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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. S. W. P. VAN NIEUWENHUIZEN,
Secretary for South West Africa.

H. S. W. P. VAN NIEUWENHUIZEN,
Sekretaris van Suidwes-Afrika.

Administrator's Office,
Windhoek.

Kantoor van die Administrateur,
Windhoek.

No. 29] [28 February 1973

No. 29] [28 Februarie 1973.

ORDINANCE, 1973: PROMULGATION OF

ORDONNANSIE 1973: UITVAARDIGING VAN

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968) to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act.

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika 1968 (Wet 39 van 1968) aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van die gemelde Wet.

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No. 3 of 1973.]

HOSPITALS AMENDMENT ORDINANCE, 1973

(Assented to 27 February 1973).

(English text signed by the Administrator).

(Date of Commencement 28 February 1973).

ORDINANCE

To amend the Hospitals Ordinance, 1972, in regard to definitions; the establishment and maintenance of and financial aid to ambulance services; the admission of patients to state hospitals; the transfer of patients to and from other hospitals; the treatment of patients in state hospitals by hospital staff and the selection and engagement by such patients of their own medical practitioners; the prescribing of tariffs and the payment of fees for treatment in, at or from a state hospital; the election of medical committees and the power to make regulations; and to provide for incidental matters.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

Amendment of
section 1 of
Ordinance
14 of 1972.

1. The Hospitals Ordinance, 1972 (Ordinance 14 of 1972) — hereinafter referred to as the principal Ordinance — is hereby amended:—

(a) by the substitution for the definition of “treatment” of the following definition:

““treatment” means the provision of any or more of the following:

(a) nursing;

(b) accommodation, food, clothing;

(c) medical, curative, surgical, gynaecological, obstetrical, dental, specialist or any other kind of examination and treatment or immunisation;

(d) essential medicines on prescription by a medical practitioner in, at or from a hospital;

(e) any dressing, medical apparatus, medicine or appliance or any other article

or any service or examination as determined by the Director from time to time, and “treat” has a corresponding meaning;”;

(b) by the insertion after the definition of “private hospital” of the following definition:

““private patient” means a patient classified as a private patient in terms of this Ordinance;” and

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

““state patient” means a patient classified as a state patient in terms of this Ordinance;”.

Substitution of
section 7 of
Ordinance
14 of 1972.

2. The following section is hereby substituted for section 7 of the principal Ordinance:

No. 3 van 1973.]

**WYSIGINGSORDONNANSIE OP
HOSPITALE, 1973.**

(Goedgekeur 27 Februarie 1973).

(Engelse teks deur die Administrateur geteken).

(Datum van Inwerkingtreding 28 Februarie 1973).

ORDONNANSIE

Tot wysiging van die Ordonnansie op Hospitale, 1972, betreffende woordbepalings; die instelling, instandhouding en geldelike ondersteuning van ambulansdienste; die toelating van pasiënte tot staatshospitale; die oorpasing van pasiënte na en van ander hospitale; die behandeling van pasiënte in staatshospitale deur hospitaalpersoneel en die kies en indiensneming deur sodanige pasiënte van hulle eie geneeshere; die voorskrywing van tariewe en die betaling van gelde vir behandeling in, by of vanuit 'n staats-hospitaal; die verkiesing van mediese komitees en die bevoegdheid om regulasies uit te vaardig; en om voorsiening te maak vir bykomstige aangeleenthede.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN SOOS VOLG:—

1. Die Ordonnansie op Hospitale, 1972 (Ordonnansie 14 van 1972) — hieronder die Hoofordonnansie genoem — word hierby gewysig:—

Wysiging van artikel 1 van Ordonnansie 14 van 1972.

(a) deur die woordbepaling van „behandeling” deur die volgende woordbepaling te vervang:

„„behandeling” die verskaffing van enige of meer van die volgende:

- (a) verpleging;
- (b) huisvesting, voedsel, kleding;
- (c) mediese, heelkundige, snykundige, ginekologiese, verloskundige, tandheelkundige, spesialisriese of enige ander soort ondersoek en versorging of immunisering;
- (d) noodsaaklike medisyne op voorskrif van 'n geneesheer in, by of vanuit 'n hospitaal;
- (e) enige verband, mediese apparaat, medisyne of middel of enige ander artikel

of enige diens of ondersoek wat die Direkteur van tyd tot tyd bepaal en het „behandel” 'n ooreenstemmende betekenis;”;

(b) deur na die woordbepaling van „private hospitaal” die volgende woordbepaling in te voeg:

„„private pasiënt” 'n pasiënt ingevolge hierdie Ordonnansie as 'n private pasiënt geklassifiseer;”;

(c) deur na die woordbepaling van „staats-hospitaal” die volgende woordbepaling in te voeg:

„„staatspasiënt” 'n pasiënt ingevolge hierdie Ordonnansie as 'n staatspasiënt geklassifiseer;”.

