

No. R. 1051

14 December 2011

**NURSING ACT, 2005 (ACT No. 33 OF 2005)****REGULATIONS RELATING TO THE INSTITUTION AND CONDUCT OF INQUIRIES INTO  
ALLEGED UNPROFESSIONAL CONDUCT OF PERSONS REGISTERED WITH THE SOUTH  
AFRICAN NURSING COUNCIL**

The Minister of Health intends, in terms of section 58(1)(i) 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: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities and Management), within three months from the date of publication of this notice.

**SCHEDULE****Definitions**

1. In these regulations "**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—

**“appeal committee”** means an *ad hoc* committee established by Council in terms of section 15(4) of the Act to deal with appeal matters from a professional conduct committee or preliminary investigating committee or the impairment committee established in terms of section 51 of the Act;

**“appellant”** means a registered person or the *pro forma* complainant who is aggrieved by a decision and or penalty of a professional conduct committee or the committee of preliminary investigation or the impairment committee who then appeals to the appeal committee;

**“assessor”** means a practising attorney or advocate appointed by the professional conduct committee to advise the committee on matters of law, procedure and evidence;

**“complainant”** means any person that lodges a complaint or allegations about unprofessional conduct against a person registered in terms of the Act;

**“complaint”** means any claim made in writing to the Registrar or the Council of unprofessional conduct against a person registered in terms of the Act;

**“defendant”** means a person registered in terms of the Act and a director, manager or owner of an agency registered in terms of the Act whose conduct is the subject of an inquiry under chapter 3 of the Act and these regulations;

**“minor offence”** acts or omissions which do not involve direct patient or client care and include, but not limited to, education related contraventions;

**“preliminary investigating committee”** means a committee appointed by the Council in terms of section 15 of the Act to conduct an investigation in terms of section 47 (3) of the Act and these regulations;

**“preliminary investigation”** means an investigation conducted in terms of section 47(3) of the Act and these regulations;

**“professional conduct committee”** means a committee established in terms of section 15 of the Act to conduct an inquiry of professional misconduct in terms of section 47 of the Act;

**“professional conduct inquiry”** means a formal hearing held by the professional conduct committee to inquire into a complaint, allegation or charge against a person registered in terms of the Act and held in accordance with these regulations;

**“pro forma complainant”** means a person appointed by the Council in terms of section 47 (2) of the Act to represent the complainant and to present the complaint to a professional conduct committee;

**“respondent”** means a person registered in terms of the Act whose conduct is the subject of a complaint or an inquiry under chapter 3 of the Act and these regulations or a person opposing an appeal in terms of the Appeal Regulations

### **Lodging of complaints**

2. (1) Any complaint against a practitioner registered in terms of the Act must be investigated in terms of these regulations.
- (2) A complaint must be lodged in writing and be addressed to the Registrar or to the Council.
- (3) Where a complaint is addressed to the Council and received by a council member, the member must submit such a complaint to the Registrar within 2 working days of receiving or being aware of such complaint.

### **Receipt of complaint and notice of referral**

3. (1) The Registrar, after the receipt of the complaint and before referring the matter to a preliminary investigating committee may—
  - (a) request an affidavit regarding the complaint from the complainant;
  - (b) call for further information regarding the complaint from any source or person, including the Defendant or where necessary, conduct an inspection *in loco*.
  - (c) summon any person whom the Registrar on reasonable grounds believes to be in possession of a document, photograph, computer record, contract, book,

- item, article, administrative or financial record or computer data relevant to the complaint, in order to make same available to the Registrar before the date determined by the Registrar in summons which must substantially correspond with Annexure "A" of these regulations, for the purpose of investigating the complaint in terms of these regulations; or
- (d) seek legal or other advice regarding the complaint.
- (2) The Registrar must notify the defendant of any complaint lodged with the Registrar by serving a notice of referral on the defendant which must substantially correspond with Annexure "B" of these regulations.
- (3) The notice of referral referred to in subregulation (2) must –
- (a) provide details of the complaint;
- (b) invite the defendant to submit written representation to the Registrar and further state that representations must be submitted by the defendant to the Registrar not later than 28 calendar days after the notice has been served;
- (c) inform the defendant that any representations, or extracts of any representations received from him or her may be shown to the complainant for comment;
- (d) inform the defendant that should he or she elect to make any representation, his or her written response and reasons may be used as evidence at any subsequent preliminary investigation or inquiry; and
- (e) inform the defendant that the Registrar may seek such further information as he or she considers necessary for the purposes of carrying out his or her functions in investigating the complaint – from the defendant's employer (if any), or from any other source (other than the defendant).
- (4) If on receipt of further information and written response referred to in subregulations (1) and (3), the Registrar is of the opinion that there is *prima facie* evidence against the

defendant, the Registrar must submit the complaint, such further information and the written response to the preliminary investigating committee.

