argief

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA

UITGAWE OP GESAG. *PUBLISHED BY AUTHORITY*

10c Donderdag 27 April 1972 WINDHOEK Thursday 27 April 1972 No. 3247

INHOUD

CONTENTS

		Bladsy/Page
ONTWERPORDONNANSIE:	**DRAFT ORDINANCE:**	
Ontwerpordonnansie op Hospitale 1972	Hospitals Draft Ordinance, 1972	292

Ontwerpordonnansie

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

J. J. KLOPPER,
Sekretaris van Suidwes-Afrika

Kantoor van die Administrateur,
Windhoek.

Draft Ordinance

The following Draft Ordinance is published for general information.

J. J. KLOPPER,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

ONTWERPORDONNANSIE

Tot samevatting en wysiging van die wetsbepalings met betrekking tot staatshospitale en private hospitale en daarmee in verband staande aangeleenthede.

INHOUD

HOOFSTUK 1	
Woordbepalings	Artikel 1
HOOFSTUK 2	
Stigting en Bestuur van Staatshospitale en Dienste.	Artikels 2 tot 10
HOOFSTUK 3	
Toegang en Toelating tot en Behandeling in Staatshospitale.	Artikels 11 tot 17
HOOFSTUK 4	
Gelde.	Artikels 18 tot 20
HOOFSTUK 5	
Mediese Komitee en Adviesraad.	Artikels 21 tot 26
HOOFSTUK 6	
Bemakings en Eiendom.	Artikels 27 en 28
HOOFSTUK 7	
Private Hospitale.	Artikels 29 tot 34
HOOFSTUK 8	
Algemene en Aanvullende Bepalings.	Artikels 35 tot 44

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

HOOFSTUK 1.

WOORDBEPALING.

Woordbepaling. 1. Tensy uit die samehang anders blyk, beteken in hierdie Ordonnansie —

„Administrasie" die Administrasie van die Gebied Suidwes-Afrika;

„adviesraad" die adviesraad wat ingevolge artikel 22 aangestel is;

DRAFT ORDINANCE

To consolidate and amend the laws relating to state hospitals and private hospitals and matters incidental thereto.

CONTENTS

CHAPTER 1

Definitions. Section 1

CHAPTER 2

Establishment and Management of State Hospitals and Services. Sections 2 to 10

CHAPTER 3

Access and Admission to and Treatment in State Hospitals. Sections 11 to 17

CHAPTER 4

Fees. Sections 18 to 20

CHAPTER 5

Medical Committee and Advisory Board. Sections 21 to 26

CHAPTER 6

Bequests and Property. Sections 27 and 28

CHAPTER 7

Private Hospitals. Sections 29 to 34

CHAPTER 8

General and Supplementary Provisions. Sections 35 to 44

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

CHAPTER 1.

DEFINITIONS.

1. In this Ordinance, unless the context otherwise indicates — Definitions.

"Administration" means the Administration of the Territory of South West Africa;

"advisory board" means the advisory board appointed in terms of section 22;

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

(a) verpleging;

(b) huisvesting, voedsel, kleding;

(c) mediese, heelkundige, snykundige, ginekologiese, verloskundige, tandheelkundige, spesialistiese 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 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;

„binnepasiënt" iemand wat vir langer as vier ure aaneenlopend in 'n hospitaal behandel word;

„boekjaar" die tydperk van die eerste dag van April in elke jaar tot en met die een-en-dertigste dag van Maart in die daaropvolgende jaar;

„buitepasiënt" iemand wat vir hoogstens vier ure aaneenlopend behandeling ontvang in, by of vanuit 'n hospitaal of 'n spreekkamer, behandelingskamer, apteek, laboratorium of opleidingsinrigting van 'n geneesheer;

„Direkteur" die Direkteur van Gesondheidsdienste van die Administrasie van Suidwes-Afrika;

„eienaar" met betrekking tot 'n gebou of perseel —

(a) die persoon, maatskappy of vereniging van persone (hetsy met of sonder regspersoonlikheid) in wie se naam sodanige gebou of perseel geregistreer is; of

(b) waar sodanige gebou of perseel onderhewig is aan 'n huurkontrak, die persoon, maatskappy of vereniging van persone (hetsy met of sonder regspersoonlikheid) wat die huurder is van sodanige gebou of perseel

en sluit in —

(i) die persoon wat sodanige gebou of perseel beheer of bestuur; en

(ii) die agent van 'n persoon, maatskappy of vereniging van persone bedoel in paragraaf (a), (b) of (i);

„geneesheer" iemand wat ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet 13 van 1928) soos op die Gebied toegepas by Proklamasie 3 van 1929 (Republiek) as 'n geneesheer, intern of tandarts geregistreer is;

„hierdie Ordonnansie" ook die regulasies wat daarkragtens uitgevaardig en van krag is;

„hospitaal"

(a) enige inrigting, insluitende 'n kraaminrigting, 'n aansterkingstehuis, 'n kliniek en enige ander plek hoegenaamd waar binne- of buitepasiënte of beide binne- en buitepasiënte behandeling ontvang;

"Director" means the Director of Health Services of the Administration of South West Africa;

"Executive Committee" means the Administrator-in-Executive-Committee as referred to in section 6 of the South West Africa Constitution Act, 1968 (Act 39 of 1968);

"financial year" means the period from the first day of April in every year up to and including the thirty-first day of March in the year next succeeding;

"hospital" means —

(a) any institution including a maternity home, a convalescent home, a clinic and any other place whatsoever where in- or out-patients or both in- and out-patients, receive treatment;

(b) any institution for the training of medical practitioners, nurses, paramedical practitioners and any other related profession;

(c) any laboratory rendering services to any or more such institutions or professions,

and includes all other services attached to any such institution or profession, but excludes ambulance services and also a consulting room, surgery, dispensary, laboratory or training institution of a medical practitioner where only out-patients are treated, and where such medical practitioner exclusively carries on his private practice and renders services exclusively on behalf of his own practice and patients;

"in-patient" means a person who is treated in a hospital for longer than four continuous hours;

"local authority" means the council of any municipality or village management board and includes the Peri-Urban Development Board established in terms of the provisions of the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970);

"medical committee" means a committee established in terms of section 21;

"medical practitioner" means a person registered as a medical practitioner, intern or dentist in terms of the Medical, Dental and Pharmacy Act, 1928 (Act 13 of 1928) as applied to the Territory by Proclamation 3 of 1929 (Republic);

"nurse" means a person registered as a nurse in terms of the Nursing Act, 1957 (Act 69 of 1957);

"out-patient" means a person who receives treatment in, at or from a hospital or a consulting room, surgery, dispensary, laboratory or training institution of a medical practitioner for not more than four continuous hours;

"owner" in relation to a building or premises means —

(a) the person, company or association of persons (whether incorporated or not) in whose name the building or premises are registered; or

(b) where such building or premises are subject to a lease the person, company or association of persons (whether incorporated or not)

(b) enige inrigting vir die opleiding van medici, verpleegsters, paramedici en enige ander verwante professie,

(c) enige laboratorium wat dienste aan enige of meer sodanige inrigtings of professies lewer

en omvat alle ander dienste wat met enige sodanige inrigting of beroep gepaard gaan, maar sluit uit ambulansdienste en ook 'n spreekkamer, behandelingskamer, apteek, laboratorium of opleidingsinrigting van 'n geneesheer waarin slegs buitepasiënte behandel word, en waarin sodanige geneesheer uitsluitlik sy private praktyk beoefen en dienste uitsluitlik ten behoewe van sy eie praktyk en pasiënte lewer;

„mediese komitee" 'n komitee wat ingevolge artikel 21 ingestel is;

„plaaslike bestuur" die raad van enige munisipaliteit of dorpsbestuur en sluit in die Raad vir Buitestedelike Ontwikkeling ingestel ingevolge de bepalings van die Ordonnansie op die Raad vir Buitestedelike Ontwikkeling, 1970 (Ordonnansie 19 van 1970);

„private hospitaal" enige hospitaal waarin enige persoon, maatskappy of vereniging van persone (hetsy met of sonder regspersoonlikheid) voorsiening maak vir behandeling maar sluit dit uit 'n staatshospitaal, of enige hospitaal wat 'n plaaslike bestuur gestig het of in stand hou;

„regulasie" 'n regulasie wat kragtens hierdie Ordonnansie uitgevaardig en van krag is;

„staatshospitaal" 'n hospitaal wat die Administrasie ingevolge die bepalings van hierdie Ordonnansie in stand hou, bestuur, beheer en finansier;

„Uitvoerende Komitee" die Administrateur-in-Uitvoerende-Komitee soos bedoel in artikel 6 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968);

„superintendent" 'n geneesheer wat in 'n voltydse, deeltydse of afloshoedanigheid beklee en belas is met die bevoegdhede, funksies en verantwoordelikhede betreffende die bestuur en dryf van 'n hospitaal;

„verpleegster" iemand wat ingevolge die Wet op Verpleging, 1957 (Wet 69 van 1957) as verpleegster geregistreer is.

