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PROVINCIAL ADMINISTRATION.

ADMINISTRATOR'S NOTICE.

The following notice relating to the administration of the Province of the Transvaal are published under the authority of the Administrator for general information.

J. H. O. VAN GRAAN,
Provincial Secretary.

Office of the Administrator of Transvaal, Pretoria.

Administrator's Notice No. 313.] [23 May 1958.

The following Draft Ordinance is published for general information:—

A DRAFT ORDINANCE

To consolidate and amend the laws relating to hospitals and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

PRELIMINARY.

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

- (i) "Administration" means the Transvaal Provincial Administration; (i)
- (ii) "Administrator" means the officer appointed under section *sixty-eight* of the South African Act, 1909, acting on the advice and with the consent of the Executive Committee of the Province; (ii)
- (iii) "aided hospital" means a hospital referred to in paragraph (a) of sub-section (1) of section *seventy*; (xiii)
- (iv) "approved post" means a post referred to in paragraph (a) of sub-section (2) of section *forty-one*; (xi)
- (v) "board" means a hospital board constituted in terms of sub-section (1) of section *fifteen*; (xix)
- (vi) "Department" means the Department of Hospital Services referred to in sub-section (1) of section *two*; (viii)
- (vii) "Director" means the Director of Hospital Services referred to in sub-section (1) of section *three*; (ix)
- (viii) "employee" means an employee referred to in sub-section (3) of section *forty-one*; (xxii)
- (ix) "financial year" means the period between the first day of April in any year and the thirty-first day of March in the year next succeeding, both days inclusive; (vi)
- (x) "hospitals fund" means the hospitals fund referred to in sub-section (1) of section *sixty-five*; (xiii)

PROVINSIALE ADMINISTRASIE.

ADMINISTRATEURSKENNISGEWING.

Onderstaande kennisgewing wat betrekking het op die administrasie van die Provinie Transvaal word op gesag van die Administrateur vir algemene inligting gepubliseer.

J. H. O. VAN GRAAN,
Proviniale Sekretaris.

Kantoor van die Administrateur van Transvaal, Pretoria.

Administrateurskennisgewing No. 313.] [23 Mei 1958.

Onderstaande Ontwerp-ordonnansie word vir algemene inligting gepubliseer:—

'N ONTWERP-ORDONNANSIE

Tot samevatting en wysiging van die wetsbepalings betreffende hospitaal en om voorsteling te maak vir aangeleenthede in verband daarmee.

DIE Proviniale Raad van Transvaal VERORDEN AS VOLG:—

INLEIDEND.

1. In hierdie Ordonnansie, tensy uit die samehang anders blyk, beteken—

- (i) „Administrasie“ die Transvaalse Proviniale Administrasie; (i)
- (ii) „Administrateur“ die amptenaar aangestel ingevolge artikel *agt-en-sestig* van die Zuid-Afrika Wet, 1909, handelende op die advies en met die toestemming van die Uitvoerende Komitee van die Provinie; (ii)
- (iii) „beampte“ 'n beampte in paragraaf (a) van subartikel (2) van artikel *een-en-veertig* beoog; (xiv)
- (iv) „behandeling“ ook die verskaffing van—
 - (a) voedsel en akkommodasie;
 - (b) verpleging, of
 - (c) geneeskundige, chirurgiese, verloskundige, tandheelkundige, terapeutiese of rehabiliterende behandeling; (xxii)
- (v) „binne-pasiënt“ 'n pasiënt wat nie 'n buite-pasiënt is nie en wat behandeling in 'n provinsiale hospitaal ontvang; (xi)
- (vi) „boekjaar“ die tydperk tussen die eerste dag van April in enige jaar en die een-en-dertigste dag van Maart in die daaropvolgende jaar, insluitende albei dae; (ix)
- (vii) „buite-pasiënt“ 'n pasiënt wat nie 'n inwoner van 'n provinsiale hospitaal is nie, en wat dit vir behandeling besoek; (xv)
- (viii) „Departement“ die Departement van Hospitaaldienste in subartikel (1) van artikel *twee* genoem; (vi)

- (xi) "in-patient" means a patient who is not an out-patient and who receives treatment in a provincial hospital; (v)
- (xii) "local authority" means a town council, village council or health committee constituted under and by virtue of the provisions of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939), and shall include the Peri-Urban Areas Health Board established under and by virtue of the provisions of the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance No. 20 of 1943); (xv)
- (xiii) "medical practitioner" means any person registered in terms of the provisions of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), as a medical practitioner, intern or dentist; (x)
- (xiv) "officer" means an officer contemplated in paragraph (a) of sub-section (2) of section *forty-one*; (iii)
- (xv) "out-patient" means a patient who is not an inmate of a provincial hospital and who attends thereat for treatment; (vii)
- (xvi) "Pensions Ordinance" means—
 (a) The Transvaal Hospital Nurses' Pensions Ordinance, 1919 (Ordinance No. 13 of 1919), in the case of an officer falling within the interpretation of the term "nurse" or "officer" in that Ordinance; and
 (b) the Transvaal Hospital and Provincial Officials Pensions Ordinance, 1927 (Ordinance No. 14 of 1927), in the case of an officer falling within the interpretation of the term "officer" in that Ordinance; (xiv)
- (xvii) "private medical practitioner" means—
 (a) a medical practitioner who is not in the service of the Department; or
 (b) a medical practitioner who is not the holder of a teaching appointment in terms of sub-section (1) of section *fifty-nine* or in terms of section *sixty-one*; under conditions of appointment which require him to devote the whole of his time to such service or teaching appointment; (xvi)
- (xviii) "private ward" means a ward in a hospital in which accommodation is provided for not more than two patients; (xvii)
- (xix) "provincial hospital" means a hospital established in terms of section *four*; (xviii)
- (xx) "scale" in relation to salary, includes salary at a fixed amount; (xx)
- (xxi) "superintendent" means a superintendent referred to in section *six*; (xxi)
- (xxii) "treatment" includes the provision of—
 (a) food and accommodation;
 (b) nursing care; or
 (c) medical, surgical, obstetrical, dental, therapeutic or rehabilitative treatment; (iv)
- (ix) "Directeur" die Directeur van Hospitaaldienste in subartikel (1) van artikel *drie* genoem; (vii)
- (x) "geneesheer" iemand wat ingevolge die bepaling van die Wet op Geneesheere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as 'n geneesheer, intern of tandarts geregistreer is; (xiii)
- (xi) "goedgekeurde pos" 'n pos in paragraaf (a) van subartikel (2) van artikel *een-en-veertig* genoem; (iv)
- (xii) "hospitaalfonds" die hospitaalfonds in subartikel (1) van artikel *vyf-en-sesig* genoem; (x)
- (xiii) "ondersteunde hospitaal" 'n hospitaal in paragraaf (a) van subartikel (1) van artikel *seventig* genoem; (iii)
- (xiv) "Pensioene-ordonnansie"—
 (a) die Transvaal Hospitaalverpleegsters Pensioenen Ordonantie, 1919 (Ordonnansie No. 13 van 1919), in die geval van 'n beampete wat binne die vertolking van die uitdrukking "verpleegster" of "amptenaar" in daardie Ordonnansie val; en
 (b) die Transvaal Hospitaal en Provinciale Beampetes Pensioene Ordonnansie, 1927 (Ordonnansie No. 14 van 1927), in die geval van 'n beampete wat binne die vertolking van die uitdrukking "amptenaar" in daardie Ordonnansie val; (xvi)
- (xv) "plaaslike bestuur" 'n stadsraad, dorpsraad of gesondheidskomitee ingevolge die bepaling van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939) ingestel en omvat die Gesondheidsraad vir Buite-Stedelike Gebiede ingevolge die bepaling van die Ordonnansie tot Instelling van 'n Gesondheidsraad vir Buite-Stedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), ingestel; (xii)
- (xvi) "private geneesheer"—
 (a) 'n geneesheer wat nie in die diens van die Departement is nie; of
 (b) 'n geneesheer wat nie die bekleer is nie van 'n akademiese aanstelling ingevolge subartikel (1) van artikel *nege-en-vyftig* of ingevolge artikel *een-en-sestig*; kragtens aanstellingsvoorwaardes wat van hom vereis dat hy al sy tyd aan sodanige diens of akademiese aanstelling wy; (xvii)
- (xvii) "private saal" 'n saal in 'n hospitaal waarin akkommodasie vir nie meer as twee pasiënte verskaf word nie; (xviii)
- (xviii) "provinsiale hospitaal" 'n hospitaal ingevolge artikel *vier* ingestel; (xix)
- (xix) "raad" 'n hospitaalraad ingevolge subartikel (1) van artikel *vyftien* ingestel; (v)
- (xx) "skaal" met betrekking tot salaris, ook salaris teen 'n vaste bedrag; (xx)
- (xxi) "superintendent" 'n superintendent in artikel *ses* genoem; (xxi)
- (xxii) "werknemer" 'n werknemer in subartikel (3) van artikel *een-en-veertig* genoem. (viii)

(2) Where, in relation to an officer, reference is made in this Ordinance to a reduction in a scale of salary, such reference shall be construed as including a scale of salary which is lower than the scale previously applicable to such officer as regards the maximum or minimum thereof or the rate of progression therein and any such reference to a reduction in grade or to a grade being lower than another grade shall be construed in a like manner.

CHAPTER I.

ESTABLISHMENT AND CONTROL OF HOSPITALS.

Department of hospital services.

2. (1) The department of hospital services created in terms of section *eight* of the Public Hospital Services Interim Control Ordinance, 1943 (Ordinance No. 15 of 1943), shall be deemed to have been established in terms of the provisions of this Ordinance and shall be known as the Department of Hospital Services.

(2) After the commencement of this Ordinance, the Department shall comprise—

- (a) a general administrative section; and
- (b) the provincial hospitals and the institutions and services established in terms of section *four*.

(3) Subject to the provisions of this Ordinance, the function of the Department shall be the performance of all work necessary for or incidental to the establishment, regulation, control, administration and management of provincial hospitals and the institutions and services established in terms of section *four* and generally for achieving the objects and purposes of this Ordinance.

Appointment of Director of hospital services.

3. (1) Subject to the laws governing the Public Service of the Union, the Administrator shall appoint, as head of the Department, an officer to be styled the Director of Hospital Services: Provided that the person (if any), who at the coming into operation of this Ordinance occupies the post of Medical Director of Public Hospitals by virtue of the provisions of paragraph (a) of sub-section (2) of section *eight* of the Public Hospital Services Interim Control Ordinance, 1943, shall be deemed to have been appointed under the provisions of this sub-section as the Director of Hospital Services.

(2) The Director shall be subject to the direction and control of the Administrator and responsible to him for the efficient management and control of the Department.

Establishment of hospitals, institutions and services.

4. (1) The Administrator may establish and maintain hospitals and may in addition establish and maintain as part of any such hospital—

- (a) a nursing or midwifery service outside such hospital; or
- (b) on premises situate outside the main premises of such hospital, one or more clinics for the reception and treatment of patients.

(2) The Administrator may establish and maintain in connection with one or more of the hospitals referred to in sub-section (1)—

- (a) ambulance and transport services;
- (b) depots for the manufacture and repair of orthopaedic, surgical, medical and other appliances and equipment;
- (c) laundries;
- (d) supply depots;

(2) Waar, in verband met 'n beampete, melding in hierdie Ordonnansie gemaak word van 'n verlaging van 'n salarisskaal, word dit so uitgeleë dat dit 'n salarisskaal insluit wat laer is as die skaal wat tevore van toepassing was op sodanige beampete ten opsigte van die maksimum of minimum daarvan of die mate van vordering daarin en enige sodanige vermelding van 'n verlaging in graad of dat 'n graad laer is as 'n ander graad, word op dergelike wyse uitgeleë.

HOOFSTUK I.

INSTELLING EN BEHEER VAN HOSPITALE.

2. (1) Die departement van hospitaaldienste ingevolge artikel *agt* van die Ordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1943 (Ordonnansie No. 15 van 1943), geskep, word geag ingevolge die bepalings van hierdie Ordonnansie ingestel te gewees het en staan bekend as die Departement van Hospitaaldienste.

(2) Na die inwerkingtreding van hierdie Ordonnansie, bestaan die Departement uit—

- (a) 'n algemene administratiewe afdeling; en
- (b) die provinsiale hospitale en die inrigtings en dienste ingevolge artikel *vier* ingestel.

(3) Behoudens die bepalings van hierdie Ordonnansie, is die funksie van die Departement die verrigting van alle werksaamhede noodsaaklik vir of behorende by die instelling, reëling, beheer, administrasie en bestuur van provinsiale hospitale en die inrigtings en dienste ingevolge artikel *vier* ingestel en in die algemeen om die oogmerke en doelstellings van hierdie Ordonnansie te bereik.

