



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

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Friday, 7 December 2012

Vrydag, 7 Desember 2012

uLwesihlanu, 7 Disemba 2012

Registered at the Post Office as a newspaper

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PROVINCIAL NOTICE

The following draft Amendment Bill is hereby published for general information:

Draft Western Cape District Health Councils Amendment Bill, 2012

P.N. 372/2012

7 December 2012

Any person or organisation wishing to comment on the draft Amendment Bill is requested to lodge such comment in writing before or on 31 January 2013:

(a) by posting it to:
The Head of Department
Department of Health
For attention: Mr K. Vili
Room 14-07
P.O. Box 2060
Cape Town 8000

(b) by e-mail to:
kholekile.vili@westerncape.gov.za

(c) by fax to:
Mr K. Vili
Fax: (021) 483 3205

Copies of the draft Amendment Bill are available on the following website:
<http://www.capegateway.gov.za>

For enquiries contact:
Mr Vili at tel. (021) 483 4001.

As 'n nuusblad by die Poskantoor geregistreer

INHOUD

PROVINSIALE KENNISGEWING

Die volgende Konsepwysigingswetsontwerp word hiermee vir algemene inligting gepubliseer:

Wes-Kaapse Konsepwysigingswetsontwerp op Distriksgesondheidsrade, 2012

P.K. 372/2012

7 Desember 2012

Enige persoon of organisasie wat kommentaar oor die genoemde Konsepwysigingswetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 31 Januarie 2013:

(a) deur dit te pos aan:
Die Hoof van Departement
Departement van Gesondheid
Vir aandag: Mnr K. Vili
Kamer 14-07
Posbus 2060
Kaapstad 8000

(b) deur dit te e-pos aan:
kholekile.vili@westerncape.gov.za

(c) deur dit te faks aan:
Mnr K. Vili
Faks: (021) 483 3205

Afskrifte van die Konsepwysigingswetsontwerp is beskikbaar op die volgende webtuiste:
<http://www.capegateway.gov.za>

Vir navrae kontak:
Mnr Vili by tel. (021) 483 4001.

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

ISAZISO SEPHONDO

Lo Mthetho uSayilwayo ulandelayo upapashwa apha ukunika ulwazi ngokubanzi:

Komthetho Osayilwayo Wamabhunga Ezempilo Ezithile Wentshona Koloni, 2012

I.S. 372/2012

7 Disemba 2012

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo Mthetho uSayilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe phambi okanye ngomhla wama-31 Januwari 2013:

(a) ngokuposela kwi:
Ntloko yeSebe
Isebe leZempilo
Ku: Mnu. K. Vili
igumbi le 14-07
P.O. Box 2060
Cape Town 8000

(b) nge-imeyile ku:
kholekile.vili@westerncape.gov.za

(c) ngefeksi ku:
Mnu. K. Vili
Fax: (021) 483 3205

Amaxwebhu ayafumaneka kule website:
<http://www.capegateway.gov.za>

iinkcukacha dibana no:
Mnu. Vili kumnxeba (021) 483 4001.

- (c) a member of the council of each local municipality within the health district, nominated by the members of the relevant council, or a member from each health subdistrict in the metropolitan municipality, nominated by the subcouncils situated in the health subdistrict in question, as the case may be; and 5
- (d) not more than five other persons, appointed by the Provincial Minister after consultation with the municipal council of the metropolitan or district municipality, as the case may be.”.

Amendment of section 4 of Act 5 of 2010

3. Section 4 of the principal Act is amended by the substitution for paragraph (e) of the following paragraph: 10

“(e) in the case of a member referred to in section 2(1)(a) or (c), ceases to hold an office by virtue of which that member was appointed to the district health council or is replaced by the municipal council or subcouncils concerned; or”.

Short title

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4. This Act is called the Western Cape District Health Councils Amendment Act, 2012.

