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06 May 2019

**No. 42442**

## THE PRESIDENCY

No. 640

06 May 2019

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

**Act No. 5 of 2019: National Health Laboratory Service Amendment Act, 2019**

## MO-PRESIDENTE

No. 640

06 May 2019

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretšo:—

**Nmr 5 ya 2019: Molao Phetošo wa Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba, 2019**

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**GENERAL EXPLANATORY NOTE:**

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)  
(Assented to 29 April 2019)

# ACT

**To amend the National Health Laboratory Service Act, 2000, so as to define certain expressions and to amend or delete certain definitions; to make the Preferential Procurement Policy Framework Act, 2000, applicable to the National Health Laboratory Service; to adjust the objects and duties of the National Health Laboratory Service; and to strengthen the governance and funding mechanism of the National Health Laboratory Service; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

### Amendment of section 1 of Act 37 of 2000

1. Section 1 of the National Health Laboratory Service Act, 2000 (hereinafter referred to as “the principal Act”), is hereby amended—

(a) by the substitution for the definition of “chief executive officer” of the following definition:

“‘**chief executive officer**’ means the chief executive officer **[of the executive management committee referred to in section 13]** of the Service appointed in terms of section 13A;”;

(b) by the insertion after the definition of “chief executive officer” of the following definition:

“**‘diagnostic health laboratory services’** means a comprehensive service that includes conducting of tests, the interpretation of the results, the communication of the results and the associated participation in patient care with information about the presence, severity and cause of diseases in patients;”;

(c) by the insertion after the definition of “Minister” of the following definition:

“**‘National Health Council’** means the National Health Council established by section 22(1) of the National Health Act, 2003 (Act No. 61 of 2003);”;

**TLHALOŠO KAKARETŠO:**

- [ ] Mantšu a ngwadilwego ka boso ka mašakaneng a sekwere a laetša tlogelo ya mantšu go tšwa molaong wo o lego mo tirišong.
- \_\_\_\_\_ Mantšu a thaletšwego ka methalo ye mekima a laetša mantšu a loketšwego molaong wo o lego mo tirišong.

\_\_\_\_\_  
 (English text signed by the President)  
 (Assented to 29 April 2019)  
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**MOLAO**

Go fetoša Molao wa Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba, wa 2000, bakeng sa go hlaloša mebolelwana ye itšego mme le go fetoša goba go phumola dihlalošo tše itšego; go dira *Preferential Procurement Policy Framework Act, wa 2000*, gore e šome go Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba; go beakanya maikemišetšo le ditshwanelo tša Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba; le go tiiša pušo le mekgwa ya thušo ya ditšhelete ya Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba; mme le go phethagaletša merero ye malebana le se.

**E** DIRWA MOLAO ke Palamente ya Rephabliki ya Afrika Borwa, ka mo go latelago:—

**Phetošo ya karolo 1 ya Molao 37 wa 2000**

1. Karolo 1 ya Molao wa Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba, wa 2000 (wo o bitšwego “Molao mogolo”), e a fetošwa— 5
- (a) ka go tlošwa go lokelwe hlalošo ya “mohlankedi kuduthamaga mogolo” ya hlalošo ye e latelago:  
 “‘**mohlankedi kuduthamaga mogolo**’ e ra mohlankedi kuduthamaga mogolo [wa komiti ya bolaodi kuduthamaga yeo e hlalošitšwego go **karolo 13]** ya Tirelo ye e thwetšwego go ya ka karolo 13A;”;
- (b) Ka go lokela morago ga hlalošo ya “mohlankedi kuduthamaga mogolo” ya hlalošo ye e latelago:  
 “‘**ditirelo tša phekolo tša laporatori ya maphelo**’ e ra tirelo ye phethagetšego yeo e akaretšago go dira diteko, hlathollo ya dipelo, polelo ya dipelo le kgathotema ye malebana tshedimošong ya hlokomelo ya balwetši ka ga go ba gona, bogolo le sehlola malwetši go balwetši;”;
- (c) ka go lokela morago ga hlalošo ya “Tona” ya hlalošo ye e latelago:  
 “‘**Khansele ya Maphelo ya Bosetšhaba**’ e ra Khansele ya Maphelo ya Bosetšhaba yeo e hlanngwego ka karolo 22(1) ya *National Health Act, 2003* (Molao 61 wa 2003);”;

- (d) by the insertion after the definition of “operational research” of the following definitions:

“**‘prescribed’** means prescribed by regulation made in terms of this Act;

**‘private health sector’** means that part of the health sector that is not owned or controlled by an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;”;

- (e) by the deletion of the definition of “teaching environment”.

