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## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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### DEPARTMENT OF SCIENCE, TECHNOLOGY AND INNOVATION

NO. 7235

16 March 2026

### PUBLICATION OF THE NATURAL SCIENTIFIC PROFESSIONS BILL, 2026, FOR PUBLIC COMMENTS

I, Prof. BE Nzimande, Minister of Science, Technology and Innovation, hereby publish the Natural Scientific Professions Bill, 2026, for public comment and for public consultation.

Members of the public are invited to submit their comments/inputs within 60 days from the date of publication of this Notice. Written comments may be submitted to:

The Director-General: Department of Science, Technology and Innovation, for the attention of Dr Maphuti Madiga, at one of the following addresses:

**Postal Address:** Department of Science, Technology and Innovation  
Private Bag X894  
Pretoria  
0001

**Physical Address:** Building 53  
Scientia Campus (South Gate entrance)  
627 Meiring Naude Road  
Brummeria  
Pretoria  
0002

**E-mail:** [maphuti.madiga@dsti.gov.za](mailto:maphuti.madiga@dsti.gov.za)

The Bill can also be accessed online from: [www.dsti.gov.za](http://www.dsti.gov.za)



**Prof. B E Nzimande, MP**

**Minister of Science, Technology and Innovation**

**REPUBLIC OF SOUTH AFRICA**

**NATURAL SCIENTIFIC PROFESSIONS BILL**

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*(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill published in Government Gazette No. of ..... (The English text is the official text of the Bill)*

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**(MINISTER OF SCIENCE, TECHNOLOGY AND INNOVATION)**

**[B – 2025]**

100725nb

**BILL**

**To provide for the continued existence of the South African Council for Natural Scientific Professions; to determine the objects of the Council; to provide for the Board of the Council; to provide for the regulation of the profession of natural scientists so as to ensure high ethical standards; to repeal the Natural Scientific Professions Act, 2003; and to provide for matters related thereto.**

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as follows:—

## **ARRANGEMENT OF SECTIONS**

### **CHAPTER 1**

#### **DEFINITIONS, APPLICATION AND OBJECTS OF ACT**

1. Definitions
2. Application of Act
3. Objects of Act

### **CHAPTER 2**

#### **SOUTH AFRICAN COUNCIL FOR NATURAL SCIENTIFIC PROFESSIONS AND BOARD**

4. Continued existence of South African Council for Natural Scientific Professions
5. Objects of Council
6. Powers and functions of Council
7. Establishment and objects of Board
8. Powers and functions of Board
9. Composition of Board
10. Nomination procedure for members of Board
11. Term of office of members of Board
12. Disqualification from membership of Board and vacation of office and filling of vacancies
13. Dissolution of Board
14. Chairperson and deputy chairperson of Board
15. Meetings of Board

16. Appointment and powers and functions of Chief Executive Officer
17. Funds and governance of Council

### **CHAPTER 3**

#### **REGISTRATION OF NATURAL SCIENTISTS**

18. Registration
19. Categories of registration
20. Change of category
21. Cancellation of registration
22. Renewal of registration
23. Limited registration
24. Authorised titles
25. Removal of name from, and restoration to, register
26. Appeals committee procedure in relation to registration
27. Recognition of voluntary associations
28. Identification of scope of work and competencies

### **CHAPTER 4**

#### **EDUCATION, TRAINING AND CONTINUING PROFESSIONAL DEVELOPMENT**

29. Education, research, and training
30. Continuing professional development
31. Candidate mentoring

## **CHAPTER 5**

### **REGULATION OF CONDUCT OF NATURAL SCIENTISTS**

32. Code of conduct and Rules
33. Investigation of unprofessional or improper conduct
34. Appointment of disciplinary tribunal
35. Disciplinary hearing
36. Proceedings after hearing
37. Appeals tribunal
38. Appeals against decisions of disciplinary tribunal
39. Offences and penalties
40. Decisions of Council
41. Procedure and evidence

## **CHAPTER 6**

### **MISCELLANEOUS PROVISIONS**

42. Limitation of liability
43. Regulations
44. Rectification of errors
45. Transitional provisions and savings
46. Repeal of laws
47. Short title and commencement

## CHAPTER 1

### DEFINITIONS, APPLICATION AND OBJECTS ACT

#### Definitions

1. In this Act, unless the context otherwise indicates: —

**"Appeals Committee"** means a committee established in terms of section 26;

**"Appeals Tribunal"** means the tribunal appointed in terms of section 37;

**"Board"** means the board of the Council established in terms of section 7;

**"categories of registration"** means the prescribed categories in which a person may be registered in the natural scientific profession;

**"candidate natural scientist"** means a person registered as a candidate under one of the categories of registration;

**"certificated natural scientist"** means a person registered as such in terms of the Regulation;

**"Chief Executive Officer"** means a person appointed as the Chief Executive Officer of the Council in terms of section 16;

**"code of conduct"** means a code of conduct issued by the Board in terms of section 32(1);

**"Competition Commission"** means the Commission established in terms of section 19 of the Competition Act, 1998 (Act No. 89 of 1998);

**"Constitution"** means the Constitution of the Republic of South Africa, 1996;

**"Council"** means the South African Council for Natural Scientific Professions referred to in terms of section 4;

**"Department"** means the Department responsible for science, technology and

innovation;

**"Director-General"** means the Director-General of the relevant government department;

**"disciplinary body"** means –

- (a) an investigating committee;
- (b) a disciplinary tribunal; or
- (c) The Appeals Tribunal, as the case may be;

**"fields of practice"** means the prescribed fields of practice;

**"scope of work and competencies"** means the prescribed scope of work and competencies;

**"Minister"** means the Minister responsible for science, Technology and innovation;

**"natural sciences"** means a branch of science concerned with the study of the objects or phenomena of the natural world and the derivatives thereof, involved in the fields of practice;

**"natural scientific profession"** means the profession of natural science in terms of this Act;

**"natural scientist"** means a person qualified in the natural sciences;

**"non-registered person"** means a person who practises in the natural sciences and who is not registered and therefore is not in compliance with this Act;

**"practise"** means rendering of a service or provision of advice in the natural scientific profession in any of the categories of registration or fields of practice, whether for a fee, compensation or for free, but does not include –

- (a) the teaching of natural sciences at a recognised educational institution in the Republic; or
- (b) development of policy or strategy on natural science by the government of the

Republic, -

and, 'practising' has a corresponding meaning;

**"prescribed"** means prescribed by regulation, code of conduct, or rule made under this Act;

**"professional natural scientist"** means a person registered as such in terms the regulation;

**"recognised voluntary associations"** means voluntary associations recognised by the Council in terms of section 27(3) of this Act;

**"register"**, means the register kept in terms of section 6(1)(c);

**"registered person"** means any person who is registered under one or more of the prescribed categories of registration;

**"registration"** means registration in terms of the section 18;

**"regulation"** means a regulation made under this Act;

**"Republic"** means the Republic of South Africa;

**"Rule"** means a rule made under this Act;

**"technologist natural scientist"** means a person registered as such in terms of the regulation;

**"title"** means a title prescribed by the Board for any of the categories of registration;

**"this Act"** includes a regulation, code or Rule made or issued in terms of this Act;

**"unprofessional or improper conduct"** means disgraceful, or dishonourable or unworthy conduct or breach of the code of conduct or rules made in terms of section 32; and

**"voluntary association"** means an association, the majority of whose members are qualified in a field of practice and are registered in any one of the categories of registration and whose purpose is to promote the development of the disciplines in

which their members have expertise.

