



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

No. 915.

26 May 1977.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 63 of 1977: Health Act, 1977.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 915.

26 Mei 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 63 van 1977: Wet op Gesondheid, 1977.

Act No. 63, 1977

HEALTH ACT, 1977.

ACT

To provide for measures for the promotion of the health of the inhabitants of the Republic; to that end to provide for the rendering of health services; to define the duties, powers and responsibilities of the several authorities which render health services in the Republic; to provide for measures for the co-ordination of such health services; to provide for the establishment of a National Health Policy Council and a Health Matters Advisory Committee; to repeal the Public Health Act, 1919; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 17 May 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “Administrator” means an Administrator and the other members of the executive committee concerned; (iii)
 - (ii) “committee” means the Health Matters Advisory Committee established by section 2; (xi)
 - (iii) “communicable disease” means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof to any other person; (xxv)
 - (iv) “council” means the National Health Policy Council established by section 10; (xxx)
 - (v) “dairy” means any place where milk is sold or supplied or in which milk is kept for sale or delivery; (xvii)
 - (vi) “dairyman” means any person in possession or occupation of a dairy in which any activity appertaining to a dairy is carried on; (xvi)
 - (vii) “dairy produce” means milk and any produce intended for human consumption and derived or manufactured from milk; (xxxiv)
 - (viii) “dental mechanician” means any person registered as such under the Dental Mechanicians Act, 1945 (Act No. 30 of 1945); (xxxvi)
 - (ix) “dentist” means any person registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); (xxxv)
 - (x) “district”, in relation to a local authority, means the area which is under the jurisdiction of that local authority; (iv)
 - (xi) “dwelling” means any place, including any vehicle, vessel or boat, occupied as a human habitation; (xliv)
 - (xii) “health inspector” means any person registered as such under section 32 of the Medical, Dental and Supplementary Health Service Professions Act, 1974; (viii)

WET

Om voorsiening te maak vir maatreëls ter bevordering van die gesondheid van die inwoners van die Republiek; om te dien einde voorsiening te maak vir die lewering van gesondheidsdienste; om die pligte, bevoegdhede en verantwoordelikhede van die verskeie owerhede wat gesondheidsdienste in die Republiek lewer, te omskryf; om voorsiening te maak vir maatreëls vir die koördinasië van sodanige gesondheidsdienste; om voorsiening te maak vir die instelling van 'n Nasionale Gesondheidsbeleidsraad en 'n Adviserende Komitee vir Gesondheidsake; om die „Volksgezondheidswet, 1919”, te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Mei 1977.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing beteken—

- (i) „aanmeldbare mediese toestand” 'n mediese toestand wat deur die Minister ingevolge die bepalings van artikel 45 'n aanmeldbare mediese toestand verklaar is; (xxvi)
- (ii) „aanvullende gesondheidsdiensberoep” 'n beroep ten opsigte waarvan iemand wat aan die betrokke vereistes van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), voldoen, kragtens artikel 32 van daardie Wet op registrasie geregtig is; (xli)
- (iii) „Administrateur” 'n Administrateur en die ander lede van die betrokke uitvoerende komitee; (i)
- (iv) „distrik”, met betrekking tot 'n plaaslike bestuur, die gebied wat onder die jurisdiksie van daardie plaaslike bestuur val; (x)
- (v) „eienaar”, met betrekking tot 'n perseel—
 - (a) die persoon in wie se naam die titelsertifikaat ten opsigte van daardie perseel geregistreer is en ook die houer van 'n standplaaslisensie; of
 - (b) indien so 'n persoon of houer dood, insolvent, geestesongesteld, 'n minderjarige of handelingsonbevoeg is, die persoon belas met die administrasie van eersgenoemde persoon of so 'n houer se boedel, hetsy as eksekuteur, voog of in enige ander hoedanigheid; of
 - (c) indien die perseel verhuur word en registrasie in 'n registrasiekantoor van aktes 'n vereiste is vir die geldigheid van so 'n huurkontrak, die huurder; of
 - (d) waar die titel van daardie perseel in die naam van 'n regspersoon geregistreer is, die sekretaris of bestuurder, of 'n direkteur of lid, of die bestuursliggaam of -komitee van so 'n regspersoon; (xxx)

- (xiii) "health officer" means a medical officer of health, a regional medical officer of health, a health inspector appointed under section 24, a student health inspector on the establishment of a local authority, a person registered under the Nursing Act, 1957 (Act No. 69 of 1957), and appointed under section 24 and any other person possessing such qualifications as the Minister may determine by notice in the *Gazette* and appointed under section 24; (vii)
- (xiv) "intensive animal-feeding system" means any farming system having as its object the breeding of animals or the production of meat, milk, eggs, furs or any other product of animal origin and where the animal in question is kept in a confined space so as to accomplish intensive feeding or maximum control of or maximum food conversion in the animal; (x)
- (xv) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes a board of management as defined in section 1 of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963), and any person declared to be a local authority by the Minister in terms of the provisions of section 30 (2); (xxix)
- (xvi) "medical condition" means any physical or mental condition to which a person is subject and which is of such a nature as to require medical attention; (xiv)
- (xvii) "medical officer of health" means a person appointed as such under section 22 or 25, and includes a person appointed under section 22 (4) (b) to act as medical officer of health; (xiii)
- (xviii) "medical practitioner" means a person registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974; (vi)
- (xix) "milk" means milk derived from cows, goats, ewes, mares or asses, and includes skimmed milk, buttermilk and cream, but does not include powdered milk or condensed milk contained in hermetically sealed receptacles; (xv)
- (xx) "milking shed" means any premises, or part thereof or appurtenances thereto, in or upon which animals are kept or milked for the purposes of the production of milk for human consumption; (xx)
- (xxi) "milk shop" means any premises, or part thereof or appurtenances thereto, in or upon which milk is sold or supplied, or kept or exposed for sale or delivery; (xxi)
- (xxii) "milk vessel" means any receptacle, utensil, measure, apparatus or any other thing which is used for the collection, keeping, storage, preparation, conveyance, measurement, delivery or distribution of milk, and includes any lid, cover, stopper or other loose part likely to come into contact with the contents of such receptacle, utensil, measure, apparatus or thing; (xviii)
- (xxiii) "Minister" means the Minister of Health; (xxii)
- (xxiv) "mollusc" means any member of the *phylum Mollusca*; (xli)
- (xxv) "non-personal health service" means any health service other than a personal health service; (xxiii)
- (xxvi) "notifiable medical condition" means a medical condition declared to be a notifiable medical condition by the Minister in terms of the provisions of section 45; (i)
- (xxvii) "nuisance" means—
 - (a) any stream, pool, marsh, ditch, gutter, watercourse, cistern, watercloset, earthcloset, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (vi) „geneesheer” iemand wat as sodanig kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, geregistreer is; (xviii)
- (vii) „gesondheidsbeampte” ’n mediese gesondheidsbeampte, ’n streeks-mediese gesondheidsbeampte, ’n gesondheidsinspekteur aangestel kragtens artikel 24, ’n leerlinggesondheidsinspekteur op die diensstaat van ’n plaaslike bestuur, iemand wat kragtens die Wet op Verpleging, 1957 (Wet No. 69 van 1957), geregistreer is en kragtens artikel 24 aangestel is en enige ander persoon wat die kwalifikasies besit wat die Minister by kennisgewing in die *Staatskoerant* bepaal en wat kragtens artikel 24 aangestel is; (xiii)
- (viii) „gesondheidsinspekteur” iemand wat as sodanig kragtens artikel 32 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, geregistreer is; (xii)
- (ix) „hierdie Wet” ook ’n regulasie daarkragtens uitgevaardig; (xli)
- (x) „intensieve diervoerstelsel” enige boerderystelsel wat ten doel het die teel van diere of die produksie van vleis, melk, eiers, pelse of enige ander produk van dierlike oorsprong en waar die betrokke dier in ’n beperkte ruimte aangehou word ten einde intensieve voeding of maksimum beheer van of maksimum voedselomsetting by die dier te bewerkstellig; (xiv)
- (xi) „komitee” die by artikel 2 ingestelde Adviserende Komitee vir Gesondheidsake; (ii)
- (xii) „leerlinggesondheidsinspekteur” iemand wat studeer vir ’n diploma of sertifikaat, die besitter waarvan geregig is op registrasie as ’n gesondheidsinspekteur kragtens artikel 32 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974; (xxxix)
- (xiii) „mediese gesondheidsbeampte” iemand wat as sodanig aangestel is kragtens artikel 22 of 25, en ook iemand wat kragtens artikel 22 (4) (b) aangestel is om as mediese gesondheidsbeampte waar te neem; (xvii)
- (xiv) „mediese toestand” ’n fisiese of psigiese toestand waarin iemand verkeer en wat van so ’n aard is dat dit mediese aandag vereis; (xvi)
- (xv) „melk” melk afkomstig van koeie, bokooie, skaapooie, perdemeries of donkiemies, en ook afgeroomde melk, karringmelk en room, maar nie ook poeiermelk of gekondenseerde melk wat in hermetiese verseêlde houers bevat word nie; (xix)
- (xvi) „melkboer” iemand wat ’n melkery besit of okkuper waarin ’n bedrywigheid wat by ’n melkery tuishoort, voortgesit word; (vi)
- (xvii) „melkery” ’n plek waar melk verkoop of verskaf word of waarin melk gehou word vir verkoop of aflewering; (v)
- (xviii) „melkhouer” enige houer, werktuig, maat, toestel of ander voorwerp wat gebruik word vir die versameling, hou, opberg, voorbereiding, vervoer, afmeet, aflewering of verspreiding van melk, en ook enige deksel, bedekking, prop of ander los voorwerp wat waarskynlik in aanraking sal kom met die inhoud van so ’n houer, werktuig, maat, toestel of voorwerp; (xxii)
- (xix) „melkleweransier” iemand wat ’n melkwinkel besit of okkuper, en ook iemand wat melk verkoop of aflew, of melk vir verkoop aanbied of uitstal, hetsy op ’n perseel of in ’n straat of openbare plek; (xxxiv)
- (xx) „melkstal” enige perseel of deel of aanhangsel daarvan waarin of waarop diere aangehou of gemelk word vir die doeleindes van die produksie van melk vir menslike verbruik; (xx)
- (xxi) „melkwinkel” enige perseel of deel of aanhangsel daarvan waarin of waarop melk verkoop of verskaf word, of vir verkoop of aflewering gehou of uitgestal word; (xxi)

Act No. 63, 1977

HEALTH ACT, 1977.

- (b) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- (c) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (d) any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (e) any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance;
- (f) any factory or industrial or business premises not kept in a cleanly state and free from offensive smells arising from any drain, watercloset, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon;
- (g) any factory or industrial or business premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;
- (h) any area of land kept or permitted to remain in such a state as to be offensive;
- (i) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the provisions of section 39 (2); (xxvi)
- (xxviii) "nurse" means a person registered as such under the Nursing Act, 1957; (xxxix)
- (xxix) "occupier", in relation to any premises, means—
 - (a) any person who actually occupies the premises;
 - (b) any person who is entitled to occupy the premises; or
 - (c) any person in charge of or managing the premises, and includes the agent of any such person if he is absent from the Republic or his whereabouts is unknown; (xxiv)
- (xxx) "owner", in relation to any premises, means—
 - (a) the person in whose name the certificate of title to those premises is registered, and includes the holder of a stand licence; or
 - (b) if such person or holder is dead, insolvent, mentally ill, a minor or under any legal disability, the person in whom the administration of such first-mentioned person's or such holder's estate is vested, whether as executor, guardian or in any other capacity; or
 - (c) if the premises are leased and registration in a deeds registry is a prerequisite for the validity of such lease, the lessee; or
 - (d) where the title of those premises is registered in the name of a juristic person, the secretary or manager, or any director or member, or the managing body or committee of such a juristic person; (v)
- (xxxi) "personal health service" means any health service for the examination and treatment of a medical condition; (xxviii)
- (xxxii) "premises" means any piece of land and any building or other structure together with the land on which it is situated, and includes any vehicle, conveyance, ship, boat or other vessel or any aircraft; (xxvii)
- (xxxiii) "prescribe" or "prescribed" means prescribe or prescribed by regulation; (xl)

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (xxii) „Minister” die Minister van Gesondheid; (xxiii)
- (xxiii) „nie-persoonlike gesondheidsdiens” ’n ander gesondheidsdiens as ’n persoonlike gesondheidsdiens; (xxv)
- (xxiv) „okkupeerder”, met betrekking tot ’n perseel—
 - (a) iemand wat die perseel daadwerklik okkupeer; of
 - (b) iemand wat daarop geregtig is om die perseel te okkupeer; of
 - (c) iemand wat die perseel beheer of bestuur, en ook die verteenwoordiger van so iemand indien hy uit die Republiek afwesig is of dit onbekend is waar hy hom bevind; (xxix)
- (xxv) „oordraagbare siekte” ’n siekte wat regstreeks of onregstreeks vanaf enige dier of deur middel van enige agens aan enigiemand, of vanaf iemand wat daaraan ly of wat ’n draer daarvan is aan iemand anders, oorgedra kan word; (iii)
- (xxvi) „oorlas”—
 - (a) ’n waterstroom, waterpoel, vlei, sloot, watervoor, waterloop, waterbak, spoellatrine, grondlatrine, urinaal, slykpoel, vuilput, afvoersloot, straatrooil, miskuil, vuilwatertenk, ashoop of mishoop wat so vuil of in so ’n toestand of so geleë of saamgestel is dat dit aanstootlik is of vir die gesondheid nadelig of gevaelik is;
 - (b) ’n stal, kraal, afdak, hok of perseel wat vir die aanhou van diere of voëls gebruik word en wat so gebou of geleë is of wat so gebruik of in so ’n toestand gehou word dat dit aanstootlik is of vir die gesondheid nadelig of gevaelik is;
 - (c) ’n ophoping van vullis, afval, mis of ander stowwe wat aanstootlik is of vir die gesondheid nadelig of gevaelik is;
 - (d) ’n openbare gebou wat so geleë of gebou is of wat so gebruik of in so ’n toestand gehou word dat dit onveilig of vir die gesondheid nadelig of gevaelik is;
 - (e) ’n geokkupeerde woning waarvoor daar nie ’n behoorlike en voldoende voorraad suiwer water binne ’n redelike afstand beskikbaar is nie;
 - (f) ’n fabriek of nywerheids- of sakeperseel wat nie skoon en vry van aanstootlike reuke afkomstig van enige afvoersloot, spoellatrine, grondlatrine, urinaal of enige ander bron gehou word nie, of wat nie sodanig belug is dat enige gasse, damp, stof of ander onsuiwerhede wat veroorsaak word, vernietig of sover doenlik onskadelik en onaanstootlik gemaak word nie, of wat so oorbewoon of so swak verlig of belug is dat dit nadelig of gevaelik is vir die gesondheid van diegene wat daarin of daarop werkzaam is;
 - (g) ’n fabriek of nywerheids- of sakeperseel wat reuke of uitdampings wat aanstootlik of vir die gesondheid nadelig of gevaelik is, veroorsaak of daartoe aanleiding gee;
 - (h) ’n stuk grond wat in so ’n toestand gehou of gelaat word dat dit aanstootlik is;
 - (i) enige ander bedrywigheid, toestand of saak wat ingevolge die bepalings van artikel 39 (2) deur die Minister tot ’n oorlas verklaar is; (xxvii)
- (xxvii) „perseel” ’n stuk grond en enige gebou of ander bouwerk tesame met die grond waarop dit geleë is, en ook enige voertuig, vervoermiddel, skip, boot of ander vaartuig of ’n lugvaartuig; (xxxii)
- (xxviii) „persoonlike gesondheidsdiens” ’n gesondheidsdiens wat gerig is op die ondersoek en behandeling van ’n mediese toestand; (xxxii)

Act No. 63, 1977**HEALTH ACT, 1977.**

- (xxxiv) "purveyor of milk" means any person in possession or occupation of a milk shop, and includes any person who sells or delivers milk, or offers or exposes milk for sale or delivery, whether in any premises or in any street or public place; (xix)
- (xxxv) "regional medical officer of health" means a person appointed as such under section 22 or 25; (xxxiii)
- (xxxvi) "regulation" means a regulation made under this Act; (xxxii)
- (xxxvii) "Secretary" means the Secretary for Health; (xxxii)
- (xxxviii) "sell" includes—
 - (a) offer, advertise, keep, expose, transmit, convey or deliver for sale;
 - (b) authorize, direct or allow a sale;
 - (c) prepare or possess for purposes of sale; or
 - (d) exchange or dispose in any manner for a consideration,
 and "sale" has a corresponding meaning; (xxxviii)
- (xxxix) "student health inspector" means a person studying for a diploma or certificate, the possessor of which is entitled to registration as a health inspector under section 32 of the Medical, Dental and Supplementary Health Service Professions Act, 1974; (xii)
- (xl) "supplementary health service profession" means any profession in respect of which a person who complies with the relevant requirements of the Medical, Dental and Supplementary Health Service Professions Act, 1974, is entitled to registration under section 32 of that Act; (ii)
- (xli) "this Act" includes any regulation made thereunder; (ix)
- (xlii) "veterinary surgeon" means any person registered as such under the Veterinary Act, 1933 (Act No. 16 of 1933).

CHAPTER I

HEALTH MATTERS ADVISORY COMMITTEE AND NATIONAL HEALTH POLICY COUNCIL

Establishment
of Health
Matters Advisory
Committee.

Functions of
committee.

2. There is hereby established a committee to be known as the Health Matters Advisory Committee, which shall exercise the powers and perform the duties conferred or imposed upon it by this Act.

- 3.** (1) (a) The functions of the committee shall be to—
 - (i) investigate, consider and make recommendations to the Minister in regard to any matter referred to in section 12, and
 - (ii) perform any other function entrusted to it by the Minister.
 - (b) The committee shall, before making any recommendation to the Minister in terms of paragraph (a) (i), submit such recommendation to each Administrator for his information.
- (2) The committee may in its discretion, in regard to any matter falling within the scope of its functions, consult any person, body or authority and may take evidence from or hear representations by such person, body or authority.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (xxix) „plaaslike bestuur” 'n in artikel 84 (1) (*f*) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoogde instelling of liggaaam, en ook 'n bestuursraad soos omskryf in artikel 1 van die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), en enige persoon wat ingevolge die bepalings van artikel 30 (2) deur die Minister tot 'n plaaslike bestuur verklaar is; (xv)
- (xxx) „raad” die by artikel 10 ingestelde Nasionale Gesondheidsbeleidsraad; (iv)
- (xxxi) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (xxxvi)
- (xxxii) „Sekretaris” die Sekretaris van Gesondheid; (xxxvii)
- (xxxiii) „streeks- mediese gesondheidsbeampte” iemand wat as sodanig aangestel is kragtens artikel 22 of 25; (xxxv)
- (xxxiv) „suwelprodukte” melk en enige vir menslike verbruik bestemde produkte wat van melk verkry of daaruit vervaardig is; (vii)
- (xxxv) „tandarts” iemand wat as sodanig kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974, geregistreer is; (ix)
- (xxxvi) „tandwerktuigkundige” iemand wat as sodanig kragtens die Wet op Tandwerktuigkundiges, 1945 (Wet No. 30 van 1945), geregistreer is; (viii)
- (xxxvii) „veearts” iemand wat as sodanig kragtens die Veearts-wet, 1933 (Wet No. 16 van 1933), geregistreer is; (xl)
- (xxxviii) „verkoop” ook—
 - (a) vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer of aflewer;
 - (b) 'n verkoop magtig, gelas of toelaat;
 - (c) vir verkoop voorberei of besit; of
 - (d) verruil of op enige wyse teen 'n teenprestasie van dié hand sit;
 en het „verkoop”, wanneer dit as 'n naamwoord gebruik word, 'n ooreenstemmende betekenis; (xxxviii)
- (xxxix) „verpleegster” iemand wat as sodanig kragtens die Wet op Verpleging, 1957, geregistreer is; (xxviii)
- (xl) „voorskryf” of „voorgeskryf” by regulasie voorskryf of voorgeskryf; (xxxiii)
- (xli) „weekdier” 'n lid van die *phylum Mollusca*; (xxiv)
- (xlii) „woning” enige plek, met inbegrip van enige voertuig, vaartuig of boot, wat as 'n woonplek vir mense geokkupeer word. (xi)

HOOFSTUK I

ADVISERENDE KOMITEE VIR GESONDHEIDSNAKE EN
NASIONALE GESONDHEIDSBELEIDSRAAD

2. Daar word hierby 'n komitee by name die Adviserende Komitee vir Gesondheidsake ingestel wat die bevoegdhede uitoefen en die pligte verrig wat by hierdie Wet aan hom verleen of opgelê word.

- 3.** (1) (a) Die werkzaamhede van die komitee is om—
- (i) 'n aangeleenthed bedoel in artikel 12 te ondersoek, te oorweeg en aanbevelings aan die Minister in verband daarmee te doen; en
 - (ii) enige ander werkzaamheid te verrig wat die Minister aan hom opdra.
- (b) Die komitee moet, voordat hy ingevolge paragraaf (a)
- (i) 'n aanbeveling aan die Minister doen, die aanbeveling aan elke Administrateur vir sy inligting voorlê.
- (2) Die Komitee kan na goeddunke, met betrekking tot enige aangeleenthed wat binne die bestek van sy werkzaamhede val, enige persoon, liggaaam of gesag raadpleeg, en kan getuienis van of vertoe deur sodanige persoon, liggaaam of gesag afneem of aanhoor.

Act No. 63, 1977**HEALTH ACT, 1977.**

Constitution of committee.

- 4.** (1) The committee shall consist of the following members, namely—
- (a) the Secretary who shall be chairman of the committee;
 - (b) three persons each holding a post of director in the Department of Health and who shall be designated by the Minister;
 - (c) the Director of Hospital Services in each provincial administration;
 - (d) two medical practitioners—
 - (i) employed as medical officers of health by local authorities rendering health services in urban areas; and
 - (ii) who shall be appointed by the Minister from among at least four medical practitioners whose names have been submitted for that purpose by the United Municipal Executive of South Africa;
 - (e) a medical practitioner—
 - (i) employed as a medical officer of health by a local authority rendering health services in a rural area; and
 - (ii) who shall be appointed by the Minister from among at least three medical practitioners whose names have been submitted for that purpose by the Association of Divisional Councils of the Cape Province; and
 - (f) the Surgeon-general in the South African Defence Force.

(2) For every member of the committee appointed in terms of subsection (1) (d) or (e), there shall be an alternate member appointed in the same manner as such member of the committee, and a member of the committee referred to in subsection (1) (b), (c) or (f) may, with the consent of the Minister designate a person in the service of the State in its department of Health or of Defence, or in the service of the provincial administration concerned, as the case may be, to act in his stead as an alternate member of the committee, and any alternate member so appointed or designated may attend, and take part in the proceedings at, any meeting of the committee whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.

(3) The Secretary of the Public Service Commission or his nominee shall be entitled to attend meetings of the committee as an observer.

(4) The members of the committee shall, at the first meeting of the committee and thereafter as the occasion arises, out of their number elect a vice-chairman of the committee and the vice-chairman shall hold office for such period as the committee may from time to time determine.

(5) The vice-chairman of the committee shall act as chairman during the absence of the chairman and shall, while so acting, have all the powers and perform all the functions of the chairman.

Period of office and allowances of members of the committee.

5. (1) The members of the committee appointed in terms of paragraphs (d) and (e) of section 4 (1), shall, subject to the provisions of subsection (2), hold office for a period of three years, but shall be eligible for reappointment.

(2) (a) A member referred to in subsection (1) shall vacate his office if he ceases to hold any qualification necessary for his appointment.

(b) The Minister may at any time terminate the appointment of a member referred to in subsection (1) if, in his opinion, good cause exists therefor.

(3) If the office of any member of the committee appointed in terms of paragraph (d) or (e) of section 4 (1) becomes vacant before the expiration of his period of office, the Minister shall appoint another medical practitioner from among medical practitioners whose names have, subject to the provisions of the applicable paragraph but within two months after the date on which such vacancy occurred, been submitted for that purpose by the United Municipal Executive of South Africa or the Associa-

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- 4.** (1) Die komitee bestaan uit die volgende lede, naamlik—
- (a) die Sekretaris wat voorstitter van die komitee is;
 - (b) drie persone wat elk 'n pos van direkteur in die Departement van Gesondheid beklee en wat deur die Minister aangewys moet word;
 - (c) die Direkteur van Hospitaaldienste in elke provinsiale administrasie;
 - (d) twee geneeshere—
 - (i) wat as mediese gesondheidsbeamptes in diens is van plaaslike besture wat gesondheidsdienste in stedelike gebiede lewer; en
 - (ii) wat deur die Minister aangestel word uit minstens vier geneeshere wie se name vir die doel deur die Verenigde Munisipale Bestuur van Suid-Afrika voorgelê is;
 - (e) 'n geneesheer—
 - (i) wat as 'n mediese gesondheidsbeampte in diens is van 'n plaaslike bestuur wat gesondheidsdienste in 'n landelike gebied lewer; en
 - (ii) wat deur die Minister aangestel word uit minstens drie geneeshere wie se name vir die doel deur die Vereniging van Afdelingsrade van die Kaapprovinsie voorgelê is; en
 - (f) die Geneesheer-generaal van die Suid-Afrikaanse Weermag.

Samestelling van komitee.

(2) Vir elke lid van die komitee ingevolge subartikel (1) (d) of (e) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid van die komitee aangestel word, en 'n in subartikel (1) (b); (c) of (f) bedoelde lid van die komitee, kan, met die toestemming van die Minister, 'n persoon in diens van die Staat in sy Departement van Gesondheid of van Verdediging, of in diens van die betrokke provinsiale administrasie, na gelang van die geval, aanwys om in sy plek as 'n plaasvervangende lid van die komitee op te tree, en 'n plaasvervangende lid aldus aangestel of aangewys, kan 'n vergadering van die komitee bywoon en aan die verrigtings aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel of aangewys is, van bedoelde vergadering afwesig is.

(3) Die Sekretaris van die Staatsdienskommissie, of sy benoemde, is geregtig om vergaderings van die komitee as 'n waarnemer by te woon.

(4) Die lede van die komitee moet op die eerste vergadering van die komitee en daarna wanneer dit nodig word, 'n ondervoorsitter van die komitee uit hul midde kies en die ondervoorsitter beklee sy amp vir die tydperk wat die komitee van tyd tot tyd bepaal.

(5) Die ondervoorsitter van die komitee neem waar as voorsitter tydens die afwesigheid van die voorsitter en terwyl hy aldus waarneem het die ondervoorsitter al die bevoegdhede en verrig hy al die werkzaamhede van die voorsitter.

5. (1) Die lede van die komitee wat ingevolge paragrafe (d) en (e) van artikel 4 (1) aangestel word, beklee hul amp, behoudens die bepalings van subartikel (2), vir 'n tydperk van drie jaar, maar kan weer aangestel word.

Ampstermy en toelaes van lede van die komitee.

- (2) (a) 'n Lid bedoel in subartikel (1) ontruim sy amp indien hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling nodig is.
- (b) Die aanstelling van 'n lid bedoel in subartikel (1) kan te eniger tyd deur die Minister beëindig word indien, na sy oordeel, gegronde redes daarvoor bestaan.

(3) Indien die amp van 'n ingevolge paragraaf (d) of (e) van artikel 4 (1) aangestelde lid van die komitee vakant raak voor die verstryking van sy ampstermy, stel die Minister 'n ander geneesheer aan uit geneeshere wie se name, behoudens die bepalings van die toepaslike paragraaf maar binne twee maande na die datum waarop die vakature ontstaan het, vir dié doel voorgelê is deur die Verenigde Munisipale Bestuur van Suid-Afrika of die

Act No. 63, 1977.**HEALTH ACT, 1977.**

tion of Divisional Councils of the Cape Province, as the case may be, to hold office for the unexpired portion of the period for which his predecessor was appointed.

(4) The United Municipal Executive of South Africa and the Association of Divisional Councils of the Cape Province shall, not later than one month prior to the date of expiry of the term of office of the members appointed in terms of, respectively, paragraphs (d) and (e) of section 4 (1), in terms of the provisions of those paragraphs submit names so as to enable the Minister to fill the vacancies.

(5) If the United Municipal Executive of South Africa or the Association of Divisional Councils of the Cape Province fails to submit names in terms of the provisions of subsection (3) or (4), the Minister shall make the necessary appointment, and any appointment so made by the Minister shall be deemed to have been properly made in terms of the appropriate paragraph of section 4 (1) or, as the case may be, in terms of subsection (3).

(6) A member of the committee, excluding a member in the full-time service of the State, shall, while he is engaged on the business of the committee, be paid such travelling and subsistence allowances as the Minister, in consultation with the Minister of Finance, may determine.

Appointment of sub-committees.

6. (1) The committee shall appoint separate sub-committees, consisting of the number of members of the committee and persons who are not such members, or of such persons only, determined by the Minister, to inquire into and to advise the committee on, respectively, personnel, dental and pharmaceutical matters, as well as matters pertaining to buildings for health services, in so far as those matters fall within the scope of the committee's functions.