2. Artikel 7 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

Vervanging van artikel 7 van Ordonnansie 14 van 1972.

**HOSPITALS AMENDMENT ORDINANCE,
NO. 3 OF 1973.**

"Institution
of and aid
to services.

7. (1) The Executive Committee may, subject to such terms and conditions as may be determined by it establish or cause to be established and aid financially —

- (a) workshops and depots for the manufacture, maintenance, repair or safe-keeping of apparatus and equipment to promote efficient health services;
- (b) laundries and linen services;
- (c) medical stores;
- (d) ambulance services;
- (e) any other service which it deems necessary or expedient to achieve the aims and objects of this Ordinance

in connection with state hospitals.

(2) No person except a local authority shall, without the approval of the Executive Committee, granted subject to such conditions as it may in its discretion determine, establish and maintain an ambulance service for any purpose whatsoever.

(3) The Executive Committee may subject to such conditions as it may in its discretion determine aid financially any ambulance service —

- (a) established or maintained or to be established or maintained by any person in accordance with an approval granted in terms of subsection (2);
- (b) established or maintained or to be established or maintained by a local authority in terms of any law."

WYSIGINGSORDONNANSIE OP HOSPITALE,
NO. 3 VAN 1973.

"Instelling en
ondersteuning
van dienste.

7. (1) Die Uitvoerende Komitee kan, onderhewig aan sodanige bepalings en voorwaardes soos hy bepaal —

(a) werksinkels en depots vir vervaardiging, instandhouding, herstel of bewaring van apparaat en toerusting ter bevordering van doeltreffende gesondheidsdienste;

(b) wasserye en linnedienste;

(c) mediese magasyns;

(d) ambulansdienste;

(e) enige ander dienste wat hy nodig of dienstig ag ten einde die oogmerke en doelstellings van hierdie Ordonnansie te bereik,

in verband met staatshospitale instel, laat instel en geldelik ondersteun.

(2) Niemand, behalwe 'n plaaslike bestuur, mag sonder die goedkeuring van die Uitvoerende Komitee, verleen onderhewig aan sodanige voorwaardes soos hy na goeëdunke bepaal, 'n ambulansdiens vir welke doel ook al instel en in stand hou nie.

(3) Die Uitvoerende Komitee kan enige ambulansdiens wat —

(a) deur iemand ingestel is of in stand gehou word of ingestel of in stand gehou gaan word ooreenkomstig 'n goedkeuring wat ingevolge subartikel (2) verleen is;

(b) deur 'n plaaslike bestuur ingevolge enige wet ingestel is of in stand gehou word of ingestel of in stand gehou gaan word

geldelik ondersteun onderhewig aan sodanige voorwaardes soos hy na goeëdunke bepaal."

3. Artikel 12 van die Hoofordonnansie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 12 van
Ordonnansie 14
van 1972.

**HOSPITALS AMENDMENT ORDINANCE,
NO. 3 OF 1973.**

“(1) Subject to the provisions of subsections (2) and (3) and taking into consideration the urgency of the need for treatment, any person who is suffering from a disease or ailment for which treatment in a hospital is essential shall be admitted to a state hospital whenever accommodation is available in such state hospital.”.

Amendment of
section 14 of
Ordinance
14 of 1972.

4. Section 14 of the principal Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in this Ordinance contained, the superintendent of a state hospital may transfer a patient in such hospital who received free treatment or is a state patient to or from any other hospital for treatment.”.

Substitution of
section 15 of
Ordinance
14 of 1972.

5. The following section is hereby substituted for section 15 of the principal Ordinance:

“Other persons may stay and be accommodated with patients.

15. The superintendent of a state hospital may permit any person to stay and to be accommodated with a patient in such hospital on such conditions, including the payment of fees, if any, as determined by the Executive Committee.”.

Substitution of
section 16 of
Ordinance
14 of 1972

6. The following section is hereby substituted for section 16 of the principal Ordinance:

“Medical practitioners who treat patients in state hospitals.

