

HEALTH

Venereal Diseases Prevention Proclamation 5 of 1919.

Summary: This Proclamation authorised military magistrates to order persons infected with venereal disease to obtain medical treatment. It is still technically in force.

Public Health Act 36 of 1919, as amended by SA Proclamation 36 of 1920.

Summary: This Act makes provision for the prevention and control of infectious diseases, venereal diseases and epidemics. It also regulates sanitation, food and public water supplies.

Applicability to SWA: This Act was made applicable to South West Africa by the Public Health Proclamation (SA Proclamation 36 of 1920) which also amended the Act as it applied to SWA. This Proclamation did not make future amendments to the Act in South Africa automatically applicable to SWA, and none of the subsequent amending acts were made expressly applicable.

Transfer of administration to SWA: Section 159 defines “Minister” as “the Minister holding the portfolio of Health”. Therefore the administration of this Act was probably transferred to SWA by the Executive Powers (Health) Transfer Proclamation (AG 14/1977), dated 1 December 1977.

The Act was replaced in South Africa by the *Health Act 63 of 1977*. This repealing act came into force on 1 September 1977, prior to the probable date of transfer. However, it was not made expressly applicable to SWA and would not have applied automatically.

Amendments: SA Proclamation 36 of 1920 amends the Act as it applies to SWA. Proc. 28/1923 makes SA Proclamation 36 of 1920 applicable to the Rehoboth Gebiet.

Ord. 7/1932 amends section 36 of the Act. Proc. 16/1936 amends section 71. Proc. 20/1938 amends section 86 and inserts sections 26*bis* and 34*bis*. Ord. 50/1957 amends section 50 and section 51. Ord. 35/1958 amends sections 5, 115, and 159, and inserts sections 8, 8*bis*, 8*ter*, 17*bis*, 91*bis*, 92*bis*, 96*bis* and 124*bis*. Ord. 10/1964 amends section 16. The Health Act 21 of 1988 extends the application of the Act to all parts of SWA.

Regulations: Regulations concerning slaughtering and meat inspection are contained in SA GN 140 of 10 November 1926, as applied to SWA by GN 94 of 18 June 1927. These regulations are amended by AG 76/1989.

Ordinance for Prevention and Combating of Alcoholism and Anti-Social Conduct 11 of 1965.

Summary: This Ordinance provides for the certification of institutions for the treatment of person addicted to drink, drugs, gambling, etc. and the detention of such persons for treatment.

International Health Regulations Act 28 of 1974, as amended to December 1977.

Summary: This Act applies the International Health Regulations adopted by the World Health Assembly in 1969 to South Africa.

Applicability to SWA: Section 1 defines “Republic” to include “the territory of South West Africa”. Section 5 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Health) Transfer Proclamation (AG 14/1977), dated 1 December 1977. There was only one amendment to the Act in South Africa after the date of transfer and prior to Namibian independence -- the *Transfer of Powers and Duties of the State President Act 97 of 1986* -- which was not made expressly applicable to SWA.

Regulations: Regulations and designations of approved ports and airports are contained in RSA Proclamation 139/1975, Proclamation 241/1975 and RSA Proclamation 2001/1975.

Foodstuffs, Cosmetics and Disinfectants Ordinance 18 of 1979.

Summary: This Ordinance controls the sale, manufacture and import of foodstuffs, cosmetics and disinfectants.

Amendments: This Ordinance originally authorised local authorities to enforce it locally. It was extended to all of SWA by the Health Act 21 of 1988.

Regulations: Basic regulations are contained in GN 195/1968, as amended prior to independence. Standards regarding salt and iodised salt are amended in GN 124/1994 (GG 883).

Related laws: See GN 179/2008 (GG 4088) for exemptions from the application of section 29 of the Medicines and Related Substances Control Act 13 of 2003 to certain substances approved under this Act.

COMMISSIONS

Commission of Inquiry into Health Services (AG 19/1981).

INTERNATIONAL LAW

International Sanitary Regulations, 1951

territorial application: *International Health Regulations Act 28 of 1974*

According to the UN Treaty Data Base, this includes adoption of the following amendments:

- * *Additional regulations amending the International Sanitary Regulations, 1951 with respect to the sanitary control of pilgrim traffic, 1956*
- * *Additional regulations amending the International Sanitary Regulations, 1951 in particular with respect to the Health Part of the Aircraft General Declaration, 1960*
- * *Additional regulations amending the International Sanitary Regulations, 1951 in particular with respect to notifications, 1963*
- * *Additional regulations amending the International Sanitary Regulations, 1951 in particular with respect to disinfecting of ships and aircraft, 1965*

Constitution of the World Health Organization, 1946

definitive signature/acceptance: 23 April 1990

Amendment to article 7 of the Constitution of the World Health Organization, 1965

(not yet in force internationally)

acceptance: 21 September 2004

Amendment to article 74 of the Constitution of the World Health Organization, 1978 (not yet in force internationally)

acceptance: 21 September 2004

Amendments to articles 24 and 25 of the Constitution of the World Health Organization, 1986

acceptance: 11 November 1991

Amendments to articles 24 and 25 of the Constitution of the World Health Organization, 1998

acceptance: 26 March 1999

Namibia has NOT accepted the following amendments:

- * Amendments to articles 24 and 25 of the Constitution of the World Health Organization, 1959
- Amendments to articles 24 and 25 of the Constitution of the World Health Organization, 1967
- * Amendments to articles 34 and 55 of the Constitution of the World Health Organization, 1973
- * Amendments to articles 24 and 25 of the Constitution of the World Health Organization, 1976

Commonwealth Regional Health Community for East, Central and Southern Africa

accession: 19 December 1991 (source: Ministry of Foreign Affairs)

WHO Framework Convention on Tobacco Control, 2003

(entered into force internationally on 27 February 2005)

signature: 29 January 2004

ratification approved by Parliament: 26 October 2005

deposit: 7 November 2005; effective date: 5 February 2006 (source: WHO, www.who.int/fctc)

International Convention against Doping In Sport, 2005

(entered into force internationally on 1 February 2007)

ratification by Parliament: 21 September 2006 (source: Parliament)

deposit: 29 November 2006 (source: UNESCO, www.unesco.org)

SADC Protocol on Health, 1999

(entered into force within SADC on 14 August 2004) (source: SADC)

signature: 18 August 1999 (source: SADC)

ratification: 10 July 2000 (source: SADC; Ministry of Foreign Affairs)

See also **DISABILITIES**.

See also **HOSPITALS**.

See also **LABOUR** (health and safety at workplaces).

See also **MEDICINE AND MEDICAL PROFESSIONS**.

See also **MENTAL HEALTH AND MENTAL DISORDERS**.