HOOFSTUK 2.

STIGTING EN BESTUUR VAN STAATSHOSPITALE EN DIENSTE.

Stigting van staatshospitale.

2. Die Uitvoerende Komitee kan te eniger tyd 'n staatshospitaal stig en sodanige hospitaal daarna in stand hou, bestuur, beheer en finansier.

Oorname van hospitale as staatshospitale.

3. Die Uitvoerende Komitee kan te eniger tyd enige hospitaal ingevolge die bepalings en op die voorwaardes wat by onderlinge ooreenkoms bepaal word, as 'n staatshospitaal oorneem, aankoop, huur of andersins aanskaf of verkry en sodanige daarna in stand hou, bestuur, beheer en finansier of sluit.

who is the lessee of such building or premises and includes —

(i) the person who controls or manages such building or premises; and

(ii) the agent of a person, company or association of persons referred to in paragraph (a), (b) or (i);

"private hospital" means any hospital in which provision is made by any person, company or association of persons (whether incorporated or not) for treatment, but excludes a state hospital, or any hospital established or maintained by a local authority;

"regulation" means a regulation made and in force under this Ordinance;

"state hospital" means a hospital which is maintained managed, controlled and financed by the Administration in terms of the provisions of this Ordinance;

"superintendent" means a medical practitioner invested and entrusted with the powers, functions and responsibilities concerning the management and conduct of a hospital in a full-time, part-time or relief capacity;

"this Ordinance" includes the regulations made and in force thereunder;

"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 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.

CHAPTER 2.

ESTABLISHMENT AND MANAGEMENT OF STATE HOSPITALS AND SERVICES.

Establishment of state hospitals.

2. The Executive Committee may at any time establish a state hospital and thereafter maintain, manage, control and finance such hospital.

Taking over of hospitals as state hospitals.

3. The Executive Committee may at any time take over, purchase, hire or otherwise procure or acquire any hospital as a state hospital on such terms and conditions as may be mutually agreed upon and thereafter maintain, manage, control and finance or close such hospital.

Dryf van hospitale as staatshospitale.

4. Die Uitvoerende Komitee kan enige private hospitaal ten opsigte waarvan 'n kennisgewing bedoel in artikel 29 (1) (c) ontvang word en wat nie ingevolge die bepalings van artikel 3 as 'n staatshospitaal oorgeneem, aangekoop, gehuur of andersins aangeskaf of verkry word nie, onderhewig aan die bepalings van hierdie Ordonnansie as 'n staatshospitaal bestuur, beheer en finansier vir die tydperk wat die Uitvoerende Komitee bepaal en op die voorwaardes wat by onderlinge ooreenkoms bepaal word: Met dien verstande dat, waar geen sodanige onderlinge ooreenkoms bereik kan word nie, sodanige voorwaardes by arbitrasie kragtens die Wet op Arbitrasie, 1965 (Wet 42 van 1965) bepaal moet word.

Oorname en indiensbouding van personeel.

5. Die Uitvoerende Komitee kan, behoudens die bepalings van die Staatsdienswet, 1957 (Wet 54 van 1957) en die Administrasiewerknemersordonnansie 1957 (Ordonnansie 17 van 1957), enigiemand wat in diens is by 'n hospitaal wat ingevolge die bepalings van artikel 3 as 'n staatshospitaal oorgeneem, aangekoop, gehuur of andersins aangeskaf of verkry word of by 'n private hospitaal wat ingevolge die bepalings van artikel 4 as 'n staatshospitaal bestuur, beheer en gefinansier word, oorneem en in diens hou vir die tydperk en op die voorwaardes waarop onderling ooreengekom word.

Huur of aankoop van apparaat en toerusting.

6. Die Uitvoerende Komitee kan enige apparaat en toerusting vir die doeleindes van 'n staatshospitaal huur of aankoop.

Instelling en ondersteuning van dienste.

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

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

(b) wasserye en linnedienste;

(c) mediese magasyne;

(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.

Geriewe en dienste vir personeel en pasiënte.

8. (1) Die Uitvoerende Komitee kan, onderhewig aan sodanige bepalings en voorwaardes soos hy bepaal, enige geriewe en dienste wat hy nodig of nuttig ag vir die gerief van en gebruik deur die personeel of pasiënte van 'n staatshospitaal, instel of voorsien of laat instel of voorsien en dit geldelik ondersteun.

(2) Enige gerief of diens wat ingevolge hierdie artikel ingestel of voorsien en geldelik ondersteun sou kon word en wat voor die inwerkingtreding van hierdie Ordonnansie met die goedkeuring van die Uitvoerende Komitee ingestel of voorsien en geldelik ondersteun is, word geag ingevolge hierdie artikel ingestel of voorsien en geldelik ondersteun te wees en enige uitgawes in verband met so 'n gerief of diens aangegaan of betalings in verband met so 'n gerief of diens gedoen, word geag ingevolge hierdie artikel aangegaan of gedoen te wees en word hierby bekragtig.

Conduct of hospitals as state hospitals.

4. The Executive Committee may, subject to the provisions of this Ordinance, manage, control and finance as a state hospital any private hospital in respect of which a notice as referred to in section 29 (1) (c) has been received and which has not been taken over, purchased, hired or otherwise procured or acquired in terms of section 3 as a state hospital for such period as determined by the Executive Committee and on such conditions as may be mutually agreed upon: Provided that whenever no such mutual agreement can be reached, such conditions shall be determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965).

Taking over and keeping in service of personnel.

5. The Executive Committee may, subject to the provisions of the Public Service Act, 1957 (Act 54 of 1957), and the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957), take over and keep in service any person who is in the service of a hospital taken over, purchased, hired or otherwise procured or acquired in terms of the provisions of section 3 as a state hospital or by a private hospital which is managed, controlled and financed as a state hospital in terms of the provisions of section 4 for such period and on such conditions as may be mutually agreed upon.

Hire or purchase of apparatus and equipment.

6. The Executive Committee may for the purposes of a state hospital hire or purchase any apparatus and equipment.

Institution of and aid to services.

7. 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.

Amenities and services for staff and patients.

8. (1) The Executive Committee may, subject to such terms and conditions as may be determined by it establish or provide or cause to be established or provided and aid financially, any amenities and services which it deems necessary or useful for the convenience of and use by the staff or patients of a state hospital;

(2) Any amenity or service, which could be established or provided and aided financially in terms of this section and which was established or provided and aided financially with the approval of the Executive Committee prior to the coming into operation of this Ordinance, shall be deemed to have been instituted or provided and aided financially in terms of this section, and any expenditure incurred in connection with such an amenity or service or payments made in connection with such an amenity or service shall be deemed to have been incurred or made in terms of this section and are hereby confirmed.

Voorsiening van bakteriologiese en verwante dienste.

9. Die Uitvoerende Komitee kan bakteriologiese en verwante dienste, insluitende laboratoria, verskaf ter bevordering van doeltreffende gesondheidsdienste, of 'n ooreenkoms met ander instansies aangaan vir die lewering van die dienste, en die Uitvoerende Komitee kan persone of liggame toelaat om gebruik te maak van die dienste wat sodanige laboratoria verskaf ingevolge die bepalings en op die voorwaardes, insluitende die betaling van gelde en heffings, indien enige, wat die Uitvoerende Komitee bepaal.

Hulpdienste in noodgevalle.

