



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

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No. 930

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 176

1994

**PROMULGATION OF ACT
OF PARLIAMENT**

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 16 of 1994: Medical and Dental Professions Amendment Act, 1994.

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EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Medical and Dental Professions Act, 1993, so to amend certain definitions; to remove certain references to and repeal certain provisions relating to dental technicians and oral hygienists; to provide that medical interns shall be entitled to vote in elections of members of the Medical Board; to provide that only medical practitioners registered in terms of the Act shall be eligible as candidates for election at the first election of members of the Medical Board; to provide that only medical practitioners and medical interns registered in terms of the Act shall be entitled to vote in the first election of members of the Medical Board; to provide that only dentists registered in terms of the Act shall be eligible as candidates for election at, or entitled to vote in, the first election of members of the Dental Board, and to provide for matters incidental thereto.

(Signed by the President on 14 September 1994)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Amendment of section 1
of Act 21 of 1993.

1. Section 1 of the Medical and Dental Professions Act, 1993 (hereinafter referred to as the principal Act), is hereby amended -

(a) by the substitution for the definition of "dental technician" of the following definition:

" 'dental technician' means any person registered as such under [**this Act**] the Allied Health Services Professions Act, 1993 (Act 20 of 1993);";

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- (b) by the substitution for the definition of "independent contractor" of the following definition:

“ ‘independent contractor’, in relation to a dental technician, means a dental technician who, with due regard to the provisions of [**this Act**] the said Allied Health Services Professions Act, 1993, practices the profession of a dental technician for his or her own account or who is a member of a partnership of dental technicians which practices that profession or who is a director of a company which carries on any business in which is performed any act specially pertaining to the profession of a dental technician;”;

- (c) by the substitution for the definition of "oral hygienist" of the following definition:

“ ‘oral hygienist’ means any person registered as such under [**this Act**] the said Allied Health Services Professions Act, 1993;”.

Amendment of section 2
of Act 21 of 1993.

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) in respect of the [**professions**] profession of dentists [**dental technicians and oral hygienists**] to be known as the Dental Board.”.

Amendment of section 5
of Act 21 of 1993.

3. Section 5 of the principal Act is hereby amended -

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) in the case of the Dental Board, all [**or any**] be dentists [**dental technicians or oral hygienists**].”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The members of the Board of which the number thereof has been determined in terms of the provisions of subsection (1), shall be elected in the prescribed manner and in accordance with the prescribed procedures -

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- (a) in the case of the Medical Board, by the medical practitioners and medical interns;
- (b) in the case of the Dental Board, by the dentists [**dental technicians and oral hygienists**],

who shall be Namibian citizens or lawfully admitted to Namibia for permanent residence therein, and resident in Namibia.”;

- (c) by the addition of the following subsection:

“(6) Notwithstanding the provisions of this section -

- (a) no person, including a person who, by virtue of section 54(1), is deemed to be registered as a medical practitioner, shall be eligible as a candidate for election at the first election of members of the Medical Board contemplated in subsection (3);
- (b) no person, including a person who, by virtue of the said section 54(1), is deemed to be registered as a medical practitioner or medical intern, shall be entitled to vote in such first election;
- (c) no person, including a person who, by virtue of the said section 54(1), is deemed to be registered as a dentist, shall be eligible as a candidate for election at, or entitled to vote in, the first election of members of the Dental Board contemplated in the said subsection (3),

unless such person has been registered as a medical practitioner, medical intern or dentist, as the case may be, under the provisions of this Act by the Minister exercising such power by virtue of section 55.”.

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Amendment of section 13
of Act 21 of 1993.

4. Section 13 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the profession of a medical practitioner or a dentist [**a dental technician or an oral hygienist**]; or”.

Amendment of section 26
of Act 21 of 1993.

5. Section 26 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Subject to the provisions of subsection (3) [**and sections 27 and 28**], any person not registered as a dentist, who -”.

Repeal of section 27 of
Act 21 of 1993.

6. Section 27 of the principal Act is hereby repealed.

Repeal of section 28 of
Act 21 of 1993.

7. Section 28 of the principal Act is hereby repealed.

Amendment of section 40
of Act 21 of 1993.