MEMORANDUM ON THE OBJECTS OF THE DRAFT WESTERN CAPE DISTRICT HEALTH COUNCILS AMENDMENT BILL, 2012

1. BACKGROUND

- 1.1 The Western Cape District Health Councils Act, 2010 (Act 5 of 2010), (the Act), came into operation on 24 August 2011 by way of a proclamation published in *Provincial Gazette* No. 6901 dated 23 August 2011.
- 1.2 The Act gives effect to section 31 of the National Health Act, 2003 (Act 61 of 2003), which provides for the establishment of district health councils by the Provincial Minister for every health district in his or her province.
- 1.3 In terms of section 2(1) of the Act, a district health council consists of:
 - “(a) a member of the metropolitan or district municipal council situated in the health district in question, nominated by the relevant council;
 - (b) a person appointed by the Provincial Minister to represent him or her;
 - (c) a member of the council of each local municipality within the health district, nominated by the members of the relevant council; and
 - (d) not more than five other persons, appointed by the Provincial Minister after consultation with the municipal council of the metropolitan or district municipality, as the case may be.”
- 1.4 As provided by section 2(1) of the Act, the composition of a district health council leads to an underrepresentation of local government, specifically on the City of Cape Town district health council, given that the City of Cape Town (*metropole*) does not have local municipalities. Currently, in terms of the Act, the district health council of the City of Cape Town only has a representative from the metropolitan municipal council, and hence the representation of local government on the City of Cape Town district health council is unbalanced, and unequal, compared to its representation on the district health councils in the rural areas, where each local municipality and the district municipality is represented.
- 1.5 At present, the City of Cape Town has twenty-four subcouncils, which are functionally grouped together into eight “clusters”. These clusters correspond to the health subdistricts in the metropole, the division of which was determined by the Provincial Minister in terms of section 30(1) of the National Health Act, 2003. The final Notice dividing the City of Cape Town health district into subdistricts, as per section 30(1) of the National Health Act, is in the process of being published.

2. PURPOSE OF THE DRAFT AMENDMENT BILL

- 2.1 The purpose of the Draft Western Cape District Health Councils Amendment Bill, (the Draft Amendment Bill), is to amend the Act so as to address the issue of underrepresentation occurring in the City of Cape Town health district, given that it does not have any local municipalities and hence section 2(1)(c) of the Act does not apply.
- 2.2 The Draft Amendment Bill seeks to amend the Act by making provision for the nomination of a representative from each of the eight health subdistricts in the City of Cape Town health district to serve on the City of Cape Town district health council.
- 2.3 The intended amendment will provide for a more balanced representation of local government in the rural and metropolitan health districts.

3. CONTENTS OF THE DRAFT AMENDMENT BILL

Clause 1

Clause 1 inserts new definitions for the following terms:

- health subdistrict;
- metropolitan municipality; and
- subcouncil.

Clause 2

This clause provides for an insertion in section 2(1)(c) of the Act to provide for a member from each health subdistrict in the metropolitan municipality, who is nominated by the subcouncils situated in the health subdistrict in question to serve on the district health council.

Clause 3

This clause amends section 4(e) of the Act to make reference to the subcouncils referred to in section 2(1)(c), as amended.

Clause 4

This clause provides for the short title.

4. FINANCIAL IMPLICATIONS

None

5. LEGAL IMPLICATIONS

The legal implications are set out in paragraph 2 above.

6. PERSONNEL IMPLICATIONS

None

7. CONSULTATION

The following departments and stakeholders were consulted:

- the Department of Local Government;
- the Department of the Premier: Legal Services;
- the district health councils; and
- the metropolitan and district municipal councils.

8. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for health is satisfied that all the provisions of the Draft Amendment Bill fall within the legislative competence of the Province.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

KONSEPWYSIGINGSWETSONTWERP

Tot wysiging van die Wes-Kaapse Wet op Distriksgeondheidsrade, 2010, ten einde lede van geondheidssubdistrikte in 'n distriksgeondheidsraad in te sluit; en ten einde voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 5 van 2010

1. Artikel 1 van die Wes-Kaapse Wet op Distriksgeondheidsrade, 2010 (hierna die Hoofwet genoem) word gewysig— 5

- (a) deur die volgende omskrywing na die omskrywing van “distriksgeondheidsraad” in te voeg: 5
 “**‘geondheidssubdistrik’** ’n geondheidssubdistrik bepaal deur die Provinsiale Minister ingevolge artikel 30(1)(a) van die Wet op Nasionale Geondheid;”;
- (b) deur die volgende omskrywing na die omskrywing van “lid” in te voeg: 10
 “**‘metropolitaanse munisipaliteit’** ’n metropolitaanse munisipaliteit soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);”;
- (c) deur die volgende omskrywing na die omskrywing van “Provinsie” in te 15
 voeg:
 “**‘subraad’** ’n metropolitaanse subraad soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);”.