10. Die Uitvoerende Komitee kan by die verskaffing van hospitaal- en spesialistiese dienste, voorrade mensebloed of voorrade van enige ander mediese stof, preparaat of apparaat op voorwaardes wat hy bepaal, insluitende die betaling van gelde, indien enige, in noodgevalle beskikbaar stel aan enige instansie.

HOOFSTUK 3

TOEGANG EN TOELATING TOT EN BEHANDELING IN STAATSHOSPITALE.

Weiering van toegang tot 'n staatshospitaal.

11. Die superintendent kan aan enigiemand, insluitende 'n geneesheer of tandarts, toegang tot die staatshospitaal onder sy beheer weier indien sodanige persoon enige reël van die hospitaal of opdrag van die superintendent oortree of weier of versuim om dit te eerbiedig of na te kom, of om enige ander rede hoegenaamd wat die superintendent gerade ag: Met dien verstande dat iemand aan wie toegang aldus geweier word, hom binne veertien dae na sodanige weiering skriftelik deur die Direkteur op die Uitvoerende Komitee kan beroep, en die Uitvoerende Komitee se beslissing is afdoende.

Toelating tot staatshospitale.

12. (1) Wanneer akkommodasie beskikbaar is, en met inagneming van die dringendheid van die behoefte aan verligting, word enigiemand wat ly aan 'n siekte of ongesteldheid ter verligting waarvan so 'n hospitaal ingestel is, tot 'n staatshospitaal toegelaat.

(2) Die superintendent kan enigiemand uitsluit of ontslaan uit 'n staatshospitaal as die toelating of aanhouding van so iemand syns insiens onnodig is of as dit die behandeling van ander pasiënte sou benadeel, of as so iemand hom skuldig maak aan optrede wat na die mening van die superintendent sy ontslag regverdig, of om enige rede hoegenaamd wat die superintendent gerade ag.

(3) Enigiemand wat ingevolge subartikel (2) uitgesluit of ontslaan is uit 'n staatshospitaal, kan hom binne veertien dae na sodanige uitsluiting of ontslag skriftelik deur die Direkteur op die Uitvoerende Komitee beroep en die Uitvoerende Komitee se beslissing is afdoende.

Toewysing van siekesaal, afdeling en bed.

13. Die superintendent of 'n persoon wat deur hom daartoe gemagtig is, moet die siekesaal, afdeling en bed waarin 'n pasiënt opgeneem moet word, toewys: Met dien verstande dat die superintendent of persoon wat deur hom daartoe gemagtig is, wanneer dit na sy mening nodig of wenslik is, sodanige pasiënt na enige ander siekesaal, afdeling en bed kan laat verskuif.

Provision of bacteriological and related services.

9. The Executive Committee may provide bacteriological and related services including laboratories to promote efficient health services, or enter into an agreement with other authorities for the supply of these services, and the Executive Committee may allow persons or bodies to make use of the services provided by such laboratories on such terms and conditions, including the payment of fees and charges, if any, as the Executive Committee may determine.

Auxiliary services in emergency cases.

10. The Executive Committee may in providing hospital and specialist services, make available supplies of human blood or supplies of any other medical substance, preparation or apparatus on conditions that it may determine, including the payment of fees, if any, to any authority in cases of emergency.

CHAPTER 3.

ACCESS AND ADMISSION TO AND TREATMENT IN STATE HOSPITALS.

Refusal of access to a state hospital.

11. The superintendent may refuse any person, including a medical practitioner or dentist, access to the state hospital under his control if such a person contravenes any rule of the hospital or an order by the superintendent or refuses or fails to respect it or comply therewith or for any other reason whatsoever deemed advisable by the superintendent: Provided that any person to whom access is so refused may within fourteen days after such refusal appeal in writing to the Executive Committee through the Director and the decision of the Executive Committee shall be final.

Admission to state hospitals.

12. (1) Whenever accommodation is available, and taking into consideration the urgency of the need for relief, there shall be admitted to a state hospital any person who is suffering from a disease or ailment for the relief of which such hospital is established.

(2) The superintendent may exclude or discharge any person from a state hospital if in his opinion the admission or detention of such person is unnecessary or would adversely affect the treatment of other patients or if such person is guilty of such conduct that in the opinion of the superintendent his discharge is justified or for any reason whatsoever deemed advisable by the superintendent.

(3) Any person excluded or discharged from a state hospital in terms of subsection (2) may within fourteen days after such exclusion or discharge, appeal in writing to the Executive Committee through the Director and the decision of the Executive Committee shall be final.

Assignment of ward, section and bed.

13. The superintendent or a person authorised thereto by him shall assign the ward, section and bed to which a patient is to be admitted: Provided that the superintendent or person authorised thereto by him may whenever, in his opinion, it is necessary or desirable, have such patient removed to any other ward, section or bed.

Oorplasing van pasiënte wat vry behandeling ontvang.

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

(2) Sodanige oorplasing en behandeling geskied op Administrasiekoste.

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, wat die Uitvoerende Komitee bepaal by 'n pasiënt in sodanige hospitaal te bly en gehuisves te word.

Behandeling deur eie geneesheer of tandarts.

16. (1) 'n Pasiënt in 'n staatshospitaal kan sy eie geneesheer of tandarts kies en in diens neem: Met dien verstande dat —

(a) die Uitvoerende Komitee nie aanspreeklik is vir die betaling van gelde wat aan so 'n geneesheer of tandarts verskuldig is nie;

(b) so 'n geneesheer of tandarts nie 'n voltydse lid van enige staatshospitaal se personeel is nie.

(2) Nieteenstaande die bepalings van subartikel (1) mag geen pasiënt wat vanweë sy finansiële onstandighede vry behandeling in 'n staatshospitaal ontvang, sy eie geneesheer of tandarts kies en in diens neem nie behalwe met die skriftelike goedkeuring van die superintendent en onderhewig aan die bepalings van die voorbehoudsbepaling by subartikel (1) en ook onderhewig aan sodanige voorwaardes soos die superintendent bepaal.

(3) Nieteenstaande die bepalings van subartikel (1) mag geen pasiënt in 'n bepaalde staatshospitaal of deel daarvan wat die Uitvoerende Komitee aanwys, sy eie geneesheer of tandarts kies en in diens neem nie.

Toestemming aan private geneeshere om pasiënte in staatshospitale te behandel.

17. (1) Vanaf 'n datum wat deur die Uitvoerende Komitee bepaal en by kennisgewing in die *Offisiële Koerant* bekendgemaak word, mag geen geneesheer wat nie voltyds in diens van die Administrasie is nie, 'n pasiënt in 'n staatshospitaal behandel of 'n mediese prosedure in 'n staatshospitaal toepas nie, behalwe met die toestemming van die Uitvoerende Komitee.

(2) (a) 'n Aansoek om toestemming ingevolge subartikel (1) word skriftelik by die superintendent ingehandig.

(b) Geen sodanige aansoek word oorweeg nie tensy die applikant skriftelik onderneem het om die bepalings van hierdie Ordonnansie en van enige reëls wat op daardie staatshospitaal van toepassing is, na te kom.

(3) Die Uitvoerende Komitee kan by die verlening van sodanige toestemming die voorwaarde of voorwaardes stel dat sodanige toestemming slegs geld —

(a) ten opsigte van daardie deel van sodanige staatshospitaal;

(b) ten opsigte van daardie behandeling;

(c) vir daardie tydperk of tydperke

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

Transfer of patients receiving free treatment.

(2) Such transfer and treatment shall be at the expense of the Administration.

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 as determined by the Executive Committee.

Other persons may stay and be accommodated with patients.

16. (1) A patient in a state hospital may select and engage his own medical practitioner or dentist: Provided that —

Treatment by own medical practitioner or dentist.

(a) the Executive Committee shall not be liable for the payment of any fees due to such medical practitioner or dentist;

(b) such medical practitioner or dentist is not a full-time member of the staff of any state hospital.

(2) Notwithstanding the provisions of subsection (1), no patient who, owing to his financial position receives free treatment in a state hospital, shall select and engage his own medical practitioner or dentist, except with the written approval of the superintendent and subject to the provisions of the proviso to subsection (1) and subject also to such conditions as the superintendent may determine.

(3) Notwithstanding the provisions of subsection (1), no patient in any particular state hospital or part thereof which the Executive Committee may designate, may select and engage his own medical practitioner or dentist.