#### Amendment of section 3 of Act 37 of 2000

2. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) The Public Finance Management Act, 1999 (Act No. 1 of 1999), **[applies]** and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), apply, with the necessary changes, to the Service.”;

- (b) by the addition of the following subsection:

“(3) The Board is the accounting authority of the Service.”.

#### Amendment of section 4 of Act 37 of 2000

3. Section 4 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) for the words preceding subparagraph (i) of the following words:

“provide cost-effective and efficient diagnostic health laboratory services to—”; and

- (b) by the substitution for paragraph (c) of the following paragraph:

“(c) provide and support training for health science education.”.

#### Amendment of section 5 of Act 37 of 2000

4. Section 5 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) promote the training of its laboratory and associated personnel;”;

- (b) by the substitution in subsection (2) for paragraphs (c) and (d) of the following paragraphs, respectively:

“(c) participate in joint research operations with departments of State, universities, **[technikons]** universities of technology, colleges, museums, scientific institutions and other persons;

(d) co-operate with educational authorities and scientific or technical societies or industrial institutions representing employers and employees, respectively, for the promotion of the instruction and training of pathologists, technologists, technicians, scientists researchers, technical experts and other supporting personnel in universities, **[technikons,]** universities of technology and colleges;”.

#### Substitution of section 7 of Act 37 of 2000

5. The following section is hereby substituted for section 7 of the principal Act:

##### “Composition of Board

7. (1) The Board consists of the following members, appointed by the Minister:

- (a) The chief executive officer by virtue of his or her office;

- (b) the chief financial officer of the Service by virtue of his or her office;

- (c) three members representing—

- (i) the national Department of Health;

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- (d) ka go lokela morago ga hlalošo ya “nyakišišo ya tshepetšo” ya dihlošo tše dilatelago:

“**‘laetšwe’** e ra ye e laetšwego ka molawana wo o dirilwego go ya ka Molao wo;  
**‘lekala la maphelo la poraebete’** le ra karolo yela ya lekala la maphelo yeo e sego ya goba e sa laolwego ke lekala la mmušo bjalo ka ge go hlalošitšwe go karolo 239 ya Molaotheo wa Rephabliki ya Afrika Borwa, wa 1996;” mme

- (e) ka go tloša hlalošo ya “tikologo ya thuto”.

### Phetošo ya karolo 3 ya Molao 37 wa 2000

2. Karolo 3 ya Molao mogolo e fetošwa ka mo go latelago—

- (a) ka go tlošwa go lokelwe go karolwana (2) ya karolwana ye e latelago:

“(2) *The Public Finance Management Act, 1999* (Molao 1 wa 1999),  
**[o a šoma]** *mme Preferential Procurement Policy Framework Act, 2000*  
 (Molao 5 wa 2000), e a šoma, ka diphešo tše di hlokegago, Tirelong.”; mme

- (b) ka koketšo ya karolwana ye e latelago:

“(3) Boto ke bolaodi bja maikarabelo bja Tirelo.”.

### Phetošo ya karolo 4 ya Molao 37 wa 2000

3. Karolo 4 ya Molao mogolo e a fetošwa—

- (a) ka go tlošwa go lokelwe go tema (a) bakeng sa mantšu ao a lego ka pele ga temana (i) ya mantšu a latelago:

“phethagaletša ditirelo tša laporatori ya maphelo tša phokolo go—”; le

- (b) ka go tlošwa go lokelwe go tema (c) ya tema ye e latelago:

“(c) katišo ya thekgo ya thuto ya saense ya maphelo.”.

### Phetošo ya karolo 5 ya Molao 37 wa 2000

4. Karolo 5 ya Molao mogolo e a fetošwa—

- (a) ka go tlošwa go lokelwe go karolwana (1) bakeng sa tema (b) ya tema ye e latelago:

“(b) godiša katišo ya bašomi ba yona ba laporatori le ba malebana;” le

- (b) ka go tloša go lokelwe go karolwana (2) bakeng sa ditema (c) le (d) tša ditema tše di latelago, ka tatellano:

“(c) kgathatema ditshepetšong tša dinyakišišo le Dikgoro tša Mmušo, diyunibesithi, **[ditheknikhone]** diyunibesithi tša theknolotši, dikholetšhe, dimusiamo, dihlolongwa tša saense le batho ba bangwe;

(d) šomišana le balaodi bja tša thuto le mekgatlo ya saense goba ya sethekgeniki goba dihlolongwa tša intaseteri tše di emetšego bathwadi le bašomi, ka tatellano bakeng sa kgodišo ya thuto le katišo ya ba tša thuto ya dihlolamalwetši, ba tša sethekgeniki, banyakišiši ba tša saense, ditsebi tša sethekgeniki le bašomi ba bangwe ba thekgo go diyunibesithi, **[ditheknikhone]** diyunibesithi tša theknolotši le Dikholetšhe;”.

