



# REGISTRATION AND ERASURE OF NAMES FROM THE REGISTER

## Registration requirement in terms of the Act

In terms of Section 34 of the Health Professions Act, 1974 (Act 56 of 1974) practising without being registered is illegal and constitutes a criminal offence. Section 34 of the Act reads as follows:

### **“Registration a prerequisite for practising a profession in respect of which a professional board has been instituted**

**34.** (1) Subject to the provisions of sections 33 (2) (c) and 39, no person shall practise for gain within the Republic any other health profession the scope of which has been defined by the Minister in terms of section 33 (1), unless he or she is registered in terms of this Act in respect of such profession.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to the penalties mentioned in section 39.”

It is, therefore, illegal for practitioners to perform professional acts within the scope of such profession at any time should they not be registered with the HPCSA.

## Erasure due to non-payment of annual fee

Practitioners are required to pay an annual fee to retain their registration with Council. Failure to pay the annual fee prior to a particular date will result in the erasure of the names of such practitioners from the registers in terms of Section 19(1)(d) of the Act.

Such practitioners would be required to submit a duly completed application form for the restoration of their names to the register, pay all outstanding annual fees as well as a restoration fee (which will, in future, be at least ten times the annual fee of the particular year) in order to have their names restored to the register.

The stipulation in the Act reads as follows:

### **“Removal of name from, and restoration to, register**

- 19.** (1) The professional board concerned may direct the registrar to remove from the register the name of any person -
- (d) who has failed to pay to the professional board within three months as from the date on which it became due for payment, any annual fee prescribed by the professional board in terms of section 62;”

## Erasure at own request

In terms of Section 19(1)(c) of the Act and the policy of the HPCSA, practitioners may apply in writing for the erasure of their names from the register before 31 March of a particular year (provided that the annual fees for that year have been paid in full).

Such practitioners may not practise their profession in South Africa.

The stipulation in the Act reads as follows:

**“Removal of name from, and restoration to, register**

19. (1) The professional board concerned may direct the registrar to remove from the register the name of any person –
- (c) who has requested that his or her name be removed from the register, in which case such person may be required to lodge with the registrar an affidavit to the effect that no disciplinary or criminal proceedings are being or are likely to be taken against him or her;”

A duly completed application form for the restoration of the name of such practitioner together with a restoration fee would have to be submitted to the Registrar to have his or her name restored to the register.

The date reflected above may, in future, change to the last date of the particular cycle.