) a competency examination approved by the Council; or
 - (ii) an evaluation as contemplated in section 22(3) of the Act; or
 - (iii) both the examination and the evaluation referred to in subparagraphs (i) and (ii).

(3) A person who fails to successfully complete an examination or an evaluation referred to in subregulation (2)(b)(i) and (ii) respectively, or both such examination or such evaluation, as the case may be, may from time to time, at intervals not shorter than six months, repeat such examination or such evaluation or both, as the Council on such occasion may direct.

Offence and penalty

3. A person who contravenes regulation 2(1) commits an offence and is on conviction liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 280

2010

REGULATIONS RELATING TO AN APPEAL TO, AND THE CONDUCTING OF AN APPEAL BY, THE APPEAL COMMITTEE OF THE PHARMACY COUNCIL OF NAMIBIA: PHARMACY ACT, 2004

Under section 66 of the Pharmacy Act, 2004 (Act No. 9 of 2004), and on the recommendation of the Pharmacy Council of Namibia, I have made the regulations set out in the Schedule.

R.N. KAMWI**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 28 November 2010

SCHEDULE

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PART I

PRELIMINARY

Definitions

1. (1) In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“appellant” means the person who appeals, in accordance with section 63(1)(a) of the Act, to the appeal committee;

“chairperson” means the chairperson of the committee;

“committee” means the appeal committee;

“notice of appeal” means a notice of appeal to the committee prescribed by the Annexure;

“parties to the appeal” means the appellant and the respondent;

“party” means the appellant or the respondent;

“respondent” means the Council;

“Rules of the High Court” means the Rules of the Court made under the High Court Act, 1990 (Act No. 16 of 1990);

“the Act” means the Pharmacy Act, 2004 (Act No. 9 of 2004).

(2) For the purpose of the calculation of any period of time prescribed by these regulations, a Saturday, Sunday or public holiday must not be taken into account.

PART II
NOTICE AND CONDUCTING OF APPEAL

Notice of appeal to the appeal committee

2. A notice of appeal, contemplated in section 63(1) of the Act, to the committee must be substantially in the form of the Annexure.

Lodging of appeal

3. (1) A notice of appeal must be lodged with the registrar at the offices of the registrar, during his or her normal office hours, at the address of the registrar as it appears in the prescribed notice of appeal.

(2) The registrar, or a member of the staff of the registrar, must acknowledge receipt of the notice of appeal by signing and dating a copy of the notice, which copy must be handed to the person lodging the notice of appeal with the registrar.

Referral of notice of appeal to the appeal committee

4. The registrar must -

- (a) refer the notice of appeal to the committee in accordance with section 63(1)(d) of the Act, by delivering to the chairperson a copy of -
 - (i) the notice of appeal lodged with the registrar in accordance with regulation 3(1); and
 - (ii) the minutes of the meeting of, or of the inquiry conducted by, the Council at which the finding, decision or penalty appealed against was made, taken or imposed, as the case may be, together with a copy of every document, book, record or thing submitted to the Council relating to that finding, decision or penalty, or which forms part of those minutes; and
- (b) deliver to every member of the committee a copy of every document, book, record or thing referred to in paragraph (a).

Hearing of appeal

5. (1) The chairperson must determine a date and time on and at which the hearing of the appeal is to start and must accordingly notify the registrar in writing not less than 40 days before the date of the hearing so determined.

(2) The registrar must notify the appellant of the date and time of the hearing of the appeal determined under subregulation (1), not less than 30 days before the date so determined.

Submission of documents, records and things to the appellant

6. The registrar must deliver to the appellant, at his or her written request, a copy of every document, book, record or thing referred to in regulation 4(a).

Request for further particulars

7. (1) The chairperson may request in writing, at any time after the receipt of the copies of the documents, books, records and things referred to in regulation 4 -

- (a) the appellant to furnish the committee with further particulars relating to -
 - (i) any particulars submitted with, or statement made in, his or her notice of appeal lodged with the registrar;
 - (ii) his or her grounds for appeal;
- (b) the respondent to furnish the committee with further particulars relating to the minutes of the meeting or of the inquiry delivered to the committee in accordance with regulation 4(a)(ii).

(2) The appellant or the respondent, as the case may be, must furnish the further particulars requested under subregulation (1) to the chairperson within a period of ten days after receipt of the request.

