

13.5 FINE

13.5.1 Prior to imposing a fine, the Office shall afford the health establishment an opportunity to submit a request for leniency.

13.5.2 The fine, if imposed, will be subject to the thresholds determined by the Minister by notice in the *Government Gazette*.

13.5.3 The health establishment shall pay the imposed fine into a designated account within twenty (20) working days of the decision.

13.5.4 Banking details for payment of fines shall be provided by the Office.

13.6 PROSECUTION

13.6.1 Where an alleged breach of prescribed norms and standards is considered to amount to a criminal offence, the Office shall refer the matter to the National Prosecuting Authority for consideration and possible criminal prosecution.

13.6.2 The Office shall also refer for prosecution any offences in terms of the Act.

13.6.3 The decision to prosecute lies solely with the National Prosecuting Authority after considering all the relevant factors relating to the alleged offence or offences.

14. FORMAL HEARING

14.1 The Office shall notify the health establishment of its intention to revoke the certificate of compliance or to impose a fine, as the case may be, and initiate a hearing which must be presided by a suitable person appointed by the Chief Executive Officer, to allow the health establishment an opportunity to make representations before taking a final decision.

14.1.1 The person appointed as a presiding officer for the hearings shall not have a personal interest in the matter or be in any way associated with any of the parties.