### Go tloša le go lokelwe go karolo 7 ya Molao 37 wa 2000

5. Karolo ye e latelago e a tlošwa go lokelwe karolo 7 ya Molao mogolo:

#### “Thamego ya Boto

7. (1) Boto e na le maloko ao a latelago, ao a thwetšwego ke Tona:

- (a) Mohlankedi kuduthamaga mogolo ka lebaka la mošomo wa gagwe;  
 (b) mohlankedi wa matlotlo mogolo wa Tirelo ka lebaka la mošomo wa gagwe;  
 (c) maloko a marago ao a emetšego—  
 (i) Kgoro ya Bosetšhaba ya Maphelo;

- (ii) the Department of Science and Technology, nominated by the Director-General of that Department;
  - (iii) the higher education sector, nominated by the Council on Higher Education;
  - (d) six members who must have extensive experience in one or more of the following fields:
    - (i) Commerce, finance, auditing and economic matters;
    - (ii) corporate management;
    - (iii) public health;
    - (iv) diagnostic laboratory services;
    - (v) legal matters;
    - (vi) epidemiology;
  - (e) one representative from organised labour; and
  - (f) three members, each representing a cluster of three provinces that must be prescribed based on demographics, access to laboratory services and laboratory services distribution, and who must be nominated on a rotational basis by the respective provinces in the prescribed manner.
- (2) The Board is accountable to the Minister.”.

#### Amendment of section 8 of Act 37 of 2000

6. Section 8 of the principal Act is hereby amended—

- (a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) The Minister must, after consultation with the relevant bodies and institutions, appoint the members contemplated in **[section 7(b), (c), (e), (f) and (g) after consultation with the relevant bodies and institutions]** section 7(1)(c) and (e) and **[must]**, in so doing, ensure that appropriate laboratory professionals are appointed.

(2) The Minister must, before appointing the members contemplated in **[section 7(d)]** section 7(1)(d), by notice in the *Gazette* and in a national newspaper circulating in every province of the Republic invite all interested persons to nominate, within the period specified in the notice, persons who in the opinion of such interested persons are fit to be so appointed, stating the grounds upon which such opinion is based.”; and

- (b) by the substitution for subsection (4) for the following subsection:

“(4) The members of the Board may hold office for a period of at least three years, as the Minister may determine at the time of appointment, but must be eligible for reappointment, which reappointment must not be more than once.”.

#### Substitution of section 9 of Act 37 of 2000

7. The following section is hereby substituted for section 9 of the principal Act:

##### “Chairperson and vice-chairperson of Board

9. (1) The Minister must appoint a chairperson and a vice-chairperson for the Board from amongst the members appointed in terms of section 7(1)(c), (d) or (e).

(2) Whenever the chairperson of the Board is absent or unable to perform his or her functions as chairperson, the vice-chairperson must act as chairperson and if the vice-chairperson is absent or unable to act as chairperson, the members must designate another member of the Board to act as chairperson until the chairperson or vice-chairperson is available.

(3) In the event that the chairperson or the vice-chairperson is absent or unavailable for two consecutive meetings, the Board in consultation with the Minister must designate a member to act as chairperson or vice-chairperson until such time that the chairperson or vice-chairperson is able to resume his or her functions as chairperson or vice-chairperson.

- (ii) Kgoro ya Saense le Theknolotši, ye e kgethilwego ke Molaodi-Kakaretšo wa Kgoro yeo;
- (iii) lekala la thuto ya godimo, leo le kgethilwego ke Khansele ya Thuto ya Godimo;
- (d) maloko a tshela ao a swanetšego go ba le boitemogelo bjo bo tseneletšego lefelong goba mafelong a latelago:
  - (i) Kgwebo, tša matlotlo, tša hlakišo le merero ya ekonomi;
  - (ii) taolo ya tša koporasi;
  - (iii) maphelo a setšhaba;
  - (iv) ditirelo tša phekolo tša laporatori;
  - (v) merero ya molao;
  - (vi) tša botengkgolo;
- (e) moemedi o tee gotšwa go mokgatlo wa bašomi; le
- (f) maloko a mararo, le lengwe le le lengwe le emetše sehlopha sa diprofense tše tharo tseo di swanetšego go emela dihlopha tša batho, phihlelelo go ditirelo tša laporatori, le phatlalatšo ya ditirelo tša laporatori, mme le gore ke mang yo a swanetšego go kgethwa ka go dikologa ke baemedi ba diprofense tše malebana ka tsela yeo e beilwego.
- (2) Boto e na le maikarabelo go Tona.”.