16. (1) A patient in a state hospital who receives free treatment or is a state patient shall be treated by the full-time staff of such state hospital: Provided that such patient may, subject to the provisions of subsections (3), (4) and (5) and with the written approval of the superintendent, granted subject to such conditions as he may in his discretion determine, select and engage his own medical practitioner.

(2) A patient in a state hospital who is a private patient shall, subject to the provisions of subsections (3), (4) and (5), select and engage his own medical practitioner: Provided that such patient may, with the approval of the Executive Committee granted subject to such conditions as it may in its discretion determine, be treated by the full-time staff of a state hospital.

(3) No patient who shall or may select and engage his own medical practitioner in terms of this section, shall select and engage a medical practitioner who —

WYSIGINGSORDONNANSIE OP HOSPITALE,
NO. 3 VAN 1973.

„(1) Behoudens die bepalings van subartikels (2) en (3) en met inagneming van die dringendheid van die behoefte aan behandeling, word enigiemand wat ly aan 'n siekte of ongesteldheid waarvoor behandeling in 'n hospitaal noodsaaklik is, tot 'n staatshospitaal toegelaat indien akkommodasie in sodanige staatshospitaal beskikbaar is.”.

4. Artikel 14 van die Hoofordonnansie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 14 van Ordonnansie 14 van 1972.

„(1) Nieteenstaande andersluidende bepalings in hierdie Ordonnansie, kan die superintendent van 'n staatshospitaal 'n pasiënt in sodanige hospitaal wat vry behandeling ontvang of 'n staatspasiënt is, vir behandeling oorplaas na of van enige ander hospitaal.”.

5. Artikel 15 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

Vervanging van artikel 15 van Ordonnansie 14 van 1972.

„Ander persone kan by pasiënte bly en gehuisves word.

15. Die superintendent van 'n staatshospitaal kan enigiemand toelaat om op die voorwaardes, insluitende die betaling van gelde, indien enige, wat die Uitvoerende Komitee bepaal, by 'n pasiënt in sodanige hospitaal te bly en gehuisves te word.”.

6. Artikel 16 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

Vervanging van artikel 16 van Ordonnansie 14 van 1972.

„Geneesheer wat pasiënte in staatshospitale behandel.

16. (1) 'n Pasiënt in 'n staatshospitaal wat vry behandeling ontvang of 'n staatspasiënt is, word deur die voltydse personeel van sodanige staatshospitaal behandel: Met dien verstande dat sodanige pasiënt behoudens die bepalings van subartikels (3), (4) en (5) en met die skriftelike toestemming van die superintendent, verleen onderhewig aan sodanige voorwaardes soos hy na goeddunke bepaal, sy eie geneesheer kan kies en in diens neem.

(2) 'n Pasiënt in 'n staatshospitaal wat 'n private pasiënt is, moet behoudens die bepalings van subartikels (3), (4) en (5) sy eie geneesheer kies en in diens neem: Met dien verstande dat sodanige pasiënt met die toestemming van die Uitvoerende Komitee, verleen onderhewig aan sodanige voorwaardes soos hy na goeddunke bepaal, deur die voltydse personeel van 'n staatshospitaal behandel kan word.

(3) Geen pasiënt wat ingevolge hierdie artikel sy eie geneesheer moet of kan kies en in diens neem, mag 'n geneesheer wat —

**HOSPITALS AMENDMENT ORDINANCE,
NO. 3 OF 1973.**

- (a) does not comply with the provisions of section 17;
 - (b) is a member of the full-time staff of a state hospital.
- (4) The Executive Committee shall not be liable for the payment of any fees due to such medical practitioner by any patient, who selected and engaged his own medical practitioner in terms of this section.
- (5) Notwithstanding anything to the contrary in this Ordinance contained no patient shall, in any state hospital which the Executive Committee may designate or any part of a state hospital which the Executive Committee may designate, select and engage his own medical practitioner.
- (6) For the purposes of this section a medical practitioner who is a part-time member of the staff of a state hospital, shall whenever he acts in that capacity, be deemed to be a member of the full-time staff of such state hospital."

Amendment of
section 18 of
Ordinance
14 of 1972.

7. Section 18 of the principal Ordinance is hereby amended —

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

"(2) In so prescribing tariffs for treatment in, at or from a state hospital the Executive Committee may vary such fees according to the particular class or classes of patients receiving treatment or the particular class or classes of state hospitals in which treatment is received or length of stay or other circumstances, and may so prescribe that under specified circumstances or in respect of specified hospitals no fees shall be payable."; and

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

"(3) Notwithstanding anything to the contrary in this Ordinance contained the Executive Committee may at any time in its discretion determine that any patient need not pay any fees or shall pay such reduced fees as may be determined by it for treatment in, at or from a state hospital."