17. (1) As from a date determined by the Executive Committee and made known by notice in the *Official Gazette* no medical practitioner who is not in full-time employ of the Administration shall treat a patient in a state hospital or apply a medical procedure in a state hospital except with the permission of the Executive Committee.

Permission to private medical practitioners to treat patients in a state hospital.

(2) (a) An application for permission in terms of section (1) shall be submitted in writing to the superintendent.

(b) No such application shall be considered unless the applicant has undertaken in writing to comply with the provisions of this Ordinance and of any rules applicable to that state hospital.

(3) The Executive Committee may when granting such permission impose the condition or conditions that such permission shall apply only —

(a) in respect of that part of such state hospital;

(b) in respect of that treatment;

(c) for such period or periods

wat hy bepaal en kan daarbenewens ook sodanige ander voorwaardes stel soos hy goeddink.

(4) Die Uitvoerende Komitee kan enige toestemming verleen en enige voorwaarde gestel ingevolge die bepalings van hierdie artikel te eniger tyd wysig of intrek of dit onderhewig maak aan enige nuwe voorwaarde of voorwaardes bedoel in subartikel (3).

(5) Die Sekretaris van Suidwes-Afrika kan te eniger tyd wanneer hy van mening is dat die Uitvoerende Komitee die bevoegdhede aan hom verleen by subartikel (4) behoort uit te oefen, enige toestemming verleen ingevolge die bepalings van hierdie artikel opskort of enige voorwaarde gestel ingevolge die bepalings van hierdie artikel opskort of wysig of enige sodanige toestemming onderhewig maak aan enige voorwaarde bedoel in subartikel (3), hangende die uitoefening van sy bevoegdhede ingevolge subartikel (4) deur die Uitvoerende Komitee en die Sekretaris van Suidwes-Afrika moet die geneesheer op wie dit betrekking het dienooreenkomstig in kennis stel.

(6) Daar word nie van die Uitvoerende Komitee of van die Sekretaris van Suidwes-Afrika vereis om enige redes te verstrek vir enige besluit geneem in die uitoefening van 'n bevoegdheid verleen by hierdie artikel nie.

(7) Indien enige toestemming waarom ingevolge subartikel (1) aansoek gedoen is, geweier is of indien enige voorwaarde ingevolge subartikel (3) gestel is by die verlening van sodanige toestemming of indien die Uitvoerende Komitee die bevoegdhede verleen by subartikel (4) uitgeoefen het, kan die geneesheer op wie dit betrekking het, na verloop van ses maande vanaf sodanige weiering of die stel van sodanige voorwaarde of die uitoefening van sodanige bevoegdheid weer aansoek doen om die bedoelde toestemming of om die wysiging of intrekking van enige voorwaarde onderhewig waaraan die bedoelde toestemming aan hom verleen is.

HOOFSTUK 4.

GELDE.

Gelde betaalbaar deur pasiënte in staatshospitale.

18. (1) Die Uitvoerende Komitee kan by regulasie tariewe voorskryf van gelde wat vir behandeling in, by of vanuit 'n staatshospitaal betaal moet word en die voorwaardes waarop en die omstandighede waaronder 'n pasiënt in 'n staatshospitaal vry behandeling ontvang.

(2) By sodanige voorskrywing van tariewe vir behandeling in, by of vanuit 'n staatshospitaal kan die Uitvoerende Komitee sodanige gelde laat wissel in ooreenstemming met die bepaalde klas of klasse pasiënte wat behandeling ontvang, of met die aard van die akkommodasie en geriewe wat verskaf word, of met die lengte van verblyf, of met ander omstandighede, en kan hy aldus voorskryf dat daar onder bepaalde onstandighede of vir bepaalde hospitale geen gelde betaalbaar is nie.

Kontrakte of ooreenkomste vir verskaffing van behandeling en dienste in, by of vanuit staatshospitale.

19. Nieteenstaande andersluidende bepalings in hierdie Ordonnansie kan die Uitvoerende Komitee met enige regering, maatskappy, vereniging, fonds of gemeenskap 'n kontrak of ooreenkoms aangaan waarkragtens vir

as determined by it and may in addition also impose such other conditions as it thinks fit.

(4) The Executive Committee may at any time amend or withdraw any permission granted and any condition imposed in terms of the provisions of this section or make it subject to any new condition or conditions referred to in subsection (3).

(5) The Secretary for South West Africa may at any time when he is of the opinion that the Executive Committee should exercise the powers vested in it by subsection (4), suspend any permission granted in terms of the provisions of this section or suspend or amend any condition imposed in terms of the provisions of this section or make any such permission subject to any condition referred to in subsection (3) pending the exercise of its powers by the Executive Committee in terms of subsection (4) and the Secretary for South West Africa shall inform the medical practitioner concerned accordingly.

(6) It shall not be required from the Executive Committee or the Secretary for South West Africa to furnish any reasons for any decision taken in the execution of a power vested in it or him by this section.

(7) If any permission applied for in terms of subsection (1), is refused or if any condition is imposed in terms of subsection (3) on granting such permission or if the Executive Committee exercised the powers vested in it by subsection (4), the medical practitioner concerned may, after six months had elapsed from such refusal or the imposition of such conditions or the exercising of such powers, again apply for the permission referred to or for the amendment or withdrawal of any condition subject to which the permission referred to was granted to him.

CHAPTER 4.

FEES.

Fees payable by patients in state hospitals.

18. (1) The Executive Committee may by regulation prescribe tariffs of fees to be paid for treatment in, at or from a state hospital and the conditions on which and circumstances under which a patient in a state hospital shall receive free treatment.

(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 nature of the accommodation and amenities provided 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.

Contracts or agreements for providing treatment and services in, at or from state hospitals.

19. Notwithstanding anything to the contrary in this Ordinance contained the Executive Committee may conclude a contract or an agreement with any government, company, association, fund or community in terms

enige behandeling of diens wat in, by of vanuit 'n staatshospitaal verskaf word aan iemand ten opsigte van wie se behandeling sodanige regering, maatskappy, vereniging, fonds of gemeenskap aanspreeklik is, betaal word volgens 'n tarief van gelde of by wyse van 'n globale bedrag wat in sodanige kontrak of ooreenkoms bepaal word.

Vermindering en kwytskelding van gelde.

20. Die Uitvoerende Komitee kan enige gelde wat ingevolge hierdie Ordonnansie betaalbaar is of sal wees, verminder of kwytskeld as hy oortuig is dat die persoon wat aanspreeklik is vir betaling daarvan of enigiemand anders op wie sodanige gelde verhaal kan word, nie in staat is om sodanige gelde ten volle, of enige gelde hoegenaamd, na gelang, te betaal nie.

HOOFSTUK 5.

MEDIESE KOMITEE EN ADVIESRAAD.

Stigting en funksies van mediese komitee.

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

(2) Die mediese komitee kies uit sy geledere 'n voorsitter en kom minstens vier keer per jaar byeen.

(3) Die mediese komitee se funksie behels oorweging van enige professionele aangeleentheid en skriftelike advies daaroor aan die superintendent en die mediese komitee moet enige sodanige professionele aangeleentheid wat die superintendent na die komitee verwys, oorweeg en skriftelik verslag lewer en aanbevelings doen.

(4) Die mediese komitee verstrek aan die einde van elke kalenderjaar 'n verslag aan die superintendent en die superintendent stuur 'n afskrif daarvan aan die Direkteur.

(5) Die Uitvoerende Komitee bepaal by regulasie —

(a) die wyse waarop 'n mediese komitee gekies moet word;

(b) watter geneeshere by die verkiesing van 'n mediese komitee kan stem;

(c) die gronde waarop die lede van 'n mediese komitee hulle amp verbeur;

(d) die wyse waarop vakatures in 'n mediese komitee aangevul word; en

(e) die reëling en prosedure op vergaderings van 'n mediese komitee en verbandhoudende sake.

(6) Aan die lede van 'n mediese komitee wat nie beamptes in die staatsdiens of beamptes of werknemers in diens van die Administrasie is nie, word die besoldiging, toelaes en gelde betaal wat die Uitvoerende Komitee van tyd tot tyd bepaal.

Aanstelling van adviesraad.