#### Phetošo ya karolo 8 Molao 37 wa 2000

##### 6. Karolo 8 ya Molao mogolo e a fetošwa—

- (a) ka go tlošwa go lokelwe go karolwana (1) le (2) ya dikarolo tše di latelago, ka tatellano:
 

“(1) Tona o swanetše go thwala maloko ao a hlalošitšwego go **[karolo 7(b), (c), (e), (f) le (g)]** karolo 7(1)(c) le (e) morago ga therišano le mekgatlo ye malebana le dihlongwa **[mme o swanetše go netefatša gore diprofešenale tša laporatori tše malebana di swanetše go thwalwa]**.  
 (2) Tona o swanetše, pele a thwala maloko ao a hlalošitšwego go **[karolo 7(d)]** karolo 7(1)(d), ka tsebišo Kuranteng ya Mmušo mme le kuranteng ya bosetšhaba yeo e phatlalatšwago profenseng ye nngwe le ye nngwe ya Rephabliki, go dira taletšo ya batho ka moka bao ba nago le kgahlego go kgetha, mo nakong ye e laeditšwego go tsebišo, batho bao go ya ka boikgopolelo bja batho ba kgahlegelo e lego ba na le maswanedi a go ka thwalwa, go tšweletšwe mabaka a boikgopolelo bjoo.”; le
- (b) ka go tlošwa go lokelwe go karolwana (4) ya karolwana ye e latelago:
 

“(4) Maloko a Boto a ka šoma botelele bja nako ya mengwaga ye meraro, ka fao Tona a ka laetšago ka nako ya thwalo, efela a swanetše go swanelwa ke thwalogape, thwalogape ye ga se ya swanela go diragatšwa go feta ga tee.”.

#### Go tlošwa go lokelwe go karolo 9 ya Molao 37 wa 2000

##### 7. Karolo ye e latelago e a tlošwa go lokelwe karolo 9 ya Molao mogolo:

##### “Modulasetulo le motlatša modulasetulo wa Boto

- 9. (1) Tona o swanetše go thwala modulasetulo le motlatša modulasetulo wa Boto gotšwa malokong ao a thwetšwego go ya ka karolo 7(1)(c), (d) goba (e).
- (2) Ge modulasetulo wa Boto a se gona goba a palelwa ke go phethagatša bjalo ka modulasetulo, motlatša modulasetulo o swanetše go dira bjalo ka modulasetulo mme ge motlatša modulasetulo a se gona goba a palelwa ke go dira mošomo wa modulasetulo, maloko a swanetše go kgetha leloko le lengwe la Boto go dira bjalo ka modulasetulo go fihlela modulasetulo goba motlatša modulasetulo a ba gona.
- (3) Ge modulasetulo goba motlatša modulasetulo a se gona goba a sa hwetšagale dikopanong tše pedi ka tatellano, Boto ka therišano le Tona e swanetše go kgetha leloko leo le tlilego go dira bjalo ka modulasetulo goba motlatša modulasetulo go fihlela modulasetulo a kgona go tšwelapele ka mešomo ya gagwe bjalo ka modulasetulo goba motlatša modulasetulo.



(4) Any person acting as chairperson of the Board in terms of subsection (2) or (3), must perform all the functions of the chairperson.”.

#### Amendment of section 10 of Act 37 of 2000

8. Section 10 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (d) of the following paragraph:

“(d) he or she has, without the leave of the Board, been absent **[from more than]** for two consecutive meetings of the Board;”.

#### Insertion of section 10A in Act 37 of 2000

9. The following section is hereby inserted in the principal Act after section 10:

##### “Dissolution of Board

**10A.** (1) The Minister may dissolve the Board—

- (a) if the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;
- (b) if there is a total breakdown in the relationship between the Minister and the Board; or
- (c) if there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.

(2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

(3) Within 21 days of the dissolution of the Board, the Minister must appoint an Interim Board, consisting of a minimum of three persons, to assume the responsibilities of the Board until a new Board is constituted in accordance with the procedure set out in section 8.

(4) A new Board must be constituted within 180 days of the dissolution of the previous Board.

