

No. R. 1049

14 December 2011

**NURSING ACT, 2005 (ACT No. 33 of 2005)****Regulations Regarding Fees and Fines Payable to the South African Nursing Council**

The Minister of Health intends, in terms of section 58(1)(r) 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 on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities Management ), within three months of 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 will bear such meaning and, unless the context indicates otherwise: –  
  
**“annual fee year”** means the calendar year in respect of which an annual fee must be paid (i.e. the period 1 January to 31 December inclusive).; and  
  
**“Council”** means the South African Nursing Council contemplated in section 2 of the Act;

**Fees payable to the Council**

2. (1) The following fees are payable to the Council in terms of the Act—
- (a) Accreditation fee (nursing education institution), payable on accreditation as a nursing education institution;
  - (b) accreditation fee (nursing education programme), payable on accreditation of a nursing education programme;
  - (c) annual fee, payable annually in advance on application for an annual practising certificate;
  - (d) annual nursing education institution fee, payable annually in advance by accredited nursing education institutions in order to maintain accreditation status;
  - (e) application fee (clinical facility), payable on application for evaluation of a clinical facility to be used for nursing education and training;
  - (f) application fee (foreign additional qualification), payable on application for evaluation of an additional qualification obtained outside the Republic;
  - (g) application fee (foreign basic qualification), payable on application for evaluation of a basic qualification obtained outside South Africa;
  - (h) application fee (nursing education institution), payable on application for evaluation to become a nursing education institution;
  - (i) application fee (nursing education programme), payable on application for evaluation of a nursing education programme or a revised nursing education programme;
  - (j) audit visit fee, payable prior to an on-site audit visit by an audit visit team to a nursing education institution in terms of the Council's accreditation regulations;
  - (k) certificate of status fee, payable on application for a certificate of status;

- (l) duplicate certificate fee, payable on application for a duplicate certificate of registration;
- (m) examination fee, payable per paper on application to be admitted to a Council examination;
- (n) extract fee, payable on application for an extract from the register;
- (o) focus visit fee (clinical facility), payable prior to a focus visit of the clinical facilities of a nursing education institution in terms of the Council's accreditation regulations;
- (p) focus visit fee (nursing education institution), payable prior to a focus visit of the nursing education institution in terms of the Council's accreditation regulations;
- (q) late entry fee, payable together with the examination fees on application to be admitted to a Council examination where the application is submitted after the closing date for applications;
- (r) licence fee (private practice), payable on application for a licence to conduct a private practice;
- (s) registration fee (additional qualification), payable on application for registration of an additional qualification;
- (t) registration fee (assessors, moderators and verifiers), payable per field on application to be registered as an assessor, a moderator or a verifier;
- (u) registration fee (learner), payable annually in advance on application for registration as a learner;
- (v) registration fee (practitioner), payable per category on application for registration as a practitioner;
- (w) registration fee , payable on application for registration in terms of section 56(1) of the Act;
- (x) remarking fee, payable on application for re-marking of an examination paper;

- (y) restoration fee (reduced), payable on application for restoration to the register for practitioners following the voluntary removal of the person's name from the register;
  - (z) restoration fee (regular), payable on application for restoration to the register for practitioners in all cases not covered in section (y) of this subregulation;
  - (aa) transcript of training fee, payable on application for a transcript of training records;
  - (bb) verification fee, payable on application for a verification to be sent to a registering body in another country; and
  - (cc) any other fees in terms of the Act or any other legislation.
- (2) The Council will recover any of the fees due to it in terms of subregulation (1) in cases where an institution or person fails to make such payment on the determined dates.
- (3) The application fees referred to in sections (e), (f), (g), (h) and (i) of subregulation (1) are not refundable.
- (4) The examination and late entry fees referred to in sections (m) and (q) of subregulation (1) respectively are not refundable.
- (5) The focus visit fees referred to in sections (o) and (p) of subregulation (1) are not refundable.
- (6) The remarking fee referred to in section (x) of subregulation (1) is not refundable.

**Determination of fee amounts and the date on which the fee amounts become effective**

3. The Council will from time to time determine the amounts of the various fees and the date on which the amounts become effective and will publish the fee amounts and the date on which the fee amounts becomes effective by way of notice in the *Gazette*.

**Annual nursing education institution fee**

4. (1) The due date for payment of the annual nursing education institution fee is 31 December in the year preceding the year for which it is due and payment must reach the Council by this due date.
- (2) The annual nursing education institution fee may be paid from 1 October of the year preceding the year for which it is due and payment will not be accepted before this date.

**Annual fee**

5. (1) In terms of section 36(2) of the Act, in order to remain on the register following the first year of registration, a practitioner must pay an annual fee in respect of each annual fee year; on receipt of which the Registrar will issue the practitioner an annual practising certificate.
- (2) The due date for payment of the annual fee is 31 December in the year preceding the annual fee year and payment must reach the Council by this due date.
- (3) The annual fee may be paid from 1 July of the year proceeding the annual fee year and payment will not be accepted before this date.
- (4) The Registrar will remove from the register the name of a practitioner:
  - (a) whose annual fee has not been received by the Council by the due date mentioned in subregulation (2); and
  - (b) who has not been granted voluntary removal of his/her name by the due date mentioned in subregulation (2).
- (5) The removal date of a practitioner removed in terms of subregulation (4) will be set to 1 January of the annual fee year and the reason for removal will be set to "non-payment of annual fee".
- (6) Notwithstanding the provisions of subregulations (1), (2), (4) and (5), the annual fee is not payable during the 12 months following the date on which a practitioner is registered for the first time under the Act and in such a case:

- (a) the due date for payment of the annual fee will be the last day of the 12 month period and payment must reach the Council by this due date; and
  - (b) The Registrar will remove from the register the name of a practitioner:
    - (i) whose annual fee has not been received by the Council by the due date mentioned in subregulation (6)(a); and
    - (ii) who has not been granted voluntary removal of his/her name by the due date mentioned in subregulation (6)(a).
  - (c) The removal date of a practitioner removed in terms of subregulation (6)(b) will be set to the day following the due date mentioned in subregulation (6)(a) and the reason for removal will be set to "non-payment of annual fee".
- (7) A practitioner must pay the annual fee applicable to the category in which he/she is registered. A practitioner registered in more than one category, pays only the highest applicable annual fee.
- (8) If during the course of a year a practitioner is restored to the register or is required to pay the annual fee for the first time, the full amount of the annual fee must be paid.

#### **Organisations required to collect annual fees on behalf of Council**

6. (1) An organization who employs ten or more practitioners registered with Council in order to perform the duties for which they were employed must collect annual fees from the remuneration of such practitioners on behalf of Council. An employer who employs less than ten practitioners may do so voluntarily.
- (2) An organization referred to in subregulation (1) must first register its details (including VAT reference number) with Council on a form available from Council for this purpose and must thereafter notify Council of any change to its details within 30 days of such change.
- (3) An organization referred to in subregulation (1) must:

- (a) submit to the Council a list of all employees in respect of whom annual fees must be deducted – in a format to be advised by Council from time to time;
  - (b) investigate and resolve any exceptions reported by the Council's information processing system when it processed the list referred to in section (a) of this subregulation;
  - (c) deduct the required annual fee from the remuneration of all its employees who are liable to pay annual fees to Council;
  - (d) remit all such annual fees to reach the Council by the seventh day of the month following the month in which the fees were deducted or by the due date referred to in subregulation 5 (2) – whichever date is the earlier; and
  - (e) distribute the annual practising certificate issued by Council to each employee from whose remuneration the annual fee was successfully deducted and processed – including mailing the same to the correct forwarding address of an employee who has in the interim left the employ of the organization.
- (4) Council will process the list referred to in section (a) of subregulation (3) until the amount remitted by the organization has been exhausted or the entire list has been processed – whichever occurs first. Any surplus employee entries will be indicated as "payment amount exhausted" on the exception report.
- (5) Council will provide the organization with a list of the annual practising certificates issued for the organization's own records.

**Restoration fee**

7. (1) In order to qualify for the reduced restoration fee referred to in section (y) of subregulation 2 (1), a practitioner must have been removed from the register at his/her own request.
- (2) An application to be removed at own request which is submitted after the person has already been removed for any other reason will not be taken into

consideration when checking if the person qualifies to pay the reduced restoration fee.

- (3) A practitioner must pay the restoration fee referred to in section (z) of subregulation 2 (1) applicable to the category in which he/she is registered.
- (4) A practitioner registered in more than one category, pays only the highest applicable restoration fee.

#### **Fines payable to the Council**

8. (1) The following fines are payable to the Council in terms of the Act:
  - (a) admission of guilt fine – which may be paid before or on the date appearing in the summons; and
  - (b) imposed fine – payable before or on the date indicated in the notification of the fine.
- (2) The amount of a fine is not negotiable.
- (3) The Council will from time to time determine the limits of fines for various offences under the Act and the dates on which the limits become effective and will publish the limits and the dates on which the limits become effective by way of notice in the Gazette.

#### **Method of payment of fees and fines**

9. (1) Fees and fines may be paid to the Council in the following ways:
  - (a) by bank guaranteed cheque or credit/debit card in person at the offices of the Council;
  - (b) by cash or bank guaranteed cheque, deposited into the Council's bank account;
  - (c) by Internet transfer or other electronic banking means provided that the payment must be made into the Council's bank account; or
  - (d) by any other method made available by the Council from time to time.



- (2) In respect of any payment mentioned in subregulation (1), the correct Council reference number of the person for whom or organisation for which the payment is made must be supplied. In the case of a bank deposit this must be written in the place marked "Reference" on the deposit slip. In the case of Internet or other electronic systems, the reference number must be provided in the information which will appear on the Council's bank statement.
- (3) Payments that cannot be correctly allocated because of failure to comply with subregulation (2) will be regarded as not received in time if there is a deadline by which the payment is due.
- (4) Notwithstanding anything to the contrary contained in these regulations, organisations wishing to make bulk payments other than those in respect of annual fees in respect of two or more persons must first contact the Council regarding the necessary arrangements to ensure that the payment is correctly allocated to the organisation and that the Council can correctly sub-allocate the various amounts to the persons for whom the payments are made.
- (5) Payments made in terms of subregulations (1) (b) and (c) will be considered to have been paid on time only if the item appears on the Council bank statement with a transaction date before or on the due date for payment. No exceptions will be considered where transactions are dated after the due date. A persons paying by Internet or other electronic banking must take into account the banking rules pertaining to the transaction date that will apply to such payment.

### **Implementation**

- 10.(1) Notwithstanding anything to the contrary which may have previously been communicated elsewhere, the due date for 2012 annual fees is 31 December 2011 in terms of these regulations. The final date for processing of payments of annual fees for 2012 (following which a practitioner will be removed from the register) will be 31 December 2011 and any practitioner whose annual practising certificate has not been issued by that date will be removed from the register on 1 January 2012.
- (2) The requirements in terms of regulation 5 that employers must deduct annual fees from the salaries of employees who are liable to pay annual fees to

Council will not be enforced in respect of the 2012 annual fees in order to give employers the opportunity to make the necessary changes to their remuneration systems and to capture any additional data which may be required in order to implement these requirements. However, organizations who are in a position to do so may implement the system if they desire to do so.

- (3) The following regulations are hereby repealed:

<b>Government Notice No.</b>	<b>Date of publication</b>
R. 921	15 September 2000

- (4) All Council fees referred to in the regulations listed in the following table are hereby substituted by the corresponding fees prescribed in these regulations:

<b>Government Notice No.</b>	<b>Date of publication</b>	<b>Notes</b>
R. 7	08 January 1993	Subregulation 16 (a), (b), (c) and (e)  Reassessment fee in 16 (e) is called remarking fee in these regulations
R. 203	06 February 1987	Subregulation 13 (2) (b) and (c)
R. 880	02 May 1975	Subregulations 8 (5) (a), 12 (3) and 12 (4)  Reassessment fee in 8 (5) (a) is called remarking fee in these regulations
R. 1501	08 July 1983	Subregulations 11 (3) and 11 (4)
R. 1833	20 October 1972	Subregulations 2 (1) and 4 (1)  Enrolment fee and restoration fee are both called registration fee (learner) in these regulations
R. 3735	14 November 1969	Subregulations 2 (1) (c), 2 (1) (d)

<b>Government Notice No.</b>	<b>Date of publication</b>	<b>Notes</b>
		and 4 (1)  Registration fee and restoration fee are both called registration fee (learner) in these regulations
R. 3736	14 November 1996	Subregulations 2 (1) and 4 (1)  Enrolment fee and restoration fee are both called registration fee (learner) in these regulations

**DR A MOTSOLEDI, MP**

**MINISTER OF HEALTH**