### **Application of Act**

2. This Act is applicable to any person practising in any of the fields of practice.

### **Objects of Act**

3. The objects of this Act are—

- (a) to provide a legislative framework for Natural scientific profession that embraces the values underpinning the Constitution and ensures that the rule of law in natural sciences is upheld;
- (b) to protect and promote the public interests by regulating the conduct of practising natural scientists;
- (c) to ensure the protection of the environment;
- (d) to provide for the regulation of the practice and conduct of the natural scientific professions;
- (e) to create a framework for and to provide and promote the registration of all eligible and appropriately experienced natural scientists with the required natural sciences qualifications registration of practising natural scientists;
- (f) to provide for a code of conduct for practising natural scientists; and
- (g) to provide a fair, effective, efficient and transparent procedures for the resolution of complaints relating to unprofessional and improper conduct by any person practising in the fields of practice.

## CHAPTER 2

### SOUTH AFRICAN COUNCIL FOR NATURAL SCIENTIFIC PROFESSIONS AND BOARD

#### **Continued existence of South African Council for Natural Scientific Professions**

4. (1) Notwithstanding the repeal by this Act of the Natural Scientific Professions Act, 2003, (Act No. 27 of 2003), the South African Council for Natural Scientific Professions established by section 2 of that Act, continues to exist as a juristic person with full legal capacity, and exercises jurisdiction over all practising natural scientists as contemplated in this Act.

#### **Objects of Council**

5. The objects of the Council are—
- (a) to direct, administer, register and regulate the practice of the natural scientific professions;
  - (b) to promote the professional development of the natural science sector in the Republic;
  - (c) to serve and protect the public and the environment from malpractice in matters involving the rendering of natural scientific services in the natural sciences;
  - (d) to uphold and maintain professional and ethical standards within the natural scientific professions;
  - (e) to promote and to regulate inter-professional relationships between natural

- scientific professions in the interest of the public and the environment; and
- (f) to advise the Minister or any relevant stakeholder on any matter falling within the scope of this Act in order to support the norms and values of natural scientific professions, with emphasis on professional practice, ethical conduct and social accountability.

### **Powers and functions of Council**

6. (1) The powers and functions of the Council are—
- (a) to consider and decide on any application for registration;
- (b) to determine the period of validity of registration of a registered person;
- (c) to keep a prescribed register of registered persons in a prescribed manner;
- (d) to facilitate and encourage research into matters relating to the natural scientific professions;
- (e) to create awareness of the importance of protecting the natural and physical environment against harmful natural scientific practices;
- (f) upon application in the prescribed manner, to grant exemption from payment of any fees or charges, or any portion thereof, referred to in section 8(1)(h);
- (g) to promote registration of all non-registered persons, who meet the registration requirements;
- (h) to draft and recommend regulations to the Minister;
- (i) to institute or defend legal proceedings on behalf of the Council;
- (j) to delegate any of its powers and functions to a committee of the Board or the Chief Executive Officer, subject to any conditions it may impose, which delegation does not—

- (i) divest the Council of the power or function so delegated; and
- (ii) preclude the Council from varying or setting aside any decision made under a delegation.

(2) The powers and functions of the Council must be performed by the Board.

### **Establishment and objects of Board**

7. (1) The Board of the Council is hereby established.

(2) The objects of the Board are—

- (a) to manage and control the business affairs of the Council, and the Board shall have the authority to exercise all of the powers and perform any of the functions of the Council, except to the extent that this Act provides otherwise;
- (b) to foster a culture of good corporate governance in the Council;
- (c) to advise the Minister, or any other Minister, on any matter relating to the natural scientific professions;
- (d) to communicate to the Minister information of public importance acquired by the Council in the course of the performance of its functions under this Act; and
- (e) to take any steps it may consider necessary to—
  - (i) protect the public and the environment in their dealings with registered persons or any person practising in the fields of practice;
  - (ii) ensure the maintenance of the integrity and the enhancement of the status of the natural scientific professions;
  - (iii) improve the standards of services rendered by registered persons; and
  - (iv) regulate and advance the interest of the profession as a whole.

## **Powers and functions of Board**

### **8. (1) The Board—**

- (a) must develop the strategic plan and budget of the Council and recommend it to the Minister for approval;
- (b) may on behalf of the Council acquire, hire, maintain, let, sell or otherwise dispose of immovable property;
- (c) must develop or approve all the policies of the Council;
- (d) must determine the general responsibilities of the Chief Executive Officer;
- (e) must determine the manner in which meetings of the Board or any committee of the Board must be convened and approve the terms of reference for such committee;
- (f) must prescribe the period of validity of the registration of a registered person;
- (g) must approve the policy relating to the fees and charges payable to the Council;
- (h) must prescribe the manner in which applications for exemptions from any fees contemplated in section 6 (1) (f) must be made;
- (i) must approve a policy for granting exemptions from payment of any fees or charges, or any portion thereof, referred to in section 6 (1)(f)
- (j) must prescribe Rules applicable to registered persons;
- (k) must, subject to the approval of the Minister and in accordance with applicable legislation, determine the allowances payable from the funds of the Council to its members and the members of any committee of the Council; and
- (l) may take such measures as it considers necessary for the proper performance of its functions or to achieve the objects of this Act.

(2) The Board may adopt policies relating to the operations of the Council.

(3) The Board may establish one or more committees consisting of suitable members of the Board or any competent persons determined by the Board to perform such functions as the Board may determine and to assist the Board in the exercise of its powers and performance of its functions.

(4) The Board: —

(a) must determine the powers and functions of a committee established in terms of subsection (3);

(b) must appoint a member of a committee as chairperson of such committee;

(c) may set a committee's procedure and performance standards;

(d) may, after complying with due process of law, remove a member of a committee for non-adherence to procedures and standards determined in terms of paragraph (c).

(5) The Board may, subject to such conditions as it may determine, delegate in writing to the Chief Executive Officer any function entrusted to the Board under this Act, except the functions relating to the issuing of the of Rules, policies or any matter it is required to prescribe.