22. (1) Die Uitvoerende Komitee kan 'n adviesraad aanstel met die Direkteur as voorsitter en 'n adjunk-direkteur as ondervoorsitter en nog vier ander lede.

of which payment for any treatment or service rendered in, at or from a state hospital to a person in respect of whose treatment such government, company, association, fund or community is liable, is made at a tariff of fees or by means of a globular amount stipulated in such contract or agreement.

20. The Executive Committee may reduce or waive any fees which are or will become payable in terms of this Ordinance if it is satisfied that the person who is liable for payment thereof or any other person from whom such fees can be recovered is unable to pay such fees in full or any fees whatsoever, as the case may be. Reduction and remission of fees.

CHAPTER 5.

MEDICAL COMMITTEE AND ADVISORY BOARD

21. (1) The medical practitioners associated with a state hospital may elect 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. Establishment and functions of medical committee.

(2) The medical committee shall elect a chairman from amongst its members and shall meet at least four times a year.

(3) The medical committee's functions include consideration of any professional matter and written advice thereon to the superintendent, and the medical committee shall consider any such professional matter referred to the Committee by the superintendent and submit a written report and recommendations.

(4) The medical committee shall at the end of every calender year furnish a report to the superintendent who shall transmit a copy thereof to the Director.

(5) The Executive Committee shall by regulation prescribe —

(a) the manner of election of a medical committee;

(b) which medical practitioners may vote at the election of a medical committee;

(c) the grounds on which the members of a medical committee shall forfeit their office;

(d) the manner in which vacancies on a medical committee shall be filled; and

(e) the organisation and procedure at meetings of a medical committee and matters incidental thereto.

(6) To the members of a medical committee other than those who are officers in the Public Service or officers or employees in the service of the Administration shall be paid such remuneration, allowances and fees as may be determined by the Executive Committee from time to time.

22. (1) The Executive Committee may appoint an advisory board with the Director as chairman and a deputy director as vice-chairman and four other members. Appointment of advisory board.

(2) Die vier ander lede van die adviesraad dien vir 'n tydperk van twee jaar: Met dien verstande dat wanneer die adviesraad vir die eerste keer saamgestel word, die Uitvoerende Komitee bepaal welke lede vir een jaar en welke lede vir twee jaar aangestel word om sodoende die jaarlikse aftrede van twee lede te verseker: Met dien verstande voorts dat die Uitvoerende Komitee die dienstermyn van enige lid of lede na goeddunke kan beëindig.

(3) Lede wie se dienstermyn verstryk het, kan weer aangestel word.

Funksies van adviesraad.

23. Die adviesraad bedien die Uitvoerende Komitee of Direkteur, na gelang, met advies oor navorsing, hospitaalbeplanning, laboratoriumdienste, beplanning van helende en nooddienste, hospitaaltoerusting of enige ander aangeleentheid wat die Uitvoerende Komitee of Direkteur na hom verwys.

Prosedure op vergaderings van adviesraad.

24. (1) Die Uitvoerende Komitee bepaal by regulasie die reëling en prosedure op vergaderings van die adviesraad en verbandhoudende sake.

(2) Die vergaderings van die adviesraad is privaat en nie vir die publiek toeganklik nie.

(3) Die sekretaris van die adviesraad hou behoorlik notule van bywoning van lede daarvan en van alle besluite wat op elke vergadering geneem word.

(4) Die Administrasie verskaf aan die adviesraad die nodige sekretariële hulp en skryfbehoeftes.

Aanstelling van komitees van die adviesraad.

25. Die adviesraad kan, wanneer hy dit nodig vind, komitees van die adviesraad aanstel om op 'n bepaalde saak in te gaan en daaroor verslag te lewer en vir hierdie doel kan met die goedkeuring van die Uitvoerende Komitee bevoegde persone gekoöpteer word in raadgewende hoedanigheid alleenlik.

Besoldiging, toelaes en gelde aan lede van adviesraad.

26. Aan die lede van 'n adviesraad of enige komitee van 'n adviesraad wat nie beamptes in die staatdiens of beamptes of werknemers in diens van die Administrasie is nie, word die besoldiging, toelaes en gelde betaal wat die Uitvoerende Komitee van tyd tot tyd bepaal.

HOOFSTUK 6.

BEMAKINGS EN EIENDOM.

Trusts, bemakings, erflatings en skenkings.

27. (1) Nieteenstaande andersluidende bepalings in hierdie Ordonnansie of enige ander wet (behalwe 'n Wet van die Parlement van die Republiek van Suid-Afrika wat in die Gebied Suidwes-Afrika van toepassing is) kan die Uitvoerende Komitee eiendom by wyse van 'n bemaking, erflating, skenking of bydrae in trust vir enige bepaalde doel in verband met 'n bestaande of toekomstige staatshospitaal, of in trust vir enige hospitaalgebruik aanvaar en enige aldus aanvaarde eiendom bly te alle tye onderhewig aan die bepalings en voorwaardes, indien daar is, van sodanige trust, bemaking, erflating of skenking en word te alle tye behandel ooreenkomstig

(2) The four other members of the advisory board shall serve for a period of two years: Provided that when the advisory board is constituted for the first time, the Executive Committee shall determine which members shall be appointed for one year and which members for two years so as to secure the annual retirement of two members: Provided further that the Executive Committee may in its discretion terminate the term of office of any member or members.

(3) Members whose term of office has expired, may be re-appointed.

Functions of advisory board.

23. The advisory board shall advise the Executive Committee or Director, as the case may be, on research work, planning of hospitals, laboratory services, planning of curative and emergency services, hospital equipment or any other matter which the Executive Committee or Director may refer to it.

Procedure at meetings of advisory board.

24. (1) The Executive Committee shall prescribe by regulation the organisation and procedure at meetings of the advisory board and matters incidental thereto.

(2) The meetings of the advisory board shall be private and not open to the public.

(3) The secretary of the advisory board shall keep proper record of the attendances of the members thereof and of all resolutions adopted at every meeting.

(4) The Administration shall provide the advisory board with the secretarial assistance and stationery needed by it.

Appointment of committees of advisory board.

25. The advisory board may, when it is deemed necessary, appoint committees of the advisory board to investigate and report on any specific matter, and for this purpose competent persons may, with the approval of the Executive Committee, be co-opted solely in an advisory capacity.

Remuneration, allowances and fees to members of advisory board.

26. To the members of an advisory board or any committee of an advisory board other than those who are officers in the Public Service or officers or employees in the service of the Administration shall be paid such remuneration, allowances and fees as may be determined by the Executive Committee from time to time.

CHAPTER 6.

BEQUESTS AND PROPERTY.

Trusts, bequests, devise and donations.

27. (1) Notwithstanding anything to the contrary contained in this Ordinance or any other law (except an Act by the Parliament of the Republic of South Africa which is applicable to the Territory of South West Africa) the Executive Committee may except property by way of bequest, devise, donation or contribution in trust for any particular purpose in connection with an existing or future state hospital, or in trust for any hospital purpose, and any property so accepted shall at all times remain subject to the terms and conditions, if any, of such trust, bequest, devise or donation, and shall at all times be dealt with in accordance with such terms and conditions: Provided that where a term or condition of

sodanige bepalings en voorwaardes: Met dien verstande dat, waar 'n bepaling of voorwaarde van sodanige trust, bemaking, erflating of skenking strydig is met enige bepaling van hierdie Ordonnansie, sodanige eiendom vry van daardie trust, bemaking, erflating of skenking by die Administrasie berus en aangewend kan word vir enige doel in verband met die hospitaal wat bestem is om uit sodanige trust, bemaking, erflating of skenking voordeel te trek: Met dien verstande voorts dat waar eiendom ingevolge 'n trust, bemaking, erflating of skenking onderhewig is aan 'n voorwaarde dat dit vir 'n spesifieke doel gebruik moet word en sodanige doel nie 'n kapitale doel is nie, die Uitvoerende Komitee, as hy dit in die belang van die betrokke hospitaal ag, die aanwending van sodanige eiendom vir aanskaffing van toerusting, vir so 'n hospitaal of vir enige kapitale doel in verband daarmee, kan magtig.