Wysiging van artikel 2 van Wet 5 van 2010 20

2. Artikel 2 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) ’n Distriksgeondheidsraad bestaan uit [**die persone waarna daar in artikel 31(2)(a) van die Wet op Nasionale Geondheid verwys word, naamlik**]— 25
- (a) ’n lid van die metropolitaanse of distriksmunisipale raad wat in die betrokke distrik geleë is, genomineer deur die betrokke raad;
- (b) ’n persoon aangestel deur die Provinsiale Minister om hom of haar te verteenwoordig;

- (c) 'n lid van die raad van elke plaaslike munisipaliteit binne die gesondheidsdistrik, genomineer deur die lede van die betrokke raad, of 'n lid uit elke gesondheidsdistrik in die metropolitaanse munisipaliteit, genomineer deur die subrade wat in die betrokke gesondheidsdistrik geleë is, na gelang van die geval; en 5
- (d) nie meer as vyf ander persone nie, aangestel deur die Provinsiale Minister na oorleg met die munisipale raad van die metropolitaanse of distriksmunisipaliteit, na gelang van die geval.”.

Wysiging van artikel 4 van Wet 5 van 2010

3. Artikel 4 van die Hoofwet word gewysig deur paragraaf (e) deur die volgende paragraaf te vervang: 10

“(e) in die geval van 'n lid bedoel in artikel 2(1)(a) of (c), ophou om 'n amp te beklee op grond waarvan daardie lid in die distriksgesondheidsraad aangestel is, of indien daardie lid deur die betrokke munisipale raad of subrade vervang word; of”.

15

Kort titel

4. Hierdie Wet staan bekend as die Wes-Kaapse Wysigingswet op Distriks-gesondheidsrade, 2012.

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE KONSEPWYSIGINGSWETSONTWERP OP DISTRIKSGESONDHEIDSRAD, 2012

1. AGTERGROND

- 1.1 Die Wes-Kaapse Wet op Distriksgeondheidsrade, 2010 (Wet 5 van 2010), (die Wet), het op 24 Augustus 2011 in werking getree by wyse van 'n proklamasie wat in die *Provinsiale Koerant* No. 6901, gedateer 23 Augustus 2011, gepubliseer is.
- 1.2 Die Wet gee uitvoering aan artikel 31 van die Wet op Nasionale Gesondheid, 2003 (Wet 61 van 2003), wat voorsiening maak vir die instelling van distriksgeondheidsrade deur die Provinsiale Minister vir elke geondheidsdistrik in sy of haar provinsie.
- 1.3 Ingevolge artikel 2(1) van die Wet, bestaan 'n distriksgeondheidsraad uit:
 - “(a) 'n lid van die metropolitaanse of distriksmunisipale raad wat in die betrokke distrik geleë is, genomineer deur die betrokke raad;
 - (b) 'n persoon aangestel deur die Provinsiale Minister om hom of haar te verteenwoordig;
 - (c) 'n lid van die raad van elke plaaslike munisipaliteit binne die geondheidsdistrik, genomineer deur die lede van die betrokke raad; en
 - (d) nie meer as vyf ander persone nie, aangestel deur die Provinsiale Minister na oorleg met die munisipale raad van die metropolitaanse of distriksmunisipaliteit, na gelang van die geval.”
- 1.4 Soos voorgeskryf deur artikel 2(1) van die Wet, lei die samestelling van 'n distriksgeondheidsraad tot 'n onderverteenvoordiging van plaaslike regering, spesifiek in die Stad Kaapstad distriksgeondheidsraad, gegewe die feit dat die Stad Kaapstad (*metropool*) nie plaaslike munisipaliteite het nie. Tans, ingevolge die Wet, het die distriksgeondheidsraad van die Stad Kaapstad slegs 'n verteenwoordiger van die metropolitaanse munisipale raad, en gevolglik is die verteenwoordiging van plaaslike regering in die Stad Kaapstad distriksgeondheidsraad onewewigtig en ongelyk, vergeleke met die verteenwoordiging in die distriksgeondheidsrade in die landelike distrikte, waar elke plaaslike munisipaliteit en die distriksmunisipaliteit verteenwoordig word.
- 1.5 Tans het die Stad Kaapstad vier-en-twintig subrade, wat funksioneel in agt “klusters” saamgegroeper word. Hierdie klusters stem ooreen met die geondheidssubdistrikte in die metropool, waarvan die verdeling deur die Provinsiale Minister ingevolge artikel 30(1) van die Wet op Nasionale Gesondheid bepaal is. Die finale Kennisgewing wat die Stad Kaapstad-geondheidsdistrik ooreenkomstig artikel 30(1) van die Wet op Nasionale Gesondheid in subdistrikte verdeel, is in die proses om gepubliseer te word.