(6) The Board may—

(a) make Rules regarding the code of conduct applicable to registered persons;

(b) make Rules regarding *any* matter contemplated in section 18;

(c) make Rules regarding manner in which any application required in terms of this Act must be made;

(d) make Rules regarding the manner in which a subpoena under this Act must be issued;

- (e) make Rules regarding the manner in which appeals to the Appeals Committee or the Appeals Tribunal must be made;
- (f) make Rules regarding the manner in which appeals from the Council's decisions may be considered; and
- (g) make Rules regarding the procedure contemplated in section 35.

### Composition of Board

9. (1) The Board consists of—

(a) a chairperson appointed by the Minister from amongst members appointed in terms of paragraph (b).

(b) at least 11 and not more than 15 members, appointed by the Minister with diversified skills in, amongst others, legal, compliance, governance, finance, risk, human resources, and information communication technologies, of whom

—

(i) at least five and not more than seven, must be professional natural scientists, nominated by the recognised voluntary associations and must broadly represent the fields of practice;

(ii) at least three and not more than four, must be in the service of an organ of state and nominated by the Director-General or Chief Executive Officer of the relevant organs of state;

(iii) at least three and not more than four, must be members of the public nominated in accordance with section 10 (2)(a); and

(iv) the other, must be the Chief Executive Officer, as an *ex officio* member.

(2) The Board must be constituted in a manner that is broadly

representative of the demographics of the Republic.

(3) The Minister must, within 60 days of the appointment or reappointment of a member of the Board, submit a report to Parliament relating to such appointment or reappointment.

(4) The Minister must, within a reasonable time, after the appointment of the members of the Board, by notice in the *Gazette*, publish—

- (a) the name of every person so appointed;
- (b) the date from which the appointment takes effect; and
- (c) the period for which the appointment is made.

#### **Nomination procedure for members of Board**

10. (1) When any nomination in terms of section 9(1)(b)(i) and (ii) becomes necessary, the Minister must invite the recognised voluntary associations, and the relevant organs of state, as the case may be, to nominate persons contemplated in section 9(1)(b)(i) and (ii) within a period of at least thirty (30) days from the date of the invitation.

(2) When any nomination in terms of section 9(1)(b)(iii) becomes necessary, the Minister must—

- (a) publish a notice in the *Gazette* and three national newspapers in the Republic, with due regard to the use of Official Languages Act, 2012 (Act No. 12 of 2012), calling on members of the public to nominate persons contemplated in section 9(1)(b)(iii) within a period of thirty (30) days from the date of the Notice; and
- (b) appoint an independent panel to compile a shortlist of not more than ten (10) persons from the nominees received in terms of paragraph (a).

(3) If the Minister receives no nominations or an insufficient number of nominations in terms of subsection (1) or (2), within the period specified in the invitation, the Minister may either re-advertise or in any other transparent manner, appoint the required number of qualified persons.

### **Term of office of members of Board**

11. (1) A member of the Board is appointed for a term of four (4) years and is eligible for reappointment on expiry of his or her term.

(2) A member of the Board may not serve for more than two consecutive terms of office.

(3) If a member of the Board dies or vacates office before the expiration of the term for which the member had been appointed, another person may be appointed to fill the vacancy for the unexpired portion of the term for which the member was appointed in accordance with subsection (5).

(4) Despite subsection (1), the Minister may, after consultation with the Board, extend the term of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first.

(5) If a member of the Board ceases to hold office before the expiration of his or her term of office, the Minister may, subject to section 12(1), after consideration of nominations referred to in section 10(1) in respect of nominations by recognised voluntary associations and the relevant organs of state or a shortlist of candidates referred to in section 10(2)(b), whichever is relevant, or in any other transparent manner, appoint a person who meets the requirements in the relevant

category to fill the vacancy for the remainder of the period for which that member was appointed.

### **Disqualification from membership of Board, vacation of office and filling of vacancies**

**12.** (1) A person may not be appointed as a member of the Board if that person—

- (a) is not a citizen or not a permanent resident of the Republic;
- (b) is an unrehabilitated insolvent;
- (c) has been convicted of—
  - (i) a crime and sentenced to a term of imprisonment without the option of a fine; or
  - (ii) fraud, corruption or any other crime involving dishonesty, within a period of ten years preceding the date of nomination in terms of section 10(1) and (2);
- (d) has, as a result of improper conduct been removed from a position of trust by a competent court;
- (e) has in terms of this Act been found guilty by a disciplinary tribunal of unprofessional and improper conduct within a period of ten years preceding the date of nomination in terms of section 10(1) and (2); and
- (f) is not, in the case of a person referred to in section 9(1)(b)(i), a registered person.

(2) A member of the Board ceases to hold office if he or she—

- (a) becomes disqualified in terms of subsection (1);

- (b) resigns by giving written notice to the Minister;
- (c) is declared by a competent court to be of unsound mind or mentally disordered or is placed under involuntary care, treatment or rehabilitation in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (d) has without leave of the Board, been absent for more than three consecutive meetings of the Board;
- (e) was appointed in terms of section 9(1)(b)(i) and is no longer a member of the body that nominated him or her;
- (f) was appointed in terms of section 9(1)(b)(ii) and ceases to be employed by an organ of state;
- (g) has been declared a delinquent director by a competent court and such declaration still subsists; or
- (h) ceases to be permanently resident in the Republic.

### **Dissolution of Board**

**13.** (1) The Minister may dissolve the Board—

- (a) if the Board is unable to perform its functions in terms of this Act;
- (b) on the grounds of mismanagement;
- (c) if there is a total breakdown in the relationship between the Board and the Minister; or
- (d) if there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.

(2) In exercising powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

(3) Within 21 days of the dissolution of the Board, the Minister must appoint an interim Board consisting of a minimum of five persons to assume the responsibilities of the Board, until a new Board is constituted in terms of section 10.

(4) The interim Board must consist of at least two persons who practise in the Natural scientific professions.

(5) The Minister must appoint a new Board within 180 days of the dissolution of the previous Board.

(6) Any person who was a member of the Board which was dissolved in terms of this section may be re-appointed to a new Board.

(7) The Minister must, within 30 days of the dissolution of the Board, submit a report to Parliament, setting out the reasons for the dissolution.

#### **Chairperson and deputy chairperson of Board**

**14.** (1) The members of the Board must at the first meeting of every newly constituted Board elect a deputy chairperson.

(2) Both the chairperson and the deputy chairperson must be registered persons in terms of this Act.

(3) The deputy chairperson may perform all the functions of the chairperson if the chairperson is, for any reason, unable to act as such.

(4) If both the chairperson and the deputy chairperson are unable to preside at a Board meeting, the members present must elect one of the members present to preside at that meeting.

(5) The person elected in terms of subsection (4) may, during that meeting and until the chairperson or deputy chairperson resumes his or her functions,

perform all the functions of the chairperson.

(6) If the office of deputy chairperson becomes vacant, the members of the Board must, at the first meeting after such vacancy occurs elect from among themselves a new deputy chairperson.

(7) The member elected in terms of subsection (6) must hold office for the remainder of the term of office of the deputy chairperson.

