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BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



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Draft Ordinances

Ontwerpordonnansies

The following Draft Ordinances are published for general information.

Die volgende Ontwerpordonnansies word vir algemene inligting gepubliseer.

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Secretary for South West Africa.

H. S. P. W. VAN NIEUWENHUIZEN,
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Administrator's Office,
Windhoek.

Kantoor van die Administrateur,
Windhoek.

GENERAL EXPLANATORY NOTE:

_____ Words underlined with solid line indicate insertions proposed.

[] Words in square brackets indicate deletions proposed.

DRAFT ORDINANCE

To amend the Territorial Development and Reserve Fund Ordinance, 1944, so as to substitute the expression "Executive Committee" for the word "Administrator"; to define the expression "Executive Committee"; to determine the purposes for which moneys may be paid out of the Roads Construction Account; and to provide for incidental matters.

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

Amendment of Ordinance 13 of 1944 to substitute the expression "Executive Committee" for the word "Administrator".

Amendment of section 1 of Ordinance 13 of 1944 as amended by section 2 of Ordinance 3 of 1953.

Amendment of section 6 of Ordinance 13 of 1944, as amended by section 1 of Proclamation 16 of 1945, section 1 of Ordinance 5 of 1946, section 3 of Ordinance 8 of 1947, section 3 of Ordinance 9 of 1948, section 2 of Ordinance 2 of 1950, section 1 of Ordinance 18 of 1951, section 3 of Ordinance 3 of 1953, section 4 of Ordinance 16 of 1953,

1. The Territorial Development and Reserve Fund Ordinance, 1944 (Ordinance 13 of 1944) — hereinafter referred to as the principal Ordinance — is hereby amended by the substitution for the word "Administrator" wherever it appears of the expression "Executive Committee".

2. Section 1 of the principal Ordinance is hereby amended —

(a) by the insertion after the definition of "Assembly" of the following definition:

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

(b) by the deletion of the definition of "Roads Fund".

3. Section 6 of the principal Ordinance is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"[(c) Roads Construction Account:

For the payment to the Roads Fund of moneys additional to moneys appropriated to such fund under section *forty one* of the Roads and Outspans Ordinance, 1937 (No. 7 of 1937), in respect of the construction and maintenance of public roads and bridges and for the further development of public roads in the Territory;]

ALGEMENE VERDUIDELIKENDE NOTA:

_____ Woorde met volstreep daaronder dui aan invoegings voorgestel.

[] Woorde tussen vierkantige hake dui aan skrapings voorgestel.

ONTWERPORDONNANSIE

Tot wysiging van die Ordonnansie op die Gebiedsontwikkelings- en -reserwefonds, 1944, om die woord "Administrateur" deur die uitdrukking "Uitvoerende Komitee" te vervang; om die uitdrukking "Uitvoerende Komitee" te omskryf; om die doeleindes waarvoor geld uit die Padbourekening betaal mag word te bepaal; en om voorsiening te maak vir bykomstige aangeleenthede.

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

1. Die Ordonnansie op die Gebiedsontwikkelings- en -reserwefonds, 1944 (Ordonnansie 13 van 1944) — hieronder die Hoofordonnansie genoem — word hierby gewysig deur die woord "Administrateur" oral waar dit voorkom deur die uitdrukking "Uitvoerende Komitee" te vervang.

Wysiging van Ordonnansie 13 van 1944 om die woord "Administrateur" deur die uitdrukking "Uitvoerende Komitee" te vervang.

2. Artikel 1 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 1 van Ordonnansie 13 van 1944, soos gewysig deur artikel 2 van Ordonnansie 3 van 1953.

(a) deur na die woordbepaling van "Vergadering" die volgende woordbepaling in te voeg:

" "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);" en

(b) deur die woordbepaling van "Paaiefonds" te skrap.

3. Artikel 6 van die Hoofordonnansie word hierby gewysig deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 6 van Ordonnansie 13 van 1944, soos gewysig deur artikel 1 van Proklamasie 16 van 1945, artikel 1 van Ordonnansie 5 van 1946, artikel 3 van Ordonnansie 8 van 1947, artikel 3 van Ordonnansie 9 van 1948, artikel 2 van Ordonnansie 2 van 1950, artikel 1 van Ordonnansie 18 van 1951, artikel 3 van Ordonnansie 3 van 1953, artikel 4 van Ordonnansie 16 van 1953, artikel 3

"[(c) Padbourekening:

Vir die uitbetaling aan die Paaiefonds van gelde bo en behalwe die gelde wat ingevolge artikel *een-en-veertig* van die Ordonnansie op Paaie en Uitspanplekke, 1937 (No. 7 van 1937), vir hierdie fonds bewillig word, met die oog op die aanlê en instandhouding van openbare paaie en brûe en die verdere ontwikkeling van openbare paaie in die Gebied;]

section 3 of Ordinance 14 of 1955, section 30 of Ordinance 39 of 1955, section 3 of Ordinance 27 of 1957, section 2 of Ordinance 12 of 1958, section 2 of Ordinance 3 of 1959, section 16 of Ordinance 29 of 1967, section 1 of Ordinance 22 of 1969 and section 3 of Ordinance 3 of 1970.

(e) Roads Construction Account.

For the payment of moneys in respect of

- (i) the construction, maintenance, repair and control of proclaimed roads;
- (ii) the construction, maintenance, repair and control of game park roads approved as such by the Executive Committee from time to time;
- (iii) the construction, maintenance and repair of any runways approved by the Executive Committee from time to time;
- (iv) the execution, subject to the payment of the fees determined by the Executive Committee from time to time, of any work by the Roads Branch for other branches of the Administration, for State Departments of the Republic of South Africa, for local authorities, for other bodies approved by the Executive Committee and in respect of airports;
- (v) the purchase, maintenance and operating costs of machinery, equipment and material intended for road construction, as well as camp accommodation and all expenditure in connection with the erection, running, maintenance and transfer of road camps;
- (vi) subsidies to local authorities in terms of section 26 of the Roads Ordinance, 1972 (Ordinance 17 of 1972); and
- (vii) any expenditure in furtherance of the purposes of the Roads Ordinance, 1972 (Ordinance 17 of 1972): Provided that moneys shall be paid in terms of this subparagraph only on the written authority of the Executive Committee;"

Short title and date of commencement.

4. This Ordinance shall be called the Territorial Development and Reserve Fund Amendment Ordinance, 1973, and shall come into operation on the first day of April 1973.

(e) Padbourekening:

Vir die uitbetaling van gelde ten aansien van

- (i) die aanleg, instandhouding, herstel en beheer van geproklameerde paaie;
- (ii) die aanleg, instandhouding, herstel en beheer van wildduinpaaie wat van tyd tot tyd as sodanig deur die Uitvoerende Komitee goedgekeur word;
- (iii) die aanleg, instandhouding en herstel van enige aanloopbane wat van tyd tot tyd deur die Uitvoerende Komitee goedgekeur word;
- (iv) die uitvoering, onderhewig aan die betaling van die gelde van tyd tot tyd deur die Uitvoerende Komitee bepaal, van enige werk deur die Afdeling Paaie vir ander afdelings van die Administrasie, vir Staatsdepartemente van die Republiek van Suid-Afrika, vir plaaslike besture, vir ander instansies goedgekeur deur die Uitvoerende Komitee en ten opsigte van lughawens;
- (v) die aankoop, instandhouding en werkkoste van werktuie, toerusting en materiaal bedoel vir padbou, asook kampbehuising en alle uitgawes in verband met die oprigting, bedryf, instandhouding en oorpasing van padkampe;
- (vi) subsidies aan plaaslike besture ingevolge artikel 26 van die Ordonnansie op Paaie, 1972 (Ordonnansie 17 van 1972); en
- (vii) enige uitgawe ter bevordering van die doeleindes van die Ordonnansie op Paaie, 1972 (Ordonnansie 17 van 1972): Met dien verstande dat gelde ingevolge hierdie subparagraaf uitbetaal word slegs op skriftelike magtiging van die Uitvoerende Komitee;".

van Ordonnansie 14
 van 1955, artikel 36
 van Ordonnansie 39
 van 1955, artikel 3
 van Ordonnansie 27
 van 1957, artikel 2
 van Ordonnansie 12
 van 1958, artikel 2
 van Ordonnansie 3
 van 1959, artikel 16
 van Ordonnansie 29
 van 1967, artikel 1
 van Ordonnansie 22
 van 1969 en artikel 3
 van Ordonnansie 3
 van 1970.