(2) By die toepassing van hierdie artikel beteken „kapitale doel" —

(a) die oprigting, bou, aanskaffing, uitbreiding of verbetering van 'n staatshospitaalgebou;

(b) die aanskaffing van grond of van enige reg op, of belang in, grond;

(c) die uitvoering van werk van 'n permanente aard in verband met enige staatshospitaal.

Beskikking oor eiendom.

28. Behoudens die bepalings van artikel 27, kan die Uitvoerende Komitee enige eiendom wat ingevolge hierdie Ordonnansie of 'n by artikel 43 herroepe ordonnansie by die Administrasie berus, verhuur, verkoop of andersins vervreem of dit op enige wyse hoegenaamd vir Administrasiedoeleindes aanwend.

HOOFSTUK 7.

PRIVATE HOSPITALE.

Registrasie van private hospitale.

29. (1) Niemand mag —

(a) 'n private hospitaal of deel daarvan stig, dryf of in stand hou of 'n diens in 'n private hospitaal of deel daarvan lewer nie, tensy sodanige hospitaal of deel daarvan deur die Uitvoerende Komitee geregistreer is;

(b) enige veranderings of uitbreidings aan 'n private hospitaal of deel daarvan wat aldus geregistreer is, aanbring nie, behalwe met die goedkeuring van die Uitvoerende Komitee;

(c) 'n private hospitaal wat aldus geregistreer is, sluit of ophou om dit te dryf of dienste daarin te lewer nie, tensy hy minstens ses kalendermaande vooraf aan die Direkteur skriftelik kennis gegee het van sy voorneme om dit te doen.

(2) Die Uitvoerende Komitee kan —

(a) 'n private hospitaal of deel daarvan registreer vir die tydperk en op die voorwaardes wat hy na goeddunke bepaal en teen betaling van die registrasiegelde wat hy van tyd tot tyd bepaal en 'n registrasiesertifikaat uitgereik ten opsigte van 'n

such trust, bequest, devise or donation is in conflict with any provision of this Ordinance such property shall vest in the Administration free of such trust, bequest, devise or donation and may be applied to any purpose in connection with the hospital intended to benefit from such trust, bequest, devise or donation: Provided further that where property is in terms of a trust, bequest, devise or donation subject to a condition that it shall be used for a specific purpose and such purpose is not a capital purpose the Executive Committee may, if it considers it to be in the interests of the hospital concerned authorise the utilisation of such property for the purpose of acquiring equipment for such hospital or for any capital purpose connected therewith.

(2) For the purpose of this section "Capital purpose" means—

(a) the erection, construction, acquisition, extension or improvement of a state hospital building;

(b) the acquisition of land or of any right over or interest in land;

(c) the carrying out of any work of a permanent nature in connection with any state hospital.

Disposal of property.

28. Subject to the provisions of section 27 the Executive Committee may let, sell or otherwise alienate or in any manner whatsoever use for Administration purposes any property vested in the Administration in terms of this Ordinance or an ordinance repealed by section 43.

CHAPTE 7.

PRIVATE HOSPITALS.

Registration of private hospitals.

29. (1) No person shall —

(a) establish, conduct or maintain a private hospital or part thereof or render any service in a private hospital or part thereof unless such hospital or part thereof has been registered by the Executive Committee;

(b) effect any alterations or extensions to a private hospital or part thereof which has been so registered except with the approval of the Executive Committee;

(c) close or cease to conduct or render services in a private hospital or part thereof, which has so been registered, unless he has at least six calender months previously given the Director written notice of his intention to do so.

(2) The Executive Committee may —

(a) register a private hospital or part thereof for such period and on such conditions as it may in its discretion determine, and against payment of such registration fees as it may from time to time determine, and a registration certificate issued in

opleidingsinrigting soos bedoel in die omskrywing van „hospitaal" in artikel 1, wat ingevolge die bepalings van hierdie artikel geregistreer moet word, moet die doel van die betrokke opleiding en die maksimum getal leerlinge wat gelyktydig in sodanige inrigting opgelei kan word, vermeld en 'n registrasiesertifikaat uitgereik ten opsigte van 'n laboratorium soos bedoel in die omskrywing van „hospitaal" in artikel 1 wat ingevolge die bepalings van hierdie artikel geregistreer moet word, moet die aard en omvang van die dienste wat deur sodanige laboratorium gelewer word, vermeld;

(b) weier om 'n private hospitaal of deel daarvan te registreer;

(c) enige sodanige registrasie te eniger tyd intrek, indien na sy mening —

(i) die gebou, perseel of toerusting van sodanige hospitaal of deel daarvan nie geskik of toereikend is nie;

(ii) sodanige hospitaal of deel daarvan nie van voldoende en geskikte personeel voorsien is nie;

(iii) die wyse waarop sodanige hospitaal of deel daarvan gedryf word nadelig kan wees vir die liggaamlike geestelike en sedelike welsyn van die pasiënte of personeel;

(iv) dit in die openbare belang wenslik is.

Huisvesting in private hospitale.

30. Behalwe in noodgevalle mag die eienaar van 'n private hospitaal —

(a) niemand behalwe *bona fide* binnepasiënte en ander persone vir wie sy registrasiesertifikaat magtiging verleen, daarin huisves nie;

(b) nie op enige tydstip meer van die klas of klasse pasiënte huisves as die getal of getalle wat die registrasiesertifikaat ten opsigte van daardie private hospitaal aangee nie:

Met dien verstande dat wanneer die eienaar handel ingevolge paragrawe (a) en (b) in 'n noodgeval hy, binne sewe dae daarna die Direkteur skriftelik daarvan moet verwittig en hom ook die redes daarvoor moet verstrek, en die Direkteur oordeel of sodanige afwyking onder die aandag van die Uitvoerende Komitee gebring moet word vir optrede ingevolge die bepalings van artikel 29 (2) (c)

Betalings en hulptoelaes aan private en ander hospitale.

31. (1) Die Uitvoerende Komitee kan hulptoelaes aan private hospitale en aan hospitale wat deur plaaslike besture gestig of in stand gehou word, betaal vir die oprigting, aanbou, verandering, toerusting en dryf van sodanige hospitale en kan ten opsigte van sodanige hospitale, of hulle ingevolge hierdie artikel ondersteun word of nie, betalings aan sodanige hospitale doen vir die vry behandeling van binne- en buitepasiënte op die basis en voorwaardes wat hy bepaal.

(2) Enige hulptoelaes en enige betalings wat voor die inwerkingtreding van hierdie Ordonnansie met die goedkeuring van die Uitvoerende Komitee betaal en gedoen is aan 'n private hospitaal of aan 'n hospitaal wat

respect of a training institution as referred to in the definition of "hospital" in section 1, which is required to be registered in terms of the provisions of this section, shall state the purpose of the training concerned and the maximum number of students that may be trained in such institution at the same time, and a registration certificate issued in respect of a laboratory as referred to in the definition of "hospital" in section 1, which is required to be registered in terms of the provisions of this section shall state the nature and extent of the services rendered by such laboratory;

(b) refuse to register a private hospital or part thereof;

(c) at any time withdraw such registration if, in its opinion —

(i) the building, premises or equipment of such hospital or part thereof is not suitable or adequate;

(ii) such hospital or part thereof is not provided with adequate and suitable staff;

(iii) the manner in which such hospital or part thereof is conducted may be detrimental to the physical, mental or moral welfare of the patients or staff;

(iv) it is desirable in the public interest.

Accommodation in private hospitals.

30. Except in cases of emergency the owner of a private hospital shall not —

(a) accommodate therein any person other than *bona fide* in-patients and other persons in respect of whom his registration certificate grants authority;

(b) accommodate therein at any one time more than the number or numbers of patients of the class or classes stated in the registration certificate in respect of that private hospital:

Provided that whenever the owner acts in terms of paragraphs (a) and (b) in an emergency he shall within seven days thereafter inform the Director thereof in writing giving the reasons thereof, and the Director shall decide whether such departure shall be brought to the attention of the Executive Committee for action in terms of the provisions of section 29 (2) (c).

Payments and grants-in-aid to private and other hospitals.

31. (1) The Executive Committee may make grants in-aid to private hospitals and to hospitals established and maintained by local authorities for the erection, extention, alteration, equipment and conduct of such hospitals, and may in respect of such hospitals, whether aided in terms of this section or not, make payments to such hospitals for the free treatment of in- and outpatients on such basis and conditions as it may determine.