### **Meetings of Board**

15. (1) The first meeting of the Board must be held at a time and place determined by the Minister or the delegated official by the Minister.

(2) The Board must hold at least four meetings each year but may hold any further meetings as the Board may determine.

(3) The Board determines the times of meetings and should hold such meetings virtually or at any other facility.

(4) The chairperson may at any time convene a special meeting of the Board and must determine the time and place of the meeting.

(5) The majority of the members of the Board constitutes a quorum at any meeting of the Board.

(6) The Board must determine a procedure for convening meetings and the procedure for the conduct of meetings.

(7) A decision of the Board must be taken by resolution of the majority of the members present at any meeting of the Board, and, in the event of an equality of votes, the person presiding has a casting vote in addition to his or her deliberative vote.

(8) Subject to the approval of the chairperson, any person may attend or take part, but may not vote, in a meeting of the Board.

### **Appointment and powers and functions of Chief Executive Officer**

**16.** (1) The Board must, in consultation with the Minister, appoint a suitably skilled and qualified person as a Chief Executive Officer.

(2) The appointment of the Chief Executive Officer must be made after following a transparent and competitive selection process.

(3) The Chief Executive Officer is responsible for the administration, and general management of the day-to-day functioning of the Council, subject to the instructions and directions issued by the Board.

(4) The Chief Executive Officer—

- (a) is appointed for a term not exceeding five years;
- (b) is eligible for renewal of his or her term of office; and
- (c) may not serve for more than two consecutive terms.

(5) The Chief Executive Officer must enter into a performance agreement with the Board within three months of his or her appointment.

(6) The Board may appoint any senior person in the employ of the Council who meets the requirements determined in terms of subsection (1) to act as the Chief Executive Officer if, for any reason the Chief Executive Officer—

- (a) is absent for a period of more than two months;
  - (b) is unable to carry out his or her duties for a period of more than two months;
- or
- (c) ceases to hold office.

(7) The person appointed in terms subsection (6) must act as the Chief Executive Officer until the Chief Executive Officer is able to resume his or her duties, or until the vacant position of the Chief Executive Officer is filled, as the case may be, and the acting may not exceed the remaining term of office of the Chief Executive Officer.

(8) If the Chief Executive Officer is absent for a period of less than two months, he or she must, after consultation with the Board, appoint a senior person in the employ of the Council to act as Chief Executive Officer during that period.

(9) An acting Chief Executive Officer may exercise all the powers and may perform all the duties of the Chief Executive Officer.

(10) The Chief Executive Officer may delegate in writing any powers entrusted to him or her in terms of this Act, subject to such conditions that he or she may determine, to a person in the employ of the Council.

(11) The Chief Executive Officer, on conditions that the Board may determine, may transfer or second a person who is in the employ of the Council, with such person's consent, to the employ of another institution within or outside the Republic.

(12) The Chief Executive Officer must appoint other employees of the Council or may receive on secondment officials, necessary to carry out the functions of the Council, on such conditions, including the payment of remuneration and allowances, as the Board may determine.

### **Funds of Council**

17. (1) The funds of the Council consist of -

- (a) money appropriated by Parliament;
- (b) fees chargeable by the Council in terms of this Act;
- (c) donations made to the Council;
- (d) interest on money invested by the Council; and
- (e) any money which may accrue to the Council from any other lawful source.

(2) The Minister may, with the concurrence of the Minister of Finance and on request of the Board —

- (a) grant or advance to the Council, out of money appropriated by Parliament, such amounts as he or she considers necessary in order to enable the Council to perform its functions; and
- (b) determine the conditions to, or repayment of, the advance.

(3) The Board may, with the approval of the Minister granted with concurrence of the Minister of Finance, and for the purpose of effectively performing its functions—

- (a) apply for funding from government entities, industry and other relevant stakeholders; or
- (b) raise money by way of a loan; and
- (c) mortgage, any of its immovable property as security for a loan referred to in paragraph (b) if necessary.

(4) The Council may invest any unexpended portion of its monies not immediately required and may establish such reserve funds and pay therein such amounts as it may deem necessary or expedient.

(5) The Board may establish and administer a fund for the purpose of the education and training of students in the natural scientific professions and for the continued education and training of registered persons in compliance with the

national developmental imperatives.

(6) The Board must keep full and correct records of all monies received and expended by the Council and of all assets, liabilities and financial transactions of the Council.

(7) The Board must annually prepare a report and financial statements for that financial year in accordance with the Public Finance Management Act, 1999.

(8) The Board must ensure that a copy of the audited financial statement and balance sheet are open for inspection at the offices of the Council.

(9) The Board must, within five months from the close of each financial year, submit the audited annual financial statements to the Minister.

(10) The financial year of the Council begins on 1 April of each year and ends 31 March of the following year.

(11) The Board must, within five months from the close of each financial year, provide the Minister with an annual report regarding its activities during that financial year for tabling in Parliament.

(12) The annual report referred to in subsection (11) must be open for inspection at the offices of the Council and be published on the website of the Council.

## CHAPTER 3

### REGISTRATION OF NATURAL SCIENTISTS

#### Registration

18. (1) (a) A person must apply, in the prescribed manner and form to the Council for registration in any of the prescribed categories of registration.

(b) The application referred to in paragraph (a) must be accompanied by the prescribed registration fees.

(2) The process of registration involves —

(a) assessment of qualifications and competencies of applicants for the purpose of registration under this Act; and

(b) entering the names of the applicants who qualify into the Register.

(3) The Council must register and issue a registration certificate to the successful applicant in the prescribed form if the applicant meets the requirements for registration.

(4) The Council may, in accordance with a policy contemplated in section 23, determine that an applicant's registration is limited.

(5) The Council must inform the applicant in writing of the outcome of the application for registration.

(6) A registered person must comply with the code of conduct prescribed by the Board.

(7) Despite subsection (3), the Council may refuse to register an applicant—

(a) if, after the commencement of the Constitution, the applicant is convicted of a crime specified in Schedule 1 of the Criminal Procedure Act, 1977 (Act 51 of

1977), whether in the Republic or elsewhere, and sentenced to imprisonment without an option of a fine;

- (b) if the applicant is declared by a competent court to be of unsound mind or mentally disordered, or is placed under involuntary care, treatment or rehabilitation in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002);
- (c) for as long as the registration of the applicant is suspended as a result of any sanction imposed on him or her under this Act;
- (d) if the applicant has been removed from an office of trust by a court of law on account of improper conduct; or
- (e) if the applicant is an unrehabilitated insolvent.

(8) The Council must, on application, register a person who had previously been registered and whose registration was cancelled in terms of section 21(1)(c) if he or she has paid—

- (a) the prescribed registration fees;
- (b) any annual fee, or portion thereof, in arrears;
- (c) any expenses incurred by the Council in connection with the recovery of any fees in arrears; and
- (d) any penalties imposed on him or her by the Council.