8. The following section is hereby inserted in the principal Ordinance after section 18:

Insertion of
section 18A in
Ordinance
14 of 1972.

WYSIGINGSORDONNANSIE OP HOSPITALE,
NO. 3 VAN 1973.

- (a) nie aan die vereistes van artikel 17 voldoen nie;
- (b) 'n lid van die voltydse personeel van 'n staats-hospitaal is

kies en in diens neem nie.

- (4) Die Uitvoerende Komitee is nie aanspreeklik nie vir die betaling van enige gelde wat deur enige pasiënt wat ingevolge hierdie artikel sy eie geneesheer gekies en in diens geneem het, aan sodanige geneesheer verskuldig is.
- (5) Nieteenstaande enige andersluidende bepalings in hierdie Ordonnansie mag geen pasiënt in enige staats-hospitaal wat die Uitvoerende Komitee aanwys, of enige deel wat die Uitvoerende Komitee aanwys van enige staats-hospitaal, sy eie geneesheer kies en in diens neem nie.
- (6) By die toepassing van hierdie artikel word 'n geneesheer wat 'n deeltydse lid is van die personeel van 'n staats-hospitaal, wanneer hy in daardie hoedanigheid optree, geag 'n lid te wees van die voltydse personeel van sodanige staats-hospitaal."

7. Artikel 18 van die Hoofordonnansie word hierby gewysig —

Wysiging van
artikel 18 van
Ordonnansie 14
van 1972.

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By sodanige voorskrywing van tariewe vir behandeling in, by of vanuit 'n staats-hospitaal kan die Uitvoerende Komitee sodanige gelde laat wissel in ooreenstemming met die bepaalde klas of klasse pasiënte wat behandeling ontvang, of met die bepaalde klas of klasse staats-hospitale waarin behandeling ontvang word, of met die lengte van verblyf, of met ander omstandighede, en kan hy aldus voorskryf dat daar onder bepaalde omstandighede of vir bepaalde hospitale geen gelde betaalbaar is nie.”; en

- (b) deur die volgende subartikel by te voeg:

„(3) Nieteenstaande enige andersluidende bepalings in hierdie Ordonnansie kan die Uitvoerende Komitee te eniger tyd na goëddunke beslis dat enige pasiënt geen gelde hoef te betaal nie, of sodanige verminderde gelde soos hy bepaal moet betaal vir behandeling in, by of vanuit 'n staats-hospitaal.”.

8. Die volgende artikel word hierby in die Hoofordonnansie na artikel 18 ingevoeg:

Invoeging van
artikel 18A in
Ordonnansie 14
van 1972.

**HOSPITALS AMENDMENT ORDINANCE,
NO. 3 OF 1973.**

"Employers shall pay fees prescribed by the Executive Committee in respect of employees who shall receive free treatment.

18A.(1) Every person who is the employer of an employee registered in the employ of such employer at an employment bureau, shall pay, in respect of such employee, the fees prescribed by the Executive Committee from time to time.

(2) Notwithstanding anything to the contrary in this Ordinance contained, but subject to the conditions prescribed by the Executive Committee from time to time, every employee referred to in subsection (1) who is admitted to a state hospital as an in-patient, shall receive free treatment when he is admitted as such.

(3) For the purposes of subsection (1) "employment bureau" means an employment bureau established in terms of the Employment Bureau Regulations 1972, published under Proclamation No. 323 of 1972 of the State President of the Republic of South Africa in *Government Gazette* No. 3742 of 22 December, 1972."

Amendment of section 21 of Ordinance 14 of 1972.

9. Section 21 of the principal Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The medical practitioners associated with a state hospital may elect annually from their members a medical committee consisting of as many members as the Executive Committee may determine, and the superintendent shall *ex officio* be a member of such committee."

Substitution of section 41 of Ordinance 14 of 1972.

10. The following section is hereby substituted for section 41 of the principal Ordinance:

"Regulations.

41. The Executive Committee may make regulations in regard to —

- (a) anything required or permitted to be prescribed by regulation in terms of this Ordinance;
- (b) the time, manner and conditions at, in or on which any fees payable in terms of this Ordinance, shall be paid;
- (c) the classification of patients into different classes, namely private patients and state patients,

WYSIGINGSORDONNANSIE OP HOSPITALE,
NO. 3 VAN 1973.