2. OOGMERKE VAN DIE KONSEPWYSIGINGSWETSONTWERP

- 2.1 Die oogmerk van die Wes-Kaapse Konsepwysigingswetsontwerp op Distriksgeondheidsrade, (die Konsepwysigingswetsontwerp), is om die Wet te wysig ten einde die kwessie van onderverteenvoordiging wat in die Stad Kaapstad geondheidsdistrik geskied, op te los, gegewe die feit dat dit nie enige plaaslike munisipaliteite het nie en artikel 2(1)(c) gevolglik nie van toepassing is nie.
- 2.2 Die Konsepwysigingswetsontwerp het ten doel om die Wet te wysig deur voorsiening te maak vir die benoeming van 'n verteenwoordiger uit elk van die agt geondheidssubdistrikte in die Stad Kaapstad geondheidsdistrik om in die Stad Kaapstad distriksgeondheidsraad te dien.
- 2.3 Die voorgenome wysiging sal voorsiening maak vir 'n meer ewewigtige verteenwoordiging van plaaslik regering in die landelike en metropolitaanse geondheidsdistrikte.

3. INHOUD VAN DIE KONSEPWYSIGINGSWETSONTWERP

Klousule 1

Klousule 1 voeg nuwe woordomsrywings in vir die volgende terme:

- gesondheidssubdistrik;
- metropolitaanse munisipaliteit; en
- subraad.

Klousule 2

Hierdie klousule maak voorsiening vir 'n invoeging in artikel 2(1)(c) van die Wet om voorsiening te maak vir 'n lid uit elke gesondheidssubdistrik in die metropolitaanse munisipaliteit, wat benoem word deur die subrade geleë in die betrokke subdistrik om in die distriksgesondheidsraad te dien.

Klousule 3

Hierdie klousule wysig artikel 4(e) van die Wet ten einde 'n verwysing na die subrade bedoel in artikel 2(1)(c), soos gewysig, te maak.

Klousule 4

Hierdie klousule maak voorsiening vir die kort titel.

4. FINANSIELE IMPLIKASIES

Geen

5. REGSIMPLIKASIES

Die regsimplikasies word in paragraaf 2 hierbo uiteengesit.

6. PERSONEELIMPLIKASIES

Geen

7. OORLEGPLEGING

Die volgende departemente en belanghebbendes is geraadpleeg:

- die Departement van Plaaslike Regering;
- die Departement van die Premier: Regsdienste;
- die distriksgesondheidsrade; en
- die metropolitaanse en distriksmunisipale rade.

8. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir gesondheid is van mening dat al die bepalings van die Konsepwysigingswetsontwerp binne die wetgewende bevoegdheid van die Provinsie val.

INQAKU ELICHAZAYO NGOKUBANZI:

[] Amagama abhalwe ngqindilili kwizibiyeli ezisisikwere achaza okushiyelelo kwimithetho esele ikho.

_____ Amagama akwelwe umgca ongqindilili ngaphantsi achaza okufakelweyo kwimithetho esele ikho.

UMTHETHO OSAYILWAYO

Ukuhlomela uMthetho waMabhunga ezeMpilo eZithile weNtshona Koloni, 2010, ukuze kubandakanywe amalungu ezempilo ezithilana akwibhunga lezempilo lesithili; kwanokulungiselela imibandela ehambelana noko.

XA UTHE LO MTHETHO WAPHUNYEZWA yiPalamente yePhondo leNtshona Koloni, ngokwale ndlela ilandelayo:—

Ukuhlonyelwa kwecandelo 1 loMthetho 5 ka-2010

1. Icandelo 1 loMthetho waMabhunga ezeMpilo eZithile weNtshona Koloni, 2010 (ekubhekiselelwa kulo njengoMthetho oyintloko), liyahlonyelwa— 5
- (a) ngokufakela emva kwenkcazelo ka “Ibhunga lezempilo lesithili” le nkcazelo ilandelayo:
- “**‘icandelwana lebhunga’** lithetha isithilana semetropolitan njengoko kuchaziwe kwicandelo 1 lomthetho oyi-Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);” 10
- (b) nokufakela emva kwenkcazelo ko “iSebe” le nkcazelo ilandelayo:
- “**‘isithilana sezempilo’** sithetha isithilana sezempilo esiya kumiselwa nguMphathiswa wePhondo ngokwecandelo 30 (1)(a) loMthetho I-National Health Act;” nye 15
- (c) ngokufakela emva kwenkcazelo ka “ukuyalela” le nkcazelo ilandelayo:
- “**‘umasipala wemetropolitan’** uthetha umasipala njengoko kuchaziwe kwicandelo 1 lomthetho oyi-Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);”.

Ukuhlonyelwa kwecandelo 2 loMthetho 5 ka- 2010

2. ICandelo 2 loMthetho oyintloko liyahlonyelwa ngokufakela endaweni yalo yecandelwana (1) eli candelwana lilandelayo: 20
- “(1) Ibhunga lezempilo lesithili [**linabantu abakhankaywe kwicandelo 31(2)(a) loMthetho weZempilo weLizwe, abangaba**]—
- (a) Ilungu lemetropolitan okanye lebhunga lomasipala wesithili ekubhekiswe kuwo, otyunjwe libhunga elifanelekileyo; 25
- (b) umntu otyunjwe nguMphathiswa wePhondo ukuba abengummeli wakhe;

- (c) Ilungu lebhunga likamasipala okwisithili sezempilo, otyunjwe ngamalungu ebhunga elifanelekileyo, okanye ilungu elivela kwisithilana ngasinye esikumasipala wemetropolitan, elinyulwe ngamacandelwana amabhunga akweso sithili sezempilo sichaphazelekayo, njengoko kufuneka; kwaye 5
- (d) akufuneki bantu bangaphezulu kwesihlanu, abatyunjwe ngumPhathiswa wePhondo emva kokubonisana nebhunga lomasipala wemetropolitan okanye wesithili, njengoko kufuneka.”

Ukuhlonyelwa kwecandelo 4 loMthetho 5 ka-2010

3. ICandelo 4 loMthetho oyintloko liyahlonyelwa ngokufakela endaweni yomhlathi (e) walo mhlathi ulandelayo: 10

“(e) kwimeko apho ilungu ekubhekiselelwa kwicandelo 2(1)(a) okanye (c), liyayeka esikhundleni elalityunjelwe sona kwibhunga lezempilo lesithili, okanye liyakhutshwa libhunga lomasipala okanye ngamacandelwana amabhunga achaphazelekayo [**elichaphazelekayo**] kungene omnye umtyunjwa; okanye”. 15

Isihloko esifutshane

4. Lo Mthetho ubizwa ngokuba nguMthetho waMabhunga ezeMpilo eZithile weNtshona Koloni, 2012.

**IMEMORANDAM YEMIBA YOKUHLONYELWA KOMTHETHO
OSAYILWAYO WAMABHUNGA EZEMPILO EZITHILE
WENTSHONA KOLONI, 2012**

1. INKCAZELO

- 1.1 UMthetho waMabhunga ezeMpilo eZithile weNtshona Koloni, 2010 (UMthetho 5 ka-2010), (uMthetho), waqalisa ukusebenza ngomhla wama-24 ku-Agasti 2011 njengesibhengezo esapapashwa kwiGazethi yePhondo enguNomb.6901 yangomhla wama-23 ku-Agasti 2011.
- 1.2 Lo Mthetho wenza ukuba lisebenze icandelo 31 lomthetho oyi-National Health Act, 2003 (uMthetho 61 ka-2003) elichaza ukumiselwa kwamabhunga ezempilo zesithile nguMphathiswa wePhondo kwisithili ngasinye sezempilo esikwiphondo lakhe.
- 1.3 Ngokwecandelo 2(1) lalo Mthetho, ibhunga lezempilo lesithili linoku:
 - “(a) Ilungu lemetropolitan okanye lebhunga lomasipala wesithili ekubhekiswe kuwo, otyunjwe libhunga elifanelekileyo;
 - (b) umntu otyunjwe nguMphathiswa wePhondo ukuba abengummeli wakhe;
 - (c) Ilungu lebhunga likamasipala okwisithili sezempilo, otyunjwe ngamalungu ebhunga elifanelekileyo; kwaye
 - (d) akufuneki bantu bangaphezulu kwesihlanu, abatyunjwe ngumPhathiswa wePhondo emva kokubonisana nebhunga lomasipala wemetropolitan okanye wesithili, njengoko kufuneka.”
- 1.4 Njengoko kuchaziwe kwicandelo 2(1) lalo Mthetho, ulwakhiwo lwebhunga lezempilo lesithili ludale ukungalingani kwabameli kurhulumente wasekhaya, ingakumbi kwibhunga lezempilo lesithili seSixeko saseKapa (*imetropole*) abekho oomasipala basekhaya. Kungoku nje, ngokwalo Mthetho, ibhunga lezempilo lesithili seSixeko saseKapa liya kuba nommeli omnye kuphela osuka kwibhunga lomasipala wemetropolitan, nanjengoko bengalingani abameli kurhulumente wasekhaya kwibhunga lezempilo lesithili sesiSixeko saseKapa xa kuthelekiswa nabameli bakhe abakumabhunga ezempilo ezithile, apho umasipala wasekhaya ngamnye kunye nomasipala wesithili bemelwe.
- 1.5 Kungoku nje, iSixeko saseKapa sinamacandelwana ebhunga angamashumi amabini anesine, asebenza ngobambiswano “aziimbumba” zamaqela asi-8. Ezi mbumba zihambelana nezithilana ezikwimetropole, ukwahlulwahluliwa kwazo kwamiselwa nguMphathiswa wePhondo ngokwecandelo 30(1) lomthetho oyi-National Health Act, 2003. Isaziso sokugqibela sokwahlulwahlulwa kwezithili zempilo zeSixeko saseKapa zibe zizithilana zempilo, ngokwecandelo 30(1) lomthetho oyi-National Health Act, sesiza kupapashwa.