3. (1) Behoudens die wetsbepalings wat op die Staatsdiens van die Unie van toepassing is, stel die Administrateur 'n beampete aan wat aan die hoof van die Departement staan en wat bekend staan as die Direkteur van Hospitaaldienste: Met dien verstande dat die persoon (as daar een is) wat by die inwerkingtreding van hierdie Ordonnansie kragtens die bepalings van paragraaf (a) van subartikel (2) van artikel *agt* van die Ordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1943, die pos van Geneeskundige Direkteur van Publieke Hospitale beklee, geag word kragtens die bepalings van hierdie subartikel as die Direkteur van Hospitaaldienste aangestel te gewees het.

(2) Die Direkteur is onderworpe aan die voor-skrif en beheer van die Administrateur en is aan hom vir die doeltreffende bestuur en beheer van die Departement verantwoordelik.

4. (1) Die Administrateur kan hospitale instel en onderhou en kan ook as deel van enige sodanige hospitaal—

- (a) 'n verpleeg- of kraamdiens buite sodanige hospitaal; of
- (b) op persele wat geleë is buite die hoofperseel van sodanige hospitaal, een of meer klinieke vir die ontvangs en behandeling van pasiënte;

instel en onderhou.

(2) Die Administrateur kan in verband met een of meer van die hospitale in subartikel (1) genoem—

- (a) ambulans- en vervoerdienste;
- (b) depots vir die vervaardiging en herstel van ortopediese, chirurgiese geneeskundige en ander toestelle en uitrusting;
- (c) wasserye;
- (d) voorraaddepots;

- (e) colleges of nursing or other institutions for the training of persons for service in the Department; or
- (f) any other institution or service which he may deem necessary or expedient for achieving the objects and purposes of this Ordinance.

(3) Any hospital, clinic or institution or service of the nature described in sub-section (1) or (2) and established by the Administration prior to the commencement of this Ordinance, shall be deemed to have been established in terms of this section.

General powers of the Administrator.

5. The Administrator may—

- (a) make provision for the accommodation and board of the staff of any provincial hospital or institution or service established in terms of section four;
- (b) hire such accommodation or services as he may deem necessary or expedient for the achievement of the objects and purposes of this Chapter and he may direct that any such accommodation or service shall be deemed to be a part of an existing provincial hospital or institution or service established in terms of section four; or
- (c) subject to the consent of the Governor-General-in-Council in so far as such consent may be necessary and, subject to the provisions of section eight, let, sell, or otherwise alienate any movable or immovable property acquired by the Administration for or in connection with any of the objects or purposes of this Ordinance, or an ordinance repealed by this Ordinance.

Local control and management of hospitals, institutions and services.

6. The local control and management of every provincial hospital and of every institution or service established in terms of section four, shall be vested, in the case of such hospital, in a person appointed by the Administrator as the superintendent thereof, and, in the case of such institution or service, in a person appointed for the purpose by the Administrator, and every such person—

- (a) shall be subordinate to the Director and responsible to him for the efficient control and management of the provincial hospital or institution or service which has been placed in his charge, and any power, right, function or duty conferred or imposed on any such superintendent or other person in terms of the provisions of this Ordinance or the regulations made thereunder shall be exercised subject to such directions as the Director may give and which are not inconsistent with the provisions of this Ordinance or the said regulations; and
- (b) may be appointed in a full-time or part-time capacity.

Contracts.

7. (1) The Director may enter into contracts of employment with such persons as he is in terms of sub-section (2) of section forty-two specifically empowered to employ and may enter into such other contracts, whether of employment or not, as the Administrator may authorize.

(2) The Administrator may make regulations, not inconsistent with the provisions of this Ordinance, relating to the procedure to be followed when any contract is entered into in terms of sub-section (1).

- (e) verpleegsterskolleges en ander inrigtings vir die opleiding van persone vir diens in die Departement; of
- (f) enige ander inrigting of diens wat hy nodig of dienstig ag vir die bereiking van die oogmerke en doelstellings van hierdie Ordonnansie; instel en onderhou.

(3) Enige hospitaal, kliniek of inrigting of diens van die aard in subartikel (1) of (2) om-skyf, en ingestel deur die Administrasie voor die inwerkingtreding van hierdie Ordonnansie, word geag ingevolge hierdie artikel ingestel te gewees het.

5. Die Administrateur kan—

- (a) voorsiening maak vir die akkommadasie en losies van die personeel van enige provinsiale hospitaal of inrigting of diens wat ingevolge artikel vier ingestel is;
- (b) sodanige akkommadasie of dienste huur as wat hy nodig of dienstig ag vir die bereiking van die oogmerke en doelstellings van hierdie Hoofstuk, en hy kan gelas dat enige sodanige akkommadasie of diens geag word 'n deel te wees van 'n bestaande provinsiale hospitaal of inrigting of diens ingevolge artikel vier ingestel; of
- (c) onderworpe aan die toestemming van die Goewerneur-generaal-inrade in sover sodanige toestemming nodig mag wees en behoudens die bepalings van artikel agt, enige roerende of onroerende eiendom verhuur, verkoop of anders van die hand sit, wat deur die Administrasie vir of in verband met enige van die oogmerke of doelstellings van hierdie Ordonnansie of 'n Ordonnansie wat deur hierdie Ordonnansie herroep is, verkry is.

6. Die plaaslike beheer en bestuur van elke provinsiale hospitaal en van elke inrigting of diens ingevolge artikel vier ingestel, berus, in die geval van sodanige hospitaal, by 'n persoon as superintendent daarvan deur die Administrateur aangestel, en, in die geval van sodanige inrigting of diens, by 'n persoon vir die doel deur die Administrateur aangestel en elke sodanige persoon—

- (a) is ondergesik aan die Direkteur en verantwoordelik aan hom vir die doeltreffende beheer en bestuur van die provinsiale hospitaal of inrigting of diens, wat onder sy toesig geplaas is en enige bevoegdheid, reg, werksaamheid of plig aan sodanige superintendent of ander persoon ingevolge die bepalings van hierdie Ordonnansie of die regulasies daar-kragtens gemaak, verleen of opgelê, word uitgeoefen onderworpe aan sodanige voor-skrifte as wat die Direkteur mag gee en wat nie onbestaanbaar is met die bepalings van hierdie Ordonnansie of die genoemde regulasies; en
- (b) kan in 'n voltydse of deeltydse hoedanigheid aangestel word.

7. (1) Die Direkteur kan kontrakte van diensneming aangaan met sodanige persone, as wat hy ingevolge subartikel (2) van artikel tweeen-veertig uitdruklik gemagtig word om in diens te neem, en kan sodanige ander kontrakte, hetsy van indiensneming al dan nie, aangaan, as wat die Administrateur magtig.

(2) Die Administrateur kan regulasies maak wat nie met die bepalings van hierdie Ordonnansie onbestaanbaar is nie en wat betrekking het op die prosedure wat gevolg moet word wanneer enige kontrak ingevolge subartikel (1) aangegaan word.

Algemene bevoegd-heede van die Administrateur.

Plaaslike beheer en bestuur van hospitaale, inrigtings en dienste.

(3) Every contract entered into by a hospital board in terms of the provisions of the Public Hospitals Ordinance, 1928 (Ordinance No. 18 of 1928), or the Public Hospitals Ordinance, 1946 (Ordinance No. 19 of 1946), and in force at the commencement of this Ordinance, shall, if such contract is not inconsistent with the provisions of this Ordinance, be deemed to be a contract entered into by the Administration, and all the rights and liabilities of the hospital board to and in such contract shall be deemed to be the rights and liabilities of the Administration.

Acceptance
of bequests,
donations
or sub-
scriptions.

8. (1) The Administrator or Director may, on behalf of the Administration, accept any money or any other property whatsoever by way of bequest, donation or subscription, whether or not such money or other property is bequeathed, donated or subscribed in trust for any particular purpose connected with an existing or future provincial hospital or institution or service established or to be established in terms of section *four* or in trust for any other object or purpose contemplated in this Ordinance.

(2) Where—

- (a) Any money or other property became vested in the Government or the Administration in terms of section *twelve* of the Public Hospitals Ordinance, 1946; or
- (b) any money or other property was accepted by the Administrator or a board in terms of section *fourteen* of the Public Hospitals Ordinance, 1946; or
- (c) any money or other property is accepted by the Administrator or Director in terms of sub-section (1);

and is subject to any trust or particular bequest, such money or property shall at all times remain subject to such trust or bequest and shall be dealt with in accordance with the terms and conditions thereof: Provided that where any such trust or bequest is repugnant to any of the provisions of this Ordinance, such money or property shall vest free of such trust or bequest and may be applied to any purpose in connection with the provincial hospital or institution or service established in terms of section *four* for whose benefit such trust or bequest was made: Provided further that if any money or other property is in terms of a trust or bequest subject to a condition that it shall be used for a specific purpose which is not a capital purpose, the Administrator may, if he considers it to be in the best interest of the provincial hospital, institution or service concerned, authorize the utilization of such money or property for the purpose of acquiring equipment for such hospital, institution or service or for any capital purpose connected with such hospital, institution or service.

(3) Any money or other property referred to in paragraph (a), (b) or (c) of sub-section (2), which is in terms of a trust or particular bequest to be applied to a particular provincial hospital or to a particular institution or service established in terms of section *four* shall, unless it is to be used for a particular object or purpose in terms of such trust or bequest, be utilized in such manner as the Administrator may determine for the purpose of acquiring equipment for such hospital, institution or service or for any capital purpose connected with such hospital, institution or service.

(3) Elke kontrak deur 'n hospitaalbestuur ingevolge die bepalings van die Publieke Hospitale Ordonnansie, 1928 (Ordonnansie No. 18 van 1928), of die Ordonnansie op Publieke Hospitale, 1946 (Ordonnansie No. 19 van 1946), aangegaan en wat by die inwerkingtreding van hierdie Ordonnansie van krag is, word, indien sodanige kontrak nie met die bepalings van hierdie Ordonnansie onbestaanbaar is nie, geag 'n kontrak te wees, wat deur die Administrasie aangegaan is en al die regte en verpligtings van die hospitaalbestuur by en in sodanige kontrak word geag die regte en verpligtings van die Administrasie te wees.

8. (1) Die Administrateur of Direkteur kan, Aanname
van ver-
makings,
skenkings
of bydraes.
namens die Administrasie, enige geld of enige ander eiendom van watter aard ook al, by wyse van vermaking, skenking of bydrac, aanneem, hetsy sodanige geld of ander eiendom vermaak, geskenk of bygedra word in trust vir 'n besondere doel wat in verband staan met 'n bestaande of toekomstige provinsiale hospitaal of inrigting of diens ingevolge artikel *vier* ingestel of ingestel te word of in trust vir enige ander oogmerk of doel in hierdie Ordonnansie beoog al dan nie.

(2) Waar—

- (a) enige geld of ander eiendom wat by die Goewermann of Administrasie ingevolge artikel *twaalf* van die Ordonnansie op Publieke Hospitale, 1946, berus het; of
- (b) enige geld of ander eiendom, wat deur die Administrasie of 'n bestuur ingevolge artikel *veertien* van die Ordonnansie op Publieke Hospitale, 1946, aangeneem is; of
- (c) enige geld of ander eiendom deur die Administrateur of Direkteur ingevolge subartikel (1) aangeneem word;

en aan 'n trust of besondere vermaking onderworpe is, bly sodanige geld of eiendom te alle tye aan sodanige trust of vermaking onderworpe en word daarmee ooreenkomsdig die bepalings en voorwaardes daarvan gehandel: Met dien verstande dat, waar enige sodanige trust of vermaking strydig is met enige van die bepalings van hierdie Ordonnansie, sodanige geld of eiendom onbelas deur sodanige trust of vermaking berus en aangewend kan word vir enige doel in verband met die provinsiale hospitaal of die inrigting of diens by artikel *vier* ingestel ten voordele waarvan sodanige trust of vermaking gedoen is: Voorts met dien verstande dat indien enige geld of ander eiendom ingevolge 'n trust of vermaking onderworpe is aan 'n voorwaarde dat dit vir 'n bepaalde doel wat nie 'n kapitaaldoel is nie, aangewend moet word, die Administrateur as hy daarvan oortuig is dat dit in die beste belang van die betrokke provinsiale hospitaal, inrigting of diens is, magtiging kan verleen tot die aanwending van sodanige geld of eiendom vir die doel om uitrusting vir sodanige hospitaal, inrigting of diens te verkry, of vir enige kapitaaldoel wat in verband met sodanige hospitaal, inrigting of diens staan.

(3) Enige geld of ander eiendom in paragraaf (a), (b) of (c) van subartikel (2) genoem, wat ingevolge 'n trust of besondere vermaking vir 'n besondere provinsiale hospitaal of vir 'n besondere inrigting of diens ingevolge artikel *vier* ingestel, aangewend moet word, word tensy dit vir 'n besondere oogmerk of doel ingevolge sodanige trust of vermaking gebruik moet word, op sodanige wyse as wat die Administrateur bepaal, aangewend vir die doel om uitrusting vir sodanige hospitaal, inrigting of diens te verkry, of vir enige kapitaaldoel wat in verband met sodanige hospitaal, inrigting of diens staan.