(2) Any grants-in-aid and any payments made, with the approval of the Executive Committee, to a private hospital or to a hospital established or maintained by a local authority prior to the coming into operation of

deur 'n plaaslike bestuur gestig of in stand gehou is, word geag ingevolge hierdie Ordonnansie betaal en gedoen te wees en word hierby bekragtig.

(3) Elke private hospitaal waaraan 'n hulptoelae of betalings ingevolge subartikel (1) betaal of gedoen is, moet aan die Direkteur voorlê —

(a) voor die een-en-dertigste dag van Augustus van elke jaar en in die vorm wat die Direkteur voorskryf, 'n verslag van sy werksaamhede gedurende die onmiddellik voorafgaande boekjaar; en

(b) so gou doenlik na die einde van elke boekjaar maar in elk geval binne twaalf maande daarna of binne die verdere tydperk wat die Direkteur goedkeur, 'n geouditeerde staat van die hospitaal se rekeninge vir die onmiddellik voorafgaande boekjaar.

Inspeksie van private hospitale.

32. Enigiemand wat deur die Direkteur daartoe gemagtig is, kan te alle redelike tye met die doel om vas te stel of die bepalings van hierdie Ordonnansie nagekom word —

(a) enige gebou of perseel wat na vermoede gebruik word vir die doeleindes van 'n private hospitaal betree en inspekteer;

(b) van enige persoon in sodanige gebou of op sodanige perseel wat die besit of beheer oor 'n artikel, boek, aantekening of dokument het, eis dat hy dit aan hom voorlê;

(c) enige artikel, boek, aantekening of dokument wat aan hom voorgelê is of deur hom in sodanige gebou of op sodanige perseel gevind is, ondersoek en daarop beslag lê;

(d) enige persoon in sodanige gebou of op sodanige perseel ondervra met betrekking tot enige aangeleentheid wat by so 'n doel ter sake is;

(e) enige verdere en redelike ondersoek instel wat die Direkteur nodig ag.

Vrystellings.

33. Die Uitvoerende Komitee kan op die voorwaardes wat hy goedvind enige private hospitaal van party van of al die bepalings van hierdie Hoofstuk vrystel.

Misdrywe met betrekking tot private hospitale.

34. (1) Iemand wat —

(a) 'n bepaling van artikel 29 (1) of artikel 30, of 'n voorwaarde waarop 'n private hospitaal ingevolge artikel 29 (2) geregistreer is, oortree of versuim om daaraan te voldoen; of

(b) 'n persoon by die uitoefening van 'n bevoegdheid ingevolge artikel 32 weerstand bied of hom daarin belemmer, of weier of versuim om die artikel, boek, aantekening of dokument voor te lê wat hy ingevolge paragraaf (b) van genoemde artikel aangesê is om voor te lê, of weier of versuim om na sy beste vermoë te antwoord op 'n vraag wat ingevolge genoemde artikel aan hom gestel is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar —

this Ordinance shall be deemed to have been made in terms of this Ordinance and is hereby confirmed.

(3) Every private hospital to which a grant-in-aid or payments have been made in terms of subsection (1) shall submit to the Director —

(a) before the thirty-first day of August of every year and in the manner prescribed by the Director, a report on its work during the immediately preceding financial year; and

(b) as soon as possible after the close of every financial year, but in any case within twelve months thereafter or within longer period as may be approved by the Director, an audited statement of the accounts of the hospital for the immediately preceding financial year.

Inspection of private hospitals.

32. Any person authorised thereto by the Director may at all reasonable times, for the purpose of ascertaining whether the provisions of this Ordinance are being complied with —

(a) enter and inspect any building or premises which are suspected to be used for the purposes of a private hospital;

(b) demand from any person in such building or on such premises who is in possession or control of any article, book, record or document to submit it to him;

(c) examine and attach any article, book, record or document submitted to him or found by him in such building or on such premises;

(d) question any person in such building or on such premises in connection with any matter relevant to such purpose;

(e) institute any further and reasonable investigation deemed to be necessary by the Director.

Exemptions.

33. The Executive Committee may on such conditions as it deems fit exempt any private hospital from any or all of the provisions of this Chapter.

Offences relating to private hospitals.

34. (1) Any person who —

(a) contravenes or fails to comply with a provision of section 29 (1) or section 30 or a condition subject to which a private hospital has been registered in terms of section 29 (2); or

(b) resists or obstructs a person in the execution of a power in terms of section 32 or refuses or fails to submit the article, book, record or document which he has been ordered to submit in terms of paragraph (b) of the said section or refuses or fails to answer a question put to him under the said section to the best of his ability

shall be guilty of an offence and liable on conviction —

(i) in die geval van 'n misdryf in paragraaf (a) bedoel, met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel sodanige boete as sodanige gevangenisstraf;

(ii) in die geval van 'n misdryf in paragraaf (b) bedoel, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(2) Iemand wat ingevolge subartikel (1) (a) aan 'n misdryf skuldig bevind is en wat na so 'n skuldigbevinding volhard met die gedrag of versuim wat sodanige misdryf uitmaak, is aan 'n voortdurende misdryf skuldig en strafbaar met 'n boete van hoogstens vyftig rand ten opsigte van elke dag wat hy aldus volhard.

HOOFSTUK 8.

ALGEMENE EN AANVULLENDE BEPALINGS.

Vervoer en behandeling van pasiënte met ernstige siekte of besering en betaling daarvoor.

35. (1) Wanneer 'n pasiënt weens ernstige siekte of besering dringende behandeling in enige hospitaal, hetsy binne of buite die Gebied Suidwes-Afrika, moet ontvang en per spoor, motorvoertuig of vliegtuig vervoer moet word na sodanige hospitaal en die pasiënt of persoon op wie enige koste en gelde wat aangegaan en betaalbaar is vir of in verband met sodanige vervoer en behandeling verhaal kan word op daardie tydstip nie in staat is om sodanige koste en gelde of enige deel daarvan te betaal nie kan die Uitvoerende Komitee die betaling daarvan magtig: Met dien verstande dat sodanige pasiënt of sodanige persoon die gelde aldus betaal, behoudens die bepalings van artikel 20 en van enige regulasies wat ingevolge artikel 18 uitgevaardig en van krag is, aan die Administrasie moet terugbetaal op die wyse en op die voorwaardes wat die Uitvoerende Komitee bepaal.

(2) Die Direkteur kan in 'n noodgeval goedkeuring verleen dat 'n pasiënt bedoel in subartikel (1) per trein ambulans of vliegtuig vervoer en in enige hospitaal, hetsy binne of buite die Gebied Suidwes-Afrika, wat die Direkteur bepaal, opgeneem en behandel kan word en sodanige goedkeuring word geag verleen te wees deur, en enige aanspreeklikheid wat uit sodanige vervoer en behandeling ontstaan word geag dié te wees van, die pasiënt of die persoon op wie enige koste en gelde wat aangegaan en betaalbaar is vir of in verband met sodanige vervoer en behandeling verhaal kan word: Met dien verstande dat die bepalings van sub-artikel (1) *mutatis mutandis* van toepassing is ten opsigte van enige koste en gelde wat aangegaan en betaalbaar is of sal word vir of in verband met sodanige vervoer en behandeling.

Vervoer van pasiënt met 'n hospitaalvoertuig.

36. Nieteenstaande andersluidende bepalings in enige wet, kan 'n pasiënt na en van 'n hospitaal met 'n hospitaalvoertuig vervoer word.

Navorsing van siektes en geestesgebreke.

37. Nieteenstaande andersluidende bepalings in enige wet, kan die Uitvoerende Komitee navorsing in enige aangeleenthede betreffende die voorkoms, oorsaak, voorkoming, diagnose of behandeling van siektes of geestesgebreke uitvoer of by wyse van toelaes of andersins, enigeen met sodanige navorsing ondersteun.

(i) in the case of an offence referred to in paragraph (a), 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;

(ii) in the case of an offence referred to in paragraph (b), 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.

(2) Any person who has been convicted of an offence in terms of subsection (1) (a) and who, after such conviction, persists in the conduct or failure constituting such offence, shall be guilty of a continuous offence and liable to a fine not exceeding fifty rand in respect of every day that he so persists.

