

DEPARTMENT OF HEALTH

NO. 720

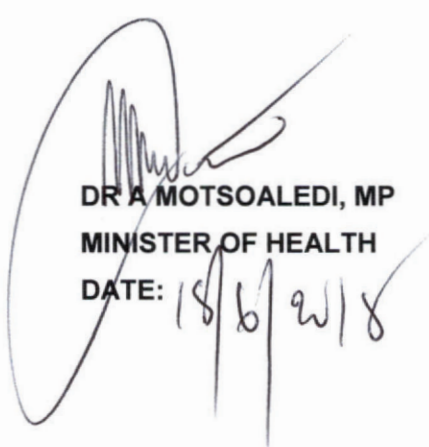
20 JULY 2018

NURSING ACT, 2005 (Act No. 33 of 2005)

**REGULATIONS REGARDING THE REGISTER FOR LEARNER/STUDENT NURSES AND
LEARNER/STUDENT MIDWIVES**

The Minister of Health intends, in terms of section 58(1)(s) of the Nursing Act, 2005 (Act No.33 of 2005), and after consultation with the South African Nursing Council, to make the Regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General of Health, Private Bag 828, Pretoria, 0001 (for the attention of the Director: Public Entities Governance: Ms M Mushwana, MushwM@health.gov.za), within three (3) months of the date of publication of this notice.



DR A MOTSOALEDI, MP

MINISTER OF HEALTH

DATE: 18/6/2018

VISION: Excellence in professionalism and advocacy for health care users

SCHEDULE

Definitions

1. In this schedule **“the Act”** means the Nursing Act, 2005 (Act No.33 of 2005), and any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise-

“applicant” means a person who is applying to be registered as a learner/student in terms of section 32 of the Act;

“deferment” means official permission to postpone or delay studies;

“learner/student” means a ‘learner/student nurse’, a ‘learner/student midwife’ or a ‘learner/student’ who is enrolled with a nursing education institution to undergo a nursing programme, and is registered with the South African Nursing Council in terms of section 32 of the Act;

“programme” means a purposeful and structured set of learning experiences that leads to registration in the category ‘midwife’;

“registration fee” means the registration fee prescribed in terms of the Regulations Regarding Fees and Fines Payable to the South African Nursing Council, published by Government Notice Number R.170 of 08 March 2013, as amended; and

Particulars to be entered into the Register

2. The following particulars shall be entered into the Register in respect of each learner/student:

The learners/student’s -

- (a) full names;
- (b) South African identity number or, in the case of a foreign person who does not have a South African identity number, the passport number, country of issue and expiry date;
- (c) physical (residential) address;
- (d) postal address;

- (e) telephone numbers, e-mail address, and other contact details;
- (f) date of birth;
- (g) programme;
- (h) date of commencement or resumption of the programme;
- (i) nursing education institution; and
- (j) other personal details or particulars of the programme that the Council may require from time to time.

Admission to Register

3. (1) An application for registration as a learner/student in a form determined by the Council must be lodged with the Council within the 30 days timeframe specified in section 32(3) of the Act.
- (2) An application referred to in sub-regulation (1) must be accompanied by-
 - (a) a certified copy of the relevant page in the applicant's South Africa identity document or; in the case of a foreign applicant, a certified copy of the relevant page in the applicant's passport;
 - (b) where applicable, a certified copy of the applicant's marriage certificate or an affidavit attesting to the name change due to marriage or any other reasons;
 - (c) in the case of a foreign applicant, a certified copy of the South African Qualifications Authority (SAQA) evaluation certification for the applicant's existing qualification(s), a certified copy of the study permit issued by the Department of Home Affairs or; in case of a refugee/asylum seeker, a certified copy of the refugee/asylum seeker permit issued by the Department of Home Affairs; and
 - (d) proof of payment of the prescribed annual registration fee for learners/students in terms of Regulation (2)(1)(u) of the *Regulations Regarding Fees and Fines Payable to the South African Nursing Council* published under Government Notice No. R170 of 08 March 2013, as amended.
- (3) In case of an application for a programme leading to the registration of an additional qualification, the applicant must, at the time of application, be registered as a practitioner in terms of section 31(1) of the Act (this registration must be maintained for the complete duration of the programme).

- (4) It is the responsibility of the person in charge of the Nursing Education Institution to ensure that-
 - (a) The application referred to in sub-regulation (1) is complete;
 - (b) the documents referred to in sub-regulation (2) are authentic, and
 - (c) the application is submitted within the required timeframe.
- (5) If an application referred to in sub-regulation (1) is lodged after expiry of the period specified in section 32 of the Act for furnishing the South African Nursing Council with the required particulars for the registration of a learner/student, the period of training will be nullified and the duration of training shall be extended by the period in excess of the specified period.
- (6) The student must be enrolled at an accredited Nursing Education Institution and the application can be submitted by the Nursing Education Institution by electronic or other means on behalf of the applicant, provided that the requirements of sub-regulations (2), (3) and (4) are complied with.
- (7) A certificate of registration as learner/student shall be issued in a form determined by the South African Nursing Council.
- (8) Education and training acquired whilst the learner/student is not registered with the South African Nursing Council will be rendered null and void.