- (5) The Registrar must, after having investigated the complaint in terms of subregulation (1), if he or she is of the opinion that a further inquiry in terms of these regulations would not be appropriate, inform the complainant and the defendant accordingly.

### **Service of documents**

4. (1) Any notice of referral or a hearing required to be served upon the defendant, shall be delivered by sending it by registered post or other delivery service in which delivery or receipt is recorded to—
- (a) Defendant's address as it is recorded in the register of the Council; or
- (b) At his or her place of employment.
- (2) Any notice served under these regulations shall be deemed to have been served—
- (a) on the day such notice is hand delivered to the registered address of the defendant; or
- (b) On the seventh day following the date on which the notice was posted where the notice has been sent by registered mail.

### **Preliminary Investigation Committee**

5. (1) A preliminary investigating committee may, after due consideration of the matter referred to it in terms of regulation 3(4)—
- (a) investigate all matters of alleged unprofessional conduct;
- (b) consult with or seek further information regarding the complaint from any person, including the defendant and may where necessary conduct inspections *in loco*;

- (c) summon any person whom it on reasonable grounds believes to be in possession of a document, photograph, computer record, contract, book, item, article, administrative or financial record or computer data relevant to the complaint, in order to make same available to the preliminary investigating committee before the date determined by the committee in the summons, which must substantially correspond with Annexure A of these regulations, for the purpose of investigating the complaint;
  - (d) based on evidence, determine whether the case should be referred for a professional conduct inquiry; and
  - (e) in case of a minor offence, allow the defendant the option to pay a prescribed admission of guilt fine in terms of section 47(3) (c) of the Act instead of appearing before a full professional conduct committee inquiry.
- (2) In the case of a minor offence the Registrar may then issue summons on the prescribed form against the defendant carrying an endorsement by the committee of preliminary investigation that the defendant may admit that he or she is guilty of unprofessional conduct and that he or she may pay the fine specified in the summons, without having to appear at an inquiry in terms of section 46.
- (3) If the preliminary investigating committee decides, after due consideration of the matter, that there are no grounds for any inquiry, it shall direct the Registrar to communicate in writing its decision to the complainant and the defendant stating reason(s) for such decision.
- (4) If the preliminary investigating committee decides, after due consideration of the matter, that an inquiry must be held into the conduct of the defendant in terms of section 46 of the Act it must inform the Registrar who must communicate the decision to the complainant and the defendant and then arrange for the holding of an inquiry.
- (5) if the preliminary investigating committee, after due consideration of the matter, is of the view that the defendant may be incapacitated or impaired, it must refer the matter to a committee established in terms of section 51 of the Act.

- (6) Upon receipt of a directive referred to in subregulation (4), the Registrar must issue a notice, which must substantially correspond with Annexure "C" to these regulations addressed to the defendant, stating the date and time when and where the inquiry will be held and enclosing a charge sheet as formulated by the *pro forma* complainant.
- (7) The notice and charge sheet referred to in subregulation (6) must be served on the defendant by hand or by registered mail at his or her address in the register or place of employment at least 30 calendar days prior to the date of the inquiry.

### **Request for further particulars**

6. (1) A request by the defendant for further particulars to the charge sheet shall be served on the *pro forma* complainant at least fourteen (14) calendar days before the date of the inquiry.
- (2) The *pro forma* complainant must furnish his or her written reply to a request referred to in subregulation (1) to the defendant within seven (7) calendar days after receipt thereof.

### **Pre inquiry conference**

7. In order to determine the issues in dispute at an inquiry, the *pro forma* complainant may, at least seven (7) calendar days prior to the inquiry, arrange a pre-hearing conference at a mutually convenient time and venue, at which conference—
  - (a) the defendant or his or her legal representative shall indicate what exceptions, objections (including the objection to jurisdiction of a professional conduct committee to inquire into the matter) or points *in limine* he or she intends raising;
  - (b) the defendant and/or his or her legal representative may indicate how he or she intends pleading to the charge;
  - (c) copies of all documents, reports, X-rays and any other exhibits which a party intends using at the inquiry are furnished to the other party;

- (d) perusal of the originals or certified copies of documents, reports, notes, X-rays and other exhibits referred to in (3) is allowed;
- (e) allegations and/or exhibits may be admitted by both parties;
- (f) a summary of the opinion of an expert witness that a party intends using at the inquiry is furnished to the other party; and
- (g) any other aspects concerning the inquiry are resolved.