(3) The further particulars furnished in accordance with subregulation (2) form part of the record of the appeal conducted by the committee.

Submission of main points of argument

- 8.** (1) Not less than -
- (a) 21 days before the date of the hearing of the appeal determined under regulation 5(1), the appellant must submit to the registrar and to the respondent one copy of a concise statement of the main points, without elaboration, which he or she intends to argue on appeal, including a list of the authorities to be presented in support of each of those arguments; and
 - (b) 15 days before the date determined for the hearing of the appeal referred to in paragraph (a), the respondent must submit to the registrar and to the appellant one copy of a concise statement of the reply of the respondent, without elaboration, to the main points of argument of the appellant contemplated in paragraph (a), and the main points, without elaboration, which he or she intends to argue on appeal, including a list of the authorities to be presented in support of each of those arguments.

(2) The registrar must deliver, not less than 12 days before the date determined under regulation 5(1) for the hearing of the appeal, a copy of each of the statements submitted to him or her in terms of subregulation (1), to the chairperson and to every member of the committee.

Conducting of appeal by appeal committee

- 9.** (1) In this regulation, and in regulations 10, 11 and 12, the -
- (a) “appellant” includes the legal practitioner representing the appellant;
 - (b) “representative of the respondent” means a person appointed by the respondent for the purpose of representing the respondent at the hearing of the appeal, and includes the legal practitioner representing the respondent.

(2) The chairperson must preside at the hearing of an appeal in accordance with section 63 of the Act and these regulations.

(3) The appellant may address the committee on the main points of argument submitted to the registrar in terms of regulation 8(1)(a).

(4) The representative of the respondent may address the committee on the respondent's reply and main points of argument submitted to the appellant in terms of regulation 8(1)(b).

(5) Notwithstanding subregulations (3) and (4), the appellant or the representative of the respondent may address the committee, with the consent of the committee, on any matter relevant to the appeal but not specified in the statements contemplated in regulation (8)(1)(a) or (b).

(6) The representative of the respondent or the appellant, as the case may be, may reply to the address of the appellant or the representative of the respondent, as the case may be, made in terms of subregulation (5).

Calling of witnesses and submission of documents, books or records

- 10.** (1) The committee may -
- (a) instruct the appellant or the respondent, at any time during the hearing of the appeal, to call witnesses to give evidence before the committee on any issue relevant to the appeal to be determined by the committee;
 - (b) allow, on the application by any party to the appeal, that party to call a witness or submit to the committee a copy of any document, book, record or thing not submitted to the Council, if the committee is satisfied that -
 - (i) the party making the application was not aware, and could not reasonably have been aware, of the existence of that witness, document, book, record or thing at the time when the Council made the decision appealed against; and
 - (ii) it would not be reasonable, under the circumstances relating to the appeal, to deny that party the opportunity to call that witness or submit that document, book, record or thing to the committee for consideration.
- (2) If a party calls a witness to testify in accordance with subregulation (1) -
- (a) the other party and the chairperson may cross-examine that witness; and
 - (b) that witness is entitled to all the privileges that a witness giving evidence in the High Court of Namibia is entitled to.

PART III

CONDUCTING OF APPEAL ON WRITTEN SUBMISSIONS ONLY

Conducting of appeal on written submissions only

11. (1) For the purposes of this regulation, "written submission" means a written submission by a party as contemplated in subregulation (4).

(2) The committee, at any time after the receipt by all the members of the committee of the notice of appeal referred to the committee by the registrar under regulation 4, may decide, notwithstanding part II, but subject to this regulation, to conduct the appeal on written submissions by the parties only, if the committee is satisfied that it is appropriate and fair to both parties, in the circumstances of the case, to so conduct the appeal.

(3) If the committee decides under subregulation (2) to conduct the appeal on written submissions by the parties only -