2. INJONGO YOMTHETHO OSAYILWAYO

- 2.1 Injongo yalo Mthetho oYilwayo oHlonyelwayo waMabhunga ezeMpilo eZithile weNtshona Koloni, (UMthetho oYilwayo oHlonyelwayo) kukuhlomela uMthetho ukuze kuqwalaselwe umbandela wokungalingani kwabameli okukhoyo kwisithili sezeMpilo seSixeko saseKapa ngenxa yokungabikho koomasipala basekhaya ngoko ke icandelo 2(1)(c) lalo Mthetho aliyi kusebenza.
- 2.2 Lo Mthetho oYilwayo uhlomela uMthetho ngokwenza amalungiselelo okutyunjwa kummeli osuka kwizithilana ezisi-8 zempilo kwisithili sezempilo seSixeko saseKapa oya kusebenza kwibhunga lesithili sezempilo seSixeko saseKapa.
- 2.3 Esi sihlomelo sicetywayo siyakwenza balingane abameli borhulumente wasekhaya kwizithili zempilo ezisemaphandleni nezemetropolitan.

3. OKUQULETHWE KUMTHETHO OSAYILWAYO OHLONYELWAYO

igatya 1

Igatya 1 lifakela iinkcazelo ezintsha kula manqaku alandelayo:

- Isithilana sezempilo;
- Umasipala wemetropolitan; kunye
- Necandelwana lebhunga.

igatya 2

Eli gatya lifakelela kwicandelo 2(1)(c) lalo Mthetho ukuba kumiselwe ilungu elisuka kwisithilana sezempilo kumasipala wemetropolitan, otyunjwe ngamacandelwana ebhunga akwizithilana ezifanelekileyo, ukuba lisebenze kwibhunga lezempilo lesithili.

Igatya 3

Eli gatya lihlomela icandelo 4(e) lalo Mthetho ukubhekiselela kumacandelwana ebhunga ekubhekiselelwa kuwo kwicandelwana 2(1)(c), njengoko kuhlonyelwe.

Igatya 4

Eli gatya liqulathe isihloko esifutshane.

4. IMALI EZA KUFUNEKA

Ayikho.

5. IZINTO EZIZA KUFUNEKA NGOKOMTHETHO

Zichaziwe kumhlathi 2 ngasentla izinto eziza kufuneka ngokomthetho.

6. ABASEBENZI ABAZA KUFUNEKA

Abekho.

7. AMASEBE EKUBONISENWE NAWO

Kwaboniswa nala maSebe kunye naba balandelayo bachaphazelekayo:

- ISebe loRhulumente waseKhaya;
- ISebe leNkulumbuso: iiNkonzo zoMthetho;
- Amabhunga ezeMpilo kwiSithili; kunye
- Namabhunga omasipala bemetropolitan.

8. AMAGUNYA OKUWISA UMTHETHO

UMphathiswa wePhondo ophethe ezeMpilo wanelisekile ukuba okuqulathwe kulo Mthetho usaYilwayo ukuba iPhondo linegunya lokuba liwise umthetho.