„Werkgewers betaal gelde deur Uitvoerende Komitee voorgeskryf ten opsigte van werknemers wat vry behandeling ontvang.

18A.(1) Elkeen wat die werkgever is van 'n werknemer wat by 'n werkverskaffingsburo in diens van sodanige werkgever geregistreer is, betaal ten opsigte van sodanige werknemer die gelde wat van tyd tot tyd deur die Uitvoerende Komitee voorgeskryf word.

(2) Nieteenstaande enige andersluidende bepalings in hierdie Ordonnansie, maar behoudens die voorwaardes wat van tyd tot tyd deur die Uitvoerende Komitee voorgeskryf word, ontvang iedere in subartikel (1) bedoelde werknemer wat as binnepatiënt in 'n staatshospitaal opgeneem word, vry behandeling wanneer hy aldus opgeneem word.

(3) By die toepassing van subartikel (1) beteken „werkverskaffingsburo” 'n werkverskaffingsburo ingestel ingevolge die Regulasies vir Werkverskaffingsburo's, 1972, afgekondig by Proklamasie No. 323 van 1972 van die Staatspresident van die Republiek van Suid-Afrika in *Staatskoerant* No. 3742 van 22 Desember 1972.”

9. Artikel 21 van die Hoofordonnansie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 21 van Ordonnansie 14 van 1972.

„(1) Die geneeshere wat aan 'n staatshospitaal verbonde is, kan jaarliks uit hul geledere 'n mediese komitee kies wat bestaan uit soveel lede soos die Uitvoerende Komitee bepaal en die superintendent is ampshalwe lid van so 'n komitee.”

10. Artikel 41 van die Hoofordonnansie word hierby deur die volgende artikel vervang:

Vervanging van artikel 41 van Ordonnansie 14 van 1972.

„Regulasies

41. Die Uitvoerende Komitee kan regulasies uitvaardig met betrekking tot —

- (a) enigiets wat ingevolge hierdie Ordonnansie by regulasie voorgeskryf moet of kan word;
- (b) die tyd, wyse en voorwaardes waarop enige gelde wat ingevolge hierdie Ordonnansie betaalbaar is, betaal moet word;
- (c) die indeling van pasiënte in verskillende klasse, te wete private pasiënte en staatspasiënte,

HOSPITALS AMENDMENT ORDINANCE,
NO. 3 OF 1973.

including a regulation which provides that the Executive Committee may at any time in its discretion re-classify a private patient as a state patient;

- (d) the classification of state hospitals into different classes and the factors to be taken into consideration at such classification;
- (e) pathological examinations of human tissues removed surgically from a patient in a state hospital;
- (f) the lending of state hospital equipment;
- (g) the control of patients, visitors and traffic in a state hospital and on the premises thereof;
- (h) ambulances;
- (i) the taking into a state hospital of anything by any person;
- (j) mortuaries at state hospitals;
- (k) generally any matter which it considers necessary or expedient to ensure the effective implementation of this Ordinance and the furtherance of the objects thereof."

Short title

11. This Ordinance shall be called the Hospitals Amendment Ordinance, 1973.

WYSIGINGSORDONNANSIE OP HOSPITALE,
NO. 3 VAN 1973.

met inbegrip van 'n regulasie wat bepaal dat die Uitvoerende Komitee te eniger tyd na goeëduke 'n private pasiënt as 'n staatspasiënt kan herklasifiseer;

- (d) die indeling van staatshospitale in verskillende klasse en die faktore wat in ag geneem moet word by so 'n indeling;
- (e) patologiese ondersoeke van menslike weefsel wat snykundig van 'n pasiënt in 'n staats-hospitaal verwyder is;
- (f) die uitleen van staats-hospitaaltoerusting;
- (g) die beheer oor pasiënte, besoekers en verkeer in 'n staats-hospitaal en op die perseel daarvan;
- (h) ambulanse;
- (i) die inbring deur enigiemand van enigiets in 'n staats-hospitaal;
- (j) lykshuise by staats-hospitale;
- (k) in die algemeen enige aangeleentheid wat hy nodig of dienstig ag ten einde die doeltreffende uitvoering van hierdie Ordonnansie en die bevordering van die oogmerke daarvan te verseker."

11. Hierdie Ordonnansie heet die Wysigingsordonnansie op Hospitale, 1973.

Kort
titel.

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