- (a) it must determine a reasonable period of time within which the parties must lodge their written submissions with the committee; and
- (b) the registrar must inform the parties in writing -
 - (i) of the decision of the committee to conduct the appeal on written submissions only; and
 - (ii) the period of time determined under paragraph (a) within which the parties must lodge their written submissions.
- (4) A written submission by a party to the committee contemplated in this regulation must -
 - (a) set out the arguments of that party relating to the appeal, with an elaboration on each one of those arguments, including a list of the authorities in support of the arguments;
 - (b) be lodged with the registrar within the period of time determined under subregulation (3)(a) for the lodging of the submissions.
- (5) The registrar must deliver a copy of a written submission lodged with him or her by a party in accordance with subregulation (4)(b) to the other party within a period of seven days after the receipt of the written submission.
- (6) A party may lodge with the registrar, within a period of 14 days after receipt of the copy of the written submission delivered to him or her by the registrar in accordance with subregulation (5), a written reply to the written submission.
- (7) The registrar must deliver, within a period of three days after the expiry of the period of 14 days prescribed by subregulation (6), to the chairperson and to every member of the committee, a copy of every written submission, and of every reply to a written submission, lodged with him or her in accordance with this regulation.
- (8) The committee may conduct, and take a decision on, the appeal on the contents of the notice of appeal, minutes, documents, books, records and things delivered to it in accordance with regulation 4, and the arguments raised in the submissions delivered to it in accordance with subregulation (7) of this regulation, without requiring the parties to submit to the committee their main points of argument in accordance with regulation 8 or to address the committee in accordance with regulation 9.

PART IV FINDINGS OF APPEAL COMMITTEE

Findings of appeal committee

- 12.** (1) After having conducted an appeal in accordance with section 63 of the Act and these regulations, the chairperson may make known the findings of the committee relating to the appeal, or may postpone the announcement of those findings until a date and time determined by the committee.
- (2) The chairperson of the committee must make known in writing -
 - (a) the findings of; and

(b) any orders made by,

the committee under section 63 of the Act, and must submit a copy of the findings and orders to the registrar.

(3) The registrar must deliver a copy of the findings and orders contemplated in subregulation (2) to the appellant.

(4) When making an order as to the payment of costs under section 63(2)(b)(v) of the Act, the committee may award costs in accordance with the fees that may be charged by legal practitioners as prescribed by the Rules of the High Court.

(5) The chairperson of the committee must tax a bill of costs in accordance with the Rules of the High Court, with the necessary changes.

PART V GENERAL

Granting of extension and condonation of failure

13. (1) Notwithstanding any provision of these regulations, the committee may grant, on good cause shown and subject to such conditions as the committee may determine, to any of the parties to the appeal an extension of time for the lodging of any document in terms of, or condone any failure by a party to comply with, any of these regulations.

(2) The conditions determined by the committee under subregulation (1) may include an order as to the payment of costs by the party who is granted an extension of time or whose failure is condoned.

Giving of notice and submission of particulars

14. Any notice or particulars that must be given or submitted in accordance with these regulations -

- (a) by or to the appellant, must be given or submitted by or to the appellant, or if he or she has appointed a legal practitioner to represent him or her, by or to that legal practitioner;
- (b) by or to the respondent, must be given or submitted by or to the registrar, or if the respondent has appointed a legal practitioner to represent it, by or to that legal practitioner;
- (c) to the committee, must be given or submitted to the registrar.

Service of notices on the respondent

15. A notice to the respondent in terms of any of the provisions of these regulations must be served upon the registrar or a member of his or her staff, at the offices of the registrar at the address specified in the Annexure.

Application of the Rules of the High Court of Namibia

16. When conducting an appeal in accordance with section 63 of the Act, the committee may apply any of the Rules of the High Court, as it may determine and with the necessary changes, to any matter not provided for in the Act or these regulations, and if the Rules so applied are not inconsistent with the Act or these regulations.

Registration number of the Appellant with the Council (if any):

Received this Notice of Appeal:

Signature of recipient

For and on behalf of the registrar of the Pharmacy Council of Namibia:

Date: _____

Time: _____

PARTICULARS OF FINDING OR DECISION, OR PENALTY IMPOSED, OR REFUSAL OR FAILURE BY COUNCIL, APPEALED AGAINST:

*(aa) Date of finding or decision, or penalty imposed, if applicable:
.....

*(bb) Particulars of finding or decision, or penalty imposed, by the Respondent:
.....
.....
.....

(If this space is insufficient, add a schedule setting out particulars.)

*(cc) Particulars of the refusal or failure of the Respondent to make a finding or take a decision:
.....
.....
.....

(If this space is insufficient, add a schedule setting out particulars.)

*(Delete whatever is or are not applicable.)

GROUND(S) THAT APPEAL IS BASED ON

Set out in full the grounds that the appeal is based on:

.....
.....
.....
.....
.....

(If this space is insufficient, add a schedule setting out the particulars.)