(2) The committee may, with the approval of the Minister, appoint such other sub-committees as it may deem necessary, consisting of the number of members of the committee and persons who are not such members, or of such persons only, determined by the committee, to inquire into and to report to it on any matter falling within the scope of the committee's functions, including professional matters relating to the medical or the nursing profession.

(3) A member of a sub-committee appointed in terms of the provisions of subsection (1) or (2), excluding a member in the full-time service of the State, shall, while he is engaged on the business of that sub-committee, be paid such travelling and subsistence allowances as the Minister, in consultation with the Minister of Finance, may determine.

(4) The provisions of section 3 (2) shall *mutatis mutandis* apply to any sub-committee appointed in terms of this section.

Meetings of committee and quorum.

7. (1) The first meeting of the committee shall be held at a time and place determined by the Minister, and subsequent meetings shall be held at least twice in every year at a time and place determined by the chairman.

(2) The quorum for any meeting of the committee shall be the majority of the members of the committee as at the date of that meeting.

Interim vacancy or irregular appointment not to invalidate act or decision by majority of committee.

8. No decision taken by the committee or act performed under the authority of the committee, shall be invalid by reason only of an interim vacancy on the committee or of the fact that a person who was not entitled to sit as a member of the committee, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the committee who were present at the time and entitled to sit as members.

Designation of secretary of committee.

9. The Minister shall designate an officer of the Department of Health to act as secretary of the committee.

Establishment of National Health Policy Council.

10. There is hereby established a council to be known as the National Health Policy Council, which shall ensure that the several authorities which render health services in the Republic

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

Vereniging van Afdelingsrade van die Kaapprovinsie, na gelang van die geval, om die amp te beklee vir die onverstreke deel van die termyn waarvoor sy voorganger aangestel was.

(4) Die Verenigde Munisipale Bestuur van Suid-Afrika en die Vereniging van Afdelingsrade van die Kaapprovinsie moet nie later nie as een maand voor die datum van verstryking van die ampstermy van die lede wat onderskeidelik ingevolge paragrawe (d) en (e) van artikel 4 (1) aangestel is, ingevolge die bepalings van daardie paragrawe name voorlê ten einde die Minister in staat te stel om die vakature te vul.

(5) Indien die Verenigde Munisipale Bestuur van Suid-Afrika of die Vereniging van Afdelingsrade van die Kaapprovinsie versuim om ingevolge die bepalings van subartikel (3) of (4) name voor te lê, word die nodige aanstelling deur die Minister gedoen en 'n aanstelling wat aldus deur die Minister gedoen is, word geag behoorlik gedoen te gewees het ingevolge die toepaslike paragraaf van artikel 4 (1) of, na gelang van die geval, ingevolge subartikel (3).

(6) 'n Lid van die komitee, uitgesonderd 'n lid wat heeltyds in diens van die Staat is, word, terwyl hy besig is met die sake van die komitee, die reis- en verblyftoeelae betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

6. (1) Die komitee moet afsonderlike subkomitees aanstel wat bestaan uit die aantal lede van die komitee en persone wat nie sodanige lede is nie, of slegs uit sodanige persone, wat die Minister bepaal, om ondersoek in te stel na en om die komitee van advies te dien oor onderskeidelik personeel, tandheelkundige en farmaseutiese aangeleenthede, asook aangeleenthede betreffende geboue vir gesondheidsdienste, in soverre bedoelde aangeleenthede binne die bestek van die komitee se werksaamhede val.

Aanstelling van subkomitees.

(2) Die komitee kan, met die goedkeuring van die Minister, die ander subkomitees aanstel wat hy nodig ag, wat bestaan uit die aantal lede van die komitee en persone wat nie sodanige lede is nie, of slegs uit sodanige persone, wat die komitee bepaal, om ondersoek in te stel na en aan die komitee verslag te doen aangaande enige aangeleenthed wat binne die bestek van die komitee se werksaamhede val, met inbegrip van professionele aangeleenthede betreffende die mediese of die verplegingsberoep.

(3) 'n Lid van 'n subkomitee aangestel ingevolge die bepalings van subartikel (1) of (2), uitgesonderd 'n lid wat heeltyds in diens van die Staat is, word, terwyl hy besig is met die sake van daardie subkomitee, die reis- en verblyftoeelae betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

(4) Die bepalings van artikel 3 (2) is *mutatis mutandis* van toepassing op 'n subkomitee wat ingevolge hierdie artikel aangestel is.

7. (1) Die eerste vergadering van die komitee word gehou op die tyd en plek wat die Minister bepaal, en daaropvolgende vergaderings word minstens twee keer in elke jaar gehou op die tyd en plek deur die voorsitter bepaal.

Vergaderings van komitee en kworum.

(2) Die kworum vir 'n vergadering van die komitee is die meerderheid van die lede van die komitee soos op die datum van daardie vergadering.

8. Geen besluit van of handeling verrig op gesag van die komitee is ongeldig nie bloot vanweë 'n tussentydse vakature in die komitee of omdat iemand wat nie geregtig was om as 'n lid van die komitee sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die komitee wat op daardie tydstip aanwesig was en geregtig was om as lede sitting te neem.

Tussentydse vakature of onreëlmatige aanstelling maak nie handeling of besluit deur meerderheid van komitee ongeldig nie.

9. Die Minister wys 'n beampte van die Departement van Gesondheid aan om as sekretaris van die komitee op te tree.

Aanwysing van sekretaris van komitee.

10. Daar word hierby 'n raad by name die Nasionale Gesondheidsbeleidsraad ingestel wat moet sorg dra dat die verskeie owerhede wat gesondheidsdienste lever in die Republiek,

Instelling van Nasionale Gesondheidsbeleidsraad.

Act No. 63, 1977**HEALTH ACT, 1977.**

shall take all such measures as they may take in terms of the provisions of this Act and any other applicable law, to promote the health of the inhabitants of the Republic so that every person shall be enabled to attain and maintain a state of complete physical, mental and social well-being, and which shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act.

Constitution of council.

11. (1) The council shall consist of the following members, namely—

- (a) the Minister, who shall be chairman of the council;
- (b) the member of the Executive Committee of each Province who is charged with Hospital Services.

(2) The secretarial work incidental to the carrying out by the council of its functions shall be performed by the Secretary.

Functions of council.

12. The functions of the council shall be to consider any recommendation made by the committee to the Minister in terms of section 3, in regard to—

- (a) the formulation of a national policy in regard to the rendering of health services by the Department of Health, provincial administrations and local authorities;
- (b) the co-ordination by, and the allocation to, the Department of Health and provincial administrations of duties in regard to the following health services, namely—
 - (i) the promotion of the health of persons, individually and generally;
 - (ii) the provision of facilities for the detection, prevention, diagnosis and treatment of medical conditions;
 - (iii) the application of measures of a medical nature to habilitate or to rehabilitate any person incapacitated by a medical condition;
 - (iv) the application of measures to provide health services to the needy;
- (c) the efficient co-ordination of health services rendered by the Department of Health, provincial administrations and local authorities;
- (d) the co-ordination, subject to the provisions of the Dental Mechanicians Act, 1945 (Act No. 30 of 1945), the Nursing Act, 1957 (Act No. 69 of 1957), the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), and the Pharmacy Act, 1974 (Act No. 53 of 1974), of the provision of facilities for the training of medical practitioners, dentists, pharmacists, nurses, dental mechanicians and persons in the supplementary health service professions;
- (e) any other matter relating to health services.

Decision on recommendation.

13. (1) After consideration by the council of any recommendation referred to in section 12, the Minister shall make a decision on the recommendation at such time as he may deem appropriate and any decision so made by the Minister shall be final.

(2) Any decision made by the Minister in terms of subsection (1) shall be made known and shall be put into operation in such manner as the Minister may determine.

CHAPTER II**DEPARTMENT OF HEALTH**

Functions of the Department of Health.

14. (1) In addition to the functions entrusted to the Department of Health by any other law, the functions of the said Department shall, subject to the provisions of this Act, be—

- (a) with due regard to health services rendered by provincial administrations and local authorities, to co-ordinate

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

alle maatreëls tref wat hulle ingevolge die bepalings van hierdie Wet en enige ander toepaslike wet kan tref om die gesondheid van die inwoners van die Republiek te bevorder, sodat iedere persoon in staat gestel word om 'n toestand van volkome fisiese, psigiese en maatskaplike welsyn te bereik en te handhaaf, en wat die ander bevoegdhede uitoefen en pligte verrig wat by hierdie Wet aan hom verleen of opgelê word.

11. (1) Die raad bestaan uit die volgende lede, naamlik— Samestelling van raad.

- (a) die Minister wat voor sitter van die raad is;
- (b) daardie lid van die Uitvoerende Komitee van elke Provincie wat met Hospitaaldienste belas is.

(2) Die sekretariële werk verbonde aan die uitvoering van sy werksaamhede deur die raad word deur die Sekretaris verrig.

12. Die werksaamhede van die raad is om 'n aanbeveling te oorweeg wat ingevolge artikel 3 deur die komitee aan die Minister gedoen is in verband met— Werksaamhede van raad.

- (a) die formulering van 'n nasionale beleid met betrekking tot die lewering van gesondheidsdienste deur die Departement van Gesondheid, provinsiale administrasies en plaaslike besture;
- (b) die koördinasie deur, en die toewysing aan, die Departement van Gesondheid en provinsiale administrasies van pligte met betrekking tot die volgende gesondheidsdienste, naamlik—
 - (i) die bevordering van die gesondheid van persone, individueel en in die algemeen;
 - (ii) die voorsiening van fasiliteite vir die opsporing, voorkoming, diagnose en behandeling van mediese toestande;
 - (iii) die toepassing van maatreëls van 'n geneeskundige aard om iemand wat deur 'n mediese toestand onbekwaam gemaak is, te habiliteer of te rehabiliteer;
 - (iv) die toepassing van maatreëls om gesondheidsdienste aan behoeftiges te verskaf;
- (c) die doeltreffende koördinasie van gesondheidsdienste wat deur die Departement van Gesondheid, provinsiale administrasies en plaaslike besture gelewer word;
- (d) die koördinasie, behoudens die bepalings van die Wet op Tandwerkligkundiges, 1945 (Wet No. 30 van 1945), die Wet op Verpleging, 1957 (Wet No. 69 van 1957), die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), en die Wet op Aptekers, 1974 (Wet No. 53 van 1974), van die voorsiening van fasiliteite vir die opleiding van geneeshere, tandartse, aptekers, verpleegsters, tandwerkligkundiges en persone in die aanvullende gesondheidsdiensberoep;
- (e) enige ander aangeleentheid betreffende gesondheidsdienste.

13. (1) Na oorweging deur die raad van 'n in artikel 12 bedoelde aanbeveling, moet die Minister 'n beslissing oor die aanbeveling neem op die tydstip wat hy geskik ag en 'n beslissing aldus deur die Minister geneem, is afdoende. Beslissing oor aanbeveling.

(2) 'n Beslissing deur die Minister ingevolge subartikel (1) geneem, word bekend gemaak en in werking gestel op die wyse wat die Minister bepaal.

HOOFSTUK II

DEPARTEMENT VAN GESONDHEID

14. (1) Benewens die werksaamhede wat deur enige ander wet aan die Departement van Gesondheid opgedra word, is die werksaamhede van bedoelde Departement, behoudens die bepalings van hierdie Wet— Werksaamhede van die Departement van Gesondheid.

- (a) om met inagneming van gesondheidsdienste wat deur provinsiale administrasies en plaaslike besture gelewer

Act No. 63, 1977**HEALTH ACT, 1977.**

health services rendered by the said Department and to provide such additional services as may be necessary to establish a comprehensive health service for the population of the Republic of South Africa;

- (b) to take steps to establish a national health laboratory service;
- (c) to take steps for the promotion of a safe and healthy environment;
- (d) to promote family planning;
- (e) with due regard to the provisions of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), to provide facilities for, and to undertake, research in connection with any matter falling within the scope of the said Department's functions in terms of this Act;
- (f) to provide services in connection with the procurement or evaluation of evidence of a medical nature with a view to legal proceedings; and
- (g) to perform such other functions as may be assigned to it by the Minister.

(2) The Minister may delegate any of the functions of the Department of Health referred to in this section, excluding any function referred to in subsection (1) (a), to a provincial administration, subject to any regulations which he is hereby authorized to make with regard to the procedure to be adopted, the conditions to be complied with or any other matter, to ensure the proper discharge of any function so delegated, and the Minister shall refund to the provincial administration concerned such amount in respect of expenditure incurred by the said provincial administration in performing such function as the Minister, in consultation with the Minister of Finance, may determine.

Powers of the Secretary in case of default by local authority.

15. (1) Whenever the Minister is of the opinion that the health of any person within or outside the district of a local authority is being endangered by any state of affairs created by the failure or refusal of that local authority to exercise any power or to perform any duty conferred or imposed upon it by or under any law, the Minister may, after consultation with the Administrator of the province concerned, by written notice call upon the local authority concerned forthwith to exercise such power or to perform such duty, and if the local authority fails to comply with such notice, the Secretary may exercise such power or, as the case may be, perform such duty and may authorize any person to take all necessary steps for that purpose as if he were the local authority.

(2) The Secretary shall, for any of the purposes referred to in this section, have all the rights and powers of the local authority which so failed to comply with the notice referred to in subsection (1).

(3) Any expenditure incurred by the Secretary in the exercise of any power or the performance of any duty by virtue of the provisions of subsection (1), may be recovered by the State—

- (a) by legal proceedings in any competent court against the local authority concerned;
- (b) by deduction from any subsidy, refund, grant or other moneys payable out of the State Revenue Fund to the local authority concerned,

and a certificate by the Secretary as to the amount due by a local authority under this section, shall be evidence of such amount.

(4) Where any amount due by a local authority under this section is recovered under subsection (3) (b), the local authority may appeal against such recovery to the Minister, and the Minister's decision shall be final.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

word, gesondheidsdienste wat deur bedoelde Departement gelewer word, te koördineer en om die bykomende dienste te verskaf wat nodig is om 'n omvattende gesondheidsdiens vir die bevolking van die Republiek van Suid-Afrika tot stand te bring;

- (b) om stappe te doen om 'n nasionale gesondheidslaboratoriumdiens tot stand te bring;
- (c) om stappe te doen ter bevordering van 'n veilige en gesonde omgewing;
- (d) om gesinsbeplanning te bevorder;
- (e) om, met inagneming van die bepalings van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), geriewe te voorsien vir navorsing, en navorsing te onderneem, in verband met enige aangeleentheid wat binne die bestek van bedoelde Departement se werksaamhede ingevolge hierdie Wet val;
- (f) om dienste te verskaf in verband met die insameling of evaluasie van getuienis van 'n geneeskundige aard met die oog op regsgedinge; en
- (g) om die ander werksaamhede te verrig wat deur die Minister aan hom toege wys word.

(2) Die Minister kan enige van die in hierdie artikel bedoelde werksaamhede van die Departement van Gesondheid, uitgesonder 'n werksaamheid bedoel in subartikel (1) (a), aan 'n provinsiale administrasie deleger, behoudens enige regulasies wat hy hierby gemagtig word om uit te vaardig met betrekking tot die prosedure wat gevolg moet word, die voorwaardes waaraan voldoen moet word of enige ander aangeleentheid, ten einde die behoorlike uitvoering van 'n aldus gedelegeerde werksaamheid te verseker, en die Minister moet aan die betrokke provinsiale administrasie die bedrag terugbetaal ten opsigte van uitgawes deur bedoelde provinsiale administrasie by die uitvoering van so 'n werksaamheid aangegaan, wat die Minister in oorleg met die Minister van Finansies bepaal.

15. (1) Wanneer die Minister van oordeel is dat die gesondheid van 'n persoon binne of buite die distrik van 'n plaaslike bestuur in gevaar gestel word deur 'n toedrag van sake teweeggebring deur die versuim of weiering van daardie plaaslike bestuur om 'n bevoegdheid uit te oefen of 'n plig te verrig wat deur of kragtens die een of ander wet aan hom verleen of opgelê is, kan die Minister, na oorleg met die Administrateur van die betrokke provinsie, die betrokke plaaslike bestuur by skriftelike kennisgewing aansê om onverwyld sodanige bevoegdheid uit te oefen of sodanige plig te verrig, en indien die plaaslike bestuur versuim om aan so 'n kennisgewing gehoor te gee, kan die Sekretaris sodanige bevoegdheid uitoefen, of, na gelang van die geval, sodanige plig verrig en kan hy enige persoon magtig om alle nodige stappe vir daardie doel te doen asof hy die plaaslike bestuur is.

Bevoegdhede van
die Sekretaris in
geval van versuim
deur plaaslike
bestuur.

(2) Die Sekretaris het, vir enige van die in hierdie artikel bedoelde doeelindes, al die regte en bevoegdhede van die plaaslike bestuur wat aldus versuim het om aan die kennisgewing bedoel in subartikel (1) gehoor te gee.

(3) Enige uitgawe deur die Sekretaris aangegaan by die uitoefening van 'n bevoegdheid of die verrigting van 'n plig uit hoofde van die bepalings van subartikel (1), kan deur die Staatsverhaal word—

- (a) deur 'n regsgeding in 'n bevoegde hof teen die betrokke plaaslike bestuur;
- (b) deur aftrekking van 'n subsidie, terugbetaling, toekenning of ander gelde wat uit die Staatsinkomstefonds aan die betrokke plaaslike bestuur betaalbaar is,

en 'n sertifikaat deur die Sekretaris betreffende die bedrag wat deur 'n plaaslike bestuur kragtens hierdie artikel verskuldig is, is getuienis van daardie bedrag.

(4) Waar 'n bedrag wat kragtens hierdie artikel deur 'n plaaslike bestuur verskuldig is, kragtens subartikel (3) (b) gevorder word, kan die plaaslike bestuur teen die vordering na die Minister appelleer, en die Minister se beslissing is afdoende.

Act No. 63, 1977**HEALTH ACT, 1977.****CHAPTER III****PROVINCIAL ADMINISTRATIONS**

Functions of provincial administrations.

16. Without derogating from the provisions of section 84 of the Republic of South Africa Constitution Act, 1961, (Act No. 32 of 1961), but subject to the provisions of this Act, the functions of a provincial administration in regard to health services shall be—

- (a) to provide hospital facilities and services;
- (b) to provide ambulance services within its province and, with due regard to similar services provided by provincial administrations in adjacent provinces, to co-ordinate such services;
- (c) to provide facilities for the treatment of patients suffering from acute mental illness;
- (d) to provide facilities for the treatment of out-patients in hospitals or in other places where patients are treated for a period of less than twenty-four hours;
- (e) to provide and maintain maternity homes and services;
- (f) to provide personal health services, either on its own or, in the implementation of a decision made by the Minister in terms of section 13, in co-operation with any local authority;
- (g) with a view to the establishment of a comprehensive health service within its province, to co-ordinate the services referred to in paragraphs (a) to (f), inclusive, with due regard to similar services rendered by the Department of Health, other provincial administrations and by local authorities; and
- (h) to perform any other function which, by virtue of a decision made by the Minister in terms of section 13, may be assigned to it.

Co-operation between provincial administrations.

17. (1) A provincial administration may, in co-operation with the provincial administration of a province adjacent to its own province, provide and maintain facilities on or near the borders of its province for the medical treatment of patients resident within its province as well as of patients resident within such adjacent province, and the cost of providing, maintaining and conducting such facilities shall be borne by the two provincial administrations concerned on a basis mutually agreed upon by them.

(2) (a) A provincial administration may provide ambulance services within a province adjacent to its own province.

(b) Where a provincial administration, in conveying a patient under the provisions of paragraph (a), incurs costs which would have been borne by the provincial administration of the adjacent province concerned if such conveyance had been undertaken by it, the last-mentioned provincial administration shall refund such costs to the first-mentioned provincial administration on a basis determined by the Minister after consideration of the recommendation of the committee in regard thereto.

(3) Where personal health services are rendered by a local authority on behalf of a provincial administration by virtue of the provisions of section 16 (f), that local authority shall be compensated by the provincial administration concerned for expenditure incurred by such local authority in connection with the rendering of such services, on a basis mutually agreed upon by them.

Powers of provincial administrations in case of default by local authorities.

18. (1) Whenever the Minister is of the opinion that the health of the inhabitants of the district of a local authority is being endangered by the failure or refusal of that local authority to provide any non-personal health service, the Minister may, after consultation with the Administrator of the province concerned, by

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

HOOFSTUK III

PROVINSIALE ADMINISTRASIES

16. Sonder afbreuk aan die bepalings van artikel 84 van die Werksaamhede van Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 provinsiale administrasies van 1961), maar behoudens die bepalings van hierdie Wet, is die werksaamhede van 'n provinsiale administrasie met betrekking tot gesondheidsdienste—

- (a) om hospitaalfasiliteite en -dienste te verskaf;
- (b) om ambulansdienste binne sy provinsie te verskaf en om, met inagneming van soortgelyke dienste wat deur provinsiale administrasies in aangrensende provinsies verskaf word, sodanige dienste te koördineer;
- (c) om fasilitete vir die behandeling van pasiënte wat aan akute geestesongesteldheid ly, te verskaf;
- (d) om fasilitete te verskaf vir die behandeling van buite-pasiënte in hospitale of in ander plekke waar pasiënte vir 'n tydperk van minder as vier-en-twintig uur behandel word;
- (e) om kraaminrigtings en -dienste te voorsien en in stand te hou;
- (f) om persoonlike gesondheidsdienste te verskaf, of op sy eie of, in die uitvoering van 'n beslissing geneem deur die Minister ingevolge artikel 13, in samewerking met 'n plaaslike bestuur;
- (g) om die dienste bedoel in paragrawe (a) tot en met (f), met inagneming van soortgelyke dienste wat deur die Departement van Gesondheid, ander provinsiale administrasies en deur plaaslike besture gelewer word, te koördineer met die oog op die daarstelling van 'n omvattende gesondheidsdiens in sy provinsie; en
- (h) om enige ander werksaamheid te verrig wat, uit hoofde van 'n beslissing deur die Minister ingevolge artikel 13 geneem, aan hom toege wys word.

17. (1) 'n Provinciale administrasie kan, in samewerking met die provinsiale administrasie van 'n provinsie aangrensend aan sy provinsie, op of naby die grense van sy provinsie fasilitete voorsien en in stand hou vir die mediese behandeling van pasiënte wat in sy provinsie woonagtig is, sowel as van pasiënte wat in daardie aangrensende provinsie woonagtig is, en die koste van die voorsiening, instandhouding en bestuur van sodanige fasilitete word deur die betrokke twee provinsiale administrasies gedra op 'n grondslag waartoe hulle onderling ooreengekom het. Samewerking tussen provinsiale administrasies.

- (2) (a) 'n Provinciale administrasie kan ambulansdienste in 'n provinsie aangrensend aan sy eie provinsie verskaf.
- (b) Waar 'n provinciale administrasie, by die vervoer van 'n pasient kragtens die bepalings van paragraaf (a), koste aangaan wat deur die provinciale administrasie van die betrokke aangrensende provinsie gedra sou gewees het indien sodanige vervoer deur hom onderneem is, moet laasgenoemde provinciale administrasie bedoelde koste aan eersgenoemde provinciale administrasie terugbetaal op 'n grondslag wat die Minister bepaal na oorweging van die aanbeveling van die komitee met betrekking daartoe.

(3) Waar persoonlike gesondheidsdienste deur 'n plaaslike bestuur ten behoeve van 'n provinciale administrasie gelewer word uit hoofde van die bepalings van artikel 16 (f), moet daardie plaaslike bestuur deur die betrokke provinsiale administrasie vergoed word vir uitgawes deur bedoelde plaaslike bestuur aangegaan in verband met die lewering van sodanige dienste, op 'n grondslag waartoe hulle onderling ooreengekom het.

18. (1) Wanneer die Minister van oordeel is dat die gesondheid van die inwoners van die distrik van 'n plaaslike bestuur in gevaar gestel word deur die versuim of weiering van daardie plaaslike bestuur om enige nie-persoonlike gesondheidsdiens te verskaf, kan die Minister, na oorleg met die Administrateur van die betrokke Bevoegdhede van provinsiale administrasies in geval van versuim deur plaaslike bestuur.

Act No. 63, 1977**HEALTH ACT, 1977.**

written notice call upon the local authority concerned forthwith to provide such service, and if the local authority fails to comply with such notice, the said Administrator may provide such service and may authorize any person to take all necessary steps for that purpose as if he were the local authority.

(2) An Administrator shall, for the purpose referred to in subsection (1), have all the rights and powers of the local authority which so failed to comply with a notice referred to in that subsection.

(3) Any expenditure incurred by an Administrator in the provision of a service by virtue of the provisions of subsection (1), may be recovered by that Administrator—

- (a) by legal proceedings in any competent court against the local authority concerned;
- (b) by deduction from any subsidy, refund, grant or other moneys payable out of the State Revenue Fund or out of the provincial revenue fund of the province concerned to the local authority concerned;
- (c) by the levying of a special rate upon all rateable property within the district of the local authority concerned.

(4) A certificate by the Administrator concerned as to the amount due by a local authority under this section, shall be evidence of such amount.

(5) Where any amount due by a local authority under this section is recovered under subsection (3) (b), the local authority may appeal against such recovery to the Minister, and the Minister's decision shall be final.

Provision of out-patient services by provincial administrations.

19. (1) A provincial administration shall, if so requested by the Minister after consultation with the Administrator concerned, establish, at or in connection with a detached out-patient department maintained in conjunction with or independently of a hospital under the control of such Administrator, out-patient services involving the provision of not more than twelve beds for the accommodation and treatment of maternity cases, emergency cases and cases awaiting removal to a hospital, subject to any regulations which the Minister is hereby authorized to make with regard to the services to be rendered or the expenditure which may be incurred, and shall maintain such services as long as the Minister is satisfied as to the necessity therefor and that it is the most economical arrangement practicable.

(2) The expenditure incurred in connection with such out-patient services shall be a charge against the provincial revenue fund of the province concerned.

(3) For the purposes of this section the expression "detached out-patient department" means a separate institution where out-patient services only are rendered.

(4) Nothing in this section contained shall be construed as prohibiting a provincial administration from establishing and maintaining, after consultation with the Minister, out-patient services in the exercise of any powers conferred upon it by or under any law in force in its province.

CHAPTER IV

LOCAL AUTHORITIES

Duties and powers of local authorities.

20. (1) Every local authority shall take all lawful, necessary and reasonably practicable measures—

- (a) to maintain its district at all times in a hygienic and clean condition;
- (b) to prevent the occurrence within its district of—
 - (i) any nuisance;
 - (ii) any unhygienic condition;
 - (iii) any offensive condition; or

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

provinsie, die betrokke plaaslike bestuur by skriftelike kennisgewing aansê om onverwyld sodanige diens te verskaf, en indien die plaaslike bestuur versuim om aan so 'n kennisgewing gehoor te gee, kan bedoelde Administrateur sodanige diens verskaf en kan hy enige persoon magtig om alle nodige stappe vir daardie doel te doen asof hy die plaaslike bestuur is.

(2) 'n Administrateur het, vir die in die subartikel (1) bedoelde doeleinde, al die regte en bevoegdhede van die plaaslike bestuur wat aldus versuim het om aan 'n kennisgewing bedoel in daardie subartikel gehoor te gee.

(3) Enige uitgawe deur 'n Administrateur aangegaan by die verskaffing van 'n diens uit hoofde van die bepalings van subartikel (1), kan deur daardie Administrateur verhaal word—

- (a) deur 'n regsgeding in 'n bevoegde hof teen die betrokke plaaslike bestuur;
- (b) deur af trekking van 'n subsidie, terugbetaling, toekenning of ander geldie wat uit die Staatsinkomstefonds of uit die provinsiale inkomstefonds van die betrokke provinsie aan die betrokke plaaslike bestuur betaalbaar is;
- (c) deur die heffing van 'n spesiale belasting op alle belasbare eiendomme in die distrik van die betrokke plaaslike bestuur.

(4) 'n Sertifikaat deur die betrokke Administrateur betreffende die bedrag wat deur 'n plaaslike bestuur kragtens hierdie artikel verskuldig is, is getuenis van daardie bedrag.

(5) Waar 'n bedrag wat kragtens hierdie artikel deur 'n plaaslike bestuur verskuldig is, kragtens subartikel (3) (b) gevorder word, kan die plaaslike bestuur teen die vordering na die Minister appelleer, en die Minister se beslissing is andoende.

19. (1) 'n Proviniale administrasie moet, indien die Minister hom aldus versoek na oorleg met die betrokke Administrateur, by of in verband met 'n losstaande buitepasiëntdepartement wat in verband met of onafhanklik van 'n hospitaal onder beheer van daardie Administrateur in stand gehou word, buitepasiëntdienste instel wat voorsiening maak vir hoogstens twaalf beddens vir die akkommodasie en behandeling van kraamgevalle, noodgevalle en gevalle wat op oorplasing na 'n hospitaal wag, behoudens enige regulasies wat die Minister hierby gemagtig word om uit te vaardig met betrekking tot die dienste wat gelewer moet word of die uitgawes wat aangegaan mag word, en moet daardie dienste in stand hou solank as die Minister oortuig is van die noodsaaklikheid daarvoor en dat dit die mees ekonomiese reëling is wat doenlik is.