### **Professional conduct committee**

- 8. (1) A newly constituted council at its first meeting must appoint a professional conduct committee to serve for the term of office of the Council.
- (2) The professional conduct committee shall consist of the chairperson and six (6) other members. At least four (4) members shall be registered under the Act.
- (3) The Council shall appoint a vice chairperson who shall preside in the absence of the chairperson.
- (4) The quorum of the committee will be constituted by four members.
- (5) The committee may co-opt other council members should they deem it necessary in executing the functions of the committee.
- (6) Should a vacancy occur in the committee, the Council shall, at the first meeting after such vacancy arose, appoint another member to the committee for the unexpired portion of the term of office of the Council.
- (7) The committee will reach decisions or findings by consensus and should there be dissenting views, the majority decision will constitute the finding of the committee.



**Procedure at inquiry**

9. (1) The *pro forma* complainant must read out the notice addressed to the defendant.
- (2) If the defendant is present or represented, the chairperson must ask the defendant or his or her representative to plead to the charge or charges contained in the notice, which plea must be recorded.
- (3) If the defendant, or his or her legal representative, refuses or fails to plead directly to the charge, the chairperson of the professional conduct committee must record this and enter a plea of not guilty.
- (4) If the defendant or his or her legal representative is not present at the inquiry after having been duly informed, the inquiry shall proceed in the absence of the defendant and a plea of not guilty shall be entered.
- (5) If the absence of the defendant is however due to *bona fide* circumstances, the professional conduct committee will consider the postponement of the inquiry.

**Procedure after plea of guilty**

10. If a plea of guilty is entered and the professional conduct committee is of the opinion that further information is required for purposes of making a finding as to whether the complaint constitutes unprofessional conduct on the part of the defendant, it may call any witness summoned on behalf of the *pro forma* complainant or the defendant to give oral evidence under oath or instruct the *pro forma* complainant to address the committee on the merits of the case and may accept such documentary evidence relevant to the complaint as it deems necessary, before making a finding.

**Procedure after plea of not guilty**

11. (1) If a defendant pleads not guilty, the *pro forma* complainant may address the professional conduct committee and he or she may call witnesses and lead evidence in support of his or her case.

- (2) The chairperson of the professional conduct committee may seek clarity from any witness called on behalf of or by the *pro forma* complainant or the defendant and allow other members of the professional conduct committee to seek clarity from such a witness.
- (3) The *pro forma* complainant may thereafter re-examine the witness, but shall confine his or her re-examination to matters on which the witness was cross-examined or on which the chairperson or other members examined the witness.
- (4) After leading evidence the *pro forma* complainant may close his or her case.
- (5) The defendant may apply to be discharged and the *pro forma* complainant may reply to this application.
- (6) The professional conduct committee must then consider the application and either grant or refuse such application.
- (7) If the application to be discharged is not successful, the defendant or his or her legal representative may then address the professional conduct committee and he or she may lead evidence in support of his or her case.
- (8) The professional conduct committee may allow the *pro forma* complainant or the defendant or his or her legal representative to lead further evidence or to recall a witness after their case is closed.
- (9) After evidence of a witness has been given, the opposing party may cross-examine the witness.
- (10) After the parties have closed their cases, the professional conduct committee may call and examine further witnesses or recall and re-examine a witness whereafter the *pro forma* complainant and the defendant or his or her legal representative shall also be entitled to examine the witness if there is any issue that the committee needs to clarify.

- (11) After all evidence has been adduced; the *pro forma* complainant and the defendant or his or her legal representative may address the professional conduct committee on the evidence and the legal position.
- (12) The *pro forma* complainant may reply on any other matter of law raised by the defendant in his or her address and may, with the leave of the professional conduct committee, reply on any matter or fact raised by the defendant in his or her address.

### **Evidence and affidavits**

12. (1) All oral evidence must be taken under oath or affirmation by the chairperson of the professional conduct committee.
- (2) Evidence by way of affidavit must be admissible in accordance with the applicable laws relating to civil litigation or common law principles.
- (3) The record, or any part thereof, of a lawfully constituted court, inquest or statutory body will be *prima facie* evidence if it has been certified to be a true copy by that court or statutory body; provided that if it is practicable and appears just, the professional conduct committee may call a witness whose evidence appears in such record to give evidence at the inquiry.