- (4) For the purpose of this section "capital purpose" means—
- the erection, construction, acquisition, extension or improvement of any building;
 - the acquisition of land or of any right or interest in or over land;
 - the carrying out of any work of a permanent nature in connection with any provincial hospital or institution or service established in terms of section four; or
 - the repayment of any loan incurred for any of the purposes mentioned in paragraph (a), (b) or (c).

Regulations.

9. The Administrator may from time to time make regulations, not inconsistent with the provisions of this Ordinance, on any or all of the following matters:—

- All matters affecting the management, care, control, regulation or superintendence of provincial hospitals or institutions or services established in terms of section four;
- the prevention of trespassing on any premises or place under the control of the Department;
- prohibiting the introduction of any specified article into any premises or place under the control of the Department; or
- generally in respect of all matters which he considers necessary or expedient for achieving the objects and purposes of this Chapter;

and the Administrator may make different regulations for or in respect of different provincial hospitals or institutions or services established in terms of section four.

CHAPTER II.**THE HOSPITALS PLANNING COUNCIL.****Dis-establishment of Public Hospitals Advisory Council.**

10. The Public Hospitals Advisory Council established in terms of section two of the Public Hospitals Interim Control Ordinance, 1943, is hereby disestablished.

Establishment of Hospitals Planning Council.

11. (1) There is hereby established a council to be styled the Hospitals Planning Council, in this Chapter referred to as the Council.

(2) The Council shall consist of so many members as the Administrator may determine, not being less than three and not more than five, and such members shall be appointed by the Administrator.

(3) The Administrator shall nominate one member of the Council to be the chairman thereof.

Functions of the Council.

12. The functions of the Council shall be—

- on its own initiative, to advise the Administrator on matters of policy relating to hospitals and health services, including—
 - the establishment, expansion and improvement of hospital and health services;
 - hospital staff matters; and
 - training of hospital staff;
- to advise the Administrator or Director, as the case may be, on any matter referred to it by the Administrator or the Director.

Regulations.

13. The Administrator may from time to time make regulations, not inconsistent with the provisions of this Ordinance—

- prescribing the period of office of members of the Council and the circumstances under which they shall be disqualified from being or continuing to be members;

- (4) Vir die toepassing van hierdie artikel beteken „kapitaaldoel”—
- die oprigting, bou, aanskaffing, uitbreiding of verbetering van enige gebou;
 - die aanskaffing van grond of enige reg op of belang in of oor grond;
 - die uitvoering van werk van 'n permanente aard in verband met 'n provinsiale hospitaal of inrigting of diens ingevolge artikel vier ingestel; of
 - die terugbetaaling van enige lening aangaan vir enigeen van die doeleindes in paragraaf (a), (b) of (c) genoem.

9. (1) Die Administrateur kan van tyd tot tyd Regulasies maak, wat nie onbestaanbaar met die bepalings van hierdie Ordonnansie is nie, oor enige een van of al die volgende aangeleenthede—

- alle aangeleenthede rakende die bestuur, versorging, beheer, reëling van of toesig oor provinsiale hospitale of inrigtings of dienste ingevolge artikel vier ingestel;
- om oortreding op enige perseel of plek onder die beheer van die Departement te voorkom;
- om die inbrenging van enige bepaalde artikel op enige perseel of plek onder die beheer van die Departement te verbied; of
- in die algemeen, ten aansien van alle aangeleenthede wat hy nodig of dienstig ag om die oogmerke en doelstellings van hierdie Hoofstuk te bereik;

en die Administrateur kan verskillende regulasies maak vir of ten opsigte van verskillende provinsiale hospitale of inrigtings of dienste ingevolge artikel vier ingestel

HOOFSTUK II.**DIE HOSPITALEBEPANNINGSRAAD.**

10. Die Raad van Advies insake Publieke Hospitale ingevolge artikel twee van die Ordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1943, ingestel, word hierby afgeskaf.

11. (1) Hierby word 'n Raad ingestel, wat as die Hospitalebeplanningsraad bekendstaan, en wat in hierdie Hoofstuk die Raad genoem word.

(2) Die Raad bestaan uit soveel lede as wat die Administrateur vasstel, maar minstens drie en hoogstens vyf, en sodanige lede word deur die Administrateur aangestel.

(3) Die Administrateur benoem een lid van die Raad om die voorstitter daarvan te wees.

12. Die werksaamhede van die Raad is—

- om op eie inisiatief die Administrateur van advies te dien oor beleidsake in verband met hospitale en gesondheidsdienste, insluitende—
 - die instelling, uitbreiding en verbetering van hospitaal- en gesondheidsdienste;
 - personeelaangeleenthede van hospitale; en
 - opleiding van hospitaal personeel;
- om die Administrateur of Direkteur, al na die geval, oor enige aangeleenthed wat die Administrateur of Direkteur na hom verwys, van advies te dien.

13. Die Administrateur kan van tyd tot tyd Regulasies maak wat nie met die bepalings van hierdie Ordonnansie onbestaanbaar is nie, wat—

- die ampstermy van lede van die Raad en die omstandighede waaronder hulle onbevoeg word om lede te wees of te bly, voorskryf;

- (b) prescribing the period of office of the chairman of the Council;
- (c) prescribing the conditions subject to which the chairman of the Council shall be appointed and the remuneration to be paid to him;
- (d) prescribing the fees and subsistence and transport allowances to be paid to members of the Council when engaged on the service of the Council;
- (e) prescribing the quorum of meetings of the Council, the keeping of minutes, the intervals at which meetings shall be held, the convening of special meetings, the provision of secretarial services and generally the conduct of the business and the procedure at meetings of the Council;
- (f) prescribing the appointment or election of an acting chairman during the absence of the chairman;
- (g) prescribing the powers and duties of the chairman or acting chairman; or
- (h) generally in respect of all matters which he considers necessary or expedient for achieving the objects and purposes of this Chapter.

CHAPTER III.

HOSPITAL BOARDS.

Dis-establishment of hospital boards constituted in terms of Ordinance 19 of 1946.

Constitution of boards.

14. The hospital boards constituted in terms of section *three* of the Public Hospitals Ordinance, 1946, are hereby disestablished.

15. (1) The Administrator may constitute such hospital boards as he may deem necessary and may assign a name to any such board.

(2) When the Administrator constitutes a board in terms of sub-section (1), he shall—

- (a) determine the number of members of such board; and
 - (b) specify the provincial hospital or hospitals for which such board has been constituted.
- (3) Notwithstanding anything to the contrary in sub-section (1) or (2) contained, the Administrator may at any time in his discretion—
- (a) disestablish a board;
 - (b) constitute additional boards;
 - (c) increase or decrease the number of members of a board; or
 - (d) transfer a provincial hospital from one board to another board.

Appointment of members of boards.

16. (1) Subject to the provisions of section *seventeen*, every member of a board shall be appointed by the Administrator and he shall nominate one such member to be the chairman thereof: Provided that no member of a board who is a medical practitioner on the staff of a provincial hospital for which such board has been constituted, shall be nominated to be the chairman thereof.

(2) The Administrator shall appoint to every board at least one member who is a woman and at least one member who is a medical practitioner: Provided that, when in the opinion of the Administrator it is possible to do so, no medical practitioner who is on the staff of a provincial hospital for which such board has been constituted, shall be appointed as a member of such board.

- (b) die ampstermy van die voorsitter van die Raad voorskryf;
- (c) die voorwaardes waaronder die voorsitter van die Raad aangestel word en die besoldiging wat aan hom betaal word, voorskryf;
- (d) die gelde en verblyf- en reistroelaes, aan lede van die Raad betaal te word, wanneer hulle in die diens van die Raad werksaam is, voorskryf;
- (e) die kworum van vergaderings van die Raad, die hou van notule, die tussenposes waarby vergaderings gehou moet word, die belegging van spesiale vergaderings, die verskaffing van sekretariële dienste en in die algemeen vir die uitvoering van die werksaamhede en die prosedure by vergaderings van die Raad voorskryf;
- (f) die aanstelling of verkiesing van 'n waarnemende voorsitter gedurende die afwesigheid van die voorsitter voorskryf;
- (g) die bevoegdhede en pligte van die voorsitter of waarnemende voorsitter voorskryf; of
- (h) in die algemeen ten opsigte van alle aanleentheide wat hy nodig of wenslik ag om die oogmerke en doelstellings van hierdie Hoofstuk te bereik, voorskryf.

HOOFSTUK III.

HOSPITAALRADE.

14. Die hospitaalbestre ingestel ingevolge artikel *drie* van die Ordonnansie op Publieke Hospitale, 1946, word hierby afgeskaf.

Afskaffing van Hospitaalbestre ingevolge Ordonnansie 19 van 1946 ingestel.

15. (1) Die Administrateur kan sodanige hospitaalrade as wat hy nodig ag, instel en 'n naam aan enige sodanige raad toewys.

Instelling van Rade.

(2) Wanneer die Administrateur 'n raad ingevolge subartikel (1) instel, moet hy—

- (a) die aantal lede van sodanige raad vasstel; en
 - (b) die provinsiale hospitaal of hospitale spesifiseer ten opsigte waarvan sodanige raad ingestel is.
- (3) Ondanks andersluidende bepalings in subartikel (1) of (2) vervat, kan die Administrateur te eniger tyd, na goeddunk —
- (a) 'n raad afskaf;
 - (b) addisionele rade instel;
 - (c) die aantal lede van 'n raad vermeerder of verminder; of
 - (d) 'n provinsiale hospitaal van een raad na 'n ander raad oorplaas.

16. (1) Behoudens die bepalings van artikel *sewentiën*, word elke lid van 'n raad deur die Administrateur aangestel en hy benoem een sodanige lid om die voorsitter daarvan te wees: Met dien verstaande dat geen lid van 'n raad wat 'n geneesheer is, op die personeel van 'n provinsiale hospitaal ten opsigte waarvan sodanige raad ingestel is, benoem mag word om die voorsitter daarvan te wees nie.

Aanstelling van lede van rade.

(2) Die Administrateur moet op elke raad minstens een lid wat 'n vrou is en minstens een lid wat 'n geneesheer is, aanstel: Met dien verstaande dat, wanneer dit na die mening van die Administrateur moontlik is om dit te doen, geen geneesheer wat op die personeel van 'n provinsiale hospitaal is ten opsigte waarvan sodanige raad ingestel is, as lid van sodanige raad aangestel mag word nie.

Qualifications of members of boards.

17. The following persons shall not be qualified to be appointed as members of a board, or if members of a board, of continuing to be members—
 (a) any person under the age of twenty-one years;
 (b) any person who is of unsound mind and has been so declared by a competent court or judicial officer;
 (c) any person who is an unrehabilitated insolvent;
 (d) any person who has at any time been convicted of an offence for which he has been sentenced to imprisonment without the option of a fine unless he has received a free pardon, or unless such imprisonment has expired at least three years prior to the date of his appointment;
 (e) any person who is interested (otherwise than as a member of an incorporated public company) in any contract made for or on behalf of any hospital for which the board of which he is a member or a prospective member has been constituted, if the value of such contract exceeds in any single case the sum of five pounds, or, in the case of more than one contract, ten pounds in any financial year: Provided that nothing in this paragraph contained shall be deemed to be a disqualification where the contract is approved and considered to be desirable in the public interest by the Administrator or where such contract is in respect of the professional services of a medical practitioner.

Period of office of members of boards.

18. All members of boards shall hold office for a period of three years from the date of their appointment: Provided that the members appointed by the Administrator for the first time to a new board constituted in terms of the provisions of this Ordinance, shall hold office as follows:—

One-third for a period of one year; one-third for a period of two years; and one-third for a period of three years:

Provided further that in the case of a member appointed to fill a casual vacancy, such appointment shall in every case be for the unexpired period of office of the member in whose place the appointment is made.

When office of member becomes vacant.

19. Whenever a member of a board becomes disqualified in terms of section seventeen or—
 (a) if he dies; or
 (b) resigns his office by writing under his hand delivered to the chairman of the board or to the person designated as secretary to the board by the Director; or
 (c) is absent from three consecutive ordinary meetings of the board without leave of the board;

his office shall be declared vacant by the chairman of the board who shall report the fact to the Administrator and the Administrator shall, subject to the provisions of sections sixteen and seventeen, appoint a member to fill such vacancy.

Termination of office of members of boards, appointment of provisional boards, and appointment of persons to exercise or carry out rights, powers, duties or functions of boards.