8. Section 40 of the principal Act is hereby amended -

(a) by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in this Act or in any other law contained, but subject to the provisions of this section, the Minister may, on application of any person who is not registered under this Act to practise as a medical practitioner, dentist [**dental technician, oral hygienist**] or medical intern, but who -

(a) in terms of the laws of any other country or state approved by the Minister for that purpose, is entitled to practise as a medical practitioner or dentist [**dental technician or oral hygienist**] without further examination in that country or state; or

(b) although he or she is not entitled to practise as contemplated in paragraph (a), at any educational institution situated outside Namibia obtained a qualification or received education in the

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medical or dental profession which in the opinion of the Minister indicated a satisfactory standard of professional education,

and complies with such further conditions or requirements as the Minister may determine, grant a written authority to such person to practise the profession of a medical practitioner or dentist [**dental technician or oral hygienist**] or to practise as a medical intern, as the case may be.”;

- (b) by the substitution in paragraph (a) of subsection (2) for the words preceding subparagraph (i) of the following words:

“shall be entitled to practise the profession of a medical practitioner or dentist [**dental technician or oral hygienist**] or to practise as a medical intern, as the case may be -”;

- (c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) shall, subject to any restriction or condition imposed in respect of him or her under the provisions of paragraph (a), be competent and entitled to perform any act falling within the scope of the profession of a person who is registered under this Act as a medical practitioner, dentist [**dental technician, oral hygienist**] or medical intern, as the case may be, and which he or she could have performed if he or she had been registered as such under this Act.”;

- (d) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) such proof of the applicant’s identity and good character and of the fact that he or she is entitled to practise the profession of a medical practitioner or dentist [**dental technician or oral hygienist**] or to practise as a medical intern and any qualification or qualifications which may be required by the Minister, including the authenticity and validity thereof as may be so required;”;

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- (e) by the substitution for subsection (7) of the following subsection:

“(7) (a) The provisions of Part IV and of section 48 shall *mutatis mutandis* apply to or in relation to any person authorized under this section to practise the profession of a medical practitioner or dentist [**dental technician or oral hygienist**], or to practise as a medical intern as if such person were registered under this Act as such.

- (b) Any reference in the provisions referred to in paragraph (a) to a medical practitioner, dentist [**dental technician, oral hygienist**] or medical intern shall be construed as including a reference to any person authorized under this section to practise as such, but subject to any condition or restriction imposed by or under this section.”;

- (f) by the substitution for subsection (8) of the following subsection:

“(8) For the purposes of the provisions of any other law, a medical practitioner, dentist [**dental technician, oral hygienist**] or medical intern shall be construed as including a reference to a person authorized under this section to practise as such, but subject to any condition or restriction imposed by or under this section.”.

Amendment of section 54
of Act 21 of 1993.

9. Section 54 of the principal Act is hereby amended -

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Any person who, immediately prior to the commencement of this Act, was registered or authorized to practise as a medical practitioner or dentist [**or oral hygienist**] under any law repealed by this Act, shall, subject to the provisions of subsections (3) and (4) and to any restriction, condition or penalty imposed upon him or her in relation to his or her profession, and provided such person is resident in Namibia at such

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commencement, be deemed to have been registered as a medical practitioner or dentist [**or oral hygienist**] under this Act.”;

- (b) by the repeal of subsection (2);
- (c) by the substitution for subsection (3) of the following subsection:

“(3) Any person referred to in subsection (1) [**or (2)**] shall, within a period of 90 days from the date of the constitution of the Board concerned as contemplated in section 5(3), or such further period as such Board may on good cause shown allow, apply to such Board in the manner and form determined by the Minister for his or her registration with such Board and submit together with such application his or her present certificate of registration or authorization [**or, in the case of the person referred to in the said subsection (2), his or her certificate authorizing or purporting to authorize him or her to practise as such**] and thereupon such person shall be entitled to registration as such: Provided that nothing in this subsection contained shall be construed as prohibiting the Minister, in the circumstances referred to in section 55, from exercising any power conferred on him or her under that section, to so register any such person as such as if the Minister were such Board.”;

- (d) by the substitution for subsection (4) of the following subsection:

“(4) Any person referred to in subsection (1) [**or (2)**] shall, upon the expiry of the period or further period referred to in subsection (3), as from the date of such expiry or the date on which any application for registration referred to in the said subsection (3) has been disposed of, whichever is the later date, be deemed not to be so registered as contemplated in the said subsection (1) [**or (2), as the case may be**].”.

Short title.

10. This Act shall be called the Medical and Dental Professions Amendment Act, 1994.