(9) A person who is not a registered person in terms of this Act, may not—

- (a) practise in any of the fields of practice;
- (b) pretend to be, or in any manner hold or allow himself or herself to be held out as, a person registered in terms of this Act;
- (c) use the name of any registered person or any name, title, abbreviation or category of registration contemplated in section 19; or

(d) perform any act purporting or calculated to lead persons to believe that he or she is registered in terms of this Act.

(10) Notwithstanding subsection (9), a person registered in terms of the following Acts, or replacements thereof, may perform those elements of the natural scientific profession which are essential for the practising of his or her profession, if his or her education, training and experience render him or her competent to perform that work:

- (a) Architectural Profession Act, 2000 (Act No. 44 of 2000);
- (b) Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000);
- (c) Engineering Professions Act, 2000 (Act No. 46 of 2000);
- (d) Property Valuers Profession Act, 2000 (Act No. 47 of 2000);
- (e) Project and Construction Management Profession Act, 2000 (Act No. 48 of 2000); and
- (f) Quantity Surveying Profession Act, 2000 (Act No. 49 of 2000).

### **Categories of registration**

**19.** (1) Subject to the Minister's approval, the Board may introduce and determine a framework for the categories of registration and qualifications and work experience per recognised field of practice.

(2) The Minister must prescribe categories of registration.

(3) Each category of registration is associated with its candidate phase, which phase must meet the prescribed requirements.

### **Change of category**

**20.** (1) A person who has completed a programme or qualification and having prerequisite work experience entitling him or her to registration in another category of registration, must apply to the Council to have his or her category of registration in the register altered accordingly, and the Council must alter his or her registration of the previous category if the application is successful.

(2) Despite subsection (1), the Council must refuse to alter the applicant's category of registration if the applicant does not meet the registration criteria for the category of registration applied for.

(3) The Council must provide an applicant with written reasons for refusal to register him or her in the category of registration applied for.

### **Cancellation of registration**

**21.** (1) The Council may cancel the registration of a registered person if—

- (a) any disqualification contemplated in section 18(7) is applicable to that person;
- (b) he or she has erroneously been registered, or has been registered on information subsequently proved to be false;
- (c) he or she fails to pay the prescribed annual fee or portion thereof, within 60 days from it becoming due or within such further period as the Council may allow, either before or after the expiry of the 60 days;
- (d) he or she is deceased;
- (e) he or she has requested that his or her name be removed from the register, in

which case he or she may be required to lodge with the Chief Executive Officer an affidavit or affirmation to the effect that no disciplinary or criminal proceedings are being or are likely to be instituted against him or her;

- (f) he or she has been found guilty of unprofessional or improper conduct and a penalty contemplated in section 36 or 38 was imposed;
- (g) his or her qualification by virtue of which he or she was registered has been revoked by the institution of higher education or other body from which he or she received the qualification;
- (h) he or she has failed to furnish the Chief Executive Officer, within a period determined by the Council, with such information as the Chief Executive Officer may require under this Act;
- (i) does not acquire the prescribed continuing professional development points within the specified period; or
- (j) he or she is declared by a competent court to be of unsound mind or mentally disordered or is placed under involuntary care, treatment or rehabilitation in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002).

(2) The Council must, in accordance with the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), inform the registered person in writing if his or her registration is to be cancelled.

(3) Despite the cancellation of the registration in terms of this section, that person remains liable for any fee, arrears or penalty imposed by the Council for the period that he or she was registered.

### **Renewal of registration**

**22.** The Board may determine conditions for the annual renewal of registration.

### **Limited registration**

**23.** The Board may make a policy to provide for limited registration from time to time.

### **Authorised titles**

**24.** (1) A registered person must use a title prescribed by the Board for the specified category of registration.

(2) The Board may determine abbreviations or acronyms for the titles.

(3) A registered person must—

- (a) affix the abbreviation or acronym of the title as determined by the Council from time to time after his or her name; and
- (b) use his or her title in all natural scientific reports and other documentation relating to work in the natural scientific profession prepared by him or her.

## Removal of name from, and restoration to, register

**25.** (1) A person whose name has been removed from the register, following the cancellation of his or her registration in terms of section 21, must immediately cease to practise as a registered person and is precluded from performing any act which, he or she, in his or her capacity as a registered person, was entitled to perform.

(2) The Council must restore the registration of a person whose name has in terms of this section been removed from the register if the person concerned—

- (a) applies in the prescribed form to the Council for the restoration of his or her registration;
- (b) pays the prescribed fee, if any;
- (c) complies with such other requirements as the Board may determine; and
- (d) is otherwise eligible for registration.

## Appeals against decisions of Council

**26.** (1) The Council must establish an appeals committee, on a case-by-case basis, consisting of a person with a least 10 years' experience in the legal field and two other persons determined by the Council, to consider and decide appeals against decisions of the Council.

(2) If the Council rejects the registration of a person or cancels his or her registration, other than a cancellation in terms of sections 21(1)(c) or in terms of section 36(3)(d), that person may, on payment of the prescribed fees and within 30 days of date of refusal or cancellation of registration, appeal in the prescribed manner to the appeals committee.

(3) The appeals committee must, within 60 days from the date on which the appeal was lodged, consider the appeal in the prescribed manner and may confirm, vary or set aside the Council's decision or make any other decision which is just.

(4) The registration of the appellant may not be cancelled until the appeal has been finalised.

(5) The appeals committee must, upon finalising the appeal, provide the appellant and the Council with its decision and reasons for that decision.

### **Recognition of voluntary associations**

27. (1) The Board must, every five years, submit a framework for the recognition of voluntary associations to the Minister for approval.

(2) Any voluntary association whose activities are concerned with the natural sciences must apply in the prescribed manner to the Council to be recognised.

(3) The Council must, if a voluntary association complies with the framework contemplated in subsection (1), recognise that voluntary association, and issue the voluntary association with a prescribed certificate of recognition.

(4) A certificate of recognition is valid for a period of five years from the date of issue and may on application be renewed for a further period of five years.

(5) The certificate of recognition must be open for inspection at the offices of a voluntary association and published on its official website.

(6) The recognition of a voluntary association lapses—

(a) if that voluntary association no longer complies with the requirements of the framework contemplated in subsection (1); or

(b) if the voluntary association has not applied for renewal at the expiry of the five-year period referred to in subsection (4).

(7) The head of a voluntary association whose recognition has lapsed must return the certificate of recognition to the Council within seven days of the date of expiry of the certificate.

### Identification of scope of work and competencies

**28.** (1) The Board, after engaging with recognised voluntary associations and other relevant stakeholders in the natural scientific professions, must develop—

- (a) the definitions of the scope of work in all fields of practice which may be performed by practising persons for the Minister's approval;
- (b) the required competencies for practising persons for the Minister's approval.

(2) The Board may, from time to time, recommend to the Minister the amendment or withdrawal of all or part of the definitions of the scope of work or level of competency contemplated in subsection (1).

- (3) The Minister, by notice in the *Gazette*—
- (a) must publish the definitions of the scope of work and level of competency contemplated in subsection (1);
  - (b) may amend or withdraw all or part of the definition of the scope of work or level of competency contemplated in paragraph (a), on the recommendation of the Board in terms of subsection (2); and
  - (c) amend the prescribed fields of practice and categories of registration.

(4) The Board must put measures in place to monitor the effectiveness of any definition of the scope of work published by the Minister in terms

of subsection (3).

(5) The Board must, before making a recommendation to the Minister in terms of subsection (2) in relation to the definitions of the scope of work, ensure that there is no conflict with the provisions of the Competition Act, 1998 (Act No. 89 of 1998), and must consult the Competition Commission.

## CHAPTER 4

### EDUCATION, TRAINING AND CONTINUING PROFESSIONAL DEVELOPMENT

#### Education, research and training

**29.** The Council may—

- (a) perform such functions within the framework of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and the Higher Education Act, 1997 (Act No. 101 of 1997), as may be required by those Acts, and must in this regard consult with—
  - (i) the Council on Higher Education established by the Higher Education Act, 1997 (Act No 101 of 1997), regarding matters relevant to education in the natural scientific profession;
  - (ii) the South African Qualifications Authority established by the National Qualifications Framework Act 2008 (Act No. 67 of 2008), to determine competency standards for the purpose of registration;
- (b) establish mechanisms for registered persons to gain recognition of their qualifications and professional status in other countries;
- (c) recognise any examination or withdraw such recognition; or

- (d) give advice or render assistance to any accredited institution of higher education, voluntary associations or examining body with regard to educational facilities for, and the training and education of registered persons and prospective registered persons.

### **Continuing professional development**

**30.** The Board must, after consultation with voluntary associations, make rules which—

- (a) determine conditions relating to continuing professional development to be undertaken by persons registered in terms of this Act in order to retain such registration;
- (b) ensure the adequate and appropriate provision of programmes for the various fields of practice; and
- (c) establish a policy for the implementation and monitoring of the continuing professional development programmes.

### **Candidate mentoring**

**31.** The Council must—

- (a) develop a framework that determines conditions relating to candidate mentoring to be undertaken by persons registered in terms of this Act in order to retain such registration;
- (b) ensure the adequate and appropriate provision of programmes for the various fields of practice; and

- (c) establish a policy for the implementation and monitoring of the candidate mentoring programme.

## CHAPTER 5

### REGULATION OF CONDUCT OF NATURAL SCIENTISTS

#### Code of conduct and rules

**32.** (1) The Board must, after consultation with the Minister, recognised voluntary associations and practising persons, develop and issue a code of conduct or rules for practising persons.

(2) The Board may review, amend or withdraw the code of conduct or rules contemplated in subsection (1), subject to consultation with the Minister, recognised voluntary associations and registered persons.

(3) The Board may act under section (1) and (2) only after having published a draft of the proposed code of conduct or rules, in the *Gazette* together with a notice, calling on interested persons to comment in writing within a period stated in the notice, which may not be less than 30 days from the date of publication of the notice.

(4) The Board must take all reasonable steps to—

- (a) inform practising persons of the code of conduct or rules; and
- (b) inform the public of the contents of the code of conduct or rules, including its enforcement procedures.

(5) The code of conduct or rules, and every subsequent amendment thereto, must be published in the *Gazette*.

(6) Registered persons must comply with the code of conduct or rules published by the Board and failure to do so constitutes unprofessional or improper conduct.

### **Investigation of unprofessional or improper conduct**

**33.** (1) The Board must institute an inquiry to determine acts of unprofessional or improper conduct against a registered person or any practising person in terms of this Act, if –

- (a) the Board has reasonable grounds to suspect that any practising person has committed an act which may render him or her guilty of unprofessional or improper conduct;
- (b) a complaint of unprofessional or improper conduct has been brought against any practising person; or
- (c) a practising person is suspected of breaching the code of conduct or this Act.

(2) An inquiry referred to in subsection (1) must be undertaken by an investigating committee appointed by the Council and such an investigating committee must–

- (a) investigate the matter within a reasonable period; and
- (b) make a determination whether or not the practising person concerned may be charged or not.

(3) An investigating committee may not question the practising person concerned unless the investigating committee informs the practising person that he or she—

- (a) has the right to be assisted or represented by another person; and

(b) is not obliged to make any statement and that any statement so made may be used against him or her.

(4) The investigating committee must, after the conclusion of the investigation, submit a report to the Board or relevant committee setting out the outcome of the investigation and its recommendations.

(5) If the Board or relevant committee upon consideration of the report of the investigating committee makes a determination that the practising person concerned should not be charged, it must inform the person, and it is the end of the matter.

(6) If the Board upon consideration of the report of the investigating committee makes a determination that the practising person concerned must be charged, the Council must serve a charge sheet as prescribed to the practising person concerned by hand or registered mail.

(7) The charge sheet must inform the practising person—

- (a) of the details and nature of the charge against him or her;
- (b) to admit or deny the charge, in writing, within a period of 30 days of the date of receipt of the charge sheet in accordance with a prescribed procedure; and
- (c) that he or she may, submit a written explanation regarding the denial or admission of the alleged unprofessional or improper conduct with which he or she is charged.

(8) Should the practising person admit or deny the charge in terms of subsection (7)(b) or fail to comply with subsection (7)(b) the Council must refer the matter to a disciplinary tribunal which may or may not find the person guilty and may or may not impose any of the sanctions indicated in section 36.

(9) If the unprofessional or improper conduct with which the

practising person is charged amounts to an offence that he or she has been convicted of by a court of law, a certified copy of the record of his or her trial and conviction by that court is, on the identification of the practising person as the person referred to in the record, sufficient proof of the commission by him or her of that offence unless the conviction has been set aside by a superior court.

(10) The acquittal or the conviction of the practising person by court of a criminal charge is not a bar to proceedings against him or her in terms of this Act on a charge of unprofessional or improper conduct.

(11) The practising person referred to in subsection (1) or any person in question must subject to the provisions of any other law or this Act, produce a book, document or article, even though he or she is of the opinion that it contains confidential information belonging to or concerning his or her client or the company.

(12) Any person who performs any function under section 33, 34 or 35, may not disclose any information which he or she obtained in the performance of such a function, except —

- (a) for the purposes of the investigation or a hearing by a disciplinary body;
- (b) to any person authorised thereto by the Council or the Board who, of necessity, requires it for the performance of his or her functions under this Act;
- (c) if he or she is a person who, of necessity, supplies it in the performance of his or her functions under this Act;
- (d) when required to do so by order of a court of law; or
- (e) at the written request of the relevant Ombud.

(13) Any person who performs any function under section 34 or 35, must at all times uphold the principles and values enshrined in the Constitution, and without limiting the generality of these principles and values, may not, in the course of

his or her Council assigned functions, discriminate against any person on any grounds prohibited in the Constitution.