20. (1) The Administrator may, notwithstanding anything to the contrary contained in this Ordinance, terminate the period of office of all members of a board as from a specified date—
 (a) if at any time a board neglects for a period of six months to hold a meeting; or
 (b) if he is satisfied that a board—
 (i) has failed or refused to perform any duty or function imposed upon it by this Ordinance or the regulations made thereunder; or

17. Die volgende persone is nie gekwalifiseer om as lede van 'n raad aangestel te word nie, of indien lede van 'n raad om as lede aan te bly—

- (a) enige persoon onder die ouderdom van een-en-twintig jaar;
 (b) enige persoon wat geestelike gekrenk is en as sodanig verklaar is deur 'n bevoegde hof of geregtelike beamppte;
 (c) enige persoon wat 'n ongerehabiliteerde insolvente persoon is;
 (d) enige persoon wat te eniger tyd skuldig bevind is aan 'n misdryf ten opsigte waarvan hy tot gevangenisstraf sonder die keuse van 'n boete gevonnis is, tensy hy algehele gracie ontvang het, of tensy sodanige vommertym minstens drie jaar voor die datum van sy aanstelling verstryk het;
 (e) enige persoon wat belang het (uitgesonderd as lid van 'n geïnkorporeerde publieke maatskappy) by enige kontrak aangegaan vir of namens enige hospitaal ten opsigte waarvan die raad waarvan hy lid of aspirantlid is, ingestel is, as die waarde van sodanige kontrak in enige enkele geval die bedrag van £5 te bove gaan of, in die geval van meer as een kontrak, £10 in enige boekjaar: Met dien verstande dat nikis in hierdie paragraaf vervat as 'n diskwalifikasie geag word nie waar die Administrateur die kontrak goedkeur en hy dit in die openbare belang wenslik ag of waar sodanige kontrak betrekking het op die professionele dienste van 'n geneesheer.

18. Alle lede van rade beklee hulle amp vir 'n tydperk van drie jaar van die datum af van hulle aanstelling: Met dien verstande dat die lede wat vir die eerste keer deur die Administrateur aangestel word op 'n nuwe raad ingestel ingevolge die bepalings van hierdie Ordonnansie, hulle amp soos volg beklee:

een-derde vir 'n tydperk van een jaar;
 een-derde vir 'n tydperk van twee jaar; en
 een-derde vir 'n tydperk van drie jaar:

Voorts met dien verstande dat in die geval van 'n lid wat aangestel is om 'n toevallige vakature te vul, is sodanige aanstelling in elke geval vir die onverstreke ampstermyn van die lid in wie se plek hy aangestel is.

19. Wanneer 'n lid van 'n raad gediskwalifiseer word ingevolge artikel sewentien of as—

- (a) hy te sterwe kom; of
 (b) hy sy amp neerlê deur hom skriftelik te rig aan die voorsitter van die raad of aan die persoon wat deur die Direkteur as sekretaris van die raad aangewys is; of
 (c) hy by drie agtereenvolgende gewone vergaderings van die raad sonder verlof van die raad afwesig is.

word sy amp vakant verklaar deur die voorsitter van die raad wat die feit aan die Administrateur mededeel en die Administrateur moet behoudens die bepalings van artikels sextien en sewentien, 'n lid aanstel om sodanige vakature te vul.

20. (1) Die Administrateur kan, ondanks andersluidende bepalings in hierdie Ordonnansie van lede, aanstelling van voorlopige rade en aanstelling van persone om regte, bevoegdhede, pligte of werkzaamhede van rade uit te oefen

- (a) as 'n raad te eniger tyd vir 'n tydperk van ses maande versuum om 'n vergadering te hou; of
 (b) as hy daarvan oortuig is dat 'n raad—
 (i) versuum of geweier het om enige plig of werksaamheid uit te voer wat aan hom opgelê is deur hierdie Ordonnansie of die regulasies daarkragtens gemaak; of

- (ii) has unreasonably failed or refused to exercise any right or power conferred on it by this Ordinance or the regulations made thereunder; or
- (iii) has done or intends to do any illegal or grossly irregular act; or
- (iv) has exercised or carried out its rights, powers, duties or functions in an improper manner or to the detriment of a provincial hospital for which it has been constituted; or
- (c) if the number of members of such board has decreased to a number which is, in the opinion of the Administrator, insufficient for the efficient conduct of the business thereof.

(2) The Administrator may at any time declare null and void any resolution passed at a meeting of any board which, in his opinion, was taken in an illegal or grossly irregular manner or was an improper exercise of its functions or powers or which is detrimental to the interests of a provincial hospital.

(3) If the period of office of all members of a board are terminated in terms of sub-section

(1) or, if there are no members of a board, the Administrator may—

- (a) appoint members to such board in terms of the provisions of this Chapter and for that purpose such board shall be deemed to be a new board;
- (b) appoint in its place a board (hereinafter referred to as a provisional board) for such period not being longer than one year, as he may determine.

(4) The number of members of a provisional board shall not exceed the number of members determined for the board in the place of which such provisional board has been appointed.

(5) Except for matters specially provided for in this section, the provisions of this Ordinance and the regulations made thereunder relating to boards shall apply *mutatis mutandis* to provisional boards.

(6) Before the expiry of the period of office of a provisional board, the Administrator shall appoint, in terms of the provisions of this Chapter, members to the board in the place of which such provisional board was appointed and for that purpose such board shall be deemed to be a new board but the members thereof shall not assume office until the day following the expiry of the period of office of such provisional board.

(7) Notwithstanding anything to the contrary in this Ordinance contained, the Administrator may appoint for such period not being longer than one year, as he may determine, a person or persons to exercise or to carry out any of the rights, powers, duties or functions of a board which for any reason cannot function, as he may determine.

21. (1) A board may—

- (a) make recommendations to or advise the Director or any superintendent of a provincial hospital, for which such board has been constituted, on matters affecting hospitals and on the means and methods whereby the control, regulation, administration or management of provincial hospitals may be improved;

(ii) op onredelike wyse versuim of geweier het om enige reg of bevoegdheid uit te oefen wat aan hom verleen is deur hierdie Ordonnansie of die regulasies daarkragtens gemaak; of

(iii) enige onwettige of growwe onreëlmataige daad gedoen het of van voorname is om dit te doen;

(iv) sy regte, bevoegdhede, pligte of werkzaamhede op 'n onbegoedlike wyse of tot nadeel van 'n provinsiale hospitaal ten opsigte waarvan hy ingestel is, uitgeoefen of uitgevoer het; of

(c) as die aantal lede van sodanige raad verminder het na 'n aantal wat, na die mening van die Administrateur, onvoldoende is vir die doeltreffende uitvoering van die werkzaamhede daarvan.

(2) Die Administrateur kan te eniger tyd enige besluit wat by 'n vergadering van enige raad geneem is, wat na sy mening op 'n onwettige of growwe onreëlmataige wyse geneem is of 'n onbehoorlike uitoefening van sy werkzaamhede of bevoegdhede was of wat tot nadeel van die belang van 'n provinsiale hospitaal is, nietig verklaar.

(3) As die ampstermyne van alle lede van 'n raad ingevolge subartikel (1) beëindig word, of as daar geen lede van 'n raad is nie, kan die Administrateur—

(a) lede op sodanige raad aanstel ingevolge die bepalings van hierdie Hoofstuk en vir daardie doel word sodanige raad geag 'n nuwe raad te wees; of

(b) in sy plek 'n raad aanstel (hierna 'n voorlopige raad genoem) vir sodanige tydperk as wat hy vasstel maar nie langer as een jaar nie.

(4) Die aantal lede van 'n voorlopige raad mag nie die aantal lede oorskry nie wat vasgestel is vir die raad in die plek waarvan sodanige voorlopige raad aangestel is.

(5) Behalwe vir die aangeleenthede waarvoor daar uitdruklik voorsiening in hierdie artikel gemaak word, is die bepalings van hierdie Ordonnansie en die regulasies betreffende rade daarkragtens gemaak, *mutatis mutandis* van toepassing op voorlopige rade.

(6) Voor die verstryking van die ampstermyne van 'n voorlopige raad, moet die Administrateur, ingevolge die bepalings van hierdie Hoofstuk, lede op die raad aanstel in die plek waarvan sodanige voorlopige raad aangestel was en vir daardie doel word sodanige raad geag 'n nuwe raad te wees, maar die lede daarvan tree nie in funksie nie tot die dag wat volg op die verstryking van die ampstermyne van sodanige voorlopige raad.

(7) Ondanks andersluidende bepalings in hierdie Ordonnansie vervat, kan die Administrateur vir sodanige tydperk as wat hy bepaal maar nie langer as een jaar nie, 'n persoon of persone aanstel om enige van die regte, bevoegdhede, pligte of werkzaamhede van 'n raad uit te oefen of uit te voer wat om enige rede nie kan fungeer nie, soos hy bepaal.

21. (1) 'n Raad kan—

- (a) aanbevelings doen by of advies gee aan die Direkteur of enige superintendent van 'n provinsiale hospitaal ten opsigte waarvan sodanige raad ingestel is oor aangeleenthede betreffende hospitale en oor die wyse waarop en die metodes waarvolgens die beheer, reëling, administrasie of bestuur van provinsiale hospitale verbeter kan word;

- (b) consider the suitability and efficiency of officers on the staff of any provincial hospital for which such board has been constituted and make recommendations to the Director in regard thereto;
- (c) when authorized thereto by the Director, incur expenditure in such special circumstances as may be specified by him and subject to such instructions as he may from time to time give;
- (d) when authorized thereto by the Director, collect donations and expend the moneys so collected under the direction of the Director and subject to such instructions as he may from time to time give.
- (2) A board shall—
- (a) in relation to every provincial hospital for which it has been constituted, furnish comments and make recommendations to the Director, through the medium of the superintendent of such hospital, on all matters, reports, documents or recommendations submitted to it for consideration and relating to—
- (i) annual estimates of revenue and expenditure;
 - (ii) the expenditure of capital funds;
 - (iii) financial statements and reports of the Provincial Auditor;
 - (iv) the creation of additional posts on the staff of such hospital;
 - (v) the erection, extension and alteration of buildings;
 - (vi) the maintenance of buildings and equipment;
 - (vii) the standardization of equipment, buildings and procedures;
 - (viii) the entering into of contracts;
 - (ix) regulations;
 - (x) any complaint by a patient, a member of the public or a private medical practitioner;
 - (xi) economy and efficiency; or
 - (xii) the general activities of such hospital;
- (b) at least once in every three months calculated from the first day of any year, inspect every provincial hospital for which such board has been constituted, and report to the Director thereon;
- (c) advise the superintendent of every provincial hospital for which such board has been constituted or the Director on any other matter submitted to it by such superintendent or the Director, as the case may be;
- (d) exercise such other functions and carry out such other duties as the Administrator may from time to time determine.

- (b) die geskiktheid en doeltreffendheid van beambtes op die personeel van enige provinsiale hospitaal ten opsigte waarvan sodanige raad ingestel is, oorweeg en aanbevelings doen by die Direkteur in verband daarmee;
- (c) wanneer deur die Direkteur daartoe gemagtig, uitgawe aangaan in sodanige spesiale omstandighede as wat deur hom vasgestel word en onderworpe aan sodanige opdrag as wat hy van tyd tot tyd gee;
- (d) wanneer deur die Direkteur daartoe gemagtig, skenkings insamel en geldie aldus ingesamel, uitgee onderworpe aan die voorskrif van die Direkteur en onderworpe aan sodanige opdrag as wat hy van tyd tot tyd gee.
- (2) 'n Raad moet—
- (a) met betrekking tot elke provinsiale hospitaal ten opsigte waarvan dit ingestel is, kommentaar verstrek en aanbevelings doen by die Direkteur, deur bemiddeling van die superintendent van sodanige hospitaal, oor alle aangeleenthede, verslae, dokumente of aanbevelings aan hom ter oorweging voorgelê en betreffende—
- (i) jaarlikse inkomste- en uitgawe-begrotings;
 - (ii) die uitgawe van kapitaalfondse;
 - (iii) finansiële state en verslae van die Provinciale Ouditeur;
 - (iv) die skepping van addisionele poste op die personeel van sodanige hospitaal;
 - (v) die oprigting, uitbreiding en verandering van geboue;
 - (vi) die instandhouding van geboue en uitrusting;
 - (vii) die standaardisering van uitrusting, geboue en prosedures;
 - (viii) die aangaan van kontrakte;
 - (ix) regulasies;
 - (x) enige klagte deur 'n pasiënt of 'n lid van die publiek of 'n private geneesheer;
 - (xi) ekonomiese en doeltreffendheid; of
 - (xii) die algemene bedrywigheide van sodanige hospitaal;
- (b) minstens eenkeer elke drie maande, bereken vanaf die eerste dag van enige jaar, elke provinsiale hospitaal ten opsigte waarvan sodanige raad ingestel is, inspekteer en aan die Direkteur daaroor verslag doen;
- (c) die superintendent van elke provinsiale hospitaal ten opsigte waarvan sodanige raad ingestel is, of die Direkteur oor enige ander aangeleenthed deur sodanige superintendent of die Direkteur, al na dié geval, aan hom voorgelê, van advies dien;
- (d) sodanige ander werkzaamhede uitvoer en sodanige ander pligte verrig as wat die Administrateur van tyd tot tyd mag vasstel.

22. (1) 'n Raad moet sy eerste vergadering op ^{Vergaderings van} so 'n tyd en plek hou as wat die Direkteur vasstel.

(2) (a) 'n Gewone vergadering van 'n raad moet op so 'n tyd en plek gehou word as wat die raad vasstel.

(b) 'n Raad moet minstens ses gewone vergaderings in elke boekjaar hou.

(c) Die persoon wat deur die Direkteur as sekretaris van die raad aangewys is, moet sewe dae skriftelike kennis gee van 'n gewone vergadering van die raad en sodanige Kennisgeving moet die datum, tyd en plek van die vergadering en die sake wat aldaar verrig moet word, vermeld.