4. Hierdie Ordonnansie heet die Wysigingsordonnansie op die Gebiedsontwikkelings- en -reserwefonds, 1973, en tree in werking op die eerste dag van April 1973.

Kort titel en datum van Inwerking-treding.

GENERAL EXPLANATORY NOTE

- Words underlined with solid line indicate insertions proposed.
- [] Words in square brackets indicate deletions proposed.

DRAFT 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

ALGEMENE VERDUIDELIKENDE NOTA

————— Woorde met volstreep daaronder dui aan in-voegings voorgestel.

[] Woorde tussen vierkantige hake dui aan skrap-pings voorgestel.

ONTWERPORDONNANSIE

Tot wysiging van die Ordonnansie op Hospitale, 1972, be-treffende woordbepalings; die instelling, instandhouding en geldelike ondersteuning van ambulansdienste; die toe-lating van pasiënte tot staatshospitale; die oorplasing 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 beta-ling van gelde vir behandeling in, by of vanuit 'n staats-hospitaal; die verkiesing van mediese komitees en die be-voegdheid 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, spesialisiese of enige ander soort ondersoek en versorging of im-munisering;
- (d) noodsaaklike medisyne of voorskrif van 'n genees-heer in, by of vanuit 'n hospitaal;
- (e) enige verband, mediese apparaat, medisyne of mid-del 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 Ordon-nansie as 'n private pasiënt geklassifiseer;”;

- (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:

"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."

- (c) deur na die woordbepaling van „staatshospitaal” 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.

“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) medisyne magasyn;
- (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 goeddunke 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 goeddunke bepaal.”.

Amendment of
section 12 of
Ordinance
14 of 1972.

3. Section 12 of the principal Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

“[(1) Whenever accomodation 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.]

(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:

“[Treatment by own
medical practi-
tioner or dentist.

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

(a) the Executive Committee shall not be liable for the payment or 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

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.

„(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.]

(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.

[Behandeling deur die 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 omstandighede vry behandeling in 'n staatshospitaal ontvang, sy eie geneesheer of tandarts kies en in diens neem nie behalwe met die skriftelike goedkeuring van die super-

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.]

Medical practitioners who treat patients in state hospitals.

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 —
- (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.

intendent 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 staats-hospitaal of deel daarvan wat die Uitvoerende Komitee aanwys, sy eie geneesheer of tandarts kies en in diens neem nie.]

16. (1) 'n Pasiënt in 'n staats-hospitaal

Geneeshere wat pasiënte in staats-hospitale behandel.

wat vry behandeling ontvang of 'n staatspasiënt is, word deur die voltydse personeel van sodanige staats-hospitaal 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 staats-hospitaal 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 staats-hospitaal 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 —

(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

itioner 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 [nature of the accommodation and amenities provided] 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."

Insertion of section 18A in Ordinance 14 of 1972.

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

"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

het, aan sodanige geneesheer verskuldig is.

- (5) Nieteenstaande enige andersluidende bepalings in hierdie Ordonnansie mag geen pasiënt in enige staatshospitaal wat die Uitvoerende Komitee aanwys, of enige deel wat die Uitvoerende Komitee aanwys van enige staatshospitaal, sy eie geneesheer kies en in diens neem nie.
- (6) By die toepassing van hierdie artikel word 'n geneesheer wat 'n deelydse lid is van die personeel van 'n staatshospitaal, wanneer hy in daardie hoedanigheid optree, geag 'n lid te wees van die voltydse personeel van sodanige staatshospitaal."

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 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,] bepaalde klas of klasse staatshospitale 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 goeddunke 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 staatshospitaal.”.

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

Invoeging van artikel 18A in Ordonnansie 14 van 1972.

Werkgewers betaal 18A.(1) Elkeen wat die werkgever is gelde deur Uitvoerende Komitee voorgeskryf ten opsigte van werknemers wat vry behandeling ontvang.

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

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* 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:

[Promulgation of additional regulations.

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.]

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, 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;

tot tyd deur die Uitvoerende Komitee voorgeskryf word, ontvang iedere in subartikel (1) bedoelde werknemer wat as binnepasiënt 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.

„[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 bepalinge van hierdie Ordonnansie en wat hy nodig vind ter doeltreffender uitvoering van die bepalinge van hierdie Ordonnansie en ter bevordering van die oogmerke daarvan.]

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

- (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.

- (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
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