### **Findings by the professional conduct committee**

13. (1) Any decision by the professional conduct committee with regard to any point arising in connection with or in the course of, an inquiry must be communicated to the defendant or his or her legal representative.
- (2) Upon the conclusion of the inquiry the professional conduct committee must deliberate *in camera* on a finding.
- (3) If it appears, at any stage of the proceedings, that a defendant may be or have been incapacitated or impaired mentally or otherwise at the time of the commission of the act or conduct complained about, the professional conduct committee must stop the

proceedings and refer the matter to a committee established in terms of section 51 of the Act.

- (4) If a defendant is found not guilty of the complaint lodged against him or her, he or she must be informed accordingly and the professional conduct committee must report its finding to the Council.
- (5) If the professional conduct committee determines that sufficient facts were presented during the formal inquiry to prove the complaint on a balance of probabilities, it must decide whether the complaint as proved constitutes unprofessional conduct and it must reconvene to announce its findings.
- (6) If a defendant is found guilty of unprofessional conduct, the *pro forma* complainant must adduce evidence of previous convictions of unprofessional conduct, if any.
- (7) Evidence of previous convictions referred to in subregulation (6) must be adduced by means of a certificate under the hand of the Registrar indicating the nature of the complaint against the defendant at the time, the finding, the date of such finding and the penalty imposed.

#### **Mitigation of penalty**

14. (1) The defendant may, after proof of previous convictions by the *pro forma* complainant, if any, address the professional conduct committee or adduce evidence, either orally or in writing, in mitigation of the penalty to be imposed.
- (2) The defendant may call any witnesses in mitigation who may also be questioned by the members of the professional conduct committee and the *pro forma* complainant.
- (3) The *pro forma* complainant may, after the defendant has addressed the professional conduct committee or adduced evidence in mitigation of the penalty to be imposed, make representations to the professional conduct committee or lead evidence, orally or in writing, regarding a suitable penalty to be imposed.

- (4) The defendant is afforded the opportunity to respond to representations of the *pro forma* complainant.
- (5) If the defendant is neither present nor represented, any written representation, statement or explanation made by him or her or on his or her behalf, that has a bearing on a suitable penalty, must be taken into account by the professional conduct committee.

### **Penalty and cost order**

15. (1) The professional conduct committee must deliberate *in camera* on the penalty to be imposed and the cost order to be made, as contemplated in section 47 of the Act.
- (2) The chairperson of the professional conduct committee must announce the finding, the penalty imposed and the cost order made, if applicable, at an open meeting.
- (3) The finding made and penalty imposed by the professional conduct committee, other than a reprimand, shall be of no force and effect until confirmed by the Council, unless the committee, in the interest of the public, otherwise so directs. Should the committee decide that a penalty or order imposed by it, be effective forthwith, the order or penalty will lapse after expiry of a period of six months from the date of imposition unless confirmed by Council within that period.
- (4) The professional conduct committee must report its finding, the penalty imposed and the cost order made, if any, to the Council.

### **Publication in Gazette**

16. (1) The Registrar must in terms of sections 4(h) and 49 arrange for the publication, in English and any other official language used in the area where the defendant practiced, in the *Gazette* and in the Council's report, of the name of the defendant, a summary of the complaint of which he or she has been found guilty, and the penalty which has been imposed.
- (2) In cases where the defendant has lodged an appeal against the decision of the

professional conduct committee, the Registrar shall withhold the publication in the *Gazette* pending the outcome of the appeal.

#### **Assessors and legal advisors**

17. The professional conduct committee may appoint a person with experience in the administration of justice to be present at any inquiry as an assessor and to advise the professional conduct committee on matters of law, procedure and evidence.

#### **Adjournment of proceedings**

18. The professional conduct committee may of its own accord or at the request of the *pro forma* complainant or of the defendant or his or her legal representative, adjourn any inquiry being held in terms of these regulations to be resumed on such date and at such time and place as the professional conduct committee may determine or as the committee may by registered post communicate to the parties concerned.

#### **Continuation of inquiry**

19. (1) If one or more member(s) of the professional conduct committee is unable to serve at any time after a plea has been lodged, the inquiry shall proceed provided that not less than two of the original members are available to continue with the inquiry and the committee shall consist of no less than four members at all times inclusive of the chairperson.
- (2) If a chairperson is unable to serve at any time after a plea has been lodged, the committee must remove the matter from the roll and advise the Registrar to institute the matter *de novo*.