22. (1) A board shall hold its first meeting at such time and place as the Director may decide.

(2) (a) An ordinary meeting of a board shall be held at such time and place as the board may decide.

(b) A board shall hold not less than six ordinary meetings in every financial year.

(c) The person designated as secretary to the board by the Director shall give seven days' notice in writing of an ordinary meeting of the board and such notice shall state the date, time and place of the meeting and the business to be transacted thereof.

(3) (a) The Chairman of a board may at any time, and shall at the request in writing of not less than two members of the board, call a special meeting of the board.

(b) The provisions of paragraph (c) of subsection (2) shall apply *mutatis mutandis* in respect of a special meeting: Provided that if, in the opinion of the chairman of the board, the matter is one of urgency, he may direct that the period of notice of the meeting shall be less than seven days.

(4) Any inadvertent or accidental omission to notify a member of a board of a meeting to be held, shall not invalidate the proceedings of such meeting or a resolution taken thereat.

(5) A meeting of a board or a committee thereof shall be open to the public, unless such board or committee decides otherwise.

Chairman to preside at meetings. 23. (1) The Chairman of a board shall, if present, preside at every meeting thereof.

(2) If the chairman is absent from any meeting of the board, the members present thereat shall from amongst themselves elect a chairman to preside at such meeting and the member so elected shall, during the absence from such meeting of the chairman, have the same rights, powers, duties and functions as the chairman of the board.

Quorum. 24. A quorum of the board shall consist of not less than three members thereof and no business shall be transacted at any meeting of the board unless a quorum is present.

Method of deciding questions before a board. 25. (1) Every question before a board shall be decided by the majority of the votes of the members present.

(2) The chairman of a board shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

Committees of boards. 26. (1) The board may from time to time appoint from its members one or more committees either of a general or special nature and the board may delegate to any such committee with or without such restrictions or conditions as it may deem fit, such rights, powers, duties and functions, as it may from time to time determine and it may rescind any such delegation.

(2) Such committee shall consist of so many members as the board may determine.

(3) Any such committee shall, unless its delegation has previously been rescinded in terms of subsection (1), lapse after having served the purpose for which it was appointed.

(4) The board shall determine the quorum of each such committee and no business shall be transacted by such committee unless a quorum is present.

(5) Every committee shall report its proceedings to the board.

(6) (a) Every committee shall elect its own chairman and such chairman shall hold office for such period as the committee may decide.

(b) If the chairman of a committee is absent from any meeting of the committee, the members present thereat shall from amongst themselves elect a chairman to preside at such meeting and the member so elected shall, during the absence from such meeting of the chairman, have the same rights, powers, duties and functions as the chairman of such committee.

(7) Every question before a committee shall be decided by the majority of the votes of the members present and in the event of an equality of votes the matter shall be referred to the full board.

(3) (a) Die voorsitter van 'n raad kan te eniger tyd, en moet op die skriflike versoek van minstens twee lede van die raad, 'n spesiale vergadering van die raad belê.

(b) Die bepalings van paragraaf (c) van subartikel (2) is *mutatis mutandis* ten opsigte van 'n spesiale vergadering van toepassing: Met dien verstande dat as die saak, na die mening van die voorsitter van die raad, dringend is, hy kan gelas dat die tydperk van kennisgewing van die vergadering vir minder as sewe dae moet wees.

(4) Enige onopsetlike of toevallige versuim om 'n lid van 'n raad van 'n vergadering wat gehou moet word, in kennis te stel, maak nie die verrigtings van sodanige vergadering of 'n besluit aldaar geneem, ongeldig nie.

(5) Die publiek het toegang tot 'n vergadering van 'n raad of 'n komitee daarvan, tensy sodanige raad of komitee anders besluit.

Chairman to preside over meetings. 23. (1) Die voorsitter van 'n raad moet, indien teenwoordig, by elke vergadering daarvan presideer.

(2) As die voorsitter van enige vergadering van die raad afwesig is, kies die lede aldaar teenwoordig uit hulle lede 'n voorsitter om by sodanige vergadering te presideer en die lid aldus verkie, het, gedurende die afwesigheid van die voorsitter van sodanige vergadering, dieselfde regte, bevoegdhede, pligte en funksies as die voorsitter van die raad.

Kworum. 24. 'n Kworum van die raad bestaan uit minstens drie lede daarvan en geen sake moet by enige vergadering van die raad afgehandel word nie, tensy 'n kworum teenwoordig is.

Hoe oor vrae voor 'n raad beslis word. 25. (1) Elke vraag voor 'n raad word deur die stemme van die meerderheid van lede wat teenwoordig is, beslis.

(2) Die voorsitter van 'n raad het 'n beraadslagende stem en, in die geval van 'n staking van stemme, 'n beslissende stem.

Komitees van raade. 26. (1) Die raad kan van tyd tot tyd uit sy lede een of meer komitees aanstel hetsy van 'n algemene of spesiale aard en die raad kan aan enige sodanige komitee sodanige regte, bevoegdhede, pligte en werksaamhede as wat hy van tyd tot tyd vasstel, met of sonder sodanige beperkings of voorwaardes as wat hy goed ag, deleger en hy kan enige sodanige delegasie herroep.

(2) Sodanige komitee bestaan uit soveel lede as wat die raad vasstel.

(3) Enige sodanige komitee verval nadat hy aan die doel beantwoord het waarvoor hy aangestel is, tensy sy delegasie voorheen ingevolge subartikel (1) herroep is.

(4) Die raad stel die kworum van elke sodanige komitee vas en geen sake mag deur sodanige komitee afgehandel word nie, tensy 'n kworum teenwoordig is.

(5) Elke komitee doen aan die raad verslag oor sy verrigtings.

(6) (a) Elke komitee kies sy eie voorsitter en sodanige voorsitter bly in sy amp vir sodanige tydperk as wat die komitee vasstel.

(b) As die voorsitter van 'n komitee afwesig is van enige vergadering van die komitee kies die lede aldaar teenwoordig uit hulle lede 'n voorsitter om by sodanige vergadering te presideer en die lid aldus gekies het, gedurende die afwesigheid van die voorsitter van sodanige vergadering dieselfde regte, bevoegdhede, pligte en werksaamhede as die voorsitter van sodanige komitee.

(7) Elke vraag voor 'n komitee word deur die stemme van die meerderheid van lede wat teenwoordig is, beslis en, in die geval van 'n staking van stemme, word die saak na die volle raad verwys.

Minutes of meetings.

27. (1) Minutes of the proceedings of every meeting of a board or of a committee thereof shall be kept and shall contain properly arranged details of the business transacted at the meeting and each member of the board shall be furnished with a copy of such minutes.

(2) The minutes of the proceedings of each meeting of a board or a committee thereof shall be submitted and considered at the next ensuing meeting and, if passed as correct, shall be confirmed by the signature of the chairman concerned.

(3) The minutes of the proceedings, confirmed in terms of sub-section (2), shall at all reasonable times be open to inspection by any person authorized thereto by the Director and a copy thereof shall be furnished to the Director by the person designated as secretary to the board by the Director.

Validation of irregularities in appointments.

28. Notwithstanding any defect in the appointment of a member or a chairman or in the election of an acting chairman of a board or a committee thereof, any act, if done in good faith, shall not be invalidated by reason of such defect but shall be valid and effectual as if such person had been duly appointed or elected.

Regulations.

29. The Administrator may from time to time make regulations, not inconsistent with the provisions of this Ordinance—

- (a) prescribing the control, conduct and regulation of meetings of a board or any committee thereof;
- (b) prescribing the fees, allowances and other payments payable to members of boards;
- (c) prescribing the powers and duties of any chairman or acting chairman of a board or committee;
- (d) prescribing in addition to the rights, powers, duties and functions of boards conferred or imposed in terms of the provisions of this Ordinance, further rights, powers, duties and functions of boards;
- (e) providing that a committee of a board shall, notwithstanding the provisions of sub-section (1) of section twenty-six, not exercise or carry out any right, power, duty or function conferred or imposed upon a board in terms of the provisions of this Ordinance or a regulation made thereunder; or
- (f) generally in respect of all matters which he considers necessary or expedient for achieving the objects and purposes of this Chapter.

CHAPTER IV.

ADMISSION AND TREATMENT OF PATIENTS.

Superintendent's duty to admit patients.

30. Subject to the provisions of section thirty-three, it shall be the duty of every superintendent to admit for treatment at or in any provincial hospital in his charge, so far as adequate and appropriate accommodation is therein available, persons suffering from or subject to any of the diseases, injuries or conditions for the treatment of which such hospital is established.

Classification of patients.

31. (1) Subject to the provisions of section thirty-two, every person shall, when application is made for his admission to a provincial hospital, or as soon thereafter as possible, be classified

27. (1) Notule word gehou van die verrigtings van elke vergadering van 'n raad of van 'n komitee daarvan en bevat behoorlike gerangskikte besonderhede van die sake by sodanige vergadering afgehandel en 'n afskrif van sodanige notule word verstrek aan elke lid van die raad.

(2) Die notule van die verrigtings van elke vergadering van 'n raad of 'n komitee daarvan word by die daaropvolgende vergadering voorgelê en oorweeg, en indien as korrek goedgekeur, word dit deur die handtekening van die betrokke voor-sitter bekratig.

(3) Die notule van die verrigtings ingevolge subartikel (2) bekratig, is te alle redelike tye beskikbaar vir insae deur enige persoon deur die Direkteur daartoe gemagtig en 'n afskrif daarvan word aan die Direkteur verstrek deur die persoon wat as sekretaris van die raad deur die Direkteur aangewys is.

28. Ondanks enige gebrek in die aanstelling van 'n lid of 'n voorsitter of in die verkiesing van 'n waarnemende voorsitter van 'n raad of 'n komitee daarvan, word enige daad, indien te goeder trou gedoen, nie ongeldig nie weens sodanige gebrek, maar is dit geldig en van krag asof sodanige persoon behoorlik aangestel of verkies was.

29. Die Administrateur kan van tyd tot tyd Regulasies. regulasies maak, wat nie met die bepalings van hierdie Ordonnansie onbestaanbaar is nie, wat—

- (a) die beheer, uitvoering, en reëling van vergaderings van 'n raad of enige komitee daarvan voorskryf;
- (b) die gelde, toelaes en ander betalings aan lede van rade betaalbaar, voorskryf;
- (c) die bevoegdhede en pligte van enige voor-sitter of waarnemende voorsitter van 'n raad of komitee voorskryf;
- (d) benewens die regte, bevoegdhede, pligte en werksaamhede van rade ooreenkomstig die bepalings van hierdie Ordonnansie verleen of opgelê, verdere regte, bevoegdhede, pligte en werksaamhede van rade voor-skryf;
- (e) bepaal dat 'n komitee van 'n raad, ondanks die bepalings van subartikel (1) van artikel ses-en-twintig, nie enige reg, bevoegdheid, plig of werksaamheid verleen of opgelê aan 'n raad ooreenkomstig die bepalings van hierdie Ordonnansie of 'n regulasie daarkragtens gemaak, mag uitoefen of ver-rig nie; of
- (f) in die algemeen ten opsigte van alle aan-geleenthede wat hy nodig of dienstig is om die oogmerke en doelstellings van hief-die Hoofstuk te bereik, voorskryf.

HOOFSTUK IV.

OPNEMING EN BEHANDELING VAN PASIËNTÉ.

30. Behoudens die bepalings van artikel drie-en-dertig, is dit die plig van elke superintendent om by of in enige provinsiale hospitaal onder sy toesig, vir sover as wat daar voldoende en geskikte akkommodasie daarin beskikbaar is, persone vir behandeling op te neem wat ly of onderhewig is aan enige van die siektes, beserings of toestande vir die behandeling waarvan sodanige hospitaal ingestel is.

31. (1) Behoudens die bepalings van artikel twee-en-dertig, moet elke persoon, wanneer aan-soek gedoen word om sy opneming in 'n provinsiale hospitaal of so gou moontlik daarna, deur

Notule van vergaderings.

Geldig-makking van onregmatig-hede in aanstellings.

by the superintendent or such other officer as he may authorize to act on his behalf, in one of the following categories:—

- (a) Free patient;
- (b) part-paying patient;
- (c) private patient; or
- (d) full-paying patient;

in accordance with such regulations as the Administrator may from time to time make in terms of section *thirty-eight*.

(2) For the purposes of sub-section (1), the superintendent or such other officer as he may authorize to act on his behalf, may call for such information or documents as he may deem necessary or as may be prescribed in any regulation made in terms of section *thirty-eight* and except where, in the opinion of the superintendent or such other officer, treatment cannot be deferred without danger or detrimental consequences to the person referred to in that sub-section, no such person shall be admitted as a patient into any provincial hospital or receive treatment thereat unless such information or documents have been furnished by or on behalf of such person, or unless, subject to the provisions of any such regulation, such superintendent or other officer is otherwise satisfied as to the category into which such person falls in terms of sub-section (1).