Voorsiening van
buitepasiëntdienste
deur provinsiale
administrasies.

(2) Die uitgawes aangegaan in verband met bedoelde buitepasiëntdienste maak 'n las teen die provinsiale inkomstefonds van die betrokke provinsie uit.

(3) By die toepassing van hierdie artikel beteken die uitdrukking „losstaande buitepasiëntdepartement“ 'n afsonderlike inrigting waar slegs buitepasiëntdienste gelewer word.

(4) Die bepalings van hierdie artikel word nie so uitgelê nie dat dit 'n provinsiale administrasie belet om, na oorleg met die Minister, buitepasiëntdienste in te stel en te onderhou in die uitvoering van bevoegdhede aan hom verleen by of kragtens die een of ander wet wat in sy provinsie van krag is.

HOOFTUK IV

PLAASLIKE BESTURE

20. (1) Elke plaaslike bestuur moet alle wettige, noodsaaklike en redelik uitvoerbare maatreëls tref—

Pligte en
bevoegdhede van
plaaslike besture.

- (a) om sy distrik te alle tye in 'n higiëniese en skoon toestand te hou;
- (b) om die ontstaan binne sy distrik te voorkom van—
 - (i) enige oorlas;
 - (ii) enige onhigiëniese toestand;
 - (iii) enige aanstootlike toestand; of

Act No. 63, 1977**HEALTH ACT, 1977.**

- (iv) any other condition which will or could be harmful or dangerous to the health of any person within its district or the district of any other local authority, or, where a nuisance or condition referred to in subparagraphs (i) to (iv), inclusive, has so occurred, to abate, or cause to be abated, such nuisance, or remedy, or cause to be remedied, such condition, as the case may be;
- (c) to prevent the pollution of any water intended for the use of the inhabitants of its district, irrespective of whether such water is obtained from sources within or outside its district, or to purify such water which has become so polluted;
- (d) to render in its district, subject to the provisions of this Act or any other law, services approved by the Minister for—
 (i) the prevention of communicable diseases;
 (ii) the promotion of the health of persons; and
 (iii) the rehabilitation in the community of persons cured of any medical condition,
 and to co-ordinate such services with due regard to similar services rendered by the Department of Health or the provincial administration of the province in which its district is situated.
- (2) If the Minister, after consultation with a local authority, is satisfied that such local authority is able to perform any function of the Department of Health referred to in section 14, the Minister may, by notice in the *Gazette*, direct such local authority to perform such function.
- (3) The Minister may, if requested thereto by any local authority, delegate any of the functions of the Department of Health referred to in section 14, excluding any function referred to in section 14 (1) (a), to such local authority, subject to any regulations which he is hereby authorized to make with regard to the procedure to be adopted, the conditions to be complied with or any other matter, to ensure the proper discharge of any function so delegated.
- (4) The Minister shall, in respect of expenditure incurred by a local authority in performing any function of the Department of Health by virtue of the provisions of subsection (2) or (3), refund to such local authority such amount as the Minister, in consultation with the Minister of Finance, may determine.
- (5) (a) Whenever any local authority is, in the opinion of the Minister, unable owing to lack of resources, to exercise any of its powers or to perform any of its duties in terms of this section, the Minister may, after consultation with the Administrator concerned, by notice in writing addressed to such local authority relieve it, during a period specified in such notice, of the exercise of such power or the performance of such duty as he may specify in such notice, whereupon the Secretary may, during the said period, exercise the power or perform the duty of which such local authority has so been relieved, and may authorize any person to take all necessary steps for that purpose as if he were the local authority.
 (b) The Minister may authorize the Secretary to recover from a local authority, in respect of expenditure incurred by the Secretary in the exercise of a power or the performance of a duty of which such local authority had been relieved in terms of paragraph (a), such part of the costs (but not exceeding thirty-three and one third per cent thereof) which would have been borne by such local authority if that power had been exercised or duty

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (iv) enige ander toestand wat vir die gesondheid van enigiemand binne sy distrik of die distrik van 'n ander plaaslike bestuur skadelik of gevaelik sal of kan wees,
- of, waar 'n oorlas of toestand bedoel in subparagraphe (i) tot en met (iv) aldus ontstaan het, om daardie oorlas uit die weg te ruim of uit die weg te laat ruim of daardie toestand reg te stel of te laat regstel, na gelang van die geval;
- (c) om die besoedeling te voorkom van water wat bestem is vir die gebruik van die inwoners van sy distrik, ongeag of sodanige water verky word van bronne binne of buite sy distrik, of om sodanige water wat aldus besoedel geraak het, te suiwer;
- (d) om, behoudens die bepalings van hierdie Wet of enige ander wet, in sy distrik deur die Minister goedgekeurde dienste te lever vir—
- (i) die voorkoming van oordraagbare siektes;
 - (ii) die bevordering van die gesondheid van persone; en
 - (iii) die rehabilitasie in die gemeenskap van persone wat van 'n mediese toestand genees is,
- en om sodanige dienste te koördineer met inagneming van soortgelyke dienste wat gelewer word deur die Departement van Gesondheid of die provinsiale administrasie van die provinsie waarin sy distrik geleë is.
- (2) Indien die Minister, na oorleg met 'n plaaslike bestuur, oortuig is dat daardie plaaslike bestuur in staat is om 'n in artikel 14 bedoelde werksaamheid van die Departement van Gesondheid te verrig, kan die Minister by kennisgewing in die *Staatskoerant* daardie plaaslike bestuur aansê om bedoelde werksaamheid te verrig.
- (3) Die Minister kan, indien deur 'n plaaslike bestuur daartoe versoek, enige van die in artikel 14 bedoelde werksaamhede van die Departement van Gesondheid, uitgesonderd 'n werksaamheid bedoel in artikel 14 (1) (a), aan so 'n plaaslike bestuur deleer, behoudens enige regulasies wat hy hierby gemagtig word om uit te vaardig met betrekking tot die prosedure wat gevolg moet word, die voorwaardes waaraan voldoen moet word of enige ander aangeleentheid, ten einde die behoorlike uitvoering van 'n aldus gedelegeerde werksaamheid te verseker.
- (4) Die Minister moet, ten opsigte van uitgawes deur 'n plaaslike bestuur aangegaan by die verrigting, uit hoofde van die bepalings van subartikel (2) of (3), van 'n werksaamheid van die Departement van Gesondheid, aan daardie plaaslike bestuur die bedrag terugbetaal wat die Minister in oorleg met die Minister van Finansies bepaal.
- (5) (a) Wanneer 'n plaaslike bestuur na die oordeel van die Minister weens 'n gebrek aan middele nie in staat is om enige van sy bevoegdhede of enige van sy pligte kragtens hierdie artikel uit te oefen of te verrig nie, kan die Minister, na oorleg met die betrokke Administrateur, by skriftelike kennisgewing aan daardie plaaslike bestuur, hom gedurende 'n tydperk vermeld in die kennisgewing onthef van die uitoefening van die bevoegdheid of die verrigting van die plig wat hy in die kennisgewing vermeld, waarop die Sekretaris gedurende bedoelde tydperk die bevoegdheid kan uitoefen of die plig kan verrig waarvan die plaaslike bestuur aldus onthef is en enige persoon kan magtig om alle nodige stappe vir daardie doel te doen asof hy die plaaslike bestuur is.
- (b) Die Minister kan die Sekretaris magtig om van 'n plaaslike bestuur, ten opsigte van uitgawes deur die Sekretaris aangegaan by die uitoefening van 'n bevoegdheid of die verrigting van 'n plig waarvan daardie plaaslike bestuur ingevolge paragraaf (a) onthef is, daardie deel van die koste (maar wat drie-en-dertig en 'n derde persent daarvan nie te boven mag gaan nie) te verhaal wat deur bedoelde plaaslike bestuur gedra sou

Act No. 63, 1977

HEALTH ACT, 1977.

- had been performed by it, as the Minister may consider should reasonably be contributed by such local authority towards such expenditure.
- (c) Any amount recoverable from a local authority under paragraph (b) may be recovered in the manner contemplated in paragraphs (a) and (b) of section 15 (3), and the Minister's authorization to recover such amount shall be conclusive proof that it is due.
- (6) (a) Two or more local authorities may, with the approval of the Minister, co-operate in exercising any of their powers or performing any of their duties referred to in subsection (1).
- (b) If the Minister is of the opinion that it will be in the best interests of the inhabitants of their respective districts for two or more local authorities to co-operate in exercising any of their powers or performing any of their duties referred to in subsection (1), the Minister may, after consultation with such local authorities and the Administrator concerned, by written notice call upon such local authorities to co-operate in exercising such powers or performing such duties as he may specify in such notice, and, when so called upon, the local authorities concerned shall, subject to such conditions as may be mutually agreed upon by them and approved by the Minister, co-operate in accordance with the requirements of such notice.
- (c) Where any dispute arises between local authorities with regard to the exercise of their powers or the performance of their duties in terms of the provisions of paragraph (a) or (b), the matter shall be referred to the Minister and the decision of the Minister with regard to the matter shall be final.
- (7) A local authority may, through any of its officers appointed under this Act or through any person generally or specially authorized in writing by its chief administrative officer, prosecute for any contravention of or failure to comply with any provision of this Act if the offence is alleged to have been committed within the district of that local authority or is alleged to affect that district.
- (8) Any fine recovered or bail estreated in connection with any offence referred to in subsection (7), shall be paid to the local authority concerned.
- (9) The Administrator may, at the request of the Minister, by notice in the Official Gazette of the province concerned, amend any by-law, relating to any matter referred to in section 20 (1), made by a local authority.

Powers of local authority outside its district.

Appointment by local authorities of medical officers of health and regional medical officers of health.

21. Nothing in any law governing any local authority contained shall be construed as prohibiting such local authority from exercising any power or performing any duty under this Act by reason only that in exercising such power or performing such duty it is required to do some act or thing or incur expenditure outside its district.

22. (1) A local authority may, and when required by the Minister to do so, shall, appoint a medical practitioner as medical officer of health for its district and, if circumstances so require, may appoint a medical practitioner to assist such medical officer of health in the performance of his duties.

(2) Two or more local authorities may, and when required by the Minister to do so, shall appoint a medical practitioner to be full-time regional medical officer of health for the area comprising their districts.

(3) An appointment under subsection (1) or (2) shall be subject to the approval of the Secretary, and in making such an appointment preference shall be given, apart from special circumstances in any particular case, to a medical practitioner who

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

gewees het indien daardie bevoegdheid deur hom uitgeoefen of daardie plig deur hom verrig is, wat die Minister ag redelikerwys tot sodanige uitgawes deur bedoelde plaaslike bestuur bygedra behoort te word.

- (c) 'n Bedrag wat kragtens paragraaf (b) van 'n plaaslike bestuur verhaalbaar is, kan verhaal word op die wyse beoog in paragrawe (a) en (b) van artikel 15 (3), en die Minister se magtiging om so 'n bedrag te verhaal, is afdoende bewys dat dit verskuldig is.
- (6) (a) Twee of meer plaaslike besture kan, met die goedkeuring van die Minister, saamwerk by die uitoefening van enige van hul bevoegdhede of die verrigting van enige van hul pligte bedoel in subartikel (1).
- (b) Indien die Minister van oordeel is dat dit in die belang van die inwoners van hul onderskeie distrikte is vir twee of meer plaaslike besture om saam te werk by die uitoefening van enige van hul bevoegdhede of die verrigting van enige van hul pligte bedoel in subartikel (1), kan die Minister, na oorleg met daardie plaaslike besture en die betrokke Administrateur, by skriftelike kennisgewing bedoelde plaaslike besture aansê om saam te werk by die uitoefening van die bevoegdhede of die verrigting van die pligte wat die Minister in die kennisgewing vermeld, en, wanneer hulle aldus aangesê word, moet die betrokke plaaslike besture behoudens die voorwaardes waartoe hulle onderling ooreenkomm en wat deur die Minister goedgekeur word, ooreenkostig die vereistes van die kennisgewing saamwerk.
- (c) Waar 'n geskil ontstaan tussen plaaslike besture met betrekking tot die uitoefening van hul bevoegdhede of die verrigting van hul pligte ingevalle die bepalings van paragraaf (a) of (b), moet die saak na die Minister verwys word en die besluit van die Minister met betrekking tot die saak is afdoende.

(7) 'n Plaaslike bestuur kan deur enige van sy beampies wat kragtens hierdie Wet aangestel is, of deur iemand wat skriftelik in die algemeen of spesiaal daartoe gemagtig is deur sy hoof-administratiewe beampte, ten opsigte van 'n oortreding van of versuum om te voldoen aan enige bepaling van hierdie Wet, vervolgh, indien die misdryf na bewering binne die distrik van daardie plaaslike bestuur gepleeg is of na bewering daardie distrik raak.

(8) 'n Boete wat verhaal of borgtogg wat verbeur word in verband met 'n misdryf bedoel in subartikel (7), word aan die betrokke plaaslike bestuur betaal.

(9) Die Administrateur kan, op versoek van die Minister, by kennisgewing in die Offisiële Koerant van die betrokke provinsie 'n verordening met betrekking tot 'n aangeleentheid bedoel in artikel 20 (1) wysig wat deur 'n plaaslike bestuur aangeneem is.

21. Geen wetsbepaling wat 'n plaaslike bestuur beheer, word so uitgelê nie dat dit so 'n plaaslike bestuur belet om 'n bevoegdheid of 'n plig kragtens hierdie Wet uit te oefen of te verrig slegs uit hoofde daarvan dat hy by die uitoefening van daardie bevoegdheid of die verrigting van daardie plig, buite sy distrik 'n handeling of iets moet verrig of uitgawes moet aangaan.

Bevoegdhede van
plaaslike bestuur
buite sy distrik.

22. (1) 'n Plaaslike bestuur kan, en wanneer deur die Minister daartoe aangesê, moet, 'n geneesheer as mediese gesondheidsbeampte vir sy distrik aanstel en kan, indien omstandighede dit vereis, 'n geneesheer aanstel om so 'n mediese gesondheidsbeampte by die uitvoering van sy pligte behulpsaam te wees.

Aanstelling deur
plaaslike besture
van mediese
gesondheidsbeamptes
en streeks- mediese
gesondheidsbeamptes.

(2) Twee of meer plaaslike besture kan, en wanneer deur die Minister daartoe aangesê, moet, 'n geneesheer aanstel om heeltydse streeks- mediese gesondheidsbeampte te wees vir die gebied wat hul distrikte uitmaak.

(3) 'n Aanstelling kragtens subartikel (1) of (2) is onderworpe aan die goedkeuring van die Sekretaris en by die maak van so 'n aanstelling word daar, behoudens die besondere omstandighede van 'n bepaalde geval, voorkeur verleen aan 'n geneesheer wat 'n

Act No. 63, 1977**HEALTH ACT, 1977.**

possesses a degree or diploma in the sphere of community health which is registrable under section 35 (2) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974).

- (4) (a) If a local authority does not appoint or is not required to appoint a medical officer of health under this section, the district surgeon or such other medical practitioner as the Minister may appoint, shall for the purposes of this Act be the medical officer of health for the district of that local authority, and such district surgeon or such other medical practitioner shall be responsible to, and shall be paid by, the local authority in accordance with regulations made in that connection by the Minister.
- (b) If the office of medical officer of health or regional medical officer of health becomes vacant and the local authority concerned is unable to make a suitable appointment to fill the vacancy, such local authority may appoint—
 - (i) the medical officer of health in the service of the local authority of a district adjacent to its own;
 - (ii) the district surgeon; or
 - (iii) any other medical practitioner, to act as medical officer of health for its district until such time as the vacancy is filled.
- (5) (a) Subject to the provisions of the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), and of any law dealing with retirement on grounds of ill-health or on reaching a prescribed age, no medical officer of health, regional medical officer of health or medical practitioner appointed in terms of subsection (1) to assist a medical officer of health in the performance of his duties, whether appointed before or after the commencement of this Act, shall, without his own consent, be removed from his office or have his salary or allowances reduced, unless the Minister has approved thereof: Provided that a local authority may, on the ground of serious incapacity, neglect or misconduct, suspend any such medical officer of health, regional medical officer of health or medical practitioner from the duties of his office and suspend the payment of his salary and allowances pending the approval of the Minister of his dismissal, and in the event of such approval being given, the medical officer of health, regional medical officer of health or medical practitioner concerned shall be deemed to have been removed from office with effect from the date of his suspension.
- (b) Before making a decision with regard to the removal from his office or the reduction of the salary or allowances of a medical officer of health, regional medical officer of health or medical practitioner referred to in paragraph (a), the Minister shall afford the medical officer of health, regional medical officer of health or medical practitioner concerned an opportunity to make such representations to him, if any, with regard to such removal or reduction, as the medical officer of health, regional medical officer of health or medical practitioner may wish to make.
- (6) If any dispute arises between local authorities in connection with the appointment, duties or remuneration of a regional medical officer of health or in connection with any other matter concerning him, the matter shall be referred to the Minister and the Minister's decision shall be final.

Duties of medical officers of health and regional medical officers of health.

23. A medical officer of health or a regional medical officer of health appointed under section 22 or 25 shall—

- (a) at all times keep himself properly informed on the health of the inhabitants of the district for which he has been

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

graad of diploma op die gebied van gemeenskapsgesondheid besit wat kragtens artikel 35 (2) van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), regstreerbaar is.

(4) (a) Indien 'n plaaslike bestuur nie kragtens hierdie artikel 'n mediese gesondheidsbeampte aanstel of aangesê word om een aan te stel nie, is die distriksgeneesheer of die ander geneesheer wat die Minister aanstel, vir die doeleindes van hierdie Wet die mediese gesondheidsbeampte vir die distrik van daardie plaaslike bestuur, en so 'n distriksgeneesheer of so 'n ander geneesheer is verantwoordelik aan, en word vergoed deur, die plaaslike bestuur ooreenkomstig regulasies wat deur die Minister in daardie verband uitgevaardig word.

(b) Indien die amp van mediese gesondheidsbeampte of streeks-mediese gesondheidsbeampte vakant raak en die betrokke plaaslike bestuur nie in staat is om 'n geskikte aanstelling te doen om die vakature te vul nie, kan daardie plaaslike bestuur—

- (i) die mediese gesondheidsbeampte in diens van die plaaslike bestuur van 'n distrik aangrensend aan sy eie;
 - (ii) die distriksgeneesheer; of
 - (iii) enige ander geneesheer,
- aanstel om as mediese gesondheidsbeampte vir sy distrik waar te neem tot tyd en wyl die vakature gevul word.

(5) (a) Behoudens die bepalings van die Nywerheidsversoeningswet, 1956 (Wet No. 28 van 1956), en enige wetsbepaling wat handel oor uittrede op grond van swak gesondheid of by bereiking van 'n voorgeskrewe ouderdom, word geen mediese gesondheidsbeampte, streeks-mediese gesondheidsbeampte of geneesheer wat ingevolge subartikel (1) aangestel is om 'n mediese gesondheidsbeampte by die verrigting van sy pligte behulpsaam te wees, hetsy voor of na die inwerkingtreding van hierdie Wet aangestel, sonder sy instemming uit sy amp ontslaan of word sy salaris of toelae verminder nie, tensy die Minister dit goedkeur het: Met dien verstande dat 'n plaaslike bestuur so 'n mediese gesondheidsbeampte, streeks-mediese gesondheidsbeampte of geneesheer op grond van ernstige onbevoegdheid; nalatigheid of wangedrag in sy amp kan skors en betaling van sy salaris en toelae kan opskort in afwagting van die Minister se goedkeuring van sy ontslag, en indien sodanige goedkeuring verleen word, word die betrokke mediese gesondheidsbeampte, streeks-mediese gesondheidsbeampte of geneesheer geag met ingang van die datum van sy skorsing uit sy amp ontslaan te gewees het.

(b) Alvorens 'n besluit te neem met betrekking tot die ontslag uit sy amp of die vermindering van die salaris of toelae van 'n mediese gesondheidsbeampte, streeks-mediese gesondheidsbeampte of geneesheer bedoel in paragraaf (a), moet die Minister aan die betrokke mediese gesondheidsbeampte, streeks-mediese gesondheidsbeampte of geneesheer 'n geleentheid bied om die vertoe, indien enige, met betrekking tot die ontslag of vermindering tot hom te rig wat die mediese gesondheidsbeampte, streeks-mediese gesondheidsbeampte of geneesheer wens om te rig.

(6) Indien 'n geskil ontstaan tussen plaaslike besture met betrekking tot die aanstelling, pligte of vergoeding van 'n streeks-mediese gesondheidsbeampte of met betrekking tot enige ander aangeleentheid betreffende hom, moet die saak na die Minister verwys word en die Minister se beslissing is afdoende.

23. 'n Mediese gesondheidsbeampte of 'n streeks-mediese gesondheidsbeampte wat kragtens artikel 22 of 25 aangestel is, moet—

- (a) hom te alle tye behoorlik op die hoogte hou van die gesondheid van die inwoners van die distrik waarvoor

Pligte van mediese gesondheidsbeamptes en streeks-mediese gesondheidsbeamptes.

Act No. 63, 1977

HEALTH ACT, 1977.

- appointed and on health conditions in such district, and make such inspections and inquiries as may be necessary for this purpose and report to any local authority concerned on any matter relating thereto which in his opinion should receive the consideration of such local authority;
- (b) furnish the Secretary with quarterly reports and an annual report on the health of the inhabitants of the district for which he has been appointed and on health conditions therein, and furnish the local authority concerned with copies of the said reports;
 - (c) furnish such special reports on any matter relating to the health of the inhabitants of the district in question and to health conditions therein, and carry out such duties relating thereto, in accordance with the terms of his appointment, as the local authority may from time to time require; and
 - (d) institute inquiries into, and report to the Administrator of the province in which the district of the local authority concerned is situated, on, the proposed utilization of any area within such district for residential or industrial purposes or the proposed extension of such area so utilized, in so far as such utilization or extension can affect the health of the inhabitants of such area or any area adjacent thereto.

Appointment by local authority of health inspectors and other qualified persons.

24. (1) A local authority may, and when required by the Minister to do so, shall, appoint one or more health inspectors, one or more persons registered under the Nursing Act, 1957 (Act No. 69 of 1957), and one or more other persons possessing such qualifications as the Minister may determine by notice in the *Gazette* to assist in safeguarding the health of the inhabitants of its district and in carrying out the provisions of this Act therein.

(2) The provisions of subsection (5) of section 22 shall *mutatis mutandis* apply in respect of any health inspector or other person appointed under subsection (1) by a local authority.

(3) The medical officer of health or, as the case may be, the regional medical officer of health in the service of a local authority, shall supervise the activities of any health inspector or other person appointed under subsection (1) by such local authority.

Minister may appoint medical officer of health, regional medical officer of health, health inspector or other person.

25. (1) If any local authority fails to appoint a medical officer of health or a regional medical officer of health or a health inspector or a person registered under the Nursing Act, 1957, or a person possessing such qualifications as the Minister may determine by notice in the *Gazette*, as the case may be, within three months after having been required by the Minister to do so, the Minister may—

- (a) appoint any such officer, inspector or person to act within the district of such local authority; and
- (b) determine the duties of such officer, inspector or person and the remuneration to be paid to him by the local authority concerned:

Provided that any such appointment shall cease when a medical officer of health or a regional medical officer of health or a health inspector or a person registered under the Nursing Act, 1957, or a person possessing such qualifications as the Minister may determine by notice in the *Gazette*, as the case may be, is appointed by the local authority concerned.

(2) If the local authority fails to pay the remuneration of any officer, inspector or person appointed under subsection (1), such remuneration shall be paid out of the State Revenue Fund, whereupon the provisions of section 15 (3) shall *mutatis mutandis* apply with reference to the recovery of such remuneration.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

hy aangestel is en van die gesondheidstoestande in daardie distrik, en die ondersoeke en navrae doen wat vir dié doel nodig is en aan die betrokke plaaslike bestuur verslag doen oor enige aangeleentheid wat daarop betrekking het en wat, na sy oordeel, die oorweging van daardie plaaslike bestuur verdien;

- (b) aan die Sekretaris kwartaallikse verslae en 'n jaarverslag verstrek oor die gesondheid van die inwoners van die distrik waarvoor hy aangestel is en oor gesondheidstoestande daarin, en afskrifte van bedoelde verslae aan die betrokke plaaslike bestuur verstrek;
- (c) die spesiale verslae oor enige aangeleentheid betreffende die gesondheid van die inwoners van die betrokke distrik en oor gesondheidstoestande daarin verstrek, en die pligte in verband daarvan ooreenkomsdig die voorwaardes van sy aanstelling verrig, wat die plaaslike bestuur van tyd tot tyd verlang; en
- (d) ondersoek instel na, en aan die Administrateur van die provinsie waarin die distrik van die betrokke plaaslike bestuur geleë is, verslag doen oor, die voorgenome aanwending van 'n gebied binne daardie distrik vir woon- of nywerheidsdoeleindes of die voorgenome uitbreiding van so 'n gebied wat aldus aangewend word, vir sover sodanige aanwending of uitbreiding die gesondheid van die inwoners van so 'n gebied of 'n gebied aangrensend daaraan, kan affekteer.

24. (1) 'n Plaaslike bestuur kan, en wanneer deur die Minister daartoe aangesê moet, een of meer gesondheidsinspekteurs, een of meer persone wat kragtens die Wet op Verpleging, 1957 (Wet No. 69 van 1957), geregistreer is en een of meer ander persone wat die kwalifikasies besit wat die Minister by kennisgewing in die *Staatskoerant* bepaal, aanstel om behulpsaam te wees met die beveiliging van die gesondheid van die inwoners van sy distrik en met die uitvoering daarvan van die bepalings van hierdie Wet.

Aanstelling van gesondheidsinspekteurs en ander gekwalificeerde persone deur plaaslike bestuur.

(2) Die bepalings van subartikel (5) van artikel 22 is *mutatis mutandis* van toepassing ten opsigte van 'n gesondheidsinspekteur of ander persoon wat kragtens subartikel (1) deur 'n plaaslike bestuur aangestel is.

(3) Dié mediese gesondheidsbeampte of, na gelang van die geval, die streeks-mediese gesondheidsbeampte in diens van 'n plaaslike bestuur, moet toesig hou oor die werksamhede van 'n gesondheidsinspekteur of ander persoon wat kragtens subartikel (1) deur daardie plaaslike bestuur aangestel is.

25. (1) Indien 'n plaaslike bestuur versuim om 'n mediese Minister kan mediese gesondheidsbeampte of 'n streeks-mediese gesondheidsbeampte of 'n gesondheidsinspekteur of 'n persoon geregistreer kragtens die Wet op Verpleging, 1957, of 'n persoon wat die kwalifikasies besit wat die Minister by kennisgewing in die *Staatskoerant* bepaal, na gelang van die geval, binne drie maande nadat hy deur die Minister daartoe aangesê is, aan te stel, kan die Minister—

- (a) so 'n beampte, inspekteur of persoon aanstel om binne die distrik van daardie plaaslike bestuur op te tree; en
- (b) die pligte van so 'n beampte, inspekteur of persoon en die vergoeding wat deur die betrokke plaaslike bestuur aan hom betaal moet word, bepaal:

Met dien verstande dat so 'n aanstelling verval wanneer 'n mediese gesondheidsbeampte of 'n streeks-mediese gesondheidsbeampte of 'n gesondheidsinspekteur of 'n persoon geregistreer kragtens die Wet op Verpleging, 1957, of 'n persoon wat die kwalifikasies besit wat die Minister by kennisgewing in die *Staatskoerant* bepaal, na gelang van die geval, deur die betrokke plaaslike bestuur aangestel word.

(2) Indien die plaaslike bestuur versuim om die vergoeding van 'n kragtens subartikel (1) aangestelde beampte, inspekteur of persoon, te betaal, word die vergoeding uit die Staatsinkomstefonds betaal, waarna die bepalings van artikel 15 (3) *mutatis mutandis* van toepassing is met betrekking tot die verhaling van sodanige vergoeding.

Act No. 63, 1977**HEALTH ACT, 1977.**

Refunds in respect of health services rendered by local authorities.

26. (1) If a local authority or two or more local authorities co-operating in exercising any of their powers or performing any of their duties as contemplated in section 20 (6), has incurred any expenditure in rendering a health service referred to in section 20 (1) (d), the Minister may, in respect of such expenditure and on compliance by such local authority or local authorities with the prescribed requirements, out of the State Revenue Fund refund to such local authority or local authorities an amount calculated as prescribed in subsections (2) and (3).

(2) The amount which may in terms of subsection (1) be refunded to a local authority or two or more local authorities co-operating as contemplated in section 20 (6), shall, in respect of the financial year following upon the financial year in which this section comes into operation, subject to the provisions of subsection (3) be equal to the amount refunded in respect of the financial year immediately preceding the first-mentioned financial year, by the Minister to such local authority or local authorities in respect of expenditure incurred by such local authority or local authorities in rendering a health service referred to in subsection (1).

(3) To the amount determined in terms of subsection (2) may be added, in respect of the financial year first-mentioned in that subsection and every financial year thereafter—

(a) an amount determined by the Minister of Finance in respect of each such financial year, to provide for increased expenditure incurred by such local authority or local authorities in rendering a health service referred to in subsection (1); and

(b) on compliance by such local authority or local authorities with the prescribed requirements, an amount, calculated on the prescribed basis, in respect of—

(i) current expenditure incurred and the cost of equipment procured by such local authority or local authorities; and

(ii) any salary or allowances, approved by the Minister of Finance for this purpose, paid by such local authority or local authorities to a health officer, or any other person possessing such qualifications as the Minister may determine by notice in the *Gazette*, taken into service by such local authority or local authorities,

for the purpose of extending any existing or establishing any new health service of the kind referred to in subsection (1) within its district or their districts: Provided that the amount so calculated in respect of any salary or allowances referred to in subparagraph (ii), shall not be less than thirty-three and one-third per cent and shall not exceed ninety per cent of such salary or allowances.

(4) (a) Where a health officer performs duties which, in the opinion of the Minister, are not ordinarily related to health services, the Minister may, for the purposes of this section, approve the performance of such duties and may refund, under subsection (1), such portion of the salary or allowance paid to such health officer as he may consider appropriate.

(b) No part of any salary or allowances paid to a health officer referred to in paragraph (a) which is not refundable under this subsection shall be refundable under any other provision of this Act.

(5) Notwithstanding the provisions of subsections (1), (2), (3) and (4)—

(a) any amount refundable under subsection (1) shall be reduced to such an extent as the Minister in consultation with the Minister of Finance may prescribe, if—

(i) the Secretary is not satisfied that any relevant health service, post or appointment of a health

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

26. (1) Indien 'n plaaslike bestuur of twee of meer plaaslike besture wat saamwerk by die uitoefening van enige van hul bevoegdhede of die verrigting van enige van hul pligte soos beoog in artikel 20 (6), uitgawes aangegaan het by die lewering van 'n gesondheidsdiens bedoel in artikel 20 (1) (d), kan die Minister, ten opsigte van sodanige uitgawes en by nakoming deur daardie plaaslike bestuur of plaaslike besture van die voorgeskrewe vereistes, uit die Staatsinkomstefonds aan daardie plaaslike bestuur of plaaslike besture 'n bedrag bereken soos voorgeskryf in subartikels (2) en (3) terugbetaal.

Terugbetaalings
ten opsigte van
gesondheidsdienste
gelewer deur
plaaslike besture.

(2) Die bedrag wat ingevolge subartikel (1) terugbetaal kan word aan 'n plaaslike bestuur of aan twee of meer plaaslike besture wat saamwerk soos beoog in artikel 20 (6), is, ten opsigte van die boekjaar wat volg op die boekjaar waarin hierdie artikel in werking tree, behoudens die bepalings van subartikel (3) gelyk aan die bedrag wat ten opsigte van die boekjaar wat eersgenoemde boekjaar onmiddellik voorafgaan deur die Minister aan daardie plaaslike bestuur of plaaslike besture terugbetaal is ten opsigte van uitgawes aangegaan deur daardie plaaslike bestuur of plaaslike besture by die lewering van 'n gesondheidsdiens bedoel in subartikel (1).

(3) By die bedrag ingevolge subartikel (2) vasgestel, kan, ten opsigte van die in daardie subartikel eersgenoemde boekjaar en elke daaropvolgende boekjaar, bygevoeg word—

- (a) 'n bedrag wat die Minister van Finansies ten opsigte van elke sodanige boekjaar vasstel, om voorsiening te maak vir verhoogde uitgawes deur sodanige plaaslike bestuur of plaaslike besture aangegaan by dié lewering van 'n gesondheidsdiens bedoel in subartikel (1); en
- (b) by nakoming deur sodanige plaaslike bestuur of plaaslike besture van die voorgeskrewe vereistes, 'n bedrag, bereken op die voorgeskrewe grondslag, ten opsigte van—
 - (i) lopende uitgawes aangegaan en die koste van toerusting aangeskaf deur sodanige plaaslike bestuur of plaaslike besture; en
 - (ii) enige salaris of toelae, deur die Minister van Finansies vir dié doel goedgekeur, wat deur sodanige plaaslike bestuur of plaaslike besture betaal is aan 'n gesondheidsbeampte, of enige ander persoon wat die kwalifikasies besit wat die Minister by kennisgewing in die *Staatskoerant* bepaal, en wat deur sodanige plaaslike bestuur of plaaslike besture in diens geneem is,
vir die doel van die uitbreiding van 'n bestaande of die instelling van 'n nuwe gesondheidsdiens van die soort bedoel in subartikel (1), binne sy distrik of hul distrikte: Met dien verstande dat die bedrag aldus bereken ten opsigte van 'n salaris of toelae bedoel in subparagraph (ii), nie minder as drie-en-dertig en 'n derde persent en nie meer as negentig persent van so 'n salaris of toelae mag beloop nie.
- (4) (a) Waar 'n gesondheidsbeampte pligte verrig wat, na die oordeel van die Minister, nie normaalweg op gesondheidsdienste betrekking het nie, kan die Minister, vir die doeleindest van hierdie artikel, die verrigting van sodanige pligte goedkeur en kan hy, kragtens subartikel (1), die deel wat hy goedvind van die salaris of toelae wat aan die gesondheidsbeampte betaal word, terugbetaal.
- (b) Geen deel van 'n salaris of toelae aan 'n in paragraaf (a) bedoelde gesondheidsbeampte betaal wat nie kragtens hierdie subartikel terugbetaalbaar is nie, is kragtens enige ander bepaling van hierdie Wet terugbetaalbaar nie.
- (5) Ondanks die bepaling van subartikels (1), (2), (3) en (4)—
 - (a) word 'n bedrag wat kragtens subartikel (1) terugbetaalbaar is, verminder in die mate wat die Minister in oorleg met die Minister van Finansies voorskryf, indien—
 - (i) die Sekretaris nie oortuig is dat enige tersaaklike gesondheidsdiens, pos of aanstelling van 'n gesond-

Act No. 63, 1977**HEALTH ACT, 1977.**

officer has been approved by the Minister or that such service has been satisfactorily performed;

- (ii) any increased salary or allowances has or have been paid to any health officer without the prior approval of the Minister;
- (b) no refund shall be made in terms of subsection (1) in respect of the institution of a new or the extension of an existing health service unless the approval of the Minister is obtained before any additional expenditure or liability in respect of such institution or extension is incurred.

(6) Subject to the provisions of subsection (5) (b) the Minister may out of the State Revenue Fund refund to a local authority or two or more local authorities co-operating as contemplated in section 20 (6), a prescribed amount in respect of capital expenditure incurred by such local authority or local authorities in respect of any health service referred to in section 20 (1) (d).

Procedure in respect of conditions requiring immediate remedying.

27. (1) Where in the opinion of a local authority a condition has arisen in its district which is of such a nature as to be offensive or a danger to health unless immediately remedied and to which the provisions of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965), are not applicable, it may serve a written notice on the person responsible for such condition having arisen or on the occupier or owner of the dwelling in which or premises on which such condition exists, calling upon him to remedy the condition within such period as may be specified in such notice.

(2) Any person failing to comply with any such notice shall be guilty of an offence.

(3) If the person on whom notice is served under subsection (1) fails to comply therewith, the local authority may enter the dwelling or premises in question and take all such steps as may be necessary to remedy the condition, and may recover the cost of so doing from the person on whom the notice was served or from the owner or occupier of the dwelling or premises in question.

(4) Where any such notice has been served on the owner, the said costs, together with interest thereon calculated at a rate of interest determined by the Minister of Finance with effect from the date on which such costs were incurred, shall, notwithstanding anything to the contrary in any other law contained, form a first charge against the land on which such dwelling is or premises are situated and rank in priority to all debts whatsoever, other than costs referred to in section 89 of the Insolvency Act, 1936 (Act No. 24 of 1936).

Local authorities to transmit returns of notifications.

28. Every local authority shall, at the end of each week, transmit to the Secretary in the prescribed manner particulars of all cases of notifiable medical conditions notified to it during the week, and all information which it may possess as to any outbreak or prevalence or absence of any communicable disease within its district, and shall furnish the Secretary with such further information relating to any notifiable medical condition in respect whereof particulars were transmitted in terms of this section, as the Secretary may require.

Minister may require local authority to furnish reports and returns.

29. (1) (a) The Minister may—

- (i) require any local authority, at any time or at stated intervals, to furnish him with a report or a statistical return relating to the health of the inhabitants of its district or any part thereof, or to hygiene conditions therein or on any premises situate therein;
- (ii) prescribe the form of any such report or return;
- (iii) at any time require any local authority to furnish him with a report submitted to such local authority by any person regarding any matter relating to the

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- heidsbeampte deur die Minister goedgekeur is nie of dat so 'n diens bevredigend verrig is nie;
- (ii) 'n verhoogde salaris of toelae aan 'n gesondheidsbeampte betaal is sonder die voorafgaande goedkeuring van die Minister;
- (b) word geen terugbetaling ingevolge subartikel (1) ten opsigte van die instelling van 'n nuwe of die uitbreiding van 'n bestaande gesondheidsdiens gedoen nie tensy die goedkeuring van die Minister verkry word alvorens enige bykomende uitgawes of aanspreeklikheid ten opsigte van so 'n instelling of uitbreiding aangegaan word.

(6) Behoudens die bepalings van subartikel (5) (b) kan die Minister uit die Staatsinkomstefonds aan 'n plaaslike bestuur of twee of meer plaaslike besture wat saamwerk soos beoog in artikel 20 (6), 'n voorgeskrewe bedrag terugbetaal ten opsigte van kapitaaluitgawe deur sodanige plaaslike bestuur of plaaslike besture aangegaan ten opsigte van 'n gesondheidsdiens bedoel in artikel 20 (1) (d).

27. (1) Waar 'n toestand na die oordeel van 'n plaaslike bestuur in sy distrik ontstaan het wat van so 'n aard is dat dit aanstootlik of 'n bedreiging vir die gesondheid is tensy dit onmiddellik reggestel word en waarop die bepalings van die Wet op Voorkoming van Lugbesoedeling, 1965 (Wet No. 45 van 1965), nie van toepassing is nie, kan hy 'n skriftelike kennisgewing beteken aan die persoon wat vir die ontstaan van so 'n toestand verantwoordelik is of aan die bewoner of eiener van die woning waarin of perseel waarop so 'n toestand bestaan, wat hom aansê om die toestand binne die in die kennisgewing vermelde tydperk reg te stel.

Prosedure met betrekking tot toestande wat onmiddellike regstelling vereis.

(2) Iemand wat versuim om aan so 'n kennisgewing te voldoen, is aan 'n misdryf skuldig.

(3) Indien iemand aan wie 'n kennisgewing ingevolge subartikel (1) beteken is, versuim om daaraan te voldoen, kan die plaaslike bestuur die betrokke woning of perseel betree en al die stappe doen wat nodig is om die toestand reg te stel, en die koste om dit te doen op die persoon verhaal aan wie die kennisgewing beteken is of op die eiener of bewoner van die betrokke woning of perseel.

(4) Waar so 'n kennisgewing aan die eiener beteken is, vorm bedoelde koste, tesame met rente daarop, bereken teen 'n koers deur die Minister van Finansies bepaal, met ingang van die datum waarop sodanige koste opgeloop het, ondanks 'n andersluidende wetsbepaling, 'n voorkeureis teen die grond waarop bedoelde woning of perseel geleë is en het dit voorkeur bo alle skulde van water aard ook al, uitgesonderd die in artikel 89 van die Insolvensiawet, 1936 (Wet No. 24 van 1936), bedoelde koste.

28. Elke plaaslike bestuur moet, aan die einde van elke week, op die voorgeskrewe wyse aan die Sekretaris besonderhede stuur van al die gevalle van aanmeldbare mediese toestande wat gedurende die week by hom aangemeld is en al die inligting waaraan hy beskik in verband met die uitbreek of voorkoms of afwesigheid van enige oordraagbare siekte binne sy distrik, en moet die Sekretaris voorsien van die verdere inligting in verband met 'n aanmeldbare mediese toestand ten opsigte waarvan besonderhede ingevolge hierdie artikel aangestuur is, wat die Sekretaris verlang.

Plaaslike bestuur moet opgawes van aanmeldings aanstuur.

29. (1) (a) Die Minister kan—

- (i) 'n plaaslike bestuur aansê om hom te eniger tyd of met bepaalde tussenpose te voorsien van 'n verslag of 'n statistiese opgawe betreffende die gesondheid van die inwoners van sy distrik of enige deel daarvan, of betreffende higiëne-toestande daarin of op enige perseel wat daarin geleë is;
- (ii) die vorm van so 'n verslag of opgawe voorskryf;
- (iii) 'n plaaslike bestuur te eniger tyd aansê om 'n verslag aan hom te verstrek wat deur iemand aan daardie plaaslike bestuur voorgelê is betreffende

Minister kan plaaslike bestuur aansê om verslae en opgawes te verstrek.

Act No. 63, 1977**HEALTH ACT, 1977.**

health of the inhabitants of its district or any part thereof or any premises situate therein, or to furnish him with particulars or a copy of any such report.

- (b) A local authority shall furnish the Minister with a copy of any report referred to in paragraph (a) (iii) which relates to the health of persons outside its district, or to any matter affecting or likely to affect the health of the inhabitants of the Republic or any part thereof, or to any communicable disease.

(2) The Minister may communicate any information furnished to him under subsection (1) to any department of State, including the Administration of South West Africa and a provincial administration, or to any public body or to any official of such department, where, in the opinion of the Minister, such information is reasonably required by such department, body or official for the effective performance of any function.

Secretary to be
local authority
in areas where
there is no
local authority.

30. (1) In respect of any area where there is no local authority, the Secretary shall, until a local authority is established for that area, be the local authority for the purposes of this Act.

(2) Notwithstanding the provisions of subsection (1) the Minister may, on the recommendation of the Secretary, and in consultation with any person, by notice in the *Gazette* declare that person to be the local authority in respect of any area referred to in subsection (1) and specified in such notice, for the purposes of any provision of this Act.

Delegation or
transfer of powers
and duties of
local authority.

31. (1) Where a local authority deems it necessary for the proper performance of any function under this Act, it may in writing authorize a committee of its members or its medical officer of health or any other of its officers to perform such function on its behalf.

(2) (a) Whenever the Minister is satisfied that any power conferred or any duty imposed upon any local authority under this Act should be transferred to any other local authority, he may, after consultation with the local authorities concerned and the Administrator of the province in question, by notice published in the *Gazette* and in a newspaper circulating in the districts concerned, transfer such power or such duty to such other local authority and the Minister may in like manner revoke or modify any such notice.

(b) If, after the date of any such transfer, any other local authority is established in the place of the local authority which has by such transfer been relieved of any power or duty (whether or not such first-mentioned local authority is established in respect of the same area), or the district of such last-mentioned local authority is altered, the said transfer shall be deemed to be a transfer from such first-mentioned local authority or, as the case may be, in respect of such altered district.

(3) Any local authority which has under subsection (2) been relieved of any power or duty, shall pay to the local authority to which that power or duty has been transferred, such percentage of the annual expenditure incurred in the exercise of that power or the performance of that duty as may be agreed upon by such local authorities, or as may, in the absence of agreement within a time reasonable in the circumstances, be determined by the Minister after consultation with the Administrator of the province in question.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

enige aangeleentheid met betrekking tot die gesondheid van die inwoners van sy distrik of enige deel daarvan of van enige perseel wat daarin geleë is, of om hom van besonderhede of 'n afskrif van so 'n verslag te voorsien.

- (b) 'n Plaaslike bestuur moet die Minister voorsien van 'n afskrif van 'n in paragraaf (a) (iii) bedoelde verslag wat betrekking het op die gesondheid van persone buite sy distrik, of op enige aangeleentheid wat die gesondheid van die inwoners van die Republiek of enige deel daarvan raak of waarskynlik kan raak, of op enige oordraagbare siekte.

(2) Die Minister kan enige inligting wat ingevolge subartikel (1) aan hom verstrekk word, oordra aan enige staatsdepartement, met inbegrip van die Administrasie van Suidwes-Afrika en 'n provinsiale administrasie, of aan 'n openbare liggaam of aan 'n beampete van so 'n departement, waar, na die oordeel van die Minister, sodanige inligting redelikerwys vir so 'n departement, liggaam of beampete vir die doeltreffende verrigting van enige werkzaamheid nodig is.

30. (1) Die Sekretaris is ten opsigte van 'n gebied waar daar geen plaaslike bestuur is nie, die plaaslike bestuur by die toepassing van hierdie Wet totdat 'n plaaslike bestuur vir daardie gebied ingestel word.

Sekretaris is plaaslike bestuur in gebiede waar daar geen plaaslike bestuur is nie.

(2) Ondanks die bepalings van subartikel (1) kan die Minister, op aanbeveling van die Sekretaris en in oorleg met enige persoon, by kennisgewing in die *Staatskoerant* verklaar dat daardie persoon ten opsigte van 'n gebied bedoel in subartikel (1) en vermeld in so 'n kennisgewing, die plaaslike bestuur is by die toepassing van enige bepaling van hierdie Wet.

31. (1) Waar 'n plaaslike bestuur dit nodig ag vir die behoorlike verrigting van 'n werkzaamheid ingevolge hierdie Wet, kan hy 'n Delegering of oordrag van bevoegdheede en pligte van plaaslike bestuur.

(2) (a) Wanneer die Minister oortuig is dat 'n bevoegdheid of 'n plig wat aan 'n plaaslike bestuur by hierdie Wet verleen of opgelê is, aan 'n ander plaaslike bestuur oorgedra behoort te word, kan hy, na oorleg met die betrokke plaaslike besture en die Administrateur van die betrokke provinsie, by kennisgewing in die *Staatskoerant* en in 'n koerant wat in die betrokke distrikte sirkuleer, bedoelde bevoegdheid of bedoelde plig aan daardie ander plaaslike bestuur oordra, en die Minister kan so 'n kennisgewing op dieselfde manier herroep of wysig.

(b) Indien 'n ander plaaslike bestuur na die datum van so 'n oordrag in die plek ingestel word van die plaaslike bestuur wat deur so 'n oordrag van 'n bevoegdheid of plig onthef is (hetso 'n eersbedoelde plaaslike bestuur ten opsigte van dieselfde gebied ingestel word of nie), of die distrik van so 'n laasbedoelde plaaslike bestuur verander word, word bedoelde oordrag geag 'n oordrag te wees vanaf so 'n eersbedoelde plaaslike bestuur of, na gelang van die geval, ten opsigte van so 'n veranderde distrik.

(3) 'n Plaaslike bestuur wat ingevolge subartikel (2) van 'n bevoegdheid of plig onthef is, betaal aan die plaaslike bestuur aan wie daardie bevoegdheid of plig oorgedra is, die persentasie van die jaarlikse uitgawe wat by die uitoefening van daardie bevoegdheid of die uitvoering van daardie plig aangegaan word, waarop die betrokke plaaslike besture ooreenkoms, of wat, by ontstentenis van 'n ooreenkoms binne 'n in die omstandighede redelike tydperk, deur die Minister na oorleg met die Administrateur van die betrokke provinsie bepaal word.

Act No. 63, 1977

HEALTH ACT, 1977.

CHAPTER V

REGULATIONS

Regulations
relating to
notifiable medical
conditions.

32. The Minister may make regulations relating to the notification by medical practitioners or other categories of persons, of cases of notifiable medical conditions, including the circumstances under which and the manner in which and the person or authority to whom such notifications shall be made, the records to be kept by local authorities of such notifications and the transmission by local authorities of such notifications to the Secretary.

Regulations
relating to
communicable
diseases.

33. The Minister may make regulations relating to—

- (a) the closing of any teaching institution or any place of public entertainment, for the purpose of preventing the spread of any communicable disease, and the regulation or restriction of the attendance by any person at any teaching institution;
- (b) the duties of parents or guardians of scholars and students who are suffering or have suffered from, or have been exposed to infection with, any communicable disease, and of persons in charge of teaching institutions, in respect of such scholars or students;
- (c) the imposition and enforcement of quarantine in respect of, or the subjection to medical observation, examination or surveillance of, persons suffering or suspected to be suffering from any communicable disease, where such persons are not removed to a hospital or place of isolation, the premises on which such persons are accommodated, the persons in charge of or attending upon such first-mentioned persons, and other persons living on or visiting such premises or who may otherwise have been exposed to infection with such disease;
- (d) the conveyance by rail or otherwise of persons suffering from, or the bodies of persons who have died of, any communicable disease;
- (e) the measures which shall be taken at inland borders, ports or airports with a view to preventing the introduction of communicable diseases into the Republic or the export from the Republic of any substance or thing likely to introduce any communicable disease into any area outside the Republic;
- (f) the prevention of the transmission from any vertebrate or invertebrate animal, animal carcase, animal product, animal parasite, plant or plant parasite to human beings, of any communicable disease;
- (g) the prevention of the spread of and the eradication of malaria, the extermination of mosquitoes and the removal or remedying of conditions permitting or favouring the prevalence or increase of mosquitoes;
- (h) the prevention of the transmission of any communicable disease by flies or other insects, the extermination of flies or other insects and the removal or remedying of conditions permitting or favouring the prevalence or increase of flies or other insects;
- (i) the extermination of rodents and other vermin and the removal or remedying of conditions permitting or favouring the prevalence or increase thereof, and the disposal of the carcasses of rodents and other animals suspected to have died of a communicable disease;
- (j) the compulsory immunization of persons against communicable diseases and any matter incidental to such immunization;
- (k) the prevention of the development of any communicable disease in any vertebrate or invertebrate animal, animal product, animal parasite, plant or plant parasite;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

HOOFSTUK V

REGULASIES

32. Die Minister kan regulasies uitvaardig met betrekking tot die aanmelding deur geneeshere of ander kategorieë persone van gevalle van aanmeldbare mediese toestande, met inbegrip van die omstandighede waarin en die wyse waarop en die persoon of gesag by wie sodanige aanmeldings gedoen moet word, die aantekeninge wat deur plaaslike besture van sodanige aanmeldings gehou moet word en die aanstuur deur plaaslike besture van sodanige aanmeldings aan die Sekretaris.

Regulasies met betrekking tot aanmeldbare mediese toestande.

33. Die Minister kan regulasies uitvaardig met betrekking tot—

- (a) die sluiting van enige onderwysinrigting of openbare vermaakklikheidsplek ten einde die verspreiding van 'n oordraagbare siekte te voorkom, en die reëling of beperking van die bywoning deur enige persoon by enige onderwysinrigting;
- (b) die pligte van ouers of vogode van skoliere en studente wat aan 'n oordraagbare siekte ly of daaraan gely het of aan infeksie daarmee blootgestel was, en van persone in beheer van onderwysinrigtings, ten opsigte van sodanige skoliere of studente;
- (c) die oplegging en afdwinging van kwarantyn ten opsigte van, of die onderwerping aan mediese waarneming, ondersoek of toesig van, persone wat wel of na vermoede aan 'n oordraagbare siekte ly, waar sondanige persone nie na 'n hospitaal of plek van afsondering verwyder word nie, die persele waarop sodanige persone gehuisves word, die persone wat oor eersgenoemde persone toesig hou of hulle oppas, en ander persone wat op sodanige perseel woon of daar besoek afê of wat op 'n ander wyse aan infeksie met daardie siekte blootgestel is;
- (d) die vervoer per trein of op 'n ander wyse van persone wat aan 'n oordraagbare siekte ly of van die lyke van persone wat daaraan oorlede is;
- (e) die maatreëls wat by binnelandse grense, hawens of lughawens getref moet word ten einde te voorkom dat oordraagbare siektes die Republiek binnegebring word of dat enige stof of ding uit die Republiek uitgevoer word wat waarskynlik 'n oordraagbare siekte in 'n gebied buite die Republiek sal inbring;
- (f) die voorkoming van die oordrag van 'n oordraagbare siekte vanaf enige gewerwelde of ongewerwelde dier, dierkarkas, dierlike produk, dierlike parasiet, plant of plantparasiet na mense;
- (g) die voorkoming van die verspreiding van en die uitwissing van malaria, die uitroeiing van muskiete en die uitdiewegruiming of regstelling van toestande wat die voorkoms of vermeerdering van muskiete moontlik maak of begunstig;
- (h) die voorkoming van die oordrag van 'n oordraagbare siekte deur vlieë of ander insekte, die uitroeiing van vlieë of ander insekte en die uitdiewegruiming of regstelling van toestande wat die voorkoms of vermeerdering van vlieë of ander insekte moontlik maak of begunstig;
- (i) die uitroeiing van knaagdiere en ander ongedierte en die uitdiewegruiming of regstelling van toestande wat die voorkoms of vermeerdering daarvan moontlik maak of begunstig, en die verwydering van die karkasse van knaagdiere of ander diere wat na vermoede aan 'n oordraagbare siekte gevrek het;
- (j) die verpligte immunisering van persone teen oordraagbare siektes en enige aangeleentheid wat in verband staan met sodanige immunisering;
- (k) die voorkoming van die ontstaan van 'n oordraagbare siekte by enige gewerwelde of ongewerwelde dier, dierlike produk, dierlike parasiet, plant of plantparasiet;

Regulasies met betrekking tot oordraagbare siektes.

Act No. 63, 1977

HEALTH ACT, 1977.

- (l) the prevention of the development and spread of any communicable disease as a result of the carrying on of any business, trade or occupation;
 - (m) the prevention of the transmission of any communicable disease by persons who, although not suffering from such disease, are carriers of, and likely to cause the spread of infection with, such disease, the keeping under medical surveillance and the restriction of the movements of such persons;
 - (n) the disposal of any refuse, waste matter or any other matter or thing which is in such a condition that it is likely to cause the development of a communicable disease;
 - (o) the provision of equipment for disinfecting, and the disinfection of, any premises or thing which is or is believed to be in such a condition that it will cause the development of a communicable disease and, where disinfection of such thing is impossible, the destruction thereof;
 - (p) the inspection of premises or articles with a view to ascertaining the existence or otherwise of insanitary or other conditions likely to favour the spread, or to impede the eradication, of any communicable disease and, where such conditions exist, the remedying thereof;
 - (q) the evacuation, closing, alteration, demolition or destruction of any premises the occupation or use of which is considered likely to favour the spread, or to impede the eradication, of any communicable disease, the circumstances in which compensation may be paid in respect of any premises so demolished or destroyed and the manner of fixing such compensation;
 - (r) the compulsory medical examination of persons suffering or believed to be suffering from any communicable disease specified in such regulations and the compulsory hospitalizing and treatment of such persons;
 - (s) the compulsory removal, cleansing and disinfecting of persons infested with fleas, lice or other similar external parasites;
 - (t) the control, restriction or prohibition of the use of any premises for a funeral undertaker's business and the measures to be taken in carrying on such business to prevent the spread of communicable diseases;
 - (u) the control or the closing of any place used for public receptions, recreation or amusement and the regulation, restriction or prohibition of the holding of or attendance at any meeting, reception or other public gathering, with a view to preventing the spread of or to controlling or restricting any communicable disease,
- and, generally, relating to the measures which shall be taken with a view to preventing the occurrence or the spread of communicable diseases, or to controlling or restricting such diseases.

Regulations
relating to
conditions
dangerous
to health.

34. The Minister may make regulations relating to—

- (a) the regulation, restriction or prohibition of any trade or occupation entailing a special danger to health and to the measures to be taken with a view to preventing or restricting such danger;
- (b) the manufacture of rag flock, the trade in rags, bones and in second-hand clothing, bedding or any similar second-hand article, and the disinfection of any such article before its importation, removal, sale, exposure for sale or use in any manufacturing process;
- (c) the keeping, use, conveyance, or import into or export from the Republic of cultures or preparations of micro-organisms or other material capable of causing disease in human beings;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (l) die voorkoming van die ontstaan en verspreiding van enige oordraagbare siekte as gevolg van die voortsetting van enige saak, bedryf of beroep;
 - (m) die voorkoming van die oordrag van 'n oordraagbare siekte deur persone wat, ofskoon hulle nie aan sodanige siekte ly nie, draers daarvan is en waarskynlik die verspreiding van infeksie daarmee sal veroorsaak, die hou van mediese toesig oor en die beperking van die bewegings van sodanige persone;
 - (n) die beskikking oor enige vullis, afvalstowwe of ander stof of ding wat in so 'n toestand is dat dit waarskynlik die ontstaan van 'n oordraagbare siekte sal veroorsaak;
 - (o) die voorsiening van toerusting vir die ontsmetting, en die ontsmetting, van enige perseel of ding wat wel of na vermoede in so 'n toestand is dat dit die ontstaan van 'n oordraagbare siekte sal veroorsaak en, waar ontsmetting van so 'n ding onmoontlik is, die vernietiging daarvan;
 - (p) die inspeksie van persele of voorwerpe ten einde die aanwesigheid al dan nie te bepaal van ongesonde of ander toestande wat waarskynlik die verspreiding sal begunstig, of die uitwissing sal bemoeilik, van 'n oordraagbare siekte en, waar sodanige toestande bestaan, die registrelling daarvan;
 - (q) die ontruiming, sluiting, verandering, sloping of vernietiging van enige perseel, die bewoning of gebruik waarvan geag word dat dit waarskynlik die verspreiding sal begunstig, of die uitwissing sal bemoeilik, van 'n oordraagbare siekte, die omstandighede waaronder vergoeding betaal kan word ten opsigte van 'n perseel wat aldus gesloop of vernietig is en die wyse waarop sodanige vergoeding bepaal word;
 - (r) die verpligte mediese ondersoek van persone wat wel of na vermoede aan 'n in die regulasies vermelde oordraagbare siekte ly en die verpligte hospitalisering en behandeling van sodanige persone;
 - (s) die verpligte verwydering, reiniging en ontsmetting van persone wat met vlooie, luise of ander soortgelyke uitwendige parasiete besmet is;
 - (t) die beheer, beperking of verbied van die gebruik van enige perseel vir die saak van 'n begrafnisondernemer en die maatreëls wat by die dryf van so 'n saak getref moet word om die verspreiding van oordraagbare siektes te voorkom;
 - (u) die beheer of die sluit van enige plek wat gebruik word vir openbare onthale, onspanning of vermaakklike en die reëling, beperking of verbied van die hou of bywoning van 'n vergadering, onthal of ander openbare byeenkoms, ten einde die verspreiding van 'n oordraagbare siekte te voorkom of sodanige siekte te beheer of te beperk,
- en, oor die algemeen, met betrekking tot die maatreëls wat getref moet word ten einde die voorkoms of die verspreiding van oordraagbare siektes te voorkom, of sodanige siektes te beheer of te beperk.

34. Die Minister kan regulasies uitvaardig met betrekking tot—

- (a) die reëling, beperking of verbied van enige bedryf of beroep wat 'n besondere gevvaar vir die gesondheid meebring, en tot die maatreëls wat getref moet word ten einde so 'n gevvaar te voorkom of te beperk;
- (b) die vervaardiging van vodvlok, die handel in vodde, bene en in tweedehandse klere, beddegoed of enige soortgelyke tweedehandse artikel, en die ontsmetting van enige sodanige artikel voor die invoer, verwydering, verkoop of uitsal vir verkoop daarvan of die gebruik daarvan in enige vervaardigingsproses;
- (c) die hou, gebruik, vervoer, invoer in of uitvoer uit die Republiek van kulture of preparate van mikro-organismes of ander materiaal wat siekte by die mens kan veroorsaak;

Regulasies met
betrekking tot
toestande wat 'n
gevvaar vir die
gesondheid inhou.

Act No. 63, 1977

HEALTH ACT, 1977.

- (d) the prevention and remedying of over-crowded, dirty, insanitary or verminous conditions in any dwelling or other building;
- (e) the regulation, restriction or prohibition of the conveyance of merchandise or any other thing into, out of, or within any area specified or defined in such regulations;
- (f) the standards to which cemeteries shall conform and the regulation, control or prohibition of the establishment of cemeteries in the vicinity of other planned or existing premises or of natural resources;
- (g) the storage, removal or transport of dead bodies;
- (h) the control, restriction or prohibition of the erection of new buildings, and to the provision of sewerage and drainage systems for buildings, the siting, construction and repair of buildings and the provision of water, washing and sanitary conveniences, lighting and ventilation in buildings;
- (i) the control, restriction or prohibition of the establishment and running of caravan parks, camping sites and holiday resorts, and to the provision of sewerage and drainage systems for, water, washing and sanitary conveniences at, and the prevention of overcrowding of, such caravan parks, camping sites and holiday resorts;
- (j) the approval, regulation, restriction or prohibition of the use of any place for public gatherings, and to the standards which shall be conformed to in respect of the provision of water and washing and sanitary conveniences, and the serving of food and disposal of waste at, and the provision of sewerage and drainage systems for, such place and such other measures as may be necessary in order to prevent the development at such place of conditions dangerous or detrimental to health;
- (k) the control, restriction or prohibition of the building of swimming baths for public use, and to the registration of such swimming baths, the standards which shall be conformed to in respect of the provision at such swimming baths of washing and sanitary conveniences, the purification of swimming bath water, the purifying agents which may be added to swimming bath water, and such other measures as may be necessary in order to prevent the development at such swimming baths of conditions dangerous or detrimental to health;
- (l) the periodical cleansing of premises, the removal from premises of rubbish, waste or spillage, the evacuation of any premises on which a condition exists which constitutes a danger to health, the prohibition of entrance upon such premises and the remedying of such condition;
- (m) the inspection of buildings, caravan parks, camping sites, holiday resorts, places used for public gatherings, swimming baths and premises, with a view to ascertaining the existence or otherwise of conditions likely to be dangerous or detrimental to health and the steps which may be taken by inspectors to ensure that such buildings, caravan parks, camping sites, holiday resorts, places, swimming baths or premises are kept clean and free of such conditions,

and, generally, relating to the measures which shall be taken with a view to preventing the occurrence of any condition which is likely to constitute a danger to health, or to remedying or removing any such condition.

35. (1) The Minister may make regulations relating to—

- (a) the control, restriction or prohibition of the use of any premises for purposes connected with the handling, processing, production, manufacturing, packing, storing, preparing, displaying, sale or serving of food, and to the provision of a sewerage and drainage system for, and water, washing and sanitary conveniences, lighting and ventilation at, such premises;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (d) die voorkoming en regstelling van oorbewoonde, vuil, ongesonde of met insekte besmette toestande in 'n woonhuis of ander gebou;
 - (e) die reëeling, beperking of verbied van die vervoer van handelsgoed of enige ander voorwerp na, uit of binne enige in die regulasies vermelde of omskreve gebied;
 - (f) die standaarde waaraan begraafplase moet voldoen en die reëeling, beheer of verbied van die aanlê van begraafplase in die nabijheid van ander beplante of bestaande persele of van natuurlike hulpbronne;
 - (g) die opberging, verwydering of vervoer van lyke;
 - (h) die beheer, beperking of verbied van die oprigting van nuwe geboue, en tot die voorsiening van riool- en dreineringstelsels vir geboue, die plasing, konstruksie en herstel van geboue en die voorsiening van water, was- en sanitêre geriewe, beligting en belugting in geboue;
 - (i) die beheer, beperking of verbied van die aanlê en bedryf van karavaanparke, kampeerterreine en vakansieoorde, en tot die voorsiening van riool- en dreineringstelsels vir, water, was- en sanitêre geriewe by, en die voorkoming van oorbewoning van, sodanige karavaanparke, kampeerterreine en vakansie-oorde;
 - (j) die goedkeuring, reëeling, beperking of verbied van die gebruik van enige plek vir openbare byeenkomste, en tot die standaarde waaraan voldoen moet word met betrekking tot die voorsiening van water en was- en sanitêre geriewe en die bediening van voedsel en beskikking oor afval by, en die voorsiening van riool- en dreineringstelsels vir, so 'n plek, en die ander maatreëls wat nodig is ten einde die ontstaan by so 'n plek te voorkom van toestande wat vir die gesondheid gevaarlik of nadelig is;
 - (k) die beheer, beperking of verbied van die bou van swembaddens vir openbare gebruik en tot die registrasie van sodanige swembaddens, die standaarde waaraan voldoen moet word ten opsigte van die voorsiening by sodanige swembaddens van was- en sanitêre geriewe, die suiwering van swembadwater, die suiweringsmiddels wat by swembadwater gevoeg mag word, en die ander maatreëls wat nodig is ten einde die ontstaan by sodanige swembaddens te voorkom van toestande wat vir die gesondheid gevaarlik of nadelig is;
 - (l) die periodieke reiniging van persele, die verwydering vanaf persele van vullis, afval of stortsel, die ontruiming van enige perseel waarop 'n toestand aanwesig is wat 'n gevaar vir die gesondheid inhoud, die verbied van toegang tot so 'n perseel en die regstelling van so 'n toestand;
 - (m) die inspeksie van geboue, karavaanparke, kampeerterreine, vakansie-oorde, plekke wat gebruik word vir openbare byeenkomste, swembaddens en persele ten einde die aanwesigheid al dan nie te bepaal van toestande wat waarskynlik vir die gesondheid gevaarlik of nadelig sal wees en die stappe wat deur inspekteurs gedoen kan word ten einde te verseker dat sodanige geboue, karavaanparke, kampeerterreine, vakansie-oorde, plekke, swembaddens of persele skoon en vry van sodanige toestande gehou word,
- en, oor die algemeen, met betrekking tot die maatreëls wat getref moet word ten einde die voorkoms van 'n toestand te voorkom wat waarskynlik 'n gevaar vir die gesondheid sal uitmaak, of tot die regstelling of verwydering van so 'n toestand.

35. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

- (a) die beheer, beperking of verbied van die gebruik van 'n perseel vir doeleindes wat verband hou met die hantering, verwerking, produksie, vervaardiging, verpakking, opberging, voorbereiding, uitstalling, verkoop of bediening van voedsel, en tot die voorsiening van 'n riool- en dreineringstelsel vir, en water, was en sanitêre geriewe, beligting en belugting by, so 'n perseel;

Regulasies met betrekking tot voedsel en melk.

- (b) the structural requirements to which any building on such premises shall conform and the material which shall be used in the construction thereof;
- (c) the standards and requirements to which apparatus, equipment, storing spaces and working surfaces and places employed in connection with the handling of food, and the cleansing of the afore-mentioned facilities, the manner of transport of various foodstuffs, the holders in which food is stored, processed, displayed or transported and the clothing worn by persons handling food, shall conform;
- (d) the regulation, control, restriction or prohibition of the use of food selling automatons, and to the requirements to which the place shall conform where food intended for sale in such automatons is prepared, the manner of identification by dating of such food, the manner of transport of food to such automatons, the replenishing of food in such automatons, the material which shall be used for the packaging of food intended for sale in such automatons, the manner of storing food so packaged, the protection against pollution and decay of food in such automatons and the siting of such automatons;
- (e) the examination of, and the control and supervision of the manufacture, preparation, storage, keeping and dispatch of, any article of food intended for sale in or export from the Republic, and the prohibition of the manufacture, preparation, storage, keeping, dispatch, or sale in or export from the Republic of any article of food which is, or contains an ingredient which is, diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination;
- (f) the conditions subject to which any article of food referred to in subsection (4) may be sold;
- (g) the prohibition of the importation into the Republic of any article of food which is not clean, sound and free from decay or any infection or contamination, and the seizure, and disposal by destruction or otherwise, of any such article of food so imported;
- (h) the preparation, manufacture, importation, storage or sale of or trade in articles of food which are packed in airtight containers or otherwise preserved, and the marking of any such article of food with the date of manufacture or preparation thereof;
- (i) the taking and examination or analysis of samples of milk, dairy produce, meat or other articles of food and the removal or detention, pending examination or analysis, of animals or articles of food which are suspected of being diseased or unsound or unwholesome or unfit for human consumption, and the seizure and destruction or treatment or disposal, so as to prevent danger to health, of any such article of food which is found to be unwholesome, unsound, infected or contaminated, and of diseased animals sold or intended or offered or exposed for sale for human consumption;
- (j) the fixing of standards of purity for milk, the warning to be given to any dairyman or purveyor of milk that any milk sold, kept, dispatched or exposed for sale by him has been found to be below any such standard, and the issue of orders prohibiting the sale or the keeping or exposure for sale of milk from a particular cow, or requiring the closing of any dairy, milking shed or milk shop, the milk from which is found, after analysis and official warning, to be below any such standard;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (b) die strukturele vereistes waaraan 'n gebou op so 'n perseel moet voldoen en die materiaal wat by die konstruksie daarvan gebruik moet word;
- (c) die standaarde en vereistes waaraan apparate, toerusting, bergruimtes en werkoppervlaktes en -plekke wat in verband met die hantering van voedsel gebruik word, en die reiniging van voormalde fasilitete, die wyse van vervoer van verskillende voedselsoorte, die houers waarin voedsel geberg, verwerk, uitgestal of vervoer word en die klere wat gedra word deur persone wat voedsel hanteer, moet voldoen;
- (d) die reëling, beheer, beperking of verbied van voedselverkoopautomate, en tot die vereistes waaraan die plek moet voldoen waar voedsel bestem vir verkoop in sodanige outomate berei word, die wyse van identifisering deur datering van sodanige voedsel, die wyse van vervoer van voedsel na sodanige outomate, die aanvulling van voedsel in sodanige outomate, die materiaal wat gebruik moet word by die verpakking van voedsel bestem vir verkoop in sodanige outomate, die wyse waarop aldus verpakte voedsel geberg word, die beskerming teen besoedeling en bederf van voedsel in sodanige outomate en die plasing van sodanige outomate;
- (e) die ondersoek van, en die beheer van en toesig oor die vervaardiging, bereiding, berging, bewaring en versending van, enige voedingsmiddel bestem vir verkoop in of uitvoer uit die Republiek, en die verbied van die vervaardiging, bereiding, berging, bewaring, versending of verkoop in of uitvoer uit die Republiek van enige voedingsmiddel wat besmet of bederf of ongeskik vir menslike gebruik is of wat 'n bestanddeel bevat wat aldus besmet, bederf of ongeskik is, of wat blootgestel was aan infeksie of besmetting;
- (f) die voorwaardes onderworpe waaraan 'n voedingsmiddel bedoel in subartikel (4) verkoop mag word;
- (g) die verbied van die invoer in die Republiek van enige voedingsmiddel wat nie skoon, gesond en vry van bederf of infeksie of besmetting is nie, en die beslaglegging op, en beskikking deur vernietiging of andersins oor, enige sodanige voedingsmiddel wat aldus ingevoer is;
- (h) die bereiding, vervaardiging, invoer, berging of verkoop van of handel in voedingsmiddels wat in lugdige houers verpak of andersins gepreserveer is, en die merk van so 'n voedingsmiddel met die datum van vervaardiging of bereiding daarvan;
- (i) die neem en ondersoek of ontleding van monsters van melk, suiwelprodukte, vleis of ander voedingsmiddels en die verwydering of aanhouding, hangende ondersoek of ontleding, van diere of voedingsmiddels wat na vermoede siek of bederf of ongesond of ongeskik vir menslike gebruik is, en die beslaglegging op, vernietiging of behandeling van of beskikking oor enige sodanige voedingsmiddel wat bevind word ongesond, bederf, geïnfekteerd of besmet te wees, en van siek diere wat vir menslike gebruik verkoop of bestem is of daarvoor aangebied of uitgestal word;
- (j) die vasstelling van standaarde van suwerheid van melk en die waarskuwing wat gegee moet word aan 'n melkboer of melkleweransier dat enige melk deur hom verkoop, aangehou, versend of vir verkoop uitgestal, benede enige sodanige standaard bevind is, en die uitreiking van bevele wat die verkoop of aanhou of uitstal vir verkoop van melk afkomstig van 'n bepaalde koei verbied, of wat die sluiting gelas van enige melkery, melkstal of melkwinkel, die melk waarvan na ontleding en amptelike waarskuwing benede sodanige standaard bevind word;

- (k) the conveyance and distribution of milk and the labelling or marking of receptacles used for the conveyance of milk;
- (l) the veterinary inspection of dairy-cattle, the sampling and bacteriological examination of milk and dairy produce and the prevention of the sale, keeping, dispatch or exposure for sale, of tuberculous milk or tuberculous dairy produce, or of the milk, or dairy produce made from the milk, of any cow which has given tuberculous milk, or which is or appears to be suffering from tuberculosis, or from indurated udder or any chronic disease of the udder;
- (m) the duties of dairymen and purveyors of milk in connection with the occurrence of any communicable disease amongst persons residing or employed in or about their premises and the furnishing by them of the names and addresses of their customers, and of cowherds in connection with the reporting of the occurrence, in animals on the premises or any dairy cattle, of communicable diseases or of any disease of the udder;
- (n) the inspection of dairy-cattle, animals intended for human consumption, dairies, milking sheds, milk shops and milk vessels, and of factories, stores, shops and other places where any article of food is handled, processed, manufactured, prepared, kept, packed, displayed, sold or served;
- (o) the medical examination of persons who handle food, milk or dairy produce, in order to identify such persons who are carriers of diseases or are suffering from any communicable disease specified in such regulations, and the restriction or prohibition of the handling of food, milk or dairy produce by persons so identified as carriers of disease or as suffering from such a communicable disease; and
- (p) the fees which may be levied in respect of any inspection or medical examination performed in terms of the provisions of any regulation made under this subsection.

(2) Different regulations may be made under subsection (1) in respect of different classes of premises, equipment and vehicles used in conveying food, milk or dairy produce and in respect of different categories of persons handling food, milk or dairy produce.

(3) Regulations made under paragraph (i) of subsection (1) may empower any medical officer of health, health inspector, medical practitioner or veterinary surgeon to seize, detain, or destroy any diseased, unsound or unwholesome article of food or diseased animal, but shall not confer on any other person any power beyond that of detention of such article of food or animal for the purposes of examination by a medical officer of health, health inspector, medical practitioner or veterinary surgeon.

(4) Regulations made under subsection (1) shall also apply, in so far as they can be applied, in respect of the quality, ingredients, preparation, manufacture, packing, conveying and storing of any article of food prepared or manufactured in a private dwelling for the purposes of sale to the public.

Regulations relating to mollusc farming, fish farming and intensive animal-feeding systems.

36. The Minister may, after consultation with the Minister of Agriculture and the Minister of Water Affairs, make regulations relating to—

- (a) the regulation, control, restriction or prohibition of the supply for human consumption of molluscs or fish originating from mollusc nurseries, fish breeding stations or fish farms;
- (b) the purity, chemical composition and source of, and the addition of substances to, water used in the cultivation or breeding of molluscs or fish intended for human consumption, and the location of mollusc nurseries or fish breeding stations or fish farms;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (k) die vervoer en verspreiding van melk en die etikettering of merk van houers wat vir die vervoer van melk gebruik word;
- (l) die veeartsenkundige inspeksie van melkvee, die neem van monsters en die bakteriologiese onderzoek van melk en suiwelprodukte en die voorkoming van die verkoop, aanhou, versending of uitstal vir verkoop van teringagtige melk of teringagtige suiwelprodukte, of van die melk, of suiwelprodukte gemaak van die melk, van 'n koei wat teringagtige melk gegee het, of wat ly of oënskynlik ly aan tuberkulose, of aan verharde uier of 'n kroniese siekte van die uier;
- (m) die pligte van melkboere en melkleweransiers in verband met die voorkoms van 'n oordraagbare siekte onder persone wat woon of in diens is by hul persele en die verstrekking deur hulle van die name en adresse van hul klante, en van beeswagters in verband met die aanmelding van die voorkoms by diere op die perseel of enige melkvee, van oordraagbare siektes of van enige siekte van die uier;
- (n) die inspeksie van melkvee, diere wat vir menslike verbruik bestem is, melkerye, melkstalle, melkwinkels en melkhouers, en van fabrieke, pakhuise, winkels en ander plekke waar 'n voedingsmiddel hanteer, verwerk, vervaardig, voorberei, gehou, verpak, uitgestal, verkoop of bedien word;
- (o) die mediese ondersoek van persone wat voedsel, melk of suiwelprodukte hanteer ten einde sodanige persone te identifiseer wat draers is van siektes of wat ly aan 'n oordraagbare siekte wat in die regulasies vermeld word, en die beperking of verbied van die hantering van voedsel, melk of suiwelprodukte deur persone wat aldus geïdentifiseer is as draers van siekte of as lyers aan so 'n oordraagbare siekte; en
- (p) die gelde wat gehef kan word ten opsigte van enige inspeksie of mediese ondersoek gedoen ingevolge die bepalings van 'n regulasie wat kragtens hierdie subartikel uitgevaardig is.

(2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende klasse persele, toerusting en voertuie wat by die vervoer van voedsel, melk of suiwelprodukte gebruik word en ten opsigte van verskillende kategorieë persone wat voedsel, melk of suiwelprodukte hanteer.

(3) Regulasies uitgevaardig kragtens paragraaf (i) van subartikel (1) kan 'n mediese gesondheidsbeampte, gesondheidsinspekteur, geneesheer of veearts magtig om beslag te lê op enige besmette, bedorwe of ongesonde voedingsmiddel of siek dier of om dit aan te hou of te vernietig, maar mag nie aan enige ander persoon 'n groter bevoegdheid verleen nie as om so 'n voedingsmiddel of dier aan te hou vir die doeleindest van ondersoek deur 'n mediese gesondheidsbeampte, gesondheidsinspekteur, geneesheer of veearts.

(4) Regulasies uitgevaardig kragtens subartikel (1) is ook van toepassing, vir sover hulle toegepas kan word, ten opsigte van die kwaliteit, bestanddele, voorbereiding, vervaardiging, verpakking, vervoer en opberging van enige voedingsmiddel wat in 'n privaatwoning voorberei of vervaardig is vir die doeleindest van verkoop aan die publiek.

36. Die Minister kan, na oorleg met die Minister van Landbou en die Minister van Waterwese, regulasies uitvaardig met betrekking tot—

- (a) die reëling, beheer, beperking, of verbied van die verskaffing vir menslike verbruik van weekdiere of vis afkomstig van weekdierkwekerye, visteelstasies of visboerdery;
- (b) die suiwerheid, chemiese samestelling en bron van, en die byvoeging van stowwe by, water wat gebruik word by die kweek of teel van weekdiere of vis wat bestem is vir menslike verbruik, en die ligging van weekdierkwekerye of visteelstasies of visboerdery;

Regulasies met betrekking tot weekdierboerdery, visboerdery en intensiewe diervoerstelsels.

- (c) the regulation, control, restriction or prohibition of the cultivation, breeding, storage or transport of molluscs or fish cultivated or bred for the purposes of human consumption; and
- (d) the regulation, control, restriction or prohibition of intensive animal-feeding systems, and to the registration of such systems, the requirements in regard to the manner of application for such registration, the submission of terrain, building and site plans for such systems, the materials which shall be used in the construction of such systems, the construction and ventilation of such systems, the provision of sewerage and drainage systems for and water and washing and sanitary conveniences for workers at such systems, the prevention of overcrowding of such systems, or any other matter deemed necessary, with which any such feeding system shall comply for the purposes of registration, and the circumstances under which any such registration may be cancelled or suspended.

Regulations relating to water intended for human use and food processing.

37. The Minister may, after consultation with the Minister of Water Affairs and, in the case of paragraph (m), also in consultation with the Minister of Finance, make, in respect of water intended for human use or food processing, regulations relating to—

- (a) the regulation, control, restriction or prohibition of the provision of such water originating from any source specified in such regulations or of the blending of such water originating from different sources specified in such regulations;
- (b) the protection of the catchment areas of rivers, water-courses, dams, lakes and other above-ground sources of such water, and of the feeding areas of underground sources of such water, against pollution constituting a danger to health, and the regulation, control, restriction or prohibition of the feeding of water from any other source to such above-ground sources or of the pumping or feeding of any water into such underground sources;
- (c) the approval, control, regulation, restriction or prohibition of the construction of water purifying works, the application of water purification or treatment processes and methods and of the addition of any substances to such water, and to the furnishing of information relating to such substances;
- (d) the number, duties and educational qualifications of persons who shall be employed at water purification works;
- (e) the registration of water purification works and of persons employed at such works;
- (f) the regulation, control, approval, restriction or prohibition of methods of disposal of sludge or other waste products of water purification or water treatment;
- (g) the requirements to which the materials used in the construction and equipment of reservoirs and water reticulation systems shall conform, the measures which shall be taken for the protection of the health of the users of such water when water reticulation is interrupted or when the water reticulation system is being repaired and the measures which shall be taken to prevent infiltration of impure water into water reticulation systems or cross couplings;
- (h) the requirements in regard to purity, chemical composition and quality with which such water shall comply and the regulation and control of the provision of such water;
- (i) the taking of water or sludge samples, the analysing of samples so taken and the fees payable in respect of such analysis;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (c) die reëling, beheer, beperking of verbied van die kweek, teel, opberging of vervoer van weekdiere of vis gekweek of geteel vir die doeleindes van menslike verbruik; en
- (d) die reëling, beheer, beperking of verbied van intensieve diervoerstelsels, en tot die registrasie van sodanige stelsels, die vereistes in verband met die wyse van aansoek om sodanige registrasie, die voorlegging van terrein-, bou- en liggingsplanne vir sodanige stelsels, die materiaal wat gebruik moet word by die konstruksie van sodanige stelsels, die konstruksie en belugting van sodanige stelsels, die voorsiening van riool- en dreineringstelsels vir, en water en was- en sanitêre geriewe vir werkers by, sodanige stelsels, die voorkoming van oorbewoning van sodanige stelsels, of enige ander aangeleentheid wat nodig geag word, waaraan so 'n voorstelsel moet voldoen vir die doeleindes van registrasie, en die omstandighede waarin enige sodanige registrasie ingetrek of opgeskort kan word.

37. Die Minister kan, na oorleg met die Minister van Waterwese en, in die geval van paragraaf (m), ook in oorleg met die Minister van Finansies, ten opsigte van water wat bestem is vir menslike gebruik of voedselverwerking, regulasies uitvaardig met betrekking tot water wat bestem is vir menslike gebruik en voedselverwerking.

- (a) die reëling, beheer, beperking of verbied van die voorsiening van sodanige water afkomstig van 'n bron wat in die regulasies vermeld word of van die vermenigvuldiging van sodanige water afkomstig van verskillende bronne wat in die regulasies vermeld word;
- (b) die beskerming van die opvanggebiede van riviere, waterlope, damme, mere en ander bogrondse bronne van sodanige water, en van die voedingsgebiede van ondergrondse bronne van sodanige water, teen besoedeling wat 'n gevaar vir die gesondheid inhoud, en die reëling, beheer, beperking of verbied van die toevoer van water vanaf enige ander bron na sodanige bogrondse bronne of van die inpomp in of toevoer na sodanige ondergrondse bronne van enige water;
- (c) die goedkeuring, beheer, reëling, beperking of verbied van die oprigting van watersuiweringswerke, die toepassing van prosesse en metodese vir die suiwering of behandeling van water en van die byvoeging van enige stowwe by sodanige water, en tot die verstrekking van inligting met betrekking tot sodanige stowwe;
- (d) die getal, pligte en opvoedkundige kwalifikasies van persone wat by watersuiweringswerke in diens geneem moet word;
- (e) die registrasie van watersuiweringswerke en van persone wat by sodanige werke in diens is;
- (f) die reëling, beheer, goedkeuring, beperking of verbied van metodese van beskikking oor slyk of ander afvalprodukte van watersuiwering of -behandeling;
- (g) die vereistes waaraan die materiaal moet voldoen wat gebruik word by die bou en toerusting van reservoires en waterverspreidingsnetwerke, die maatreëls wat getref moet word ter beskerming van die gesondheid van die gebruikers van sodanige water wanneer waterverspreiding onderbreek of die waterverspreidingsnetwerk herstel word en die maatreëls wat getref moet word om insypeling van onsuwer water in waterverspreidingsnetwerke of kruiskoppelings te voorkom;
- (h) die vereistes ten opsigte van suiwerheid, chemiese samestelling en gehalte waaraan sodanige water moet voldoen en die reëling en beheer van die voorsiening van sodanige water;
- (i) die neem van monsters van water of slyk, die ontleding van monsters wat aldus geneem is en die gelde betaalbaar ten opsigte van sodanige ontleding;

- (j) the reporting of the pollution or suspected pollution of such water;
- (k) the keeping of records in connection with water provision, water purification, the treatment and disposal of sludge and in connection with water pollution, the release of such records for inspection and the furnishing of information contained in such records;
- (l) the inspection and investigation of premises, systems or processes utilized in connection with the provision of such water, and the powers of, and reports to be submitted by, inspectors;
- (m) the refund to a local authority out of the State Revenue Fund of an amount in respect of any salary or allowances paid by such local authority to any person employed by it at works for the provision or purification of water or the treatment of sludge,

and, generally, relating to the measures which shall be taken with a view to preventing the pollution of water intended for human consumption for drinking or domestic purposes or for food processing, or to purifying such water which has been so polluted.

Regulations relating to rubbish, night-soil, sewage or other waste and reclaimed products.

38. (1) The Minister may, in consultation with the Minister of Water Affairs and, in the case of paragraph (l), also in consultation with the Minister of Finance, make regulations relating to the regulation, control, restriction or prohibition of, or providing for, any or all of the following matters, or any other matter deemed necessary, in respect of rubbish, night-soil, sewage or other waste originating from residential, industrial or commercial premises or any other premises, namely—

- (a) night-soil removal, rubbish removal, sewerage, sewage purification works, the treatment, purification or disposal of night-soil, rubbish, sewage or other solid or liquid waste, the systems, methods or processes applied in such treatment, purification or disposal, the reclaiming of any product from night-soil, rubbish, sewage or other solid or liquid waste and the utilization of such product;
- (b) the person who shall or may undertake any of the activities referred to in paragraph (a);
- (c) the siting of any works at which an activity referred to in paragraph (a) is performed and the use of any premises for purposes of or in connection with such works;
- (d) the number, duties, training, qualifications and compulsory periodical medical examination of persons which shall be employed at any works referred to in paragraph (c);
- (e) the registration of works referred to in paragraph (c) and of persons employed at such works;
- (f) the taking of samples of any waste or product referred to in paragraph (a) and the analysis of any sample so taken;
- (g) the requirements in respect of quality to which treated or purified waste, any product reclaimed from waste or the effluents, sludge or other by-products resulting from any process of treatment or purification of waste shall conform before its disposal or utilization;
- (h) the measures which shall be taken with a view to preventing the pollution of any water or of any soil surfaces with any waste referred to in paragraph (a) or the causing by means of such waste of any nuisance or any condition which may be dangerous or detrimental to health, and to removing such pollution or nuisance or remedying such condition where it already exists, and the reporting of such pollution, nuisance or condition;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (j) die aanmelding van die besoedeling of vermeende besoedeling van sodanige water;
- (k) die hou van aantekeninge in verband met watervoorsiening, watersuiwering, die verwerking van en besikking oor slyk en in verband met waterbesoedeling, die beskikbaarstelling van sodanige aantekeninge vir inspeksie en die verstrekking van inligting vervat in sodanige aantekeninge;
- (l) die inspeksie en ondersoek van persele, stelsels of prosesse wat aangewend word in verband met die voorsiening van sodanige water, en die bevoegdhede van, en verslae wat ingedien moet word deur, inspektors;
- (m) die terugbetaling aan 'n plaaslike bestuur uit die Staatsinkomstefonds van 'n bedrag ten opsigte van enige salaris of toelae wat deur so 'n plaaslike bestuur aan iemand betaal is wat hy in diens het by werke vir die voorsiening of suiwering van water of die verwerking van slyk,

en, oor die algemeen, met betrekking tot die maatreëls wat getref moet word ten einde die besoedeling te voorkom van water wat bestem is vir menslike verbruik vir drink- of huishoudelike doeleinades of vir voedselverwerking, of sodanige water wat aldus besoedel geraak het, te suiwer.

38. (1) Die Minister kan, in oorleg met die Minister van Waterwese en, in die geval van paragraaf (l), ook in oorleg met die Minister van Finansies, regulasies uitvaardig met betrekking tot die reëling, beheer, beperking of verbied van, of wat voorsiening maak vir, enige van of al die volgende aangeleenthede, of enige ander aangeleentheid wat nodig geag word, ten opsigte van vullis, nagvuil, rioolvuil of ander afval afkomstig van woon-, nywerheids- of handelpersele of enige ander perseel, naamlik—

Regulasies met betrekking tot vullis, nagvuil, rioolvuil of ander afval en herwonne produkte.

- (a) nagvuilverwydering, vullisverwydering, riolering, rioolvuil-suiweringswerke, die verwerking of suiwering van of besikking oor nagvuil, vullis, rioolvuil of ander vaste of vloeibare afval, die stelsels, metodes of prosesse wat toegepas word by sodanige verwerking, suiwering of besikking, die herwinning van enige produk uit nagvuil, vullis, rioolvuil of ander vaste of vloeibare afval en die aanwending van sodanige produk;
- (b) die persoon wat enige van die bedrywighede bedoel in paragraaf (a) moet of kan onderneem;
- (c) die plasing van werke waar 'n bedrywigheid bedoel in paragraaf (a) verrig word en die gebruik van enige perseel vir doeleinades van of in verband met sodanige werke;
- (d) die getal, pligte, opleiding, kwalifikasies en verpligte periodieke mediese ondersoek van persone wat in diens geneem moet word by werke bedoel in paragraaf (c);
- (e) die registrasie van werke bedoel in paragraaf (c) en van persone in diens by sodanige werke;
- (f) die neem van monsters van enige afval of produk bedoel in paragraaf (a) en die ontleding van 'n monster wat aldus geneem is;
- (g) die vereistes ten opsigte van gehalte waaraan verwerkte of gesuiwerde afval, enige produk herwin uit afval of die uitvloeiels, slyk of ander neweprodukte wat die resultaat is van enige proses van verwerking of suiwering van afval, moet voldoen voor die besikking daaroor of aanwending daarvan;
- (h) die maatreëls wat getref moet word ten einde die besoedeling van water of van grondoppervlaktes met enige afval bedoel in paragraaf (a) of die veroorsaking deur middel van sodanige afval van 'n oorlas of 'n toestand wat vir die gesondheid gevaaerlik of nadelig kan wees, te voorkom, en ten einde sodanige besoedeling of oorlas te verwyder of toestand reg te stel waar dit reeds aanwesig is, en die aanmelding van sodanige besoedeling, oorlas of toestand;

Act No. 63, 1977**HEALTH ACT, 1977.**

- (i) the keeping of records in connection with any of the activities referred to in paragraph (a), the release of such records for inspection and the furnishing of information contained in such records;
- (j) the inspection of the activities referred to in paragraph (a) and of any waste or product referred to in that paragraph before or after its treatment, purification, utilization or disposal, the keeping of records in connection with such inspections and the powers of, and reports to be submitted by, inspectors;
- (k) the measures which shall be taken with a view to removing a nuisance caused by any of the activities referred to in paragraph (a); and
- (l) the refund to a local authority out of the State Revenue Fund of an amount in respect of any salary or allowances paid by such local authority to any person employed by it for the purposes of the performance of any of the activities referred to in paragraph (a).

(2) Regulations made under subsection (1) shall not apply in respect of—

- (a) the disposal of sludge, waste or tailings;
- (b) the utilization of land for the purposes of such disposal; or
- (c) the conferring of surface rights to land for the purposes of such disposal or the withdrawal of such rights,

in terms of the provisions of the Mines and Works Act, 1956 (Act No. 27 of 1956), the Precious Stones Act, 1964 (Act No. 73 of 1964), or the Mining Rights Act, 1967 (Act No. 20 of 1967).

Regulations relating to nuisances.

39. (1) The Minister may make regulations regulating, controlling, restricting or prohibiting any activity, condition or thing which constitutes a nuisance in terms of this Act.

(2) The Minister may by notice in the *Gazette* declare any activity, condition or thing specified in such notice to be a nuisance for the purposes of this Act.

Formalities in connection with, and content and application of, regulations.

40. (1) Without derogating from the generality of the provisions of sections 32, 33, 34, 35, 36, 37, 38 or 39, regulations made under any of those sections may—

- (a) be expressed as applying—
 - (i) throughout the Republic or within any specified or defined part thereof;
 - (ii) to any specified person, body or organization, or to any specified class or category of person, body or organization;
 - (iii) to any specified disease or medical condition or to any specified class or category of disease or medical condition;
 - (iv) to any animal, insect, invertebrate or thing or to any specified class or category of animal, insect, invertebrate or thing;
- (b) confer powers, duties, responsibilities or obligations on any person, body, or organization or on any specified class or category of person, body or organization;
- (c) prohibit or restrict or require the performance of any specified act or the carrying on of any specified activity by any specified person, body or organization or by any specified class or category of person, body or organization;
- (d) relate to the form in which any information required to be furnished or kept under the regulations shall be recorded;
- (e) provide for exemptions therefrom.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977.

- (i) die hou van aantekeninge in verband met enige van die werkzaamhede bedoel in paragraaf (a), die beskikbaar stelling van sodanige aantekeninge vir inspeksie en die verstrekking van inligting vervat in sodanige aantekeninge;
 - (j) die inspeksie van die bedrywigheid bedoel in paragraaf (a) en van enige afval of produk bedoel in daardie paragraaf voor of na die verwerking, suiwing of aanwending daarvan of beskikking daaroor, die hou van aantekeninge in verband met sodanige inspeksies en die bevoegdhede van, en verslae wat ingedien moet word deur, inspekteurs;
 - (k) die maatreëls wat getref moet word ten einde 'n oorlas veroorsaak deur enige van die bedrywigheid bedoel in paragraaf (a), te verwijder; en
 - (l) die terugbetaling aan 'n plaaslike bestuur uit die Staatsinkomstefonds van 'n bedrag ten opsigte van enige salaris of toelae wat deur so 'n plaaslike bestuur aan iemand betaal is wat hy in diens het vir die doeleindeste van die verrigting van enige van die bedrywigheid bedoel in paragraaf (a).
- (2) Regulasies uitgevaardig kragtens subartikel (1) is nie van toepassing nie ten opsigte van—
- (a) die beskikking oor slyk, afval en uitskot;
 - (b) die benutting van grond vir die doeleindeste van sodanige beskikking; of
 - (c) die verlening van oppervlakteregte op grond vir die doeleindeste van sodanige beskikking of die intrekking van sodanige regte,

ingevolge die bepalings van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), die Wet op Edelgestentes, 1964 (Wet No. 73 van 1964), of die Wet op Mynregte, 1967 (Wet No. 20 van 1967).

39. (1) Die Minister kan regulasies uitvaardig wat 'n bedrywigheid, toestand of saak wat 'n oorlas uitmaak ingevolge hierdie Wet, reël, beheer, beperk of verbied.

Regulasies met betrekking tot oorlaste.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* enige bedrywigheid, toestand of saak in die kennisgewing vermeld tot 'n oorlas verklaar vir die doeleindeste van hierdie Wet.

40. (1) Sonder om afbreuk te doen aan die algemeenheid van die bepalings van artikels 32, 33, 34, 35, 36, 37, 38 of 39, kan regulasies uitgevaardig kragtens enige van daardie artikels—

Formaliteit in verband met, en inhoud en toepassing van regulasies.

- (a) van toepassing verklaar word—
 - (i) oor die hele Republiek of binne 'n vermelde of omskreve deel daarvan;
 - (ii) op 'n bepaalde persoon, liggaam of organisasie, of op 'n vermelde klas of kategorie persoon, liggaam of organisasie;
 - (iii) op 'n vermelde siekte of mediese toestand of op 'n vermelde klas of kategorie siekte of mediese toestand;
 - (iv) op enige dier, insek, ongewerwelde dier of ding of op 'n vermelde klas of kategorie dier, insek, ongewerwelde dier of ding;
- (b) bevoegdhede verleen of pligte, verantwoordelikhede of verpligte plaas op enige persoon, liggaam of organisasie of op enige vermelde klas of kategorie persoon, liggaam of organisasie;
- (c) die verrigting van 'n vermelde handeling of die voortsetting van 'n vermelde bedrywigheid deur 'n vermelde persoon, liggaam of organisasie of deur 'n vermelde klas of kategorie persoon, liggaam of organisasie verbied of beperk of vereis;
- (d) betrekking hê op die vorm waarin inligting wat ingevolge die regulasies verstrek of gehou moet word, aangeteken moet word;
- (e) voorsiening maak vir vrystellings daarvan.

Act No. 63, 1977**HEALTH ACT, 1977.**

(2) The Minister shall, not less than three months before any regulation is made under any of the sections referred to in subsection (1), cause the text of such regulation to be published in the *Gazette* together with a notice declaring his intention to make that regulation and inviting interested persons to furnish him with any comments thereon or any representations they may wish to make in regard thereto.

(3) The provisions of subsection (2) shall not apply in respect of—

- (a) any regulation made by the Minister which, after the provisions of that subsection have been complied with, has been amended by the Minister in consequence of comments or representations received by him in pursuance of a notice issued thereunder; or
- (b) any regulation in respect of which the Minister is of the opinion that the public interest requires it to be made without delay.

(4) No regulation made under paragraph (e) of section 33 which is in conflict with any provision of the International Health Regulations Act, 1974 (Act No. 28 of 1974), shall be of force in so far as it is so in conflict.

Regulations relating to co-operation between and refunds to local authorities.

41. The Minister may make regulations—

- (a) prescribing the procedure to be followed by two or more local authorities when they are co-operating in the exercise of any of their powers or the performance of any of their duties in terms of this Act, or by any local authority in exercising the powers or performing the duties of any other local authority where such powers or duties have been transferred to such first-mentioned local authority in terms of the provisions of this Act; and
- (b) relating to the circumstances in which refunds may be made to local authorities in terms of the provisions of section 26 in respect of expenditure incurred by such local authorities in rendering health services referred to in section 20 (1) (d).

Regulations relating to certain therapeutic or diagnostic substances, and to instruments and apparatus.

42. The Minister may make regulations—

- (a) which are not in conflict with the provisions of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), or any regulations made thereunder, relating to vaccines, sera, toxins, antitoxins, other antigens, and any other therapeutic or diagnostic substances specified or defined in such regulations, the purity or potency of which cannot be adequately tested by chemical means, imported into or manufactured, sold or supplied within the Republic and used or intended to be used for the treatment, prevention or diagnosis of disease in man, whether manufactured, imported or sold under their accepted scientific names or as proprietary medicines or as a component of such medicines—
 - (i) providing for the licensing of persons or establishments for the manufacture of any such substance intended for importation into or for sale, supply or use within the Republic, the conditions under which such licences may be granted and prohibiting the importation into or the keeping, sale, supply or use within the Republic of any such substance manufactured by any person or in any establishment not so licensed;
 - (ii) prescribing standards of composition, purity, safety, sterility, efficacy or activity of such substances;
 - (iii) prescribing the methods of marking or labelling the containers and the particulars to be stated thereon;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

(2) Die Minister moet minstens drie maande voordat 'n regulasie uitgevaardig word kragtens enige van die artikels bedoel in subartikel (1), die inhoud van so 'n regulasie in die *Staatskoerant* afkondig, tesame met 'n kennisgewing wat sy voorname te kenne gee om daardie regulasie uit te vaardig en wat belanghebbende persone versoek om hom te voorsien van kommentaar daarop of vertoë wat hulle met betrekking daartoe wil rig.

(3) Die bepalings van subartikel (2) is nie van toepassing nie ten opsigte van—

- (a) 'n regulasie deur die Minister uitgevaardig wat, nadat die bepalings van daardie subartikel nagekom is, deur die Minister gewysig is ten gevolge van kommentaar of vertoë deur hom ontvang na aanleiding van 'n kennisgewing wat daarkragtens uitgereik is; of
- (b) 'n regulasie ten opsigte waarvan die Minister van oordeel is dat die openbare belang vereis dat dit sonder versuim uitgevaardig word.

(4) Geen regulasie wat kragtens paragraaf (e) van artikel 33 uitgevaardig is en met enige bepaling van die Wet op die Internasionale Gesondheidsregulasies, 1974 (Wet No. 28 van 1974), in stryd is, is van krag nie vir sover dit aldus in stryd is.

41. Die Minister kan regulasies uitvaardig—

- (a) wat die prosedure voorskryf wat gevolg moet word deur twee of meer plaaslike besture wanneer hulle saamwerk by die uitoefening van enige van hul bevoegdhede of die verrigting van enige van hul pligte ingevolge hierdie Wet, of deur 'n plaaslike bestuur by die uitoefening van die bevoegdhede van verrigting van die pligte van 'n ander plaaslike bestuur waar sodanige bevoegdhede of pligte aan so 'n eersbedoelde plaaslike bestuur oorgedra is ingevolge die bepalings van hierdie Wet; en
- (b) met betrekking tot die omstandighede waarin terugbetaalings ingevolge die bepalings van artikel 26 aan plaaslike besture gemaak kan word ten opsigte van uitgawes deur sodanige plaaslike besture aangegaan by die lewering van gesondheidsdienste bedoel in artikel 20 (1) (d).

Regulasies met betrekking tot samewerking tussen en terugbetaalings aan plaaslike besture.

42. Die Minister kan regulasies uitvaardig—

- (a) wat nie in stryd is nie met die bepalings van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), of enige regulasies daarkragtens uitgevaardig, met betrekking tot entstof, sera, toksines, teengifte, ander antigens, en enige ander terapeutiese of diagnostiese stowwe in die regulasies vermeld of omskrywe, waarvan die suiwerheid of sterkte nie behoorlik deur chemiese metodes getoets kan word nie, in die Republiek ingevoer, vervaardig, verkoop of gelewer en wat gebruik word of bestem is om gebruik te word vir die behandeling, voorkoming of diagnose van mensesiektes, hetsy vervaardig, ingevoer of verkoop onder die erkende wetenskaplike benaming daarvan of as patente medisyne of as 'n bestanddeel van sodanige medisyne—
 - (i) wat voorsiening maak vir verlening van lisensies aan persone of inrigtings vir die vervaardiging van so 'n stof wat bestem is om in die Republiek ingevoer, verkoop, gelewer of gebruik te word, die voorwaardes waaronder sodanige lisensies verleen mag word en waarin die invoer, aanhou, verkoop, lewering of gebruik in die Republiek van so 'n stof, vervaardig deur iemand of in 'n inrigting wat nie aldus gelisensieer is nie, belet word;
 - (ii) wat standarde vasstel vir die samestelling, suiwerheid, veiligheid, steriliteit, doeltreffendheid of aktiwiteit van sodanige stowwe;
 - (iii) wat voorskryf hoe die houers gemerk of van etikette voorsien moet word en watter besonderhede daarop moet voorkom;

Regulasies met betrekking tot sekere terapeutiese of diagnostiese stowwe, en tot instrumente en toestelle.

Act No. 63, 1977**HEALTH ACT, 1977.**

- (iv) prescribing units of standardization and providing for inspection, sampling, examination or testing, and prescribing the fees payable and the certificates issuable in respect of such inspection, sampling, examination or testing;
- (v) prescribing the certificate of examination or testing which may be accepted in lieu of examination or testing under the regulations;
- (vi) as to storage and sale, and prohibiting importation or sale except by medical practitioners, dentists, pharmacists, veterinary surgeons, or specially authorized persons;
- (vii) prescribing the period after manufacture and testing within which any such substance may be imported into or sold or used for medicinal purposes within the Republic and prohibiting the importation, sale or use for medicinal purposes and providing for the seizure and destruction of any such substance after the expiry of that period;
- (viii) prohibiting the importation into, or the manufacture, sale or use within, the Republic, and providing for the seizure and destruction or requiring the re-export from the Republic of, any such substance which is not in accordance with the standard prescribed or in respect of which any requirement of the regulations has not been complied with;
- (b) relating to instruments, equipment or apparatus used or intended to be used in connection with the diagnosis, treatment, prevention or relief of physical defects or disease in man—
 - (i) prescribing standards of accuracy or efficacy or other properties in respect of such instruments, equipment or apparatus;
 - (ii) providing for inspection, sampling, examination or testing;
 - (iii) prescribing the fees payable, the certificates issuable and the methods of marking or labelling in respect of such examination or testing;
 - (iv) prescribing the certificates of testing and accuracy which may be accepted in lieu of examination or testing under the regulations;
 - (v) prohibiting the importation into, or the manufacture, sale or use within, the Republic, and providing for the seizure and destruction or requiring re-export from the Republic of, any such instrument, equipment or apparatus—
 - (aa) which is not in accordance with the standard prescribed;
 - (bb) in respect of which any requirement of the regulations has not been complied with; or
 - (cc) of which the importation into, or the manufacture, sale or use within the Republic is, in the opinion of the Minister, not in the public interest, having regard only to the safety, accuracy, efficacy, quality or any other property thereof in relation to the diagnosis, treatment, prevention or relief of physical defects or disease in man;
- (c) prescribing the manner of marking or labelling of any substance or of the container of any substance the name of which is mentioned in the latest British Pharmacopoeia, which is not of a standard laid down by that Pharmacopoeia for that substance.

Regulations
relating to human
blood and blood
products.

43. (1) The Minister may make regulations—

- (a) as to the licensing of persons or organizations which undertake the withdrawal of blood from human beings or the storage, testing, processing or supply of such

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (iv) wat standaardiseringseenhede voorskryf en voor-siening maak vir inspeksie, neem van monsters, ondersoek of toetsing, en wat die gelde wat betaalbaar is en die sertifikate wat uitgereik moet word ten opsigte van sodanige inspeksie, monster-neming, ondersoek of toetsing, voorskryf;
- (v) wat die sertifikate van ondersoek of toetsing voorskryf wat erken kan word in plaas van ondersoek of toetsing kragtens die regulasies;
- (vi) betreffende bering en verkoop, en wat invoer of verkoop behalwe deur geneeshere, tandartse, aptekers, veeartse of spesiaal gemagtigde persone, belet;
- (vii) wat die tydperk na vervaardiging en toetsing voorskryf waarbinne so 'n stof as geneesmiddel in die Republiek ingevoer of verkoop of gebruik mag word en wat die invoer, verkoop of gebruik as geneesmiddel verbied, en voorsiening maak vir die beslaglegging op en vernietiging van so 'n stof, na die verstryking van daardie tydperk;
- (viii) wat die invoer, vervaardiging, verkoop of gebruik in die Republiek verbied, en wat voorsiening maak vir die beslaglegging op en vernietiging van, of die heruitvoer uit die Republiek vereis van, so 'n stof wat nie aan die voorgeskrewe standaard voldoen nie of ten opsigte waarvan 'n voorskrif van die regulasies nie nagekom is nie;
- (b) met betrekking tot instrumente, toerusting of toestelle wat gebruik word of bestem is vir gebruik in verband met die diagnose, behandeling, voorkoming of leniging van fisiese gebreke of siekte by die mens—
 - (i) wat standaarde van juistheid of doeltreffendheid of ander eienskappe ten opsigte van sodanige instru-mente, toerusting of toestelle voorskryf;
 - (ii) wat voorsiening maak vir inspeksie, die neem van monsters, ondersoek of toetsing;
 - (iii) wat die gelde wat betaalbaar is, die sertifikate wat uitgereik moet word en die metodes van merk of etikettering ten opsigte van sodanige ondersoek of toetsing, voorskryf;
 - (iv) wat die sertifikate van toetsing en juistheid voorskryf wat erken kan word in plaas van ondersoek of toetsing kragtens die regulasies;
 - (v) wat die invoer, vervaardiging, verkoop of gebruik in die Republiek verbied, en wat voorsiening maak vir die beslaglegging op en vernietiging van, of die heruitvoer uit die Republiek vereis van, sodanige instrument, toerusting of toestel—
 - (aa) wat nie voldoen aan die voorgeskrewe stan-daard nie;
 - (bb) ten opsigte waarvan daar nie aan 'n voorskrif van die regulasies voldoen is nie; of
 - (cc) waarvan die invoer, vervaardiging, verkoop of gebruik in die Republiek na die oordeel van die Minister nie in die openbare belang is nie met inagneming slegs van die veiligheid, juistheid, doeltreffendheid, gehalte of enige ander eienskap daarvan met betrekking tot die diagnose, behandeling, voorkoming of leniging van fisiese gebreke of siekte by die mens;
- (c) wat die wyse voorskryf waarop 'n stof of die houer van 'n stof waarvan die benaming in die jongste Britse Pharmacopoeia vermeld word, wat nie voldoen aan die maatstaf in daardie Pharmacopoeia vir daardie stof bepaal, gemerk of van 'n etiket voorsien moet wees.

43. (1) Die Minister kan regulasies uitvaardig—

- (a) betreffende die lisensiëring van persone of organisasies wat die onttrekking van bloed van mense of die opberging, toetsing, verwerking of verskaffing van

Regulasies met
betrekking tot
mensebloed en
bloedprodukte.

- blood for use either as whole blood or in the form of specified preparations separated therefrom, for therapeutic or prophylactic purposes in human beings;
- (b) prohibiting the undertaking by unlicensed persons or organizations of any of the acts which licensed persons or organizations are in terms of any such regulations permitted to undertake;
- (c) prescribing the conditions under which licensed persons or organizations may withdraw blood from human beings or store, test, process or supply such blood or preparations as aforesaid for the aforesaid purposes and the records which shall be kept by such persons or organizations in relation thereto;
- (d) providing for the inspection by any person authorized thereto by the Secretary, of the staff employed and the premises, equipment and methods used and the records kept by licensed persons or organizations;
- (e) prescribing requirements as to—
 (i) the taking by any person authorized thereto by the Secretary, or the submission by any licensed person or organization, on the request of the licensing authority, of samples of human blood or preparations separated therefrom or of any testing reagent or other material used in the preparation of such human blood or preparation prepared by such person or organization or by any other licensed person or organization;
 (ii) the submission to the licensing authority, upon request by it, of the records kept in respect of any test which licensed persons or organizations are, in terms of regulations made under this section, required to carry out in connection with the preparation of human blood or preparations separated therefrom or testing reagents or other material as aforesaid;
 (iii) the submission to the licensing authority of particulars furnished to licensed persons or organizations in terms of regulations made under this Act;
- (f) requiring a medical practitioner or dentist who infuses human blood or preparations separated therefrom into a patient, to report forthwith to the licensed person or organization which supplied such blood or preparation, or to any other person, any abnormal reaction or death which occurred in the patient as an apparent result of such infusion;
- (g) prescribing the circumstances under which and the conditions subject to which a medical practitioner or dentist may infuse into a patient human blood or preparations separated therefrom and the particulars relating to any infusion which he shall furnish to the licensed person or organization which supplied such blood or preparation or to any other person; and
- (h) providing for the withdrawal or suspension of a licence issued to any person or organization which contravenes or fails to comply with the provisions of any regulation made under this section.

(2) For the purposes of subsection (1) the expression "licensed person or organization" means a person or an organization which is in possession of a licence issued in terms of regulations made under the said subsection, and the words "licence", "licensing" and "unlicensed" have corresponding meanings.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- sodanige bloed vir gebruik of as volbloed of in die vorm van vermelde preparate wat daarvan afgeskei is, vir terapeutiese of profilaktiese doeleinades by mense, onderneem;
- (b) wat ongelisensieerde persone of organisasies verbied om handelinge te onderneem wat gelisensieerde persone of organisasies ingevolge sodanige regulasies geoorloof is om te onderneem;
 - (c) wat die voorwaardes voorskryf waarop gelisensieerde persone of organisasies bloed van mense kan ontrek of sodanige bloed of preparate soos voormeld vir voor-melde doeleinades kan opberg, toets, verwerk of verskaf, asook die aantekeninge wat in verband daarmee deur sodanige persone of organisasies gehou moet word;
 - (d) wat voorsiening maak vir die inspeksie deur iemand wat deur die Sekretaris daartoe gemagtig is, van die personeel in diens van, en die persele, toerusting en metodes gebruik en die aantekeninge gehou deur, gelisensieerde persone of organisasies;
 - (e) wat vereistes voorskryf betreffende—
 - (i) die neem deur 'n deur die Sekretaris daartoe gemagtigde persoon, of die voorlegging deur enige gelisensieerde persoon of organisasie, op versoek van die owerheid deur wie lisensies uitgereik word, van monsters van bloed van mense of daarvan afgeskeide preparate of van enige toetsreageermid-del of ander materiaal gebruik by die bereiding van sodanige bloed van mense of preparaat wat deur so 'n persoon of organisasie of deur 'n ander gelisen-sieerde persoon of organisasie berei is;
 - (ii) die voorlegging aan die owerheid deur wie lisensies uitgereik word, op sy versoek, van die aante-keninge gehou ten opsigte van enige toets wat gelisensieerde persone of organisasies ingevolge regulasies kragtens hierdie artikel uitgevaardig, verplig is om uit te voer in verband met die bereiding van bloed van mense of daarvan afge-skeide preparate of toetsreageermiddels of ander materiaal soos voormeld;
 - (iii) die verstrekking aan die owerheid deur wie lisensi-es uitgereik word, van besonderhede wat aan gelisensieerde persone of organisasies verskaf is ingevolge regulasies kragtens hierdie Wet uitge-vaardig;
 - (f) waarby 'n geneesheer of tandarts wat bloed van 'n mens of daarvan afgeskeide preparate aan 'n pasiënt toedien, verplig word om onverwyld enige abnormale reaksie of die dood van die pasiënt, as oënskynlike gevolg van so 'n toediening, by die gelisensieerde persoon of organisasie wat daardie bloed of preparaat verskaf het, of by 'n ander persoon, aan te meld;
 - (g) wat voorskryf die omstandighede waaronder en die voorwaardes onderworpe waaraan 'n geneesheer of tandarts bloed van 'n mens of daarvan afgeskeide preparate aan 'n pasiënt kan toedien en die besonder-hede met betrekking tot 'n toediening wat hy moet verstrek aan die gelisensieerde persoon of organisasie wat die bloed of preparaat verskaf het of aan 'n ander persoon; en
 - (h) waarby voorsiening gemaak word vir die intrekking of opskorting van 'n lisensie uitgereik aan 'n persoon of organisasie wat 'n kragtens hierdie artikel uitgevaardigde regulasie oortree of versuim om daaraan te voldoen.
- (2) By die toepassing van subartikel (1) beteken die uitdrukking „gelisensieerde persoon of organisasie“ 'n persoon of organisasie wat in besit is van 'n lisensie uitgereik ingevolge regulasies wat kragtens daardie subartikel uitgevaardig is, en het die woorde „lisensie“ en „ongelisensieerde“ ooreenstemmende betekenis.

Act No. 63, 1977**HEALTH ACT, 1977.**

Regulations relating to private hospitals, nursing homes, maternity homes and places where surgical or other medical activities are performed.

44. (1) The Minister may, after consultation with each Administrator, make regulations—

- (a) in respect of private hospitals, nursing homes, maternity homes or other similar institutions where nursing is carried on for the benefit of patients accommodated therein and where fees are charged by the owner or lessee of any such hospital, home or institution in respect of nursing services rendered to such patients or where contributions are made by such patients towards the cost of such services—
 - (i) regulating, restricting or prohibiting the establishment or running of such hospitals, homes or institutions;
 - (ii) prescribing minimum standards with which such hospitals, homes or institutions shall comply;
 - (iii) relating to the registration and inspection of such hospitals, homes or institutions;
 - (iv) relating to patients who may be accommodated therein;
 - (v) relating to the registration of persons in charge of such hospitals, homes or institutions, and the furnishing of returns or particulars of patients admitted thereto and persons employed therein;
 - (vi) providing for the refusal to register, or the removal from the appropriate register of, any such hospital, home or institution which the Minister or any specified person or class of person may consider unsatisfactory on specified grounds;
- (b) in respect of any place, excluding a hospital, or a private hospital, nursing home, maternity home or other institution referred to in paragraph (a), where surgical or other medical activities are performed in respect of which special equipment or facilities are necessary—
 - (i) prescribing the surgical or other medical activities which may be performed at such place;
 - (ii) prescribing the standards in respect of space which shall be complied with, the equipment and other facilities which shall be provided at such a place, the records of such activities to be kept and the qualifications and number of nurses to be employed in connection therewith;
 - (iii) providing for the registration of such places and the inspection of such places, equipment and facilities;
 - (iv) prescribing the fees to be paid, the registers to be kept, the certificates to be issued and any other requirements to be complied with in connection with the registration of such places; and
 - (v) providing for the refusal to register, or the removal from the appropriate register of, any such place which the Minister or any specified person or class of person may consider unsatisfactory on specified grounds.

(2) Regulations made under paragraph (b) (ii) of subsection (1) may prescribe different standards in respect of different categories of places specified therein.

CHAPTER VI**GENERAL**

Notifiable medical conditions.

45. The Minister, may, after consultation with the Minister of Labour and the Minister of Mines, by notice in the *Gazette*—

- (a) declare that any medical condition specified in the notice shall be a notifiable medical condition under this Act;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

44. (1) Die Minister kan, na oorleg met elke Administrateur, regulasies uitvaardig—

- (a) ten opsigte van private hospitale, verpleeginrigtings, kraaminrigtings of ander soortgelyke inrigtings waar verpleging beoefen word ten bate van pasiënte wat daarin gehuisves word en waar gelde deur die eienaar of huurder van sodanige hospitaal of inrigting gehef word ten opsigte van verplegingsdienste wat aan sodanige pasiënte gelewer word of waar sodanige pasiënte bydra tot die koste van sodanige dienste—
 - (i) wat die oprigting of bedryf van sodanige hospitale of inrigtings reël, beperk of verbied;
 - (ii) wat die minimum standaarde voorskryf waaraan sodanige hospitale of inrigtings moet voldoen;
 - (iii) met betrekking tot die registrasie en inspeksie van sodanige hospitale of inrigtings;
 - (iv) met betrekking tot pasiënte wat daarin gehuisves mag word;
 - (v) met betrekking tot die registrasie van persone in beheer van sodanige hospitale of inrigtings, en die verstrekking van opgawes of besonderhede van pasiënte wat daartoe toegelaat en persone wat daarin in diens is;
 - (vi) wat voorsiening maak vir die weiering van registrasie, of die skrapping uit die toepaslike register, van enige sodanige hospitaal of inrigting wat die Minister of enige vermelde persoon of klas van persoon op vermelde gronde onbevredigend ag;
- (b) ten opsigte van enige plek, uitgesonderd 'n hospitaal of 'n in paragraaf (a) bedoelde private hospitaal, verpleeginrigting, kraaminrigting of ander inrigting, waar chirurgiese of ander geneeskundige bedrywighede verrig word ten opsigte waarvan spesiale toerusting of fasilitete nodig is—
 - (i) wat die chirurgiese of ander geneeskundige bedrywighede voorskryf wat by so 'n plek verrig mag word;
 - (ii) wat die standaarde ten opsigte van ruimte waaraan voldoen moet word, die toerusting en ander fasilitete wat by so 'n plek verskaf moet word, die aantekeninge wat van sodanige bedrywighede gehou moet word en die kwalifikasies en getal van verpleegsters wat in verband daarmee in diens geneem moet word, voorskryf;
 - (iii) wat voorsiening maak vir die registrasie van sodanige plekke en die inspeksie van sodanige plekke, toerusting en fasilitete;
 - (iv) wat die gelde betaalbaar, die registers wat gehou moet word, die sertifikate wat uitgereik moet word en enige ander vereistes waaraan voldoen moet word in verband met die registrasie van sodanige plekke, voorskryf; en
 - (v) wat voorsiening maak vir die weiering van registrasie, of die skrapping uit die toepaslike register, van enige sodanige plek wat die Minister of enige vermelde persoon of klas van persoon op vermelde gronde onbevredigend ag.

(2) Regulasies kragtens paragraaf (b) (ii) van subartikel (1) uitgevaardig kan verskillende standaarde ten opsigte van verskillende kategorieë plekke daarin vermeld, voorskryf.

HOOFTUK VI

ALGEMEEN

45. Die Minister kan, na oorleg met die Minister van Arbeid en die Minister van Mynwese, by kennisgewing in die Staatskoerant—

- (a) verklaar dat 'n mediese toestand wat in die kennisgewing vermeld word, 'n aanmeldbare mediese toestand ingevolge hierdie Wet is;

Regulasies met betrekking tot private hospitale, verpleeginrigtings, kraaminrigtings en plekke waar chirurgiese of ander geneeskundige bedrywighede verrig word.

Act No. 63, 1977**HEALTH ACT, 1977.**

- (b) declare that only such provisions of this Act as are specified in the notice shall apply with reference to any notifiable medical condition;
- (c) restrict the application of the provisions of this Act relating to the notification of any medical condition, to the district of any local authority or to any other area defined in the notice;
- (d) declare, on the application of a local authority, that any medical condition, other than a medical condition declared a notifiable medical condition under paragraph (a), shall be a notifiable medical condition within the district of that local authority for a period specified in the notice or until the notice is withdrawn.

Post-mortem examination of body of person suspected of having died of communicable disease or other medical condition.

46. Whenever any person is suspected of having died of a communicable disease or other medical condition and further information pertaining to the facts of such disease or condition is required in order to determine what steps, if any, may be necessary with a view to preventing the spread of such disease or the recurrence of such condition, and such information cannot be obtained except by means of a post-mortem examination of the body of the deceased person, the Secretary or a magistrate for the district in which such body is, may order that a post-mortem examination of such body be made by a medical practitioner and that such body, if buried, shall be disinterred for the purposes of such examination.

Notification to local authority of death from notifiable medical condition.

47. (1) (a) When a notifiable medical condition is prevalent within the district of a local authority, any person who has reason to believe that any other person has died within such district, shall as soon as possible report accordingly to the local authority concerned, unless he has reason to believe that such a report has been or will be made by any other person or that the deceased was attended to by a medical practitioner during the illness immediately preceding his death.

(b) In every case of death from a notifiable medical condition, the medical practitioner who attended to the deceased immediately prior to his death, shall immediately notify the local authority concerned of the death and the cause thereof, and shall make the best arrangements practicable, pending the removal of the body, to prevent the spread of that condition.

(2) Any person who keeps any dead body in any room in which any person lives, sleeps or works, or in which food is kept, prepared or eaten, or who keeps, except with the written authorization of the local authority concerned, the body of any person who is known to such first-mentioned person to have died of a communicable disease, for more than twenty-four hours in any place other than a mortuary or other place set apart for the keeping of dead bodies, shall be guilty of an offence.

(3) Where any person dies of a notifiable medical condition in any hospital or place of isolation, any person who removes the body of the deceased from such hospital or place except for the purpose of immediate burial or cremation, shall be guilty of an offence and any person who so removes such body for the purpose of burial or cremation, shall take it direct to the place where it is to be buried or cremated unless the Secretary or the medical officer of health concerned has approved of any other action.

(4) Nothing in this section contained shall prohibit the removal by any competent authority of any dead body from a hospital or a place of isolation to a mortuary.

Removal and burial of dead body.

48. (1) When—

(a) the body of any person who has died of, or is suspected to have died of, a communicable disease is kept in a room in which any person lives, sleeps or works, or in which food is kept, prepared or eaten;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (b) verklaar dat slegs daardie bepalings van hierdie Wet wat in die kennisgewing vermeld word, met betrekking tot enige aanmeldbare mediese toestand van toepassing is;
- (c) die bepalings van hierdie Wet met betrekking tot die aanmelding van 'n mediese toestand, beperk tot die distrik van 'n plaaslike bestuur of tot 'n ander in die kennisgewing omskreve gebied;
- (d) op aansoek van 'n plaaslike bestuur, verklaar dat 'n mediese toestand, uitgesonderd 'n mediese toestand wat kragtens paragraaf (a) 'n aanmeldbare mediese toestand verklaar is, 'n aanmeldbare mediese toestand is binne die distrik van daardie plaaslike bestuur vir 'n tydperk wat in die kennisgewing vermeld word of totdat die kennisgewing ingetrek word.

46. Wanneer vermoed word dat iemand gesterf het aan 'n oordraagbare siekte of ander mediese toestand en nadere inligting betreffende die feite van so 'n siekte of toestand nodig is ten einde te kan bepaal watter maatreëls, indien enige, nodig is om te voorkom dat bedoelde siekte versprei of dat bedoelde toestand weer voorkom, en sodanige inligting nie verkry kan word nie behalwe by wyse van 'n nadoodse ondersoek van die liggaam van die oorlede persoon, kan die Sekretaris of 'n landros vir die distrik waarin daardie liggaam is, gelas dat 'n nadoodse ondersoek van daardie liggaam deur 'n geneesheer gedoen word en dat die liggaam, indien begrawe, vir die doeleinnes van so 'n ondersoek opgegrawe word.

Nadoodse ondersoek van liggaam van persoon wat na vermoede gesterf het aan oordraagbare siekte of ander mediese toestand.

- 47.** (1) (a) Wanneer 'n aanmeldbare mediese toestand binne die distrik van 'n plaaslike bestuur heers, moet enigiemand wat rede het om te vermoed dat iemand anders binne daardie distrik gesterf het, so spoedig doenlik dienoor-eenkomstig verslag doen by die betrokke plaaslike bestuur, tensy hy rede het om te vermoed dat iemand anders aldus verslag gedoen het of gaan doen of dat die oorledene deur 'n geneesheer behandel is gedurende die siekte wat sy dood onmiddellik voorafgegaan het.
- (b) In iedere geval van dood weens 'n aanmeldbare mediese toestand moet die geneesheer wat die oorledene onmiddellik voor sy dood behandel het, die betrokke plaaslike bestuur onverwyld van die sterfgeval en die oorsaak daarvan in kennis stel, en moet hy die mees praktiese reëlings tref, hangende die verwydering van die liggaam, om die verspreiding van daardie toestand te voorkom.
- (2) Iemand wat 'n lyk hou in 'n vertrek waarin iemand woon, slaap of werk of waarin voedsel gehou, voorberei of geëet word, of wat, behalwe met die skriftelike magtiging van die betrokke plaaslike bestuur, die liggaam van 'n persoon wat na die kennis van eersgenoemde persoon aan 'n oordraagbare siekte gesterf het, vir langer as vier-en-twintig uur hou in 'n ander plek as 'n dodehuis of ander plek wat vir die bewaring van lyke afgesondert is, is skuldig aan 'n misdryf.

Aanmelding by plaaslike bestuur van sterfgeval weens oordraagbare siekte.

(3) Waar iemand in 'n hospitaal of plek van afsondering sterf aan 'n aanmeldbare mediese toestand, is iemand wat die liggaam van die oorledene uit so 'n hospitaal of plek verwyder behalwe vir die doel van onmiddellike begrawing of verassing, skuldig aan 'n misdryf en iemand wat so 'n liggaam aldus verwyder vir die doel van begrawing of verassing, moet dit direk na die plek waar dit begrawe of veras moet word, neem tensy die Sekretaris of die betrokke mediese gesondheidsbeampte 'n ander optrede goedkeur het.

(4) Die bepalings van hierdie artikel verbied nie die verwydering deur 'n bevoegde gesag van 'n lyk uit 'n hospitaal of 'n plek van afsondering na 'n dodehuis nie.

- 48.** (1) Wanneer—

Verwydering en begrawing van lyk.

- (a) die liggaam van iemand wat aan 'n oordraagbare siekte gesterf het, of na vermoede daarvan gesterf het, in 'n vertrek gehou word waarin iemand woon, slaap of werk, of waarin voedsel gehou, voorberei of geëet word;

Act No. 63, 1977

HEALTH ACT, 1977.

- (b) the body of any person who has died of a communicable disease is without the authorization of the local authority concerned kept for more than twenty-four hours elsewhere than in a mortuary or other place set apart for the keeping of dead bodies;
 - (c) any dead body is kept in any dwelling or any other place in circumstances which in the opinion of the local authority concerned or its medical officer of health are likely to cause a nuisance or endanger health; or
 - (d) any dead body is unclaimed or no competent person undertakes to bury it,
- any magistrate, justice of the peace, medical officer of health or a member of the South African Police of or above the rank of sergeant may, subject to the provisions of the Anatomy Act, 1959 (Act No. 20 of 1959), the Inquests Act, 1959 (Act No. 58 of 1959), the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), the Anatomical Donations and Post-Mortem Examinations Act, 1970 (Act No. 24 of 1970), and the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973), direct—
- (i) that the body be removed to a mortuary, if one is readily available, and that it be buried within a specified time; or
 - (ii) if no mortuary is readily available or if the body is that of a person certified by a medical practitioner to have died of a communicable disease, that the body be buried immediately or within a specified time.

(2) Subject to the provisions of the said Inquests Act, 1959, and the said Births, Marriages and Deaths Registration Act, 1963, and whether or not any direction under subsection (1) has been issued, responsibility for the removal and burial of the body of a destitute person or of any dead body which is unclaimed or which no competent person undertakes to bury and does bury, and for the payment of all costs entailed thereby, shall devolve upon the local authority of the district in which the dead body is at the time when the necessity for removal thereof first arises, save in the case of a person who has died in a hospital or other institution, in which case such responsibility shall devolve upon the responsible authorities of such hospital or institution: Provided that—

- (i) the local authority shall remain so responsible in the case of a person who has been admitted to or kept in such hospital or institution on the order or on behalf of the local authority, or in the case of a person who, not being a convicted person or a person under arrest, has died in any prison;
- (ii) the local authority or the hospital or the institution, as the case may be, may recover the said costs from any person who was legally liable for the maintenance of the deceased person during his lifetime.

(3) Any person who obstructs the execution of any order or direction given under this section shall be guilty of an offence.

(4) For the purposes of this section “local authority” includes a Bantu Affairs Administration Board established under the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971).

Contributions towards certain laboratories and to certain public authorities or associations.

49. The Minister may, in consultation with the Minister of Finance, out of moneys specially voted by Parliament, and subject to such conditions as he may in each case determine—

- (a) contribute towards the cost of construction, equipment or maintenance of laboratories or other institutions engaged in research or investigation in connection with human diseases or non-personal health services or conditions, or towards the cost of any such research or investigation;

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

- (b) die liggaam van iemand wat aan 'n oordraagbare siekte gesterf het, sonder die magtiging van die betrokke plaaslike bestuur vir langer as vier-en-twintig uur gehou word in 'n ander plek as 'n dodehuis of ander plek wat vir die bewaring van lyke afgesondert is;
 - (c) 'n lyk in 'n woning of enige ander plek gehou word in omstandighede wat na die ordeel van die betrokke plaaslike bestuur of sy mediese gesondheidsbeamppte waarskynlik 'n oorlas sal veroorsaak of die gesondheid in gevaar sal stel; of
 - (d) 'n lyk nie opgeëis word nie of geen bevoegde persoon onderneem om dit te begrawe nie,
- kan 'n landdros, vrederegter, mediese gesondheidsbeamppte of 'n lid van die Suid-Afrikaanse Polisie met of bo die rang van sersant, behoudens die bepalings van die Anatomiewet, 1959 (Wet No. 20 van 1959), die Wet op Geregtelike Doodsondersoeke, 1959 (Wet No. 58 van 1959), die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 (Wet No. 81 van 1963), die Wet op Anatomiese Skenkings en Nadoodse Ondersoeke, 1970 (Wet No. 24 van 1970), en die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (Wet No. 78 van 1973), gelas—

- (i) dat die liggaam verwijder word na 'n dodehuis, indien een geredelik beskikbaar is, en dat dit binne 'n vermelde tyd begrawe word; of
- (ii) indien geen dodehuis geredelik beskikbaar is nie of indien dit die liggaam is van iemand wat volgens die sertifikaat van 'n geneesheer aan 'n oordraagbare siekte gesterf het, dat die liggaam onmiddellik of binne 'n vermelde tyd begrawe word.

(2) Behoudens die bepalings van genoemde Wet op Geregtelike Doodsondersoeke, 1959, en genoemde Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963, en hetsy 'n lasgewing kragtens subartikel (1) uitgereik is of nie, berus die verantwoordelikheid vir die verwijdering en begrawing van die liggaam van 'n behoeftige persoon of van 'n lyk wat nie opgeëis word nie of wat geen bevoegde persoon onderneem om te begrawe en wel begrawe nie, en vir die betaling van al die uitgawes daardeur meegebring, by die plaaslike bestuur van die distrik waarin die lyk is op die tydstip wanneer die noodsaaklikheid van verwijdering daarvan die eerste maal ontstaan, behalwe in die geval van iemand wat in 'n hospitaal of ander inrigting gesterf het, in welke geval bedoelde verantwoordelikheid berus by die verantwoordelike gesag van so 'n hospitaal of inrigting: Met dien verstande dat—

- (i) die plaaslike bestuur aldus verantwoordelik bly in die geval van 'n persoon wat tot so 'n hospitaal of inrigting toegelaat is of daarin gehou is op las of ten behoeve van die plaaslike bestuur, of in die geval van iemand wat nie 'n veroordeelde of 'n gearresteerde persoon is nie, wat in 'n gevangenis gesterf het;
- (ii) die plaaslike bestuur of die hospitaal of die inrigting, na gelang van die geval, bedoelde uitgawes kan vorder van die persoon wat tydens die leeftyd van die oorledene regtens vir sy onderhoud aanspreeklik was.

(3) Iemand wat die uitvoering dwarsboom van 'n bevel of lasgewing kragtens hierdie artikel uitgereik, is aan 'n misdryf skuldig.

(4) By die toepassing van hierdie artikel beteken „plaaslike bestuur“ ook 'n Bantoesake-administrasieraad ingestel kragtens die Wet op die Administrasie van Bantoesake, 1971 (Wet No. 45 van 1971).

49. Die Minister kan, in oorleg met die Minister van Finansies, uit fondse wat spesiaal deur die Parlement bewillig is, en behoudens die voorwaardes wat hy in elke geval bepaal—

- (a) bydra tot die koste van die oprigting, toerusting of instandhouding van laboratoriums of ander inrigtings wat besig is met navorsing of ondersoek in verband met mensesiektes of nie-persoonlike gesondheidsdienste of -toestande, of tot die koste van sodanige navorsing of ondersoek;

Bydraes tot sekere laboratoriums en aan sekere openbare instansies

of verenigings.

Act No. 63, 1977**HEALTH ACT, 1977.**

- (b) contribute towards the cost incurred by any provincial administration, local authority, educational institution or any public society or association in connection with maternity care, child health, the training of health inspectors or public health nurses, instruction in first-aid or home nursing, or any other matter relating to health.

Delegation or transfer of powers and duties.

50. (1) Where the Minister deems it necessary for the proper exercise of any power or performance of any duty under this Act he may, in writing, authorize the Secretary or any other officer of the Department of Health to exercise such power or perform such duty, except the powers referred to in sections 13, 15 (1) and 31 (2) and the power to make regulations.

(2) The Secretary may in writing authorize any officer of the Department of Health to exercise or perform in general or in a particular case or in cases of a particular nature, any power or duty conferred or imposed on the Secretary by or under this Act.

Defect in form of notice or order under this Act.

51. No defect in the form of any notice or order under this Act shall invalidate any action taken by virtue of such notice or order, or found any exception to any legal proceedings following upon such notice or order, if such notice or order substantially sets out the requirements thereof.

Service of notice, order or other document.

52. (1) Whenever any notice, order or other document is under this Act required to be served—

- (a) on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered post to that person at his last-known address, or if it is left thereat with him personally or with some adult inmate thereof;
- (b) on an owner or occupier of any land or premises and the address of such owner or occupier is unknown, it shall be deemed to be duly and sufficiently served if it is posted up in some conspicuous place on such land or premises.

(2) It shall not be necessary in any notice, order or other document given under this Act to an owner or occupier of land or premises to name him, if the notice, order or document describes him as the owner or occupier of the land or premises in question.

Powers of officers, inspectors and authorized persons.

53. (1) Any officer of the Department of Health or any magistrate or police officer or any other person generally or specially authorized by the Minister, and any medical officer of health or health inspector or any other person generally or specially authorized by a local authority may, at any time reasonable for the proper performance of the duty, enter any land or premises, except land or premises occupied or used by the Department of Defence, to make any inspection or to perform any duty or to do anything which he is required or authorized by this Act to do, if such inspection, or the performance of such duty or act is necessary for or incidental to the performance of his duties or the exercise of his powers.

(2) Any person who fails to give or refuses access to any officer, inspector or person mentioned in or authorized under subsection (1) if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Act, or who fails or refuses to give information that he may lawfully be required to give to such officer, inspector or person, or who gives to such officer, inspector or person false or misleading information knowing it to be false or misleading, or who prevents the owner of any land or premises or any of his servants or workmen from entering such land or premises for the purpose of

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

(b) bydra tot die koste wat aangegaan word deur 'n provinsiale administrasie, plaaslike bestuur, opvoedkundige inrigting of 'n openbare genootskap of vereniging in verband met kraamsorg, kindergesondheid, die opleiding van gesondheidsinspekteurs of openbare gesondheidsverpleegsters, onderrig in noodhulp of huisverpleging of 'n ander aangeleentheid betreffende gesondheid.

50. (1) Waar die Minister dit nodig ag vir die behoorlike uitvoering van 'n bevoegdheid of die verrigting van 'n plig ingevolge hierdie Wet, kan hy die Sekretaris of 'n ander beampete van die Departement van Gesondheid skriftelik magtig om so 'n bevoegdheid uit te oefen of so 'n plig te verrig, behalwe die bevoegdhede bedoel in artikels 13, 15 (1) en 31 (2) en die bevoegdheid om regulasies uit te vaardig.

Delegering of oordrag van bevoegdheid en pligte.

(2) Die Sekretaris kan 'n beampete van die Departement van Gesondheid skriftelik magtig om oor die algemeen of in 'n bepaalde geval of in gevalle van 'n bepaalde aard, 'n bevoegdheid of plig uit te oefen of te verrig wat by of ingevolge hierdie Wet aan die Sekretaris verleen of opgedra is.

51. Geen gebrek in die vorm van 'n kennisgewing of bevel ingevolge hierdie Wet maak enige stappe gedoen uit hoofde van so 'n kennisgewing of bevel ongeldig nie, of dien as grond vir 'n eksepsie teen enige regsgeding wat op so 'n kennisgewing of bevel volg nie, indien so 'n kennisgewing of bevel die vereistes daarvan wesenlik uiteensit.

Gebrek in vorm van kennisgewing of bevel ingevolge hierdie Wet.

52. (1) Wanneer daar ingevolge hierdie Wet vereis word dat enige kennisgewing, bevel of ander dokument bestel word—

Bestelling van kennisgewing, bevel of ander dokument.

- (a) aan iemand, word dit geag behoorlik en voldoende bestel te wees indien dit per aangetekende pos aan daardie persoon gestuur word by sy laas bekende adres, of indien dit daar by hom persoonlik of by 'n volwasse inwoner daarvan gelaat word;
- (b) aan die eienaar of okkuperer van enige grond of perseel en die adres van so 'n eienaar of okkuperer nie bekend is nie, word dit geag behoorlik en voldoende bestel te wees indien dit by 'n opvallende plek op sodanige grond of perseel aangebring word.

(2) Dit is nie nodig om 'n eienaar of okkuperer van grond of 'n perseel in 'n kennisgewing, bevel of ander dokument ingevolge hierdie Wet by naam te noem nie, indien die kennisgewing, bevel of dokument hom as die eienaar of okkuperer van die betrokke grond of perseel beskryf.

53. (1) 'n Beampete van die Departement van Gesondheid of 'n landdros of polisiebeampete of enige ander persoon wat die Minister oor die algemeen of spesiaal gemagtig het, en 'n mediese gesondheidsbeampete of gesondheidsinspekteur of enige ander persoon wat 'n plaaslike bestuur oor die algemeen of spesiaal gemagtig het, kan, te eniger tyd wat redelik is vir die verrigting van die plig, enige grond of perseel betree, uitgesonderd grond of 'n perseel wat deur die Departement van Verdediging geokkuper of gebruik word, ten einde 'n inspeksie te doen of 'n plig te verrig of om enigiets te doen wat hy kragtens hierdie Wet moet of kan doen, indien so 'n inspeksie, of die verrigting van so 'n plig of handeling nodig is vir of voortvloei uit die verrigting van sy pligte of die uitvoering van sy bevoegdhede.

Bevoegdhede van beampetes, inspekteurs en gemagtigde persone.

(2) Iemand wat versuum of weier om toegang te verleen aan 'n beampete, inspekteur of persoon bedoel in of gemagtig kragtens subartikel (1) indien hy toegang tot grond of 'n perseel versoek, of wat hom dwarsboom of hinder by die uitvoering van sy pligte kragtens hierdie Wet, of wat versuum of weier om inligting te verstrek wat wettiglik van hom vereis kan word om aan so 'n beampete, inspekteur of persoon te verstrek, of wat aan so 'n beampete, inspekteur of persoon vals of misleidende inligting verstrek wel wetende dat dit vals of misleidend is, of wat die eienaar van grond of 'n perseel of enige van sy bediendes of werkers verhinder om sodanige grond of perseel te betree ten

Act No. 63, 1977**HEALTH ACT, 1977.**

complying with any requirement of this Act, shall be guilty of an offence.

(3) Every officer, inspector or person referred to in subsection (1), excluding a magistrate or police officer, shall be issued with a document signed (in the case of an officer of the Department of Health or a person authorized by the Minister) by the Secretary or any other officer designated by him for the purpose, or (in the case of a medical officer of health, health inspector or person authorized by a local authority) by the chief administrative officer of the local authority concerned or any other officer in the service of such local authority and designated by the chief administrative officer for the purpose, and containing the name of the officer, inspector or person concerned as well as a statement to the effect that such officer, inspector or person is empowered to make any inspection or perform any duty or act in terms of this section.

(4) Whenever any officer, inspector or person referred to in subsection (3) makes any inspection or performs any duty or act as contemplated in this section, he shall exhibit to any person affected thereby the document issued to him in terms of subsection (3).

**Application of
Act to land or
premises owned or
occupied by State.**

54. (1) Any provision of this Act conferring any power or imposing any duty upon a local authority or any person in the service of a local authority shall apply in respect of—

- (a) any land or premises within the district of a local authority which is owned by the State but occupied or used by a person other than the State in any of its departments (including a provincial administration);
- (b) any person or thing on any such land or premises;
- (c) any matter relating to such land, premises, person or thing,

as if such land or premises, as the case may be, were owned and occupied by a private person: Provided that such a power or duty shall not extend to any matter relating to the form or construction or structural condition of any such premises or of any building, works or thing, maintained or erected by the State, upon such land and forming part thereof.

(2) Subject to the provisions of subsection (1), no power or duty under this Act shall vest in or devolve upon any local authority or person in the service of a local authority with regard to—

- (a) any unoccupied land or premises owned by the State;
- (b) any land or premises, whether owned by the State or any other person, of which any department of State (including a provincial administration) has the occupation or exclusive use;
- (c) any person or thing on any such land or premises; and
- (d) any matter relating to any such land, premises, person or thing.

(3) For the purpose of this section, any dwelling occupied by any officer or member of any department of State (including a provincial administration) as official residence or quarters under the terms of his employment, shall be deemed to be occupied by the State.

(4) The Minister shall, with reference to any matter falling within the provisions of this Act and arising within the district of a local authority and which is, by virtue of the provisions of subsection (1) or (2), not subject to the authority of such local authority or any person in the service of such local authority, exercise the powers and perform the duties which by this Act are conferred or imposed upon a local authority or any person in the service of a local authority: Provided that the Minister shall exercise no such powers and perform no such duties in respect of land or premises occupied or used by the Department of Defence.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

einde te voldoen aan 'n vereiste van hierdie Wet, is aan 'n misdryf skuldig.

(3) Aan iedere beamppte, inspekteur of persoon bedoel in subartikel (1), uitgesonderd 'n landdros of polisiebeamppte, moet 'n dokument uitgerek word, onderteken (in die geval van 'n beamppte van die Departement van Gesondheid of 'n persoon gemagtig deur die Minister) deur die Sekretaris of 'n ander beamppte vir dié doel deur hom aangewys, of (in die geval van 'n mediese gesondheidsbeamppte, gesondheidsinspekteur of persoon gemagtig deur 'n plaaslike bestuur) deur die hoof-administratiewe beamppte van die betrokke plaaslike bestuur of 'n ander vir dié doel deur die hoof-administratiewe beamppte aangewese beamppte in die diens van so 'n plaaslike bestuur, en wat die naam van die betrokke beamppte, inspekteur of persoon bevat sowel as 'n verklaring te dien effekte dat daardie beamppte, inspekteur of persoon gemagtig is om enige inspeksie te doen of plig of handeling te verrig ingevolge hierdie artikel.

(4) Wanneer 'n beamppte, inspekteur of persoon bedoel in subartikel (3) 'n inspeksie doen of 'n plig of handeling verrig soos beoog in hierdie artikel moet hy die dokument wat ingevolge subartikel (3) aan hom uitgerek is, toon aan enigiemand wat daardeur geraak word.

54. (1) 'n Bepaling van hierdie Wet wat 'n plaaslike bestuur of iemand in die diens van 'n plaaslike bestuur 'n bevoegdheid verleen of 'n plig ople, is van toepassing ten opsigte van—

Toepassing van
Wet op grond of
perseel deur Staat
besit of
geokkupeer.

- (a) enige grond of perseel binne die distrik van 'n plaaslike bestuur wat die eiendom is van die Staat maar geokkupeer of gebruik word deur 'n ander persoon as die Staat deur middel van enige van sy departemente (met inbegrip van 'n provinsiale administrasie);
- (b) enige persoon of ding op sodanige grond of perseel;
- (c) enige aangeleentheid betreffende sodanige grond, perseel, persoon of ding,

asof sodanige grond of perseel, na gelang van die geval, deur 'n private persoon besit en geokkupeer word: Met dien verstande dat so 'n bevoegdheid of plig nie strek tot 'n aangeleentheid betreffende die vorm of konstruksie of strukturele toestand van so 'n perseel of van 'n gebou, werke of ding, deur die Staat in stand gehou of opgerig, op sodanige grond en wat deel daarvan uitmaak nie.

(2) Behoudens die bepalings van subartikel (1), berus geen bevoegdheid of plig ingevolge hierdie Wet by of gaan dit oor op 'n plaaslike bestuur of iemand in die diens van 'n plaaslike bestuur nie, met betrekking tot—

- (a) enige ongeokkupeerde grond of perseel wat aan die Staat behoort;
- (b) enige grond of perseel, hetsy dit die eiendom van die Staat of van 'n ander persoon is, waarvan 'n staatsdepartement (met inbegrip van 'n provinsiale administrasie) okkupasie of uitsluitlike gebruik het;
- (c) enige persoon of ding op sodanige grond of perseel; en
- (d) enige aangeleentheid betreffende sodanige grond, perseel, persoon of ding.

(3) By die toepassing van hierdie artikel word 'n woning wat bewoon word deur 'n beamppte of lid van 'n staatsdepartement (met inbegrip van 'n provinsiale administrasie) as amswoning of -kwartiere ooreenkomsdig die voorwaardes van sy indiensneming, geag deur die Staat geokkupeer te wees.

(4) Die Minister moet, met betrekking tot 'n aangeleentheid wat binne die bepalings van hierdie Wet val en binne die distrik van 'n plaaslike bestuur ontstaan en wat, uit hoofde van die bepalings van subartikel (1) of (2), nie aan die gesag van so 'n plaaslike bestuur of iemand in die diens van so 'n plaaslike bestuur onderworpe is nie, die bevoegdhede uitoefen en die pligte verrig wat 'n plaaslike bestuur of iemand in die diens van 'n plaaslike bestuur by hierdie Wet verleen of opgelê word: Met dien verstande dat die Minister nie sodanige bevoegdhede mag uitoefen of sodanige pligte mag verrig ten opsigte van grond of 'n perseel wat deur die Departement van Verdediging geokkupeer of gebruik word nie.

Act No. 63, 1977**HEALTH ACT, 1977.**

(5) The head of any department of State (including a provincial administration) which has, to the exclusion of any other person, the occupation or use of any land or premises, shall, for the purposes of this Act, be deemed to be the owner and occupier thereof, and whenever, under this Act, any power is conferred or any duty is imposed upon any employer, the head of the department concerned shall, for the purposes of this Act, be deemed to be the employer of the persons in the service of that department.

(6) The Railways and Harbours Fund, the Post Office Fund, the State Revenue Fund and the provincial revenue fund of the province concerned, are hereby charged respectively with the payment of such sums of money as may from time to time be necessary to enable the Minister to exercise any power or to perform any duty under this section in respect of any land or premises owned, occupied or used by the State in its Railways and Harbours Administration, Department of Posts and Telecommunications, any other department of State or, as the case may be, the provincial administration concerned.

Application of other laws.

55. (1) The provisions of this Act shall not apply in respect of any matter to which the provisions of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), the Mines and Works Act, 1956 (Act No. 27 of 1956), and the Shops and Offices Act, 1964 (Act No. 75 of 1964), apply.

(2) (a) The provisions of this Act shall be in addition to and not in substitution for any provision of the Animal Diseases and Parasites Act, 1956 (Act No. 13 of 1956), the Water Act, 1956 (Act No. 54 of 1956), and the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), which is not in conflict or inconsistent with the provisions of this Act.

(b) If any provision of any law mentioned in paragraph (a) is in conflict or inconsistent with any provision of this Act, the relevant provision of that law shall prevail.

(3) The provisions of this Act shall not derogate from any rights or functions assigned to any body established by or under any law for the purposes of the supply of water.

Penalties for fraudulent conduct in connection with certificates under this Act.

56. Any person who—

- (a) for the purpose of obtaining any certificate under this Act, makes any false statement or is a party to any false pretence or conduct, knowing it to be false; or
- (b) forges or falsifies any certificate under this Act or utters any such forged or falsified certificate, knowing it to be forged or falsified; or
- (c) uses or attempts to use any document as a certificate under this Act, knowing it to be a forged or falsified document or certificate,

shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of fraud.

Offences and penalties.

57. Any person who contravenes or fails to comply with any provision of this Act, shall be guilty of an offence and, unless this Act expressly provides for another penalty for such offence, be liable—

- (a) on a first conviction, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
- (b) on a second conviction of a similar offence, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; and
- (c) on a third or subsequent conviction of a similar offence, to a fine not exceeding one thousand five hundred rand

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

(5) Die hoof van 'n staatsdepartement (met inbegrip van 'n provinsiale administrasie) wat, met uitsluiting van enige ander persoon, die okkupasie of gebruik van enige grond of perseel het, word, by die toepassing van hierdie Wet, geag die eienaar en okkuperdeer daarvan te wees, en wanneer 'n werkewer 'n bevoegdheid of 'n plig ingevolge hierdie Wet verleen of opgelê word, word die hoof van die betrokke departement, by die toepassing van hierdie Wet, geag die werkewer te wees van die persone in die diens van daardie departement.

(6) Die Spoorweg- en Hawefonds, die Poskantoorfonds, die Staatsinkomstefonds en die provinsiale inkomstefonds van die betrokke provinsie, word hierby onderskeidelik belas met die betaling van die bedrae geld wat van tyd tot tyd nodig mag wees om die Minister in staat te stel om ingevolge hierdie artikel 'n bevoegdheid uit te oefen of 'n plig te verrig ten opsigte van enige grond of perseel wat die Staat in eiendom besit of okkuper of gebruik deur middel van sy Spoorweg- en Hawe-administrasie, Departement van Pos- en Telekommunikasiewese, enige ander staatsdepartement, of, na gelang van die geval, die betrokke provinsiale administrasie.

55. (1) Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van enige aangeleentheid waarop die bepalings van die Wet op Fabrieke, Masjinerie en Bouwerke, 1941 (Wet No. 22 van 1941), die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en die Wet op Winkels en Kantore, 1964 (Wet No. 75 van 1964), van toepassing is.

(2) (a) Die bepalings van hierdie Wet geld benewens en nie ter vervanging nie van enige bepaling van die Wet op Dieresiektes en -parasiete, 1956 (Wet No. 13 van 1956), die Waterwet, 1956 (Wet No. 54 van 1956), en die Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1967 (Wet No. 87 van 1967), wat nie in stryd of onbestaanbaar met die bepalings van hierdie Wet is nie.

(b) Indien 'n bepaling van 'n wet genoem in paragraaf (a) in stryd of onbestaanbaar is met 'n bepaling van hierdie Wet, geld die betrokke bepaling van daardie wet.

(3) Die bepalings van hierdie Wet doen nie afbreuk aan enige regte of werksaamhede toege wys aan 'n liggaam wat by of kragtens wet ingestel is vir die doelein des van die verskaffing van water nie.

56. Iemand wat—

Strawwe ten opsigte van bedrieglike optrede in verband met sertifikate ingevolge hierdie Wet.

- (a) ten einde 'n sertifikaat ingevolge hierdie Wet te verkry, 'n valse verklaring maak of deel het aan enige valse voorstelling of optrede, wetende dat dit vals is; of
- (b) 'n sertifikaat ingevolge hierdie Wet namaak of vervals of so 'n nagemaakte of vervalste sertifikaat uitgee wetende dat dit nagemaak of vervals is; of
- (c) 'n dokument as 'n sertifikaat kragtens hierdie Wet gebruik of poog te gebruik, wetende dat dit 'n nagemaakte of vervalste dokument of sertifikaat is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat by wet vir die misdaad van bedrog voorgeskryf is.

57. Iemand wat 'n bepaling van hierdie Wet oortree of versuum om daaraan te voldoen, is aan 'n misdryf skuldig en, tensy hierdie Wet uitdruklik 'n ander straf vir so 'n misdryf voorskryf, strafbaar—

- (a) by 'n eerste skuldigbevinding, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf;
- (b) by 'n tweede skuldigbevinding aan 'n soortgelyke misdryf, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as daardie gevangenisstraf; en
- (c) by 'n derde of daaropvolgende skuldigbevinding aan 'n soortgelyke misdryf, met 'n boete van hoogstens duisend vyfhonderd rand of met gevangenisstraf vir 'n

Act No. 63, 1977**HEALTH ACT, 1977.**

or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Restriction upon legal proceedings.

58. No legal proceedings shall lie against the State, the Minister, a person in the service of the State, a provincial administration, a person in the service of a provincial administration, a local authority, a person in the service of a local authority or any person generally or specially authorized by the State, a provincial administration or a local authority to perform any function in terms of this Act, for anything done in good faith under this Act.

Substitution of section 7 of Act 21 of 1935, as amended by section 7 of Act 60 of 1959.

59. The following section is hereby substituted for section 7 of the Sea-shore, Act, 1935:

"Exercise of powers for purposes of public health. **7.** (1) Notwithstanding anything contained in the Health Act, 1977, the State President may by proclamation in the *Gazette* declare that any local authority, as defined in the aforesaid Act, may exercise, in respect of the sea-shore and the sea situate within its area of jurisdiction or adjoining such area, any of the powers which are conferred by or under that Act on a local authority.

(2) The power conferred by sections 31 and 50 of the Health Act, 1977, on the Minister of Health, the Secretary or a local authority, as defined in the Health Act, 1977, to delegate to certain persons a function or duty vested in or devolving upon him or it under the said Act, may be exercised as regards any function or duty which may vest in or devolve upon him or it under the said Act as regards any portion of the sea-shore or the sea."

Amendment of section 84 of Act 32 of 1961, as amended by section 37 of Act 47 of 1963, section 36 of Act 61 of 1965 and section 4 of Act 61 of 1972.

60. Section 84 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for subparagraph (ii) of subsection (1) (f) of the following subparagraph:

"(ii) any institutions or bodies other than such institutions as are referred to in subparagraph (i), which have in respect of any one or more areas (whether contiguous or not) situated outside the area of jurisdiction of any such institution as is referred to in subparagraph (i), authority and functions similar to the authority and functions of such institutions as are referred to in the said subparagraph, or authority and functions in respect of the preservation of public health in any such area or areas;".

Amendment of section 20 of Act 87 of 1967.

61. Section 20 of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967, is hereby amended—

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

"(1) The Minister may, subject to the provisions of subsection (2), refund out of the State Revenue Fund, to any local authority which has in its employ any inspector appointed or person authorized under section 19 (1) or deemed in terms of section 19 (3) to have been so appointed or authorized, an amount not exceeding one-third of the amount paid by such local authority by way of salary to such inspector or person.";

(b) by the deletion of subsection (3).

Insertion of section 20A in Act 65 of 1976.

62. The following section is hereby inserted in the Financial Relations Act, 1976, after section 20:

"Contributions **20A.** A provincial council may provide for the payment out of the provincial revenue fund of contributions to any local authority within its province towards the costs incurred by such local authority in respect of non-personal

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf.

58. Geen regsgeding kan ingestel word nie teen die Staat, die Minister, iemand in die diens van die Staat, 'n provinsiale administrasie, iemand in die diens van 'n provinsiale administrasie, 'n plaaslike bestuur, iemand in die diens van 'n plaaslike bestuur of enigiemand wat oor die algemeen of spesiaal deur die Staat, 'n provinsiale administrasie of 'n plaaslike bestuur gemagtig is om 'n werksaamheid ingevolge hierdie Wet te verrig, weens enigiets wat te goeder trou kragtens hierdie Wet gedoen is.

59. Artikel 7 van die Strandwet, 1935, word hierby deur die volgende artikel vervang:

„Uitoefening van bevoegdhede vir doeleindes van openbare gesondheid.

7. (1) Ondanks enige andersluidende bepaling van die Wet op Gesondheid, 1977, kan die Staatspresident by proklamasie in die *Staatskoerant* verklaar dat 'n plaaslike bestuur soos in daardie Wet omskryf, enige van die bevoegdhede wat deur of kragtens daardie Wet aan 'n plaaslike bestuur verleen word, kan uitoefen 'in verband met die strand en die see wat binne sy regsgebied geleë is of daaraan grens.

(2) Die bevoegdheid wat by artikels 31 en 50 van die Wet op Gesondheid, 1977, aan die Minister van Gesondheid, die Sekretaris of 'n plaaslike bestuur soos in die Wet op Gesondheid, 1977, omskryf, verleen word, om 'n werksaamheid of plig wat kragtens die genoemde Wet aan hom opgedra is of op hom rus aan sekere persone of aan 'n plaaslike bestuur oor te dra, kan uitgeoefen word ten opsigte van enige werksaamheid of plig wat kragtens die genoemde Wet aan hom opgedra is of op hom rus ten opsigte van 'n gedeelte van die strand of die see.”.

60. Artikel 84 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur subparagraaf (ii) van subartikel (1) (f) deur die volgende subparagraaf te vervang:

„(ii) instellings of liggame, met uitsondering van instellings in subparagraaf (i) bedoel, wat ten opsigte van een of meer gebiede (het sy aangrensend al dan nie) geleë buite die maggebied van 'n instelling in subparagraaf (i) bedoel, bevoegdhede en funksies het soortgelyk aan die bevoegdhede en funksies van instellings in genoemde subparagraaf bedoel, of bevoegdhede en funksies in verband met die behoud van die volksgesondheid in so 'n gebied of gebiede.'”.

61. Artikel 20 van die Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1967, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikel (2), kan die Minister uit die Staatsinkomstefonds aan 'n plaaslike bestuur wat 'n inspekteur wat kragtens artikel 19 (1) aangestel is of 'n persoon wat daarkragtens gemagtig is of 'n inspekteur of persoon wat ingevolge artikel 19 (3) geag word aldus aangestel of gemagtig te gewees het, in sy diens het, 'n bedrag terugbetaal wat hoogstens een-derde kan wees van die bedrag wat sodanige plaaslike bestuur by wyse van salaris aan sodanige inspekteur of persoon betaal.”; en

(b) deur subartikel (3) te skrap.

62. Die volgende artikel word hierby in die Wet op Finansiële Verhoudings, 1976, na artikel 20 ingevoeg:

„Bydraes aan plaaslike besture ten opsigte van nie-

20A. 'n Provinciale raad kan voorsiening maak vir die betaling uit die provinciale inkomstefonds van bydraes aan 'n plaaslike bestuur binne sy provinsie tot die koste wat deur so 'n plaaslike bestuur binne die

Beperking op regsgedinge.

Vervanging van artikel 7 van Wet 21 van 1935, soos gewysig deur artikel 7 van Wet 60 van 1959.

Wysiging van artikel 84 van Wet 32 van 1961, soos gewysig deur artikel 37 van Wet 47 van 1963, artikel 36 van Wet 61 van 1965 en artikel 4 van Wet 61 van 1972.

Wysiging van artikel 20 van Wet 87 van 1967.

Invoeging van artikel 20A in Wet 65 van 1976.

Act No. 63, 1977**HEALTH ACT, 1977.**

health
services.

within the province in connection with the establishment, maintenance or provision of facilities for the rendering of non-personal health services as defined in section 1 of the Health Act, 1977, if such local authority lacks the necessary funds.”.

Repeal of laws,
and savings.

63. (1) Subject to the provisions of subsection (2)—

- (a) the laws specified in Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule;
- (b) the laws specified in Schedule 2 are, with effect from the date of commencement of section 26, hereby repealed to the extent set out in the third column of that Schedule.

(2) Any proclamation, regulation, rule, order, notice, approval, authority, return, certificate, direction or appointment made, issued, given or granted, and any other act done under the provisions of any law repealed by this Act, shall be deemed to have been made, issued, given or granted or done under the corresponding provision of this Act.

(3) Any body of persons constituted as and declared to be a rural local authority under section 7 (4) of the Public Health Act, 1919 (Act No. 36 of 1919), shall be deemed to have been declared to be a local authority under section 30 (2).

Short title and
commencement.

64. (1) This Act shall be called the Health Act, 1977, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

persoonlike gesondheidsdienste.

provincie aangegaan word in verband met die instelling, instandhouding of verskaffing van fasiliteite vir die levering van nie-persoonlike gesondheidsdienste soos omskryf in artikel 1 van die Wet op Gesondheid, 1977, indien so 'n plaaslike bestuur nie oor die nodige fondse beskik nie."

63. (1) Behoudens die bepalings van subartikel (2)—

- (a) word die wette vermeld in Bylae 1 hierby herroep in die mate uiteengesit in die derde kolom van daardie Bylae;
- (b) word die wette vermeld in Bylae 2, met ingang van die datum van inwerkingtreding van artikel 26, hierby herroep in die mate uiteengesit in die derde kolom van daardie Bylae.

(2) 'n Proklamasie, regulasie, reël, bevel, kennisgewing, goedkeuring, magtiging, relaas, sertifikaat, lasgewing of aanstelling en enige ander handeling kragtens 'n bepaling van 'n by hierdie Wet herroope wet verrig, uitgevaardig, gegee, verstrek, verleen of gedoen, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet verrig, uitgevaardig, gegee, verstrek, verleen of gedoen te gewees het.

(3) Enige liggaam van persone wat kragtens artikel 7 (4) van die „Volksgesondheidswet, 1919” (Wet No. 36 van 1919), saamgestel is as en verlaat is tot 'n landelike plaaslike bestuur, word geag 'n plaaslike bestuur verklaar te gewees het kragtens artikel 30 (2).

Herroeping van wette, en voorbehoud.

64. (1) Hierdie Wet heet die Wet op Gesondheid, 1977, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

Act No. 63, 1977**HEALTH ACT, 1977.****Schedule 1****LAWS REPEALED BY SECTION 63 (1) (a)**

No. and year of law	Title	Extent of repeal
	CAPE	
Act No. 8 of 1884	Leprosy Repression Act, 1884	The whole
Act No. 10 of 1884 ...	Public Health Extension Act, 1884	The whole
Act No. 31 of 1894 ...	Leprosy Repression Act, Amendment Act, 1894	The whole
	NATAL	
Law 16 of 1890	Leprosy Law, 1890	The whole
Act No. 15 of 1894 ...	Leprosy Law Amendment Act, 1894	The whole
Act No. 24 of 1895 ...	Leprosy Law Amendment Act, 1895	The whole
Act No. 7 of 1901	Leprosy Law Amendment Act, 1901	The whole
	TRANSVAAL	
Ordinance No. 23 of 1904	Leprosy Ordinance, 1904	The whole
Act No. 5 of 1907	Leprosy Law Amendment Act, 1907	The whole
Act No. 2 of 1908	Leprosy Law Further Amendment Act, 1908 ...	The whole
Act No. 4 of 1908	Asylums Board Act, 1908	The whole
	ORANGE FREE STATE	
Act No. 26 of 1909	Leprosy Act, 1909	The whole
	REPUBLIC	
Act No. 14 of 1914 ...	Lunacy and Leprosy Laws Amendment Act, 1914	The whole
Act No. 36 of 1919 ...	Public Health Act, 1919	The whole except sections 16, 48, 50 (1) (d) and 66 (d)
Act No. 36 of 1927 ...	Public Health Act, 1919, Amendment Act, 1927	The whole
Act No. 13 of 1928 ...	Medical, Dental and Pharmacy Act, 1928	Sections 83 and 83bis
Act No. 15 of 1928 ...	Public Health (Amendment) Act, 1928	The whole
Act No. 57 of 1935 ...	Public Health Amendment Act, 1935	The whole except section 14bis
Act No. 14 of 1938 ...	Public Health Amendment Act, 1938	The whole
Act No. 14 of 1940 ...	Public Health Amendment Act, 1940	The whole
Act No. 14 of 1942 ...	Public Health Acts Amendment Act, 1942	The whole
Act No. 51 of 1946 ...	Public Health Amendment Act, 1946	The whole except section 17 (2), (3) and (4)
Act No. 47 of 1949 ...	Finance Act, 1949	Section 12
Act No. 44 of 1952 ...	Public Health Amendment Act, 1952	The whole except section 32

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

Bylae 1

WETTE HERROEP DEUR ARTIKEL 63 (1) (a)

No. en jaar van wet	Titel	In hoeverre herroep
	KAAP	
Wet No. 8 van 1884 . . .	„Leprosy Repression Act, 1884”	Die geheel
Wet No. 10 van 1884 . . .	„Public Health Extension Act, 1884”	Die geheel
Wet No. 31 van 1894 . . .	„Leprosy Repression Act Amendment Act, 1894”	Die geheel
	NATAL	
Wet No. 16 van 1890 . . .	„Leprosy Law, 1890”	Die geheel
Wet No. 15 van 1894 . . .	„Leprosy Law Amendment Act, 1894”	Die geheel
Wet No. 24 van 1895 . . .	„Leprosy Law Amendment Act, 1895”	Die geheel
Wet No. 7 van 1901 . . .	„Leprosy Law Amendment Act, 1901”	Die geheel
	TRANSVAAL	
Ordonmansie No. 23 van 1904	„Leprosy Ordinance, 1904”	Die geheel
Wet No. 5 van 1907 . . .	„Leprosy Law Amendment Act, 1907”	Die geheel
Wet No. 2 van 1908 . . .	„Leprosy Law Further Amendment Act, 1908”	Die geheel
Wet No. 4 van 1908 . . .	„Asylums Board Act, 1908”	Die geheel
	ORANJE-VRYSTAAT	
Wet No. 26 van 1909 . . .	Wet op Melaatsheid, 1909	Die geheel
	REPUBLIEK	
Wet No. 14 van 1914 . . .	„Wetten op Krankzinnigheid en Melaatsheid Wijzigings Wet, 1914”	Die geheel
Wet No. 36 van 1919 . . .	„Volksgezondheidswet, 1919”	Die geheel, uitgesonderd artikels 16, 48, 50 (1) (d) en 66 (d)
Wet No. 36 van 1927 . . .	Volksgesondheidswet, 1919, Wysigingswet, 1927	Die geheel
Wet No. 13 van 1928 . . .	Wet op Geneeshere, Tandartse en Aptekers, 1928	Artikels 83 en 83bis
Wet No. 15 van 1928 . . .	Volksgesondheids Wysigingswet, 1928	Die geheel
Wet No. 57 van 1935 . . .	Volksgesondheids Wysigingswet, 1935	Die geheel, uitgesonderd artikel 14bis
Wet No. 14 van 1938 . . .	Wysigingswet op Volksgesondheid, 1938	Die geheel
Wet No. 14 van 1940 . . .	Wysigingswet op Volksgesondheid, 1940	Die geheel
Wet No. 14 van 1942 . . .	Volksgesondheidswette-wysigingswet, 1942	Die geheel
Wet No. 51 van 1946 . . .	Wysigingswet op Volksgesondheid, 1946	Die geheel, uitgesonderd artikel 17 (2), (3) en (4)
Wet No. 47 van 1949 . . .	Finansiewet, 1949	Artikel 12
Wet No. 44 van 1952 . . .	Wysigingswet op Volksgesondheid, 1952	Die geheel, uitgesonderd artikel 32

Act No. 63, 1977**HEALTH ACT, 1977.**

No. and year of law	Title	Extent of repeal
Act No. 60 of 1956 ...	Public Health Amendment Act, 1956	The whole
Act No. 71 of 1959 ...	Public Health Amendment Act, 1959	The whole
Act No. 33 of 1961 ...	Public Health Amendment Act, 1961	The whole
Act No. 79 of 1963 ...	Public Health Amendment Act, 1963	The whole
Act No. 38 of 1965 ...	Public Health Amendment Act; 1965	The whole
Act No. 13 of 1969 ...	Public Health Amendment Act, 1969	The whole
Act No. 30 of 1970 ...	Public Health Amendment Act, 1970	The whole
Act No. 42 of 1971 ...	Public Health Amendment Act, 1971	The whole
Act No. 80 of 1971 ...	General Law Amendment Act, 1971	Sections 3 to 7, inclusive
Act No. 62 of 1973 ...	General Law Amendment Act, 1973	Sections 1 and 2
Act No. 45 of 1976 ...	Public Health Amendment Act, 1976	The whole
Act No. 11 of 1977 ...	Finance and Financial Adjustments Acts Con- solidation Act, 1977	Section 14

Schedule 2**LAWS REPEALED BY SECTION 63 (1) (b)**

No. and year of law	Title	Extent of repeal
Act No. 36 of 1919 ...	Public Health Act, 1919	Sections 16, 48, 50 (1) (d) and 66 (d)
Act No. 25 of 1932 ...	Financial Adjustments Act, 1932	Section 6
Act No. 29 of 1933 ...	Financial Adjustments Act, 1933	Section 3
Act No. 57 of 1935 ...	Public Health Amendment Act, 1935	Section 14bis
Act No. 37 of 1943 ...	Finance Act, 1943	Section 15
Act No. 51 of 1946 ...	Public Health Amendment Act, 1946	Section 17 (2), (3) and (4)
Act No. 36 of 1950 ...	Finance Act, 1950	Section 19
Act No. 44 of 1952 ...	Public Health Amendment Act, 1952	Section 32

WET OP GESONDHEID, 1977.

Wet No. 63, 1977

No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 60 van 1956 ..	Wysigingswet op Volksgesondheid, 1956	Die geheel
Wet No. 71 van 1959 ..	Wysigingswet op Volksgesondheid, 1959	Die geheel
Wet No. 33 van 1961 ..	Wysigingswet op Volksgesondheid, 1961	Die geheel
Wet No. 79 van 1963 ..	Wysigingswet op Volksgesondheid, 1963	Die geheel
Wet No. 38 van 1965 ..	Wysigingswet op Volksgesondheid, 1965	Die geheel
Wet No. 13 van 1969 ..	Wysigingswet op Volksgesondheid, 1969	Die geheel
Wet No. 30 van 1970 ..	Wysigingswet op Volksgesondheid, 1970	Die geheel
Wet No. 42 van 1971 ..	Wysigingswet op Volksgesondheid, 1971	Die geheel
Wet No. 80 van 1971 ..	Algemene Regswysigingswet, 1971	Artikels 3 tot en met 7
Wet No. 62 van 1973 ..	Algemene Regswysigingswet, 1973	Artikels 1 en 2.
Wet No. 45 van 1976 ..	Wysigingswet op Volksgesondheid, 1976	Die geheel
Wet No. 11 van 1977 ..	Konsolidasiewet op Finansie- en Finansiële Reëlingswette, 1977	Artikel 14

Bylae 2

WETTE HERROEP DEUR ARTIKEL 63 (1) (b)

No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 36 van 1919 ..	„Volksgezondheidswet, 1919“	Artikels 16, 48, 50 (1) (d) en 66 (d)
Wet No. 25 van 1932 ..	Finansiële Reëlingswet, 1932	Artikel 6
Wet No. 29 van 1933 ..	Finansiële Reëlingswet, 1933	Artikel 3
Wet No. 57 van 1935 ..	Volksgesondheids-Wysigingswet, 1935	Artikel 14bis
Wet No. 37 van 1943 ..	Finansiewet, 1943	Artikel 15
Wet No. 51 van 1946 ..	Wysigingswet op Volksgesondheid, 1946	Artikel 17 (2), (3) en (4)
Wet No. 36 van 1950 ..	Finansiewet, 1950	Artikel 19
Wet No. 44 van 1952 ..	Wysigingswet op Volksgesondheid, 1952	Artikel 32