(5) The Minister may appoint to the new Board a person who was a member of the Board that was dissolved in terms of this section.

(6) The subparagraph (5) appointment is subject to persons who were members of the dissolved Board not constituting more than six members of the Board.”.

#### Amendment of section 11 of Act 37 of 2000

10. Section 11 of the principal Act is hereby amended—

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

“(1) The meetings of the Board and the conduct of the business at meetings must be **[prescribed]** determined by the rules;”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) A decision of the majority of the members of the Board present at any meeting constitutes a decision of the Board and, in the event of an equality of votes, the member presiding at the meeting must have a casting vote **[in addition to his or her deliberative vote]**.”.

#### Amendment of section 13 of Act 37 of 2000

11. Section 13 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) the chief financial officer and as many other employees of the Service as the Board may deem necessary.”.



(4) Motho ofe goba ofe yo a dirago bjalo ka modulasetulo wa Boto go ya ka karolwana (2) goba (3), o swanetše go phethagatša mešomo ka moka ya modulasetulo.”.

#### Phetošo ya karolo 10 ya Molao 37 wa 2000

8. Karolo 10 ya Molao mogolo e a fetošwa ka go tlošwa go lokelwe go karolwana (2) bakeng sa tema (d) ya tema ye e latelago:

“(d) ntle le tetla ya Boto, a be a se gona dikopanong tša tatellano [makgetlo a go feta] bakeng sa ama bedi a Boto;”.

#### Tokelo ya karolo 10A go Molao 37 wa 2000

9. Karolo ye e latelago e a lokelwa go Molao mogolo morago ga karolo 10: 10

##### “Phedišo ya Boto

##### 10A. (1) Tona a ka fediša Boto—

- (a) ge Boto e palelwa ke go diragatša ditshwanelo tša yona go ya ka Molao wo goba ka lebaka la taolompe; 15
- (b) ge go na le phelo ya tšhomišano magareng ga Tona le Boto; goba
- (c) go na le phelo ya tšhomišano magareng ga maloko a Boto, yeo e paledišago tšwelopele ya go šoma ga Boto.
- (2) Ge a diragatša maatla a gagwe go ya ka karolo ye, Tona o swanetše go obamela *Promotion of Administrative Justice Act*, 2000 (Molao 3 wa 2000). 20
- (3) Mo matšatšing a 21 a phedišo ya Boto, Tona o swanetše go thwala Boto ya Nakwana, yeo e nago le bonnyenyane bja maloko a mararo, go rwala maikarabelo a Boto go fihlela Boto ye mpsha e hlangwa go ya tshepetšo yeo e beilwego go karolo 8.
- (4) Boto ye mpsha e swanetše go hlangwa mo matšatšing a 180 a phedišo ya Boto ya peleng. 25
- (5) Tona a ka thwala motho go Boto ye mpsha yo e bego e le leloko la Boto yeo e fedišitšwego go ya ka karolo ye.
- (6) Thwalo ya temana (5) ke ya batho bao e bego e le maloko a Boto yeo e fedišitšwego ao a sego a go feta maloko a tshela a Boto.”.

#### Phetošo ya karolo 11 ya Molao 37 wa 2000 30

10. Karolo 11 ya Molao mogolo e a fetošwa—

- (a) ka go tloša go lokelwe go karolwana (1) ya karolwana ye e latelago: 35
  - “(1) Dikopano tša Boto le tshepetšo ya mošomo dikopanong di swanetše go [laelwa] laelwa ka melao;”; mme
- (b) ka go tloša go lokelwe go karolwana (3) ya karolwana ye e latelago:
  - “(3) Sepheto sa bontšhi bja maloko a Boto ao a lego gona kopanong efe goba efe ke sepheto sa boto mme, bakeng sa dikgetho tša tekatekano, leloko laolago kopano le swanetše go ba le kgetho ya go dira sepheto [godimo ga kgetho ya gagwe yeo e badilwego].”.

#### Phetošo ya karolo 13 ya Molao 37 wa 2000 40

11. Karolo 13 ya Molao mogolo e a fetošwa ka go tlošwa go lokelwe go karolwana (1) bakeng sa tema (b) ya tema ye e latelago:

“(b) mohlankedi wa matlotlo mogolo le bontši bjo bo hlokegago bja balaodi kuduthamaga ba Tirelo bjoo Boto e bonago bo hlokega.”.