(3) Any person who, for the purposes of sub-section (2), knowingly or wilfully furnishes any information or document which is false, incorrect or misleading shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding three months.

(4) (a) Any person referred to in sub-section (1) or any person acting on his behalf, who is aggrieved at any classification or re-classification made in terms of sub-section (1) or a regulation made in terms of section *thirty-eight*, may appeal to the board of the provincial hospital concerned against such classification or re-classification and the decision of such board shall be final.

(b) If any appeal made in terms of paragraph (a) is upheld by the board, the person in respect of whose classification or re-classification such appeal was made, shall be re-classified in accordance with the decision of the board with effect from the date on which such appeal was lodged: Provided that if any person appeals against a re-classification in accordance with any regulation made in terms of paragraph (d) of section *thirty-eight* and such appeal is upheld, the decision of the board shall be operative with effect from the date of the first classification of such person.

Certain classes of persons to be classified as full-paying patients.

32. Notwithstanding anything to the contrary in this Ordinance contained, any person who receives treatment at, in or from a provincial hospital and who—

(a) receives such treatment as the result of an accident or injury in respect of which medical aid, as defined in section two of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), is, in terms of that Act, payable by or determined to be the liability of the Workmen's Compensation Commissioner or of the employer; or

(b) receives such treatment in consequence of his admission for an infectious or contagious disease in terms of the provisions of the Public Health Act, 1919 (Act No. 36 of 1919), or of any other law; or

die superintendent of sodanige ander beampete as wat hy magtig om namens hom op te tree in een van die volgende kategorieë ingedeel word—

- (a) vry-pasiënt;
- (b) deelsbetaalende pasiënt;
- (c) private pasiënt; of
- (d) volbetaalende pasiënt;

ooreenkomsdig sodanige regulasies as wat die Administrateur van tyd tot tyd ingevolge artikel *agt-en-dertig* maak.

(2) Vir die toepassing van subartikel (1), kan die superintendent of sodanige ander beampete as wat hy magtig om namens hom op te tree, sodanige inligting of dokumente aanvra as wat hy nodig ag of wat by enige regulasie ingevolge artikel *agt-en-dertig* gemaak, voorgeskryf is, en uitgesonderd waar, na die mening van die superintendent of sodanige ander beampete, behandeling nie uitgestel kan word nie sonder gevaar of nadelige gevolge vir die persoon in daardie subartikel genoem, mag sodanige persoon nie in enige provinsiale hospitaal as 'n pasiënt opgeneem word nie of behandeling aldaar ontvang nie tensy sodanige inligting of dokumente deur of namens sodanige persoon verstrek is, of tensy, behoudens die bepalings van enige sodanige regulasie, sodanige superintendent of ander beampete andersins oortuig is aangaande die kategorie waarin sodanige persoon ooreenkomsdig subartikel (1) val.

(3) Iemand wat vir die toepassing van subartikel (2) wetens of opsetlik enige inligting of dokument verstrek wat vals, onjuis of misleidend is, is skuldig aan 'n misdryf en strafbaar by skuldigbevinding met 'n boete van hoogstens vyftig pond, of by wanbetaling, met gevangeristraf vir 'n tydperk van hoogstens drie maande.

(4) (a) Iemand in subartikel (1) genoem of iemand wat namens hom optree, wat veronreg voel oor enige indeling of herindeling gedoen ingevolge subartikel (1) of 'n regulasie ingevolge artikel *agt-en-dertig* gemaak, kan na die raad van die betrokke provinsiale hospitaal appelleer teen sodanige indeling of herindeling en die beslissing van sodanige raad is finaal.

(b) As enige appèl ingevolge paragraaf (a) aangeteken, deur die raad gehandhaaf word, moet die persoon ten opsigte van wie se indeling of herindeling sodanige appèl aangeteken is, heringeëdeel word ooreenkomsdig die beslissing van die raad met ingang van die datum waarop sodanige appèl ingedien is: Met dien verstande dat as enige persoon appelleer teen 'n herindeling ooreenkomsdig enige regulasie ingevolge paragraaf (d) van artikel *agt-en-dertig* gemaak en sodanige appèl gehandhaaf word, tree die beslissing van die raad in werking met ingang van die datum van die eerste indeling van sodanige persoon.

32. Ondanks andersluidende bepalings in hierdie Ordonnansie vervat, word enige persoon wat behandeling by, in of vanuit 'n provinsiale hospitaal ontvang en wat—

(a) sodanige behandeling ontvang as gevolg van 'n ongeluk of besering ten opsigte waarvan geneeskundige behandeling soos by artikel twee van die Ongevallewet, 1941 (Wet N°. 30 van 1941), omskryf, ingevolge die bepalings van daardie Wet betaalbaar is deur of vasgestel is die aanspreeklikheid te wees van die Ongevallekommissaris of die werkewer; of

(b) sodanige behandeling ontvang as gevolg van sy opneming vir 'n aansteeklike of besmetlike siekte kragtens die bepalings van die Volksgezondheidswet, 1919 (Wet N°. 36 van 1919), of enige ander wet; of

Sekere klasse persone ingedeel te word as volbetaalende pasiënt.

- (c) in respect of such treatment, is entitled to compensation in terms of the provisions of the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942), or who has effected a compromise in respect of such compensation; or
- (d) is a Native labourer as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911), and whose employer is, in terms of the provisions of that Act or the regulations made thereunder, responsible for such treatment: Provided that the Administrator may by notice in the *Provincial Gazette* determine that a Native labourer employed in a specified class of mine or works as defined in the said Act, shall, with effect from a specified date, whether retrospectively or prospectively, be deemed not to be a Native labourer for the purposes of this paragraph and the Administrator may at any time vary or withdraw such notice; or
- (e) is a member of any force or service established in terms of the provisions of the South African Defence Act, 1912 (Act No. 13 of 1912), or is a member of the naval, military or air force of any country; or
- (f) by virtue of his employment in the service of any department of State in the Union or of any foreign government or his dependence on any person so employed, is entitled to treatment at the expense of such department or government; or
- (g) is serving a period of imprisonment consequent upon a conviction for a criminal offence; or
- (h) is detained in terms of section sixteen of the Work Colonies Act, 1949 (Act No. 25 of 1949); or
- (i) is accommodated in a private ward at his own request or at the request of any person on his behalf; or
- (j) belongs to any other class which the Administrator has by notice in the *Provincial Gazette* declared to be not eligible for treatment at reduced rates;
- shall be classified as a full-paying patient.

Order of admission of patients.

33. (1) All persons shall be admitted into a provincial hospital in accordance with the urgency of their need for treatment, as determined by the superintendent or such other officer as he may authorize to act on his behalf and in such order as such superintendent or other officer may direct: Provided that if alternative accommodation is available in the district in which such hospital is situated, a person classified as a free patient or as a part-paying patient and whose treatment cannot in the opinion of such superintendent or other officer be deferred without danger or detrimental consequences, shall always have preference over a person classified as a private patient or as a full-paying patient.

(2) For the purposes of sub-section (1) "alternative accommodation" means accommodation for a person in any private hospital, registered as a hospital in terms of the provisions of the Private Hospitals Ordinance, 1919 (Ordinance No. 6 of 1919), and which is established and equipped for the treatment of the injury, disease or condition from which such person is suffering or is subject.

- (c) ten opsigte van sodanige behandeling, geregtig is op vergoeding ingevolge die bepalings van die Motorvoertuigassuransiewet, 1942 (Wet No. 29 van 1942), of wat 'n skikking aangegaan het ten opsigte van sodanige vergoeding; of
- (d) 'n Naturellearbeider is soos omskryf by die Naturellearbeid Regelingswet, 1911 (Wet No. 15 van 1911), en wie se werkewer ingevolge die bepalings van daardie wet of die regulasies daarkragtens gemaak, verantwoordelik is vir sodanige behandeling: Met dien verstande dat die Administrateur by kennisgewing in die *Provinsiale Koerant* kan vasstel dat 'n Naturelle-arbeider wat in 'n bepaalde klas myn of bedryf soos in die genoemde Wet omskryf, werkzaam is, met ingang van 'n bepaalde datum, hetsy terugwerkend of vooruitwerkend, nie geag word 'n Naturelle-arbeider te wees vir die toepassing van hierdie paragraaf nie en die Administrateur kan te eniger tyd sodanige kennisgewing wysig of terugtrek; of
- (e) 'n lid van enige mag of diens ingevolge die bepalings van die Zuid Afrika Verdedigings Wet, 1912 (Wet No. 13 van 1912), ingestel of 'n lid is van die see-, militêre of lugmag van enige land; of
- (f) weens sy indiensneming in enige Staats-departement in die Unie of by enige buitelandse regering of sy afhanklikheid van enige persoon aldus in diens geneem, geregtig is op behandeling ten koste van sodanige departement of regering; of
- (g) 'n tydperk van gevangenisstraf uitdien as gevolg van 'n skuldigbevinding aan 'n kriminele misdryf; of
- (h) aangehou word ingevolge artikel *sesien* van die Wet op Werkkolonies, 1949 (Wet No. 25 van 1949); of
- (i) gehuisves word in 'n private saal op sy eie versoek of op die versoek van enige persoon wat namens hom optree; of
- (j) aan enige ander klas behoort, wat die Administrateur by kennisgewing in die *Provinsiale Koerant* verklaar het 'n klas te wees wat nie in aanmerking kom vir behandeling teen verminderde tariewe nie, as 'n volbetaalende pasiënt ingedeel.

33. (1) Alle persone word in 'n provinsiale hospitaal opgeneem na gelang van die dringende aard van hulle behoefté aan behandeling, soos vasgestel deur die superintendent of sodanige ander beampte as wat hy magtig om namens hom op te tree en in sodanige volgorde as wat sodanige superintendent of ander beampte gelas: Met dien verstande dat as alternatiewe akkommodasie beskikbaar is in die distrik waarin sodanige hospitaal geleë is, 'n persoon ingedeel as 'n vry-pasiënt of as 'n deelsbetaalende pasiënt en wie se behandeling na die mening van sodanige superintendent of ander beampte nie uitgestel kan word nie sonder gevra of nadelige gevolge, altyd voorkeur geniet bo iemand wat as 'n private pasiënt of as 'n volbetaalende pasiënt ingedeel is.

(2) Vir die toepassing van subartikel (1) beteken „alternatiewe akkommodasie“ akkommodasie vir 'n persoon in enige private hospitaal wat geregistreer is as 'n hospitaal ingevolge die bepalings van die Private Hospitalen Ordonnantie, 1919 (Ordonnansie No. 6 van 1919), en wat ingestel en uitgerus is vir die behandeling van die besering, siekte of toestand waaraan sodanige persoon ly of onderhewig is.

Treatment of patient in provincial hospital by medical practitioner.

34. (1) Any person classified as a free patient or as a part-paying patient shall not be treated in a provincial hospital by a medical practitioner who is not on duty in the service of such hospital and any person classified as a private patient or as a full-paying patient shall not be treated in a provincial hospital by a medical practitioner who is on duty in the service of such hospital unless, in the opinion of the superintendent or such other officer as he may authorize to act on his behalf, treatment cannot be deferred without danger or detrimental consequences to the person concerned.

(2) The Administration shall not be liable for any fees or charges due by any patient to any private medical practitioner.

Treatment of private or full-paying patient as out-patient.

35. A person classified as a private patient or as a full-paying patient shall not be treated as an out-patient at a provincial hospital unless, in the opinion of the superintendent or such other officer as he may authorize to act on his behalf—

- (a) treatment cannot be deferred without danger or detrimental consequences to such person; or
- (b) the treatment required to be administered to such person cannot ordinarily and conveniently be provided outside such hospital.

Payment of fees.

36. (1) A person classified as a free patient shall not be charged any fees in respect of his treatment in a provincial hospital, whether as an in-patient or as an out-patient.

(2) A person classified as a part-paying patient or as a private patient or as a full-paying patient shall be charged fees in respect of his treatment in a provincial hospital, whether as an in-patient or as an out-patient, in accordance with such tariffs of fees as the Administrator may fix by regulation in terms of paragraph (f) of section thirty-eight: Provided that the Administrator may in any such regulation exempt, either wholly or in part, any person in the service of any provincial hospital or institution or service established in terms of section four and who has been classified as a part-paying patient or as a private patient, from the payment of any such fees.

Treatment of private patients by private medical practitioner in provincial hospital.

37. (1) A private medical practitioner may apply in writing to the Director for permission to treat his private patients in a provincial hospital and such medical practitioner shall not treat any such patient therein until such permission has been granted: Provided that such permission shall not be granted unless and until such private medical practitioner has undertaken in writing to abide by the rules and regulations applicable to such hospital.

(2) In granting any such permission the Director may in his discretion impose a condition that such permission shall only apply in respect of a specified portion of the provincial hospital for which application has been made.

(3) (a) A private medical practitioner may appeal to the Administrator against the refusal of the Director to grant permission in terms of sub-section (1) or against the imposition of a condition in terms of sub-section (2), and after reference to the Director and consideration of the representations of the private medical practitioner, the Administrator shall give a decision thereon which shall be final.