#### **Accessibility of an inquiry**

20. (1) The proceedings at an inquiry shall be open to the public.
- (2) Notwithstanding subregulation (1) —

- (a) any decision of the professional conduct committee in respect of any point arising in connection with, or in the course of, an inquiry may be arrived at *in camera*;
  - (b) any evidence adduced during an inquiry may, on good cause shown, in the discretion of the professional conduct committee be heard *in camera*;
  - (c) the professional conduct committee may on good cause also order that no person shall at any time and in any manner publish any information which will likely reveal the identity of any particular person other than that of the defendant.
- (3) Any person who contravenes or fails to comply with an order made in terms of sub-regulation (2)(c) shall be guilty of an offence and liable on conviction in a court of law to a fine not exceeding R5000,00 or imprisonment not exceeding six months or both.

#### **Record of proceedings**

21. (1) The Council must transcribe recordings of all inquiries.
- (2) Upon written request a typed written copy of such recording shall be made available to the complainant, defendant or any other party who in the opinion of the Registrar has a substantial interest in the matter upon payment of the actual cost for making such a written copy.

#### **Subpoena**

22. A summons for attendance as a witness before a professional conduct committee to give oral evidence or to produce any book, record, document or thing shall substantially be in the form as set out in Annexure "D" attached to these regulations.

#### **Appeal**

23. (1) The defendant or *pro forma* complainant may appeal against the finding and /or penalty or the professional conduct committee to the appeal committee.
- (2) The appellant must inform the Registrar by written notice within fourteen (14)

calendar days from the date of the professional conduct committee's decision of his or her intention to appeal against the finding and/or penalty.

- (3) The Registrar must provide upon request the appellant with a copy of a transcript of the proceedings at the inquiry within 30 calendar days from the date on which the Registrar received a written notice of appeal, the cost thereto shall be borne by the appellant.
- (4) The appellant must file six copies of his or her papers setting out the grounds for appeal with the Registrar within 30 calendar days from the date on which he or she received a copy of the transcript referred to in subregulation (3).
- (5) The respondent shall file six copies of his or her reply to the appellant's papers referred to in subregulation (4) with the Registrar within 30 calendar days from the date on which the appellant filed his or her papers with the Registrar.
- (6) The appellant shall file six copies of his or her reply to the respondent's reply referred to in subregulation (5) with the Registrar within 14 calendar days from the date on which the other party filed his or her reply.
- (7) If no reply is filled by the appellant within the period referred to in subregulation (6), the Registrar shall after the aforesaid period has lapsed advise both parties in writing of the date on which the matter will be heard by the appeal committee and the Appeal committee shall only consider those documents so submitted.
- (8) Heads of argument may be compiled and filed with the Registrar by either party 14 days prior to the date determined by the Registrar for the appeal hearing.
- (9) If an appeal is against an imposition of a penalty of erasure as contemplated in Section 15(6) of the Act, such penalty shall remain effective until the appeal is finalized.

#### **Appeal Committee**

24. (1) The appeal shall be considered by an appeal committee established in terms of section 15(4) of the Act.



- (2) The appeal committee must consider the appeal on the papers referred to in regulations 18 (4), (5) and (6) and may allow representations and arguments from both parties or their legal representatives.

### Procedure to be followed at appeal hearing

25. (1) After the appellant and the other party had addressed the appeal committee on the merits and/or grounds of appeal at the hearing, the appeal committee shall deliberate, *in camera*, on the matter and advise the parties for its findings.
- (2) Each party shall be responsible for his or her own costs occasioned by the preparation for and/or the finalization of the appeal.
- (3) The decision of the appeal committee shall be of force and effect from the date determined by such committee, unless set aside by the high court.

### Repeal

27. The regulations indicated in the table hereunder are hereby repealed:

Government notice	Date of publication
R373	13 March 1970
R1737	29 September 1972
R1707	27 September 1974
R978	19 July 2002

### Transitional arrangements

28. An inquiry or appeal in terms of the regulations referred to in regulation (27)

pending before a professional conduct committee immediately prior to the commencement of these regulations must be conducted and finalized under the procedures prescribed by those regulations as if they have not been repealed

**DR A MOTSOLEDI, MP  
MINISTER OF HEALTH**

**ANNEXURE A**

**FORM OF SUMMONS – DOCUMENTS**

Your ref:

Our ref:

To.....  
.....  
.....  
.....  
.....

IN RE: .....

You are hereby required to make available on or before the ..... of..... 20..... to the Registrar / The Preliminary Investigating Committee of the South African Nursing Council the following document(s), photographs, computer record, contract, book, item, article, administrative or financial record or computer data listed hereunder.

List of articles to be produced:  
.....  
.....  
.....  
.....  
.....  
.....

Given under the hand of the Registrar of the South African Nursing Council on this day of the ..... of ..... 20.....

.....  
REGISTRAR

**ANNEXURE B  
NOTICE OF REFERRAL**

Your ref:

Our ref :

**TO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE BE** informed that allegations of unprofessional conduct were reported to the Registrar of the South African Nursing Council against you and a written copy of the complaint is hereby attached for your perusal.

You are hereby invited to respond in writing to the allegations contained herein and submit same to the attention of the Registrar by no later than 28 calendar following the date of receipt of this notice.

Please note that any written representations, or extracts of any representations received from you may be made available to the complainant for comment.

Please take notice that should you elect to make any written representation, such may be used as evidence at any subsequent preliminary investigation or inquiry.

Please take further notice that the Registrar may seek such further information as he or she deems it necessary, for the purpose of investigating the complaint, from the defendant's employer, if any, or any other source, other than yourself.

Given under the hand of the Registrar of the South African Nursing Council on this day of the ..... of ..... 20.....

\_\_\_\_\_  
REGISTRAR

**ANNEXURE C  
NOTICE OF INQUIRY**

Your ref:

Our ref :

TO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN

RE:

.....  
.....

YOU ARE HEREBY summoned to appear at \_\_\_\_\_ on the \_\_\_\_ of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ before the Professional Conduct Committee of The South African Nursing Council when the following charge(s) which have been preferred against you by the *pro-forma* complainant will be considered.

Charge.....

That you being a ..... in terms of the Nursing Act, 2005 (Act No. 33 of 2005), are guilty of unprofessional conduct in that on or about the ..... of..... 20..... at or near.....

you

wilfully/negligently

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

Should you fail to appear, the Professional Conduct Committee may consider and deal with the charges in your absence in accordance with the regulations for the investigation of alleged misconduct and conduct of inquiries.

You have the right to be represented by a representative of your own choice, be it an attorney, a union official, family member or co-worker.

You have the right to call witnesses, lead evidence and to cross examine witnesses called by the Council or by the Committee.

A copy of the regulations for the investigation of alleged misconduct and the conduct of inquiries is enclosed

At your request an interpreter will be made available by the Council at the inquiry and should you wish to make use of the service, kindly complete the attached form indicating your language preference. This form must reach the Council not later than 16:00 on the ..... of ..... 20.....

Given under the hand of the Registrar of the South African Nursing Council on this day of the..... of ..... 20.....

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**REGISTRAR**

**ANNEXURE D**

Your ref:

Our ref :

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

IN

RE:.....  
.....

You are hereby summoned to appear at the ..... on the ..... of ..... 20....., at 09:00 before the Professional Conduct Committee of the South African Nursing Council in an inquiry in terms of Section 46 of the Nursing Act, 2005 (Act No. 33 of 2005) in relation to the conduct of ..... under the said Act and to bring with you and produce at the time and place as aforesaid, all original records, books, or documents in relation to the said inquiry and to give evidence in the matter.

NB.

Your attention is directed to Section 47 (10) of the Nursing Act, 2005, which reads as follows:

- (c) Any person subpoenaed under this subsection who—
  - (i) refuses or without sufficient cause fails, to attend and give evidence relevant to the inquiry at the time and place specified in the subpoena;
  - (ii) refuses to take the oath or to make an affirmation when required by the Chairperson to do so;
  - (iii) refuses to produce any book, record, document or thing which he has in terms of the subpoena was required to produce;
  - (iv) willfully misleads the Council or the professional conduct committee;

- (v) refuses to answer any question that is not self incriminatory or to answer to the best of his/her knowledge and belief, any question lawfully put to him;

Is guilty of an offence and on conviction liable to a fine not exceeding five thousand rands (R5000.00).

- (d) A person so subpoenaed is entitled to all the privileges to which a witness subpoenaed to give evidence before a magistrate's court is entitled.

Given under the hand of the Registrar of the South African Nursing Council this ..... day of ..... 20.....

\_\_\_\_\_  
REGISTRAR