### **Appointment of disciplinary tribunal**

**34.** (1) The Board must establish a disciplinary tribunal to hear a charge of unprofessional or improper conduct that warrants misconduct proceedings as set out in section 33.

(2) The Board must appoint members of the disciplinary tribunal who must consist of at least—

- (a) a person who specialises in the area concerning the charge;
- (b) a professional natural scientist, who has at least 10 years' experience; and
- (c) a person qualified in law, who has at least 10 years' practising experience, who must be the chairperson of the disciplinary tribunal.

(3) The Board must determine that no potential conflicts of interest exist between any members of the disciplinary tribunal and any matter before the disciplinary tribunal.

(4) The Board must ensure that the members appointed in terms of sub-section (2) herein are independent individuals with no relationships either directly or indirectly to the members of the Board.

### **Disciplinary hearing**

**35.** (1) The disciplinary hearing must be conducted by the disciplinary tribunal established in terms of section 34(1).

(2) The disciplinary tribunal may, for purposes of this section, appoint a person to assist it in the performance of its functions.

(3) *a* The disciplinary tribunal may, for purposes of a hearing, subpoena any person—

- (i) who in its opinion may be able to give material information concerning the subject of the hearing; or
- (ii) whom it suspects of having in his or her possession or custody or under his or her control any document or object which has any bearing on the subject of the hearing,

to appear before the disciplinary tribunal at the time and place specified in the subpoena, to be questioned or to produce a document or object.

*b* A subpoena issued under paragraph *a*, must be—

- (i) in the prescribed form;
- (ii) signed by the chairperson of the disciplinary tribunal or, in his or her absence, any member of the disciplinary tribunal; and
- (iii) served on the person referred to in paragraph *a* personally.

(4) The disciplinary tribunal may retain any document or object produced in terms of subsection (3) for the duration of the hearing.

(5) The chairperson of the disciplinary tribunal must call upon and administer an oath or take an affirmation from any witness at the hearing.

(6) At a hearing the practising person charged—

- a* may be personally present at the hearing of the proceedings;
- b* may be assisted or represented by any other person during the proceedings;
- c* has a right to be heard;
- d* may call witnesses;

(e) may cross-examine any person called as a witness in support of the charge;  
and

(f) must have access to documents produced in evidence.

(7) The practising person may admit at any time before the disciplinary tribunal's finding that he or she is guilty of the charge despite the fact that he or she denied the charge or failed to react in terms of section 33 (7)(b).

(8) If the practising person admits a charge in terms of subsection (7), the disciplinary tribunal may find him or her guilty forthwith.

(9) (a) The Board must appoint an evidence leader to represent the council during the hearing.

(b) The evidence leader may—

- (i) lead evidence and advance arguments in support of the charge and cross-examine witnesses; and
- (ii) call anyone to give evidence or to produce any document or object in his or her possession or custody or under his or her control which is relevant to the hearing.

(10) (a) A witness who has been subpoenaed may not—

- (i) without good cause, fail to attend the hearing at the time and place specified in the subpoena;
- (ii) refuse to be sworn in or to be affirmed as a witness;
- (iii) without good cause, fail to answer fully and satisfactorily to the best of his or her knowledge all questions lawfully put to him or her; or
- (iv) fail to produce any a book, document or article in his or her possession or custody or under his or her control, which he or she has been required to produce.

(b) A witness who has been subpoenaed must remain in attendance until excused by the chairperson of the disciplinary tribunal from further attendance.

(c) A witness who has been subpoenaed may request that the names of the members of the disciplinary tribunal be made available to him or her.

(d) The law relating to privilege, applicable to witnesses in a civil trial before a court of law, applies to witnesses in terms of this section.

(e) A witness may not, after having been sworn in or having been affirmed as a witness, give a false statement on any matter, knowing that answer or statement to be false.

(f) No person may prevent another person from complying with a subpoena or from giving evidence or producing a document or object that he or she is in terms of this section required to give or produce.

### **Proceedings after hearing**

**36.** (1) If the disciplinary tribunal finds the practising person guilty, it must consider any aggravating or mitigating circumstances before imposing a sanction contemplated under subsection (3).

(2) A practising person found guilty of unprofessional or improper conduct in terms of this section may, in mitigation of sentence—

- (a) address the disciplinary tribunal; and
- (b) call witnesses to give evidence on his or her behalf.

(3) After a guilty finding, the disciplinary tribunal may impose any of the following sanctions:

- (a) caution or reprimand the practising person or issue him or her a written warning;
- (b) a fine not exceeding the amount determined from time to time by the Minister by notice in the *Gazette*;
- (c) suspend the registration of the practising person concerned for a period not exceeding one year, during which period the practising person must be deemed to be a non-registered person;
- (d) cancel the registration of the practising person concerned and remove his or her name from the register;
- (e) impose one or more of the sanction contemplated in this subsection (3);
- (f) postpone the taking of any steps or suspend the imposition of any sanction on conditions as it may determine.

(4) If the disciplinary tribunal is of the view that the person has committed a criminal offence in terms of this Act or any other legislation, the disciplinary tribunal must refer the matter to the relevant law enforcement agency.

(5) (a) If the taking of any steps or the imposition of any sanction has been postponed or suspended for a particular period, subject to the person meeting certain conditions, and at the end of that period the disciplinary tribunal is satisfied that the practising person concerned has substantially observed all the relevant conditions, the disciplinary tribunal must indicate in writing that no further steps will be taken or that the sanction will not be imposed.

(b) If the practising person fails to comply with any conditions determined in terms of this section, the disciplinary tribunal may impose a sanction for non-compliance or execute the sanction originally imposed, unless the practising person satisfies the disciplinary tribunal that the non-compliance was due to circumstances beyond his or her control, in which case the disciplinary tribunal may

set further conditions as it deems fit.

(5) The Council may approach any court with civil jurisdiction to grant an order for the recovery, from the practising person concerned, of any amount such practising person failed to pay in accordance with a sanction imposed in terms of this section, together with any interest thereon.

(6) Where a practising person is found guilty and subjected to a sanction under subsection (3) the disciplinary tribunal must inform the practising person of his or her right of appeal.

(7) At the conclusion of the hearing the disciplinary tribunal must notify the Board of its finding and forward to the Board its report and a copy the record of its proceedings, including any document or article produced, no later than 30 days after the completion of the proceedings.

(8) After the conclusion of the hearing the disciplinary tribunal must, within 30 days communicate a finding in writing to both the complainant and the practising person.

(9) The Council may publish the finding and the sanction imposed in terms of subsection (3) in any manner it considers fit.

### **Appeals tribunal**

**37.** (1) The Board must appoint an appeals tribunal to deal with appeals in terms of section 38.

(2) The appeals tribunal must consist of the following—

(a) a person specialising in the field relating to the subject matter of the appeal;

(b) a professional natural scientist who has at least 10 years' experience as a

scientist, and who is not a member of the Board; and

(c) a legal expert who has at least 10 years' experience and must be the chairperson.