34. (1) Enige persoon wat as 'n vry-pasiënt of as 'n deelsbetaalende pasiënt ingedeel is, mag nie in 'n provinsiale hospitaal behandel word nie deur 'n geneesheer wat nie op diens is in die diens van sodanige hospitaal nie en enige persoon wat as 'n private pasiënt of as 'n volbetaalende pasiënt ingedeel is, mag nie in 'n provinsiale hospitaal behandel word nie deur 'n geneesheer wat op diens is in die diens van sodanige hospitaal tensy, na die mening van die superintendent of sodanige ander beampete as wat hy magtig om namens hom op te tree, behandeling nie uitgestel kan word nie sonder gevvaar of nadelige gevolge vir die betrokke persoon.

(2) Die Administrasie is nie aanspreeklik vir enige geldte of koste wat deur enige pasiënt aan enige private geneesheer verskuldig is nie.

35. 'n Persoon wat as 'n private pasiënt of as 'n volbetaalende pasiënt ingedeel is, mag nie as 'n buite-pasiënt by 'n provinsiale hospitaal behandel word nie, tensy na die mening van die superintendent of sodanige ander beampete as wat hy magtig om namens hom op te tree—

- (a) behandeling nie sonder gevvaar of nadelige gevolge vir sodanige persoon uitgestel kan word nie; of
- (b) die behandeling wat toegeadies moet word aan sodanige persoon nie normaalweg op gerieflike wyse buite sodanige hospitaal verskaf kan word nie.

36. (1) Geen geldte mag van 'n persoon wat as 'n vry-pasiënt ingedeel is, gevorder word nie ten opsigte van sy behandeling in 'n provinsiale hospitaal, hetsy as 'n binne-pasiënt of as 'n buite-pasiënt.

(2) Geldte word gevorder van 'n persoon wat as 'n deelsbetaalende pasiënt of as 'n private pasiënt of as 'n volbetaalende pasiënt ingedeel is ten opsigte van sy behandeling in 'n provinsiale hospitaal, hetsy as 'n binne-pasiënt of as 'n buite-pasiënt, ooreenkomsdig sodanige geldtariewe as wat die Administrateur by regulasies ingevolge paragraaf (f) van artikel agt-en-dertig vasstel: Met dien verstande dat die Administrateur by enige sodanige regulasie, enige persoon in diens van enige provinsiale hospitaal of instigting of diens ingevolge artikel vier ingestel en wat as 'n deelsbetaalende pasiënt of as 'n private pasiënt ingedeel is, heeltemal of gedeeltelik van die betaling van enige sodanige geldte kan vrystel.

37. (1) 'n Private geneesheer kan skriftelik by die Direkteur aansoek doen om toestemming om sy private pasiente in 'n provinsiale hospitaal te behandel en sodanige geneesheer mag nie enige sodanige pasient daarin behandel nie totdat sodanige toestemming toegestaan is: Met dien verstande dat sodanige toestemming nie toegestaan mag word nie tensy en totdat sodanige private geneesheer skriftelik onderneem het om te voldoen aan die reëls en regulasies wat op sodanige hospitaal van toepassing is.

(2) Wanneer die Direkteur enige sodanige toestemming verleen, kan hy na goeddunke 'n voorwaarde ople dat sodanige toestemming slegs van toepassing is op 'n bepaalde gedeelte van die provinsiale hospitaal ten opsigte waarvan aansoek gedoen is.

(3) (a) 'n Private geneesheer kan appelleer na die Administrateur teen die weiering van die Direkteur om toestemming te verleen ingevolge subartikel (1) of teen die oplegging van 'n voorwaarde ingevolge subartikel (2), en na verwysing na die Direkteur en oorweging van die vertoë van 'n private geneesheer, gee die Administrateur 'n beslissing daaroor wat finaal is.

Behandeling van patiënt in provinsiale hospitaal deur geneesheer.

Behandeling van private of volbetaalende pasiënt as buite-pasiënt.

Betaling van geldte.

Behandeling van private pasiente deur private geneesheer in provinsiale hospitaal.

(4) Any permission granted in terms of subsection (1) or (3), as the case may be, and any condition imposed in terms of sub-section (2) or sub-section (3), as the case may be, may at any time be withdrawn, amended or altered by the Administrator in his discretion and any such withdrawal, amendment or alteration shall, subject to the provisions of sub-section (6), be final.

(5) The Administrator or the Director shall not be required to furnish reasons to any private medical practitioner for any refusal, withdrawal, amendment or alteration of any permission, or for the imposition, amendment or alteration of any condition in terms of this section.

(6) If permission has been refused or if a condition has been imposed in terms of sub-section (1), (2) or (3), as the case may be, or if permission or a condition has been withdrawn, amended, or altered in terms of sub-section (4), the private medical practitioner concerned may again apply in terms of sub-section (1) after the lapse of a period of six months from the date when such permission was refused, withdrawn, amended or altered, or when such condition was imposed, amended or altered and the provisions of this section shall apply *mutatis mutandis* to such new application.

Regulations. 38. (1) The Administrator may from time to time make regulations, not inconsistent with the provisions of this Ordinance on any or all of the following matters:—

- (a) The admission, maintenance or discharge of patients;
- (b) prescribing the manner in which a classification in terms of sub-section (1) of section *thirty-one* shall be made and the principles and tests to be applied in connection therewith;
- (c) providing for the re-classification of any patient at any stage of his treatment with effect from the date of application for such re-classification;
- (d) providing, subject to the provisions of paragraph (b) of sub-section (4) of section *thirty-one*, for the correction of any erroneous classification made in terms of sub-section (1) of section *thirty-one*; and any such correction shall operate with effect from the date of such erroneous classification;
- (e) the lodging of an appeal in terms of sub-section (4) of section *thirty-one*, the consideration of such appeal, the procedure to be followed thereat and providing for any other matter which is incidental to such appeal, including the temporary classification of any person in respect of whom such appeal has been lodged, pending the consideration thereof;
- (f) prescribing the tariffs of fees payable by part paying patients, private patients or full-paying patients;
- (g) the maintenance of order, discipline, decency and cleanliness among the inmates of any hospital;
- (h) prescribing the duties and privileges of private medical practitioners and the circumstances under which such medical practitioners may attend or have access to patients in provincial hospitals or have access to the case records and the results of any investigation relating to a patient who at the time of his admission to a provincial hospital was the patient of such medical practitioner; or

(4) Enige toestemming verleen ingevolge subartikel (1) of (3), al na die geval, en enige voorwaarde opgelê ingevolge subartikel (2) of subartikel (3), al na die geval, kan te eniger tyd deur die Administrateur na goeddunke teruggetrek, gewysig of verander word en enige sodanige terugtrekking, wysiging of verandering is, behoudens die bepalings van subartikel (6), finaal.

(5) Daar word nie van die Administrateur of die Direkteur vereis om redes te verstrek aan enige private geneesheer nie vir enige weiering, terugtrekking, wysiging of verandering van enige toestemming van vir die oplegging, wysiging of verandering van enige voorwaarde ingevolge hierdie artikel.

(6) Indien toestemming geweier is of as 'n voorwaarde ingevolge subartikel (1), (2) of (3), al na die geval, opgelê is, of as toestemming of 'n voorwaarde ingevolge subartikel (4) teruggetrek, gewysig of verander is, kan die betrokke private geneesheer, weer aansoek doen ingevolge subartikel (1) na die verstryking van 'n tydperk van ses maande van die datum af waarop sodanige toestemming geweier, teruggetrek, gewysig of verander is of waarop sodanige voorwaarde opgelê, gewysig of verander is en die bepalings van hierdie artikel is *mutatis mutandis* op sodanige nuwe aansoek van toepassing.

38. (1) Die Administrateur kan van tyd tot **Regulasies.** tyd regulasies maak, nie onbestaanbaar met die bepalings van hierdie Ordonnansie nie, oor enig een van of al die volgende aangeleenthede:

- (a) Die opname, onderhoud of ontslag van pasiënte;
- (b) wat die wyse voorskryf waarop 'n indeling ingevolge subartikel (1) van artikel *een-en-dertig* gedoen moet word en die beginsels en toetse wat in verband daarmee toegepas moet word;
- (c) wat voorsiening maak vir die herindeling van enige pasiënt in enige stadium van sy behandeling met ingang van die datum van aansoek om sodanige herindeling;
- (d) wat, behoudens die bepalings van paraagraaf (b) van subartikel (4) van artikel *een-en-dertig*, voorsiening maak vir die verbetering van enige foutiewe indeling ingevolge subartikel (1) van artikel *een-en-dertig* gedoen en enige sodanige verbetering tree in werking met ingang van die datum van sodanige foutiewe indeling;
- (e) die indiening van 'n appèl ingevolge subartikel (4) van artikel *een-en-dertig*, die oorweging van sodanige appèl, die procedure wat daarby gevolg moet word en wat voorsiening maak vir enige ander aangeleenthed wat betrekking het op sodanige appèl, insluitende die tydelike indeling van enige persoon, ten opsigte van wie sodanige appèl ingedien is en totdat dit oorweeg is;
- (f) wat die geldtariewe betaalbaar deur deels-betalende pasiënte, private pasiënte of volbetaalende pasiënte voorskryf;
- (g) die handhawing van orde, tug, betaamlikheid en sindelikheid onder die inwonendes van enige hospitaal;
- (h) wat die pligte en voorregte van private geneeshere voorskryf en die omstandighede waaronder sodanige geneeshere pasiënte in provinsiale hospitale kan behandel of toegang tot hulle kan hê of toegang kan hê tot die gevalregisters en dié uitslae van enige ondersoek betreffende 'n pasiënt wat ten tye van sy opname in 'n provinsiale hospitaal, die pasiënt van sodanige geneesheer was; of

(i) generally in respect of all matters which he considers necessary or expedient for achieving the objects and purposes of this Chapter.

(2) In making any regulation in terms of paragraph (a), (f), (g), (h) or (i), the Administrator may make different regulations in respect of different provincial hospitals.

CHAPTER V.

STAFF.

Certain provisions of this Chapter not to apply to officers in the public service.

39. The provisions of this Chapter shall not apply to any person in the Public Service, as contemplated in the Public Service Act, 1957 (Act No. 54 of 1957), in so far as—

- (a) such provisions are repugnant to the provisions of the said Act or the regulations made thereunder; or
- (b) provision is made in the said Act or regulations for any matter dealt with in this Chapter.

Creation of posts.

40. (1) Subject to the laws governing the Public Service of the Union, the Administrator may from time to time create such professional, technical, administrative, clerical or other posts in the Department as he may deem fit and may appoint persons to such posts.

(2) Any post created by the Administrator in terms of sub-paragraph (i) of paragraph (b) of sub-section (2) of section *eight* of the Public Hospitals Interim Control Ordinance, 1943 or created and classified by him in terms of section *thirty-three* of the Public Hospitals Ordinance, 1946, as the case may be, shall be deemed to have been created or created and classified, as the case may be, in terms of the provisions of this Ordinance: Provided that a non-classified post referred to in the said section *thirty-three* shall be deemed to be the post of an employee referred to in section *forty-one* of this Ordinance.

Staff of a provincial hospital, institution or service and classification of posts.

41. (1) Subject to the provisions of Chapter VI, the staff of a provincial hospital or of an institution or service established in terms of section *four* shall comprise all persons in the service of such hospital, institution or service and shall consist of—

- (a) officers;
- (b) employees; and
- (c) persons appointed on contract in terms of sub-section (4) of section *forty-one*.

(2) (a) Officers shall comprise all persons appointed in a permanent and full-time capacity to posts approved by the Administrator and classified by him in—

- (i) the professional division;
- (ii) the administrative division;
- (iii) the clerical division; and
- (iv) the general division.

(b) The professional division shall consist of a higher and lower branch and shall comprise all posts that the Administrator may direct to be included therein and such posts shall be in the higher or lower branch as the Administrator may determine.

(c) The administrative, clerical and general divisions shall respectively comprise such posts as the Administrator may direct to be included therein.

(3) Employees shall comprise all persons who are appointed in a temporary, casual, daily-paid or part-time capacity, whether to approved posts or not, and shall include the incumbents of such posts as the Administrator may direct to be included therein.

(i) in die algemeen ten opsigte van alle aangeleenthede wat hy nodig of dienstig ag om die oogmerke en doelstellings van hierdie Hoofstuk te bereik.

(2) Wanneer die Administrateur enige regulasie ingevolge paragraaf (a), (f), (g), (h) of (i) maak, kan hy verskillende regulasies ten opsigte van verskillende provinsiale hospitale maak.

HOOFSTUK V.

PERSONEEL.

39. Die bepalings van hierdie Hoofstuk is nie van toepassing nie op enige persoon in die Staatsdiens soos beoog by die Staatsdienswet, 1957 (Wet No. 54 van 1957), vir sover as wat—

Sekere bepalings van hierdie Hoofstuk nie van toepassing op beampies in die Staatsdiens nie.

(a) sodanige bepalings strydig is met die bepalings van genoemde Wet of die regulasies daarkragtens gemaak; of

(b) voorsiening gemaak word in die genoemde Wet of regulasies vir enige aangeleentheid wat in hierdie Hoofstuk behandel word.

40. (1) Behoudens die wetsbepalings van toepassing op die Staatsdiens van die Unie, kan die Administrateur van tyd tot tyd sodanige professionele, tegniese, administratiewe, klerklike of ander poste in die Departement skep as wat hy goed ag en kan hy persone in sodanige poste aanstel.

Skaping van poste.

(2) Enige pos wat deur die Administrateur ingevolge subparagraaf (i) van paragraaf (b) van subartikel (2) van artikel *agt* van die Ordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1943, geskep is of wat deur hom ingevolge artikel *drie-en-dertig* van die Ordonnansie op Publieke Hospitale, 1946, geskep en ingedeel is, al na die geval, word geag geskep of geskep en ingedeel te gewees het al na die geval, ingevolge die bepalings van hierdie Ordonnansie: Met dien verstande dat 'n nie-ingedeelde pos in vermelde artikel *drie-en-dertig* genoem, geag word die pos te wees van 'n werknemer in artikel *een-en-veertig* van hierdie Ordonnansie genoem.

41. (1) Behoudens die bepalings van Hoofstuk VI, omvat die personeel van 'n provinsiale hospitaal of van 'n inrigting of diens ingestel ingevolge artikel *vier*, alle persone in die diens van sodanige hospitaal, inrigting of diens en bestaan uit—

Personnel van 'n provinsiale hospitaal, inrigting of diens en bestaan uit.

- (a) beampies;
- (b) werknemers; en
- (c) persone ingevolge subartikel (4) van artikel *twee-en-veertig* op kontrak aangestel.

(2) (a) Beampies omvat alle persone aangestel in 'n permanente en voltydse hoedanigheid in poste deur die Administrateur goedgekeur en ingedeel in—

- (i) die professionele afdeling;
- (ii) die administratiewe afdeling;
- (iii) die klerklike afdeling; en
- (iv) die algemene afdeling.

(b) Die professionele afdeling bestaan uit 'n hoër en laer tak en omvat alle poste wat die Administrateur gelas daarin ingesluit te wees en sodanige poste is in die hoër of laer tak al na die Administrateur vasstel.

(c) Die administratiewe, klerklike en algemene afdelings omvat onderskeidelik sodanige poste as wat die Administrateur gelas, daarin ingesluit te wees.

(3) Werknemers omvat alle persone wat in 'n tydelike, kasuele, daagliks-besoldigde of deeltydse hoedanigheid aangestel is, hetsy in goedgekeurde poste al dan nie, en sluit in bekleërs van sodanige poste as wat die Administrateur gelas daarin ingesluit te wees.

(4) Notwithstanding the provisions of this section, the Administrator may at any time direct that an approved post, which is included in one division or branch referred to in sub-section (2), shall be removed from that division or branch to another division or branch or that an approved post shall be the post of an employee or that the post of an employee shall be an approved post.

(5) Any action taken or direction given by the Administrator in terms of this section shall be notified by him by notice in the *Provincial Gazette*.

Appointments to posts.

42. (1) For the filling of any approved post in the professional, administrative or clerical division referred to in section *forty-one*, the Administrator shall appoint thereto a person who is qualified in accordance with such regulations as he may make in terms of paragraph (a) of section *fifty-seven* and, in making such appointment, he shall, subject to the provisions of such regulations, have due regard to the qualifications, relative merit, efficiency and suitability of the persons eligible for appointment or promotion to the post in question.

(2) The Director may, subject to any regulations which the Administrator may make in terms of paragraph (a) of section *fifty-seven*, appoint persons to approved posts in the general division referred to in sub-paragraph (iv) of paragraph (a) of sub-section (2) of section *forty-one*, or as employees.

(3) No person shall be appointed after the commencement of this Ordinance to an approved post in a permanent capacity unless he is proficient in both official languages of the Union: Provided that the Administrator may, whenever he deems it expedient to do so, appoint a person who is not so proficient to an approved post in the professional division.

(4) Notwithstanding anything to the contrary in this Ordinance contained the Administrator may appoint a person to any approved post on contract for such period and on such conditions and scales of salary and allowances as he may determine.

(5) All persons appointed in terms of sub-paragraph (ii) of paragraph (b) of sub-section (2) of section *eight* of the Public Hospitals Interim Control Ordinance, 1943, to the staff of the department of hospital services created in terms of sub-section (1) of section *eight* of that Ordinance, all persons appointed to the staff of a public hospital in terms of section *thirty-four*, *thirty-five* or *forty-six*, as the case may be, of the Public Hospitals Ordinance, 1946, and all other persons in the service of the Department prior to the commencement of this Ordinance, shall be deemed to have been appointed to posts on the establishment of the Department in terms of the provisions of this Ordinance: Provided that the incumbent of a non-classified post referred to in section *thirty-three* of the Public Hospitals Ordinance, 1946, shall be deemed to have been appointed to the post of an employee referred to in section *forty-one* of this Ordinance.

Registration of certain persons in the service of the Department.

43. On and after the commencement of this Ordinance no person who is required to be registered in terms of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or the Nursing Act, 1944 (Act No. 45 of 1944), shall be appointed to a post on the staff of any provincial hospital or of an institution or service established in terms of section *four*, unless so registered.

(4) Ondanks die bepalings van hierdie artikel kan die Administrateur te eniger tyd gelas dat 'n goedgekeurde pos wat ingesluit is in een afdeling of tak in subartikel (2) genoem, verwyder moet word van daardie afdeling of tak na 'n ander afdeling of tak of dat 'n goedgekeurde pos die pos van 'n werknemer moet wees of dat die pos van 'n werknemer 'n goedgekeurde pos moet wees.

(5) Enige optrede of lasgewing deur die Administrateur ingevolge hierdie artikel, moet deur hom bekendgemaak word by kennisgewing in die *Provinsiale Koerant*.

42. (1) Ten einde enige goedgekeurde pos te vul in die professionele, administratiewe of klerk-like afdeling in artikel *een-en-veertig* genoem, moet die Administrateur 'n persoon daarin aanstel wat bevoeg is ooreenkomsdig sodanige regulasies as wat hy ingevolge paragraaf (a) van artikel *sewe-en-vyftig* maak en by sodanige aanstelling moet hy behoudens die bepalings van sodanige regulasies, die kwalifikasies, betreklike verdienstelikheid, doeltreffendheid en geskiktheid behoorlik in ag neem van die persone wat vir aanstelling in of bevordering tot die betrokke pos in aanmerking kan kom.

(2) Die Dirckteur kan, behoudens enige regulasies wat die Administrateur ingevolge paragraaf (a) van artikel *sewe-en-vyftig* maak, persone aanstel in goedgekeurde poste in die algemene afdeling in subparagraaf (iv) van paragraaf (a) van subartikel (2) van artikel *een-en-veertig* genoem, of as werknemers.

(3) Niemand mag na die inwerkingtreding van hierdie Ordonnansie in 'n goedgekeurde pos in 'n permanente hoedanigheid aangestel word nie, tensy hy albei ampelike tale van die Unie magtig is: Met dien verstande dat die Administrateur, wanneer hy dit ook al dienstig ag om dit te doen, 'n persoon, wat nie aldus die tale magtig is nie, in 'n goedgekeurde pos in die professionele afdeling kan aanstel.

(4) Ondanks andersluidende bepalings van hierdie Ordonnansie vervat, kan die Administrateur 'n persoon in enige goedgekeurde pos aanstel op kontrak vir sodanige tydperk en op sodanige voorwaarde en skale van salaris en toelaes as wat hy vasstel.

(5) Alle persone aangestel ingevolge subparagraaf (ii) van paragraaf (b) van subartikel (2) van artikel *agt* van die Ordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1943, op die personeel van die departement van hospitaal-dienste geskep ingevolge subartikel (1) van artikel *agt* van daardie Ordonnansie, alle persone aangestel op die personeel van 'n publieke hospitaal ingevolge artikels *vier-en-dertig*, *vyf-en-dertig* of *ses-en-veertig*, al na die geval, van die Ordonnansie op Publieke Hospitale, 1946, en alle ander persone in die diens van die Departement voor die inwerkingtreding van hierdie Ordonnansie word geag aangestel te gewees het in poste op die diensstaat van die Departement ingevolge die bepalings van hierdie Ordonnansie: Met dien verstande dat die bekleer van 'n nie-ingedeelde pos in artikel *drie-en-dertig* van die Ordonnansie op Publieke Hospitale, 1946, genoem, geag word aangestel te gewees het in die pos van 'n werknemer in artikel *een-en-veertig* van hierdie Ordonnansie genoem.

43. By en na die inwerkingtreding van hierdie Ordonnansie mag geen persoon wat geregistreer moet wees kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), of die Wet op Verpleegsters, 1944 (Wet No. 45 van 1944), aangestel word nie in 'n pos op die personeel van enige provinsiale hospitaal of van 'n inrigting of diens ingevolge artikel *vier* ingestel, tensy aldus geregistreer.

Aanstellings in poste.

Registrasie van sekere persone in die diens van die Departement.

Transfers,
promotions
and
temporary
second-
ments.

44. (1) Any person in the service of the Department may be transferred or promoted, as the case may be, to such post as the Administrator may determine, but no officer shall be transferred from one post to another post if such transfer involves a reduction in his pensionable emoluments, as defined in the Pensions Ordinance, unless such transfer takes place in consequence of proceedings instituted in terms of section fifty-one or fifty-three.

(2) With the approval of the Director, a person in the service of the Department may be temporarily seconded from any provincial hospital or any institution or service established in terms of section four to any other such hospital, institution or service or to the general administrative section of the Department, referred to in paragraph (a) of sub-section (2) of section two, either for a specified period of time or for a particular service.

(3) The Administrator may require any officer or employee temporarily to perform duties other than those ordinarily assigned to such officer or employee or appropriate to the grade, designation or classification of his post.

Appoint-
ments or
promotions
on
probation.

45. (1) Any appointment or promotion of an officer in terms of the provisions of this Ordinance shall be made on probation if the Administrator, either generally or specifically, so determines and such probation shall be for such period as the Administrator may determine.

(2) If the superintendent or other officer referred to in section six or, in the case of an officer seconded to the general administrative section of the Department in terms of sub-section (2) of section forty-four, the head of the section in which such officer is employed, certifies that during the period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Director may, if the officer has complied with all the conditions to which his appointment or promotion was subject, confirm the appointment or promotion.

(3) If no certificate is given as contemplated in sub-section (2) at the end of a period of probation, the Director shall report the fact to the Administrator and the Administrator may, without prejudice to any other provision of this Ordinance, thereupon direct that—

- (a) the period of probation be extended for such further period as the Administrator may determine; or
- (b) the officer be discharged from the service of the Department if immediately prior to the said period of probation such officer did not hold another post on the establishment of the Department; or
- (c) the officer concerned shall revert to the post formerly held by him or to a post of equivalent grading as from a date to be specified by the Administrator, if immediately prior to the commencement of the said period of probation, such officer held a post on the establishment of the Department and such officer shall then be placed on a salary notch within the salary scale applicable to such post as if he had not been promoted on probation.

(4) The provisions of sub-sections (2) and (3) shall apply *mutatis mutandis* to any extended period of probation: Provided that such extended period of probation shall not be extended for a further period.

44. (1) Enige persoon in die diens van die Departement kan oorgeplaas of bevorder word, al na die geval, na of tot sodanige pos as wat die Administrateur vasstel, maar geen beamppte mag van een pos na 'n ander pos oorgeplaas word nie as sodanige oorplasing 'n vermindering meebring in sy pensioengewende emolumente soos in die Pensioene-ordonnansie omskryf, tensy sodanige oorplasing as gevolg van verrigtings ingestel ingevolge artikel *een-en-vyftig* of *drie-en-vyftig* gedoen word.

(2) Met die goedkeuring van die Direkteur, kan 'n persoon in die diens van die Departement tydelik uit enige provinsiale hospitaal of 'n inrigting of diens ingevolge artikel *vier* ingestel, afgestaan word aan enige ander sodanige hospitaal, inrigting of diens of aan die algemene administratiewe afdeling van die Departement in paraagraaf (a) van subartikel (2) van artikel *twee genoem*, hetsy vir 'n bepaalde tydperk of vir 'n besondere diens.

(3) Die Administrateur kan van enige beamppte of werknemer eis om tydelik ander pligte te verrig as dié wat normaalweg aan sodanige beamppte of werknemer toegewys is of wat paslik is by die graad, benaming of indeling van sy pos.

45. (1) Enige aanstelling of bevordering van 'n beamppte ingevolge die bepalings van hierdie Ordonnansie word op proef gedoen as die Administrateur, hetsy in die algemeen of in die besonder, aldus bepaal en sodanige proef is vir sodanige tydperk as wat die Administrateur vasstel.

(2) As die superintendent of ander beamppte in artikel *ses* genoem, of, in die geval van 'n beamppte afgestaan aan die algemene administratiewe afdeling van die Departement ingevolge subartikel (2) van artikel *vier-en-veertig*, die hoof van die afdeling waarin sodanige beamppte werkzaam is, sertