

**CERTIFIED:  
ATTORNEY GENERAL**

**AMENDMENT TO HEALTH PROFESSIONS BILL 09 JUL 2024**

**[B. \_\_\_ OF 2024]**

*09/07/2024*

**MINISTRY OF JUSTICE**  
DIRECTORATE, LEGISLATIVE DRAFTING  
SCRUTINIZED BY: *[Signature]*

**THAT:**

- 1. In the arrangement of sections, substitute “37. Temporary registration” with “37. Authorisation to practise professions in employment of State and temporary registration”.**

2. **In clause 1, substitute the following for paragraph (b) of the definition of “certificate of registration”:**

“(b) a certificate of temporary registration issued under section 37(13); and”.

3. In clause 37, substitute the following clause for clause 37:

**“Authorisation to practise professions in employment of State and temporary registration**

37. (1) In this section -

- (a) “service provider” means a hospital or health facility providing healthcare service; and
- (b) “training institution” means a university, college, technical college, technikon, training facility or other similar or related institutions in Namibia where education relating to a profession is provided.

(2) Despite anything to the contrary in this Act or any other law but subject to this Act, the Minister may grant written authorisation to practise a profession in the employment of the State to a person who complies with the conditions and requirements prescribed in terms of this section and who -

- (a) is registered in any other country or State, but who is not registered in Namibia;
- (b) is entitled in terms of the laws of any other country or State to practise the profession concerned in such country or State; or
- (c) if the person is not entitled to practise the profession concerned, has -
  - (i) obtained at an educational institution situated outside Namibia a qualification; or
  - (ii) received education, tuition or training,

in or relating to such profession which in the opinion of the Minister indicates a satisfactory standard of professional

education which enables the person to practise such profession.

(3) The person referred to in subsection (2) must make an application to the Minister in the prescribed form and manner for the granting of written authorisation to practise a profession in the employment of the State.

(4) An application referred to in subsection (3) must be accompanied by -

- (a) a certified copy of the national identity card of the person;
- (b) a certified copy of the qualification upon which the person relies to be granted the written authorisation;
- (c) written proof that the person is entitled in terms of the laws of any other country or State to practise the profession concerned, or if the person is not entitled to practise the profession concerned in such country or State -
  - (i) certified copy of the qualification obtained at an educational institution situated outside Namibia; or
  - (ii) written proof that the person has received education, tuition or training,

in or relating to such profession which in the opinion of the Minister indicates a satisfactory standard of professional education which enables the person to practise such profession;

- (d) a certificate of good standing, in respect of a person who is entitled in terms of the laws of any other country or State to practise a profession in a country or State, issued by the registering authority in respect of each country in which the person has practised the profession during the period of five years immediately preceding

the date of such application to the satisfaction of the Minister.

(5) The Minister, after consultation with the Council, may grant to the person referred to in subsection (2) written authorisation to practise a profession in the employment of the State if the person complies with the applicable conditions and requirements of this section, and the Minister may impose restrictions and conditions to the written authorisation.

(6) A person to whom written authorisation has been granted in terms of subsection (5) must only practise the profession in respect of which he or she has been so authorised and for the period of time allowed -

- (a) at a hospital, clinic or similar institution controlled, managed or subsidised by the State; and
- (b) subject to such restrictions and conditions in respect of his or her professional activities, including that he or she may only practise his or her profession subject to such supervision,

as the Minister may determine and specify in the written authorisation.

(7) The Minister must submit to the Council, as soon as practicable, a copy of the written authorisation granted in terms of subsection (5).

(8) The Minister may amend or revoke, at any time, any written authorisation granted under subsection (5), including the extension of the period of time for which such authorisation has been granted or condition or restriction imposed on the written authorisation.

(9) Despite any provision of this Act to the contrary in this Act or any other law but subject to this section, the Council may temporarily register a person not permanently resident in Namibia at the written request of -

- (a) the Minister to enable the person to practise a profession in the

public service;

- (b) a service provider to enable the person to practise a profession in the employment of the service provider; or
- (c) a training institution to enable the person to provide teaching, training, educational demonstrations or to promote education in respect of a profession.

(10) A person who has requested for temporary registration must submit to the registrar an application for temporary registration in the prescribed form and manner.

(11) An application referred to in subsection (10) must be accompanied by -

- (a) written proof, to the satisfaction of the Council, that the person is registered to practise a profession in the country in which he or she is permanently resident or obtained the educational qualification which entitles him or her to practise the profession;
- (b) a certificate of good standing from the registration authority of each country in which the applicant is registered or was registered during the period of five years immediately preceding the date of the application, which certificate is issued not more than 120 days before the date of the submission of the application;
- (c) the original written request referred to in subsection (10);
- (d) the prescribed documents and information; and
- (e) proof of payment of the application fees.

(12) The Council, after having considered the application for

temporary registration and the documents and other information referred to in subsection (11), may grant or refuse the application.

(13) If the application for temporary registration is granted, the registrar must -

- (a) register the applicant and issue the applicant with a certificate of temporary registration in the prescribed form; and
- (b) enter the name of the applicant into the register.

(14) A person may be registered under subsection (13) for the period and subject to the restrictions and conditions that the Council determines and specifies in the certificate of temporary registration.

(15) The Registrar may not register a person under subsection (13) to temporarily practise a profession in Namibia, unless the person is registered to practise the profession in the country in which he or she -

- (a) is permanently resident; or
- (b) obtained the educational qualification which entitles him or her to registration to practise the profession under this Act.

(16) Before granting written authorisation or temporary register a person under this section, the Minister or Council may require the person to sit for an examination or evaluation by the examiner or evaluator appointed by the Minister or Council, in writing, for the purposes of ascertaining whether the person -

- (a) possesses sufficient professional competence, knowledge and skills pertaining to the profession to which such application relates; and

(b) is proficient in the official language of Namibia.

(17) If the application for written authorisation or temporary registration is refused, the Minister or registrar must, in writing, inform the person of the refusal and the grounds for the refusal.

(18) This section does not apply to a person registered under section 34.

(19) The Minister may, by notice in the *Gazette*, determine -

(a) the circumstances and conditions under which a written authorisation may be granted or person may be temporary registered to practise a profession under this section;

(b) the conditions and requirements that a person must comply with in order to qualify for -

(i) written authorisation to practise in the employment of the State; or

(ii) temporary registration,

under this section in order to practise a profession;

(c) the service providers and similar institutions where a person temporary registered under this section may practise a profession; or

(d) the procedures and the requirements for an application for temporary registration under this section.

(20) Part 16 applies with the necessary changes to a person authorised or temporarily registered in terms of this section to practise a profession to



which this Act applies as if that person was registered in terms of section 34.

(21) A person who contravenes or fails to comply with a provision of this section or any restriction or condition imposed on the written authorisation or registration commits an offence and is liable to the penalties specified in section 57(b).”.

4. **In clause 57, substitute in paragraph (b) a reference to “37(12)” with “37(21)”.**