(3) The members of the appeals tribunal must not be persons who were involved in any investigation or proceedings which gave rise to the appeal.

(4) A decision of the majority of the members present at any proceedings of an appeals tribunal constitutes the decision of the appeals tribunal.

### **Appeals against decisions of disciplinary tribunal**

**38.** (1) A person found guilty of unprofessional or improper conduct may appeal to the appeals tribunal against a decision of the disciplinary tribunal.

(2) The appeal must be lodged within 30 days of the date on which the disciplinary tribunal informed the practising person of its decision.

(3) An appeals tribunal may—

(a) dismiss the appeal against the finding or sanction of a disciplinary tribunal and confirm the finding or sanction or both; or

(b) uphold the appeal against the decision of a disciplinary tribunal wholly or in part and set aside or vary the finding or sanction or both.

(4) If a practising person lodges an appeal in terms of subsection (1), the decision of the disciplinary tribunal or the publishing of the finding of the disciplinary tribunal may not be enforced before the appeal is finalised.

(5) A practising person whose appeal was dismissed by the appeals tribunal or who wishes to challenge decision of the appeals tribunal may review the decision in the appropriate High Court within one month from the date of the decision.

(6) If a practising person takes the decision of the appeals tribunal on review in terms of subsection (5), the decision of the appeals tribunal or the publishing of the finding of the appeals tribunal may not be enforced before the review is finalised.

### **Offences and penalties**

**39.** (1) A person contravening section 18(9) is guilty of an offence, and on conviction is liable to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

(2) A practising person who misrepresents that he or she is competent or registered to practice in a category of registration that he or she is not competent or registered to practice in is guilty of an offence and on conviction, is liable to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

(3) Any person who pretends to hold a category of registration contemplated in section 19 is guilty of an offence, and on conviction, is liable to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

(4) Any person who—

(a) by means of a false or misleading statement, whether verbally or in writing, procures for himself or herself or any other person registration in terms of this Act, or any certificate, receipt, approval or other document issued under this Act;

(b) makes any unauthorised entry, addition or alteration in, or removal from, a register which is kept in terms of this Act, or an extract therefrom, or any

certificate, receipt, approval or other document issued under this Act;

- (c) wilfully destroys or damages or renders illegible any entry in a register kept in terms of this Act or, without the permission of the holder thereof, a certificate, receipt, approval or other document issued under this Act;
- (d) forges or, knowing it to be forged, alters any document purporting to be a certificate, receipt, approval or other document issued in terms of this Act;
- (e) obstructs or hinders a member of the Board or of any other committee of the Board in the performance of his or her functions under this Act; or
- (f) contravenes any other section of this Act,

is guilty of an offence.

(5) A person found guilty of an offence in terms of subsection (4) is, on conviction, liable to a sanction as determined by a competent court of law.

(6) A practising person who in any way takes, uses or publishes any name, title, description or symbol which indicates, or which is intended to mislead persons that he or she holds a registered professional qualification which is not shown in the register in connection with his or her name is guilty of an offence and liable, on conviction, to a fine, as determined by a court of law or to imprisonment for a period not exceeding twelve months or to both a fine and such imprisonment

### **Decisions of Council**

**40.** (1) The Council is empowered to make any decision in the exercise of its powers in terms of this Act.

(2) Any person who feels aggrieved by a decision made by the Council in the exercise of its powers in terms of this Act may within 30 days from that

person becoming aware of the decision and on payment of the prescribed fees, request the Council in writing to furnish him or her with written reasons for the decision.

### **Procedure and evidence**

41. (1) The register serves as evidence of all matters which, in terms of this Act, are required or permitted to be noted therein.

(2) A certificate purporting to be signed by the Chief Executive Officer to the effect that an entry has or has not been made in the register or that any other thing authorised by this Act to be done, has or has not been done, is evidence of the matters specified in that certificate, unless the contrary is proved.

(3) A copy of an entry in the register or of a document in the custody of the Chief Executive Officer or an extract from the register or from any such document, purporting to be certified by the Chief Executive Officer, may be admitted as evidence in all courts without further proof or production of the original.

## **CHAPTER 6**

### **MISCELLANEOUS**

#### **Limitation of liability**

42. (1) Save as provided in this Act, the Council, or a member of the Board is not liable in respect of any act or omission done in good faith and in the exercise of a power or the performance of a function, in terms of this Act.

(2) The Council, the Board, the Chief Executive Officer, any

Committee member or employee of the Council, is not liable for any act performed in good faith in terms of this Act.

(3) A practising person who, in the public interest—

- (a) refuses to perform an act;
- (b) omits to perform an act; or
- (c) informs the Council or other appropriate authority of an act or omission performed by any other person, which act or omission endangers or is likely to endanger the safety or health of the public or fellow employees, is not liable for that refusal, omission or information.

## Regulations

43. The Minister may, on the recommendation of the Board, make regulations regarding—

- (a) qualifications which entitle a person to be registered under this Act;
- (b) categories of registration;
- (c) fields of practice;
- (d) framework for the recognition of voluntary associations;
- (e) the definitions of the scope of natural scientific work which may be performed by practising persons in each field of practice;
- (f) the levels of competency which entitle practising persons to perform the scope of work contemplated in paragraph (e); and/or
- (g) generally, any matter which it is necessary or expedient to prescribe in order to implement or administer this Act.

## **Rectification of errors**

**44.** When anything which according to this Act is required to be done or performed on or before a specified day or at a specified time or during a specified period has not been done or performed, the Minister may, if satisfied that the failure was due to error or oversight, authorise it to be done or performed on or before another day or time or during another period and anything done or performed in this regard is of full force and is deemed to have been lawfully done or performed in accordance with this Act.

## **Transitional provisions and savings**

**45.** (1) With effect from the date of commencement of this Act, all assets, rights, obligations, duties and liabilities of the South African Council for Natural Scientific Professions established under the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), continue to vest in the Council referred to in section 4 and are deemed to have been acquired or incurred by the Council, as the case may be, in terms of the provisions of this Act.

(2) Any disciplinary action instituted in terms of the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), which is pending at the commencement date of this Act, must be finalised in terms of that Act.

(3) Any person who immediately prior to the commencement of this Act was registered in any of the prescribed categories of registration in terms of the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), or was deemed to have been so registered, is deemed to be so registered in terms of this Act in such category

of registration.

(4) From the date of commencement of this Act, any register maintained in terms of the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), is incorporated in and is considered to form part of the register to be maintained in terms of this Act.

### **Repeal of laws**

**46.** The Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), is hereby repealed.

### **Short title and commencement**

**47.** This Act is called the Natural Scientific Professions Act, \_\_\_\_\_, and comes into operation on a date fixed by the President by proclamation in the *Government Gazette*.