**Insertion of sections 13A and 13B in Act 37 of 2000**

12. The following sections are hereby inserted in the principal Act after section 13:

**“Appointment of chief executive officer**

- 13A.** (1) The Board must, in consultation with the Minister, appoint a fit and proper and suitably qualified South African citizen as the chief executive officer of the Service and determine his or her remuneration. 5
- (2) The chief executive officer holds office for a term of five years and may be reappointed for one additional term of five years.
- (3) The appointment of a person as the chief executive officer is subject to the conclusion of a written performance agreement entered into between that person and the Board. 10
- (4) The Board and the chief executive officer may, in writing and by agreement, amend the performance agreement.
- (5) The Board may, in consultation with the Minister, remove the chief executive officer from office on account of serious misconduct, incapacity or incompetence, after affording him or her reasonable opportunity to be heard and subject to applicable legislation. 15
- (6) The Board, in consultation with the Minister, may designate an employee of the Service to act as chief executive officer—
- (a) if the chief executive officer is unable to perform his or her functions as chief executive officer; or 20
- (b) during a vacancy in the office of chief executive officer.
- (7) No person may be designated as an acting chief executive officer for a period longer than 180 days.

**Functions of chief executive officer 25**

- 13B.** (1) The chief executive officer—
- (a) is the administrative head of the Service;
- (b) is responsible for the proper and diligent implementation of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and
- (c) subject to section 14, must appoint suitably qualified persons as employees of the Service in accordance with an organisational structure and terms and conditions approved by the Board. 30
- (2) As administrative head of the Service, the chief executive officer is responsible for—
- (a) delivering on the agreed mandate of the Service as determined by the Board in terms of this Act; 35
- (b) the formation and development of internal rules and directives for an efficient administration;
- (c) the organisation and control of staff;
- (d) the maintenance of discipline; 40
- (e) the effective deployment and utilisation of staff to achieve maximum operational results;
- (f) the issuing of guidelines regarding the manner in which claims should be handled;
- (g) the exercise of any such powers and performance of any such duties as may be delegated or assigned to him or her by the Board; and 45
- (h) making the annual report, financial statements and audit report on those statements in respect of the Service accessible to the public once the annual report, financial statements and the audit report have been tabled in Parliament by the Minister. 50

**Tokelo ya dikarolo 13A le 13B go Molao 37 wa 2000**

12. Dikarolo tše di latelago di a lokelwa go Molao mogolo morago ga karolo 13:

**“Thwalo ya mohlankedi kuduthamaga mogolo**

- 13A.** (1) Boto e swanetše, ka therišano le Tona, thwala moagi wa Afrika Borwa yo a nago le maswanedi bjalo ka mohlankedi kuduthamaga mogolo wa Tirelo mme e laele moputso wa gagwe. 5
- (2) Mohlankedi kuduthamaga mogolo o šoma botelele bja nako ya mengwaga ye mehlano mme a ka thwalwa gape botelele bja mengwaga ye mengwe ye mehlano.
- (3) Thwalogape ya motho bjalo ka mohlankedi kuduthamaga mogolo e sepela le phethagatšo ya tumellano ya mošomo yeo e lego magareng ga motho yoo le Boto. 10
- (4) Boto le mohlankedi kuduthamaga mogolo, ka tsela ya lengwalo mme le ka tumellano, ba ka fetoša tumellano ya mošomo.
- (5) Boto e ka , ka therišano le Tona, tloša mohlankedi kuduthamaga mogolo mošomong ka lebaka la maitshwarompe a šoro, palelo goba go hloka bokgoni, morago ga go mo nea monyetla wo o lekanego wa go theeletšwa mme le go ya ka molao wo o šomago. 15
- (6) Boto, ka therišano le Tona, e ka kgetha mošomi wa Tirelo go dira bjalo ka mohlankedi mogolo wa kuduthamaga— 20
- (a) ge mohlankedi mogolo wa kuduthamaga a palelwa ke go diragatša mešomo ya gagwe bjalo ka mohlankedi mogolo wa kuduthamaga; goba
- (b) ge go na le sekgoba kantorong ya mohlankedi mogolo wa kuduthamaga. 25
- (7) Ga go motho yo a ka kgethwago bjalo ka Motswaoswere wa mohlankedi kuduthamaga mogolo botelele bja nako ya go feta matšatši a 180.