Removal from the Register

- 4. The name of a learner/student shall be removed from the Register-
 - (a) On completion of the programme. The person in charge of the nursing education institution shall lodge a notice of completion in a form determined by the Council within the timeframe permitted in terms of section 32(3) of the Act;
 - (b) On termination of the programme for any reason before completion, including a transfer to another nursing education institution, or death. The person in charge of the nursing education institution shall lodge a notice of termination in a form determined by the South African Nursing Council within the 30 days timeframe referred to in section 32(3) of the Act;
 - (c) on the failure of the learner/student to pay the prescribed annual registration fee for learners/students in terms of Regulation (2)(1)(u) of the Regulations Regarding Fees

and Fines Payable to the South African Nursing Council published under Government Notice No. R. 170 of 08 March 2013, as amended;

- (d) on failure of the learner/student engaged in the programme leading to the registration of an additional qualification to maintain registration as a practitioner during the complete duration of training, and;
- (e) by resolution of the Council in terms of the Act.

Deferment of training

- 5. (1) An application for deferment of studies can be lodged to the Council in a form prescribed by the Council not exceeding one (1) month after the deferment has commenced.
- (2) The application must clearly substantiate the reason for the requested deferment.
- (3) The application can be submitted by the nursing education institution by electronic or other means on behalf of the applicant, provided that the requirements of sub-regulations (1) and (2) are complied with.

Resumption of training

- 6. (1) An application for resumption as a learner/student, following a break in education and training or a transfer from one nursing education institution to another, can be submitted in a form determined by the Council and within the 30 days timeframe referred to in section 32(3) of the Act.
- (2) An application referred to in subregulation (1) must be accompanied by-
 - (a) A certified copy of the relevant page in the applicant's South African identity document, or in the case of a foreign applicant a certified copy of the relevant page in the applicant's passport;
 - (b) Where applicable, a certified copy of the applicant's marriage certificate or an affidavit attesting to the name change due to marriage or any other reasons;
 - (c) In the case of a foreign applicant, a certified copy of the South African Qualification Authority (SAQA) evaluation certification for the applicant's existing qualifications, a certified copy of the study permit issued by the Department of Home Affairs, or in case of a refugee/asylum seeker, a certified

- copy of the refugee/asylum seeker permit issued by the Department of Home Affairs;
 - (d) Payment or proof of payment of the prescribed annual registration fee for learners/students in terms of Regulation (2)(1)(u) of the Regulations Regarding Fees and Fines Payable to the South African Nursing Council published under Government Notice No.R170 of 08 March 2013 as amended; and
 - (e) A certified copy of the application for deferment where relevant.
- (3) In the case of an applicant for a programme leading to the registration of an additional qualification, the applicant must, at the time of the application, be registered as a practitioner in terms of section 31 of the Act (this registration must be maintained for the complete duration of the programme).
- (4) The person in charge of the nursing education institution must ensure that-
- (a) The application referred to in subregulation (1) is complete;
 - (b) The documents referred to in subregulation (2) are authentic; and
 - (c) The application is submitted within the required timeframe.
- (5) If an application referred to in subregulation (1) is lodged after expiry of the 30 days period referred to in subregulation (1), the period of training will be nullified and the duration of training shall be extended by the period in excess of the specified period.
- (6) The application can be submitted by the nursing education institution by electronic or other means on behalf of the applicant, provided that the requirements of sub-regulations (2), (3) and (4) are complied with.
- (7) A certificate of registration as learner/student shall be issued in a form determined by the Council.

Suspension as a learner/student

7. (1) The name of a learner/student in the Register shall be marked as 'suspended from continuing with the programme' for a period of time as specified by resolution of the Council in terms of the Act.

- (2) The name of a learner/student in the Register shall be marked as 'having the required period of training extended' for a period of time as specified by resolution of the Council in terms of the Act.

Registration fees

8. (1) The person in charge of a Nursing Education Institution may, on behalf of learners/students, submit to the South African Nursing Council the registration fees. This can be done via electronic or other means, provided that the requirements of sub-regulations (2) and (3) are complied with.
- (2) The person in charge of a nursing education institution shall submit to the Council a list of learners/students, in a form determined by the Council, twelve (12) months after the commencement of the programme and every twelve(12) months thereafter until the completion of the programme.
- (3) The information referred to in sub-regulation (3) must, in respect of each registered learner/student for a programme, provide details regarding the progress achieved by the learner/student during the preceding twelve (12) months.

Change of particulars

9. (1) A learner/student shall notify the Council in writing, of a change of personal or contact details within thirty (30) days of the relevant change.
- (2) In the case of a change of name by marriage or other process of law, the learner must submit documentary or other proof of the change.
- (3) In the case of marriage, certified copies of the relevant page in the learner's/student's identity document or passport and the marriage certificate must be submitted.
- (4) If the learner/student does not have a marriage certificate, an affidavit attesting to the name change due to marriage must be submitted. Original documents must not be submitted.

Short Title and Commencement of regulations

10. These Regulations shall be called Regulations Regarding The Register for Learner/Student Nurses And Learner/Student Midwives and shall come into operation on the date of final publication in the Government Gazette.

Repeal of Regulations

11. The Regulations in the table below are hereby repealed to the extent shown in the second column:

Description of Regulations	Extent of Repeal
<i>Regulations Regarding Rolls for Pupil Nursing Auxiliaries</i> published by Government Notice No. R. 1833 of 20 October 1972, as amended.	In its entirety.
<i>Regulations Regarding Rolls of Pupils</i> published by Government Notice No. R. 3736 of 14 November 1969, as amended.	In its entirety.
<i>Regulations Regarding Registers for Students</i> published by Government Notice No. R. 3735 of 14 November 1969, as amended.	In its entirety.