CHAPTER 8.

GENERAL AND SUPPLEMENTARY PROVISIONS.

Conveyance and treatment of patients with serious illness or injury and payment therefor.

35. (1) Whenever owing to serious illness or injury a patient has to receive urgent treatment in any hospital whether within or outside the Territory of South West Africa, and has to be conveyed to such hospital by rail, motor vehicle or aircraft and such patient or the person from whom any costs and fees incurred and payable for or in connection with such conveyance and treatment may be recovered is at that time unable to pay such costs or fees or any portion thereof, the Executive Committee may authorise the payment thereof: Provided that such patient or such person shall, subject to the provisions of section 20 and any regulations made and in force in terms of section 18, repay the moneys so paid to the Administration in such a manner and on such conditions as the Executive Committee may determine.

(2) The Director may in an emergency case grant authority that a patient referred to in subsection (1) may be conveyed by train, ambulance or aircraft and admitted to and treated in any hospital, whether within or outside the Territory of South West Africa determined by the Director and such authority shall be deemed to have been granted by, and any liability which may arise from such conveyance and treatment shall be deemed to be that of such patient or the person from whom any costs and fees incurred and payable for or in connection with such conveyance and treatment may be recovered: Provided that the provisions of subsection (1) shall apply *mutatis mutandis* in respect of any costs and fees incurred and payable or to be incurred and become payable in connection with such conveyance and treatment.

Conveyance of patient in hospital vehicle.

36. Notwithstanding anything to the contrary in any law contained, a patient may be conveyed to and from a hospital in a hospital vehicle.

Research on diseases and mental defects.

37. Notwithstanding anything to the contrary in any law contained, the Executive Committee may conduct research into any matters relating to the occurance, cause, prevention, diagnosis or treatment of disease or mental defects or by means of grants or otherwise aid any person with such research.

Inspeksies.

38. Die Direkteur of enigiemand anders wat die Direkteur skriftelik daartoe gemagtig het, kan enige staatshospitaal of deel daarvan te enige redelike tyd inspekteer.

Jaarverslag deur superintendent.

39. Die superintendent moet voor die een-en-dertigste dag van Januarie van elke jaar 'n jaarverslag oor die voorafgaande kalenderjaar opstel en dit aan die Direkteur voorlê, waarin hy al die besonderhede van die administrasie van die betrokke staatshospitaal, statistiek in verband daarmee, asook ander sake rakende sodanige staatshospitaal verstrek wat hy nodig vind of wat die Direkteur van hom verlang.

Sluiting van staatshospitaal, siekesaal of afdeling.

40. Nieteenstaande andersluidende bepalings in hierdie Ordonnansie, kan die superintendent 'n staatshospitaal of 'n siekesaal of afdeling van sodanige hospitaal vir sodanige tydperk of tydperke soos hy bepaal sluit vir die toelating of behandeling van pasiënte.

Uitvaardiging van bykomende regulasies.

41. Benewens die regulasies wat die Uitvoerende Komitee spesifiek ingevolge hierdie Ordonnansie kan uitvaardig, kan hy enige ander regulasies uitvaardig wat bestaanbaar is met die bepalings van hierdie Ordonnansie en wat hy nodig vind ter doeltreffender uitvoering van die bepalings van hierdie Ordonnansie en ter bevordering van die oogmerke daarvan.

Vrystelling van bepalings van ordonnansie.

42. (1) Nieteenstaande andersluidende bepalings in hierdie Ordonnansie, kan die Uitvoerende Komitee, wanneer hy dit dienstig ag, gelas dat party van, of al die bepalings van hierdie Ordonnansie nie geld vir die staatshospitaal of -hospitale wat hy aanwys nie.

(2) Enige lasgewing ingevolge subartikel (1) moet in die *Offisiële Koerant* bekendgemaak word.

Herroeping van wette.

43. (1) Behoudens die bepalings van subartikels (2) en (3) word die ordonnansies in die Bylae vermeld hierby herroep in die mate in die derde kolom daarvan uiteengesit.

(2) 'n Staatshospitaal gestig voor die inwerkingtreding van hierdie Ordonnansie en enige hospitaal wat ingevolge 'n by subartikel (1) herroepe ordonnansie deur die Administrasie oorgeneem is en in stand gehou, bestuur, beheer en gefinansier word, word geag gestig te wees ingevolge die bepalings van hierdie Ordonnansie en 'n private hospitaal geregistreer ingevolge die bepalings van 'n by subartikel (1) herroepe ordonnansie word geag geregistreer te wees ingevolge die ooreenstemmende bepalings van hierdie Ordonnansie.

(3) Enige regulasie, kennisgewing, goedkeuring, magtiging, sertifikaat of dokument uitgereik, uitgevaardig, afgekondig, gegee of verleen en enige ander stappe gedoen ingevolge 'n bepaling van 'n by subartikel (1) herroepe ordonnansie word geag ingevolge die ooreenstemmende bepaling van hierdie Ordonnansie uitgereik, uitgevaardig, afgekondig, gegee, verleen of gedoen te wees.

Kort titel.

44. Hierdie Ordonnansie heet die Ordonnansie op Hospitale, 1972.

38. The Director or any other person authorised thereto in writing by the Director, may at any reasonable time inspect any state hospital or part thereof. Inspections.

39. The superintendent shall before the thirty-first day of January of every year prepare and submit to the Director an annual report on the preceding calender year, giving all particulars of the administration of the state hospital concerned, statistics relating thereto and other matters affecting such state hospital which he may deem necessary or which may be required from him by the Director. Annual report by superintendent.

40. Notwithstanding anything to the contrary in this Ordinance contained, the superintendent may close a state hospital or a ward section of such hospital for the admission or treatment of patients for such period or periods as he may determine. Closing of state hospital, ward or section.

41. In addition to the regulations which the Executive Committee is specifically empowered to make in terms of this Ordinance, it may make any other regulations, not inconsistent with the provisions of this Ordinance, which it may deem necessary for the more effective implementation of the provisions of this Ordinance and in furtherance of the objects thereof. Promulgation of additional regulations.

42. (1) Notwithstanding anything to the contrary in this Ordinance contained, the Executive Committee may, whenever it is deemed expedient, direct that some or all of the provisions of this Ordinance shall not apply to such state hospital or state hospitals as it may designate. Exemption from provisions of ordinance.

(2) Any direction in terms of subsection (1) shall be published in the *Official Gazette*.

43. (1) Subject to the provisions of subsections (2) and (3) the ordinances specified in the Schedule are hereby repealed to the extent set out in the third column thereof. Repeal of ordinances.

(2) A state hospital established before the commencement of this Ordinance and any hospital taken over, maintained, managed, controlled and financed by the Administration in terms of an ordinance repealed by subsection (1) shall be deemed to have been established in terms of the provisions of this Ordinance, and a private hospital registered in terms of an ordinance repealed by subsection (1) shall be deemed to have been registered in terms of the corresponding provisions of this Ordinance.

(3) Any regulation, notice, approval, authority, certificate or document issued, made, published, given or granted, and any other steps taken in terms of a provision of an ordinance repealed by subsection (1) shall be deemed to have been issued, made, published, given or granted in terms of the corresponding provisions of this Ordinance.

44. This Ordinance shall be called the Hospitals Ordinance, 1972. Short title.

BYLAE

ORDONNANSIES HERROEP

Nommer en jaar van Ordonnansie.	Kort Titel.	In hoeverre herroep.
Ordonnansie 17 van 1966	Ordonnansie op Staatshospitale 1966	Die geheel, behalwe artikels 10, 11, 12, 16, 17 en 18.
Ordonnansie 20 van 1967	Wysigingsordonnansie op Staatshospitale 1967	Die geheel.
Ordonnansie 9 van 1968	Wysigingsordonnansie op Staatshospitale 1968	Die geheel.

SCHEDULE

ORDINANCES REPEALED

Number and year of Ordinance.	Short Title.	Extent repealed.
Ordinance 17 of 1966	State Hospitals Ordinance, 1966	The whole except sections 10, 11, 12, 16, 17 and 18.
Ordinance 20 of 1967	State Hospitals Amendment Ordinance, 1967	The whole.
Ordinance 9 of 1968	State Hospitals Amendment, Ordinance, 1968	The whole.