**Mešomo ya mohlankedi kuduthamaga mogolo**

- 13B.** (1) Mohlankedi kuduthamaga mogolo— 30
- (a) ke hloko ya tša tshepetšo ya Tirelo;
- (b) o na le maikarabelo a tsenyotirišong ya tsela mme le yeo e swanetšego ya *Public Finance Management Act*, 1999 (Molao 1 wa 1999); le
- (c) go ya ka karolo 14, o swanetše go thwala batho bao ba nago le maswanedi bjalo ka bašomi ba Tirelo go ya ka sebopego sa mokgatlo mme le go ya ka mabaka le dipeelano tseo di dumeletšwego ke Boto. 35
- (2) Bjalo ka hlogo ya tša tshepetšo ya Tirelo, mohlankedi kuduthamaga mogolo o na le maikarabelo a—
- (a) go phethagaletša mošomo woo go dumellanwego ka ona ka Boto go ya ka Molao wo; 40
- (b) tshedimošo le tlihabollo ya melao ya ka gare le ditaelo tša tshepetšo ye e šomago;
- (c) thulaganyo le taolo ya bašomi;
- (d) tšweletšo ya phošollo;
- (e) thomelo le tirišo ya bašomi yeo e phethagetšego bakeng sa go fihlelela dipelo tša godimo tša tshepetšo; 45
- (f) kabelo ya methalohlhali malebana le mokgwa woo dikgopelo di swanetšego go sepetšwa;
- (g) tirišo ya maatla afe goba afe le phethagatšo ya ditshwanelo dife goba dife tseo di ka tšwago di neilwe go yena ke Boto; le 50
- (h) go dira dipego tša ngwaga le ngwaga, ditatamente tša ditšhelete le dipego tša hlakišo go ditatamente tseo malebana le Tirelo yeo e hwetšagalago setšhabeng ge pego ya ngwaga, ditatamente tša ditšhelete le pego ya hlakišo di tšweleditšwe ke Tona go Palamente.

- (3) The chief executive officer must, upon request by the Minister—
- (a) furnish the Minister with information or a report in respect of any case, matter or subject dealt with by the Service; and
  - (b) provide the Minister with reasons for any decision taken by the Service, the Board, the chief executive officer or any other employee of the Service.”. 5

#### Substitution of section 18 of Act 37 of 2000

13. The following section is hereby substituted for section 18 of the principal Act:

##### “Finances of Service

18. (1) The Minister, in consultation with the Minister of Finance, must prescribe a financing mechanism for the Service in order to ensure that the Service is adequately and sustainably funded and thereby enabling the Service to achieve the objects of this Act. 10
- (2) The Service is funded through—
- (a) money appropriated by Parliament on such terms and conditions as the Minister, with the concurrence of the Minister of Finance, may determine; 15
  - (b) fees collected for services rendered;
  - (c) income earned on surplus moneys deposited or invested;
  - (d) grants, donations and bequests made to it; 20
  - (e) royalties; or
  - (f) money received from any other source.
- (3) The Service must charge such fees for services rendered that are not covered by the financing mechanism contemplated in subsection (1) as prescribed by the Minister, after consultation with the Minister of Finance.”. 25

#### Repeal of section 20 of Act 37 of 2000

14. Section 20 of the principal Act is hereby repealed.

#### Amendment of section 27 of Act 37 of 2000

15. Section 27 of the principal Act is hereby amended— 30
- (a) by the substitution for the heading of the following heading:
 

**“Rules and Regulations”**; and
  - (b) by the addition of the following subsections:
 

“(4) The Minister, after consultation with the National Health Council, may make regulations regarding— 35

    - (a) anything which may or must be prescribed in terms of this Act; and
    - (b) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(5) Before the Minister makes any regulation under this section, he or she must publish a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment, in writing, within a period stated in the notice of not less than 30 days from the date of publication of the notice. 40

(6) If the Minister alters the draft regulations as a result of any comment, he or she need not publish those alterations before making the regulations.”. 45

#### Transitional provisions

16. (1) The Board of the Service as it existed immediately before the commencement of section 5 of this Act ceases to exist on the day immediately preceding the date of the first meeting of the Board appointed in terms of section 7 of the principal Act as amended by this Act. 50

13

- (3) Mohlankedi kuduthamaga mogolo o swanetše go, ka kgopelo ya Tona—
- (a) nea Tona tshedimošo goba pegu mabapi le molato ofe goba ofe, morero goba hlogo yeo e phethagaletšwago ke Tirelo; mme
- (b) phethagaletša Tona ka mabaka a sepheto sefe goba sefe seo se dirilwego ke Tirelo, Boto, mohlankedi kuduthamaga mogolo goba mošomi ofe goba ofe wa Tirelo.”.

**Phetošo ya karolo 18 ya Molao 37 wa 2000**

13. Karolo ye e latelago e a fetošwa bakeng sa karolo 18 ya Molao Mogolo:

**“Ditšhelete tša Tirelo**

18. (1) Tona, ka therišano le Tona ya Matlotlo, o swanetše go laetša ditsela tša go thuša ka tšhelete go Tirelo bakeng sa go netefatša gore Tirelo e na le tšhelete ye e lekanego go kgontšha Tirelo go fihlelela maikemišetšo a yona mo Molaong wo.
- (2) Tirelo e thušwa ka ditšhelete ka—
- (a) tšhelete yeo e lekanyeditšwego ke Palamente ka mabaka le dipeelano tšeo Tona, ka tumellano le Tona ya Matlotlo, a ka laolago;
- (b) ditefelo tšeo di kgobokeditšwego bakeng sa tirelo yeo e abetšwego;
- (c) letseno leo le hweditšwego go tšhelete ya mašaledi yeo e tsentšwego goba e beeditšwego;
- (d) dithušo tša tšhelete, meneelo le mafa ao a dirilwego go yona;
- (e) diroyalithi; goba
- (f) Tšhelete yeo e hweditšwego kae goba kae.
- (3) Tirelo e swanetše go lefiša tefelo bakeng sa ditirelo tšeo di abetšwego tšeo di sa akaretšwago ke mekgwa ya ditšhelete yeo e hlalošitšwego go karolwana (1) bjalo ka ge go laetšwe ke Tona, morago ga therišano le Tona ya Matlotlo.”.

**Phumolo ya karolo 20 ya Molao 37 wa 2000**

14. Karolo 20 ya Molao mogolo e a phumolwa.

**Phetošo ya karolo 27 ya Molao 37 wa 2000**

15. Karolo 27 ya Molao mogolo e a fetošwa—

- (a) ka go tlošwa go lokelwe hlogong ya hlogo ye e latelago:  
“**Melao le Melawana**”; le
- (b) ka go oketša dikarolwana tše dilatelago:  
“(4) Tona, morago ga ditherišano le Khansele ya Maphelo ya Bosetšhaba, a ka dira melawana malebana le—
- (a) se sengwe le se sengwe seo se ka goba se swanetšwego go laelwa go ya ka Molao wo; le
- (b) morero ofe goba ofe wa tlaleletšo goba wo bohlokwa bakeng sa taolo goba tshepetšo wo o hlokegago go laela tsenyotirišong goba tshepetšo ya Molao wo.
- (5) Pele Tona a dira melawana ka tlase ga karolo ye, o swanetše go gatiša thalwa ya molawana wo šišintšwego Kuranteng ya Mmušo gammogo le tsebišo a bitša batho bao ba nago le kgahlego ya go dira diswayaswayo, ka tsela ya lengwalo, mo nakong yeo e ngwadilwego tsebišong yeo e sa fetego matšatši a 30 go thoma ka letšatšikgwedi la kgatišo ya tsebišo.
- (6) Ge Tona a fetoša melawana thalwa ka lebaka la swayaswayo efe goba efe, ga go hlokego ya go gatiša diphetošo tšeo pele a dira melawana.”.

**Ditaelo tša nakwana**

16. (1) Boto ya Tirelo ka ge e bile gona pele ga go thoma go šoma ga karolo 5 ya Molao wo e fedišwa ka letšatši leo le etago pele letšatšikgwedi la kopano ya mathomo ya Boto yeo e thwetšwego go ya ka karolo 7 ya Molao mogolo bjalo ka ge o fetošitšwe ke Molao wo.

(2) The chief executive officer of the Board who was in office immediately before the commencement of section 5 of this Act remains in office for the duration of his or her contract notwithstanding the amendment of the principal Act by this Act.

**Short title and commencement**

17. This Act is called the National Health Laboratory Service Amendment Act, 2019, 5  
and comes into operation on a date fixed by the President by proclamation in the  
*Gazette*.

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Molao Phetošo wa Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba, 2019

Nmr 5 ya 2019

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(2) Mohlankedi kuduthamaga mogolo wa Boto yo a bego a šoma pele ga go thoma go šoma ga karolo 5 ya Molao wo o tšwelapele ka go šoma bakeng sa botelele bja nako ya tumellano ya gagwe go sa setšwe phetošo ya Molao mogolo ka Molao wo.

**Thaetlele ye kopana le go thoma go šoma**

17. Molao wo o bitšwa Molao Phetošo wa Ditirelo tša Laporatori ya Maphelo ya Bosetšhaba, wa 2019, mme o thoma go šoma ka letšatšikgwedi leo le beilwego ke Mopresidente ka kgoeletšo Kuranteng ya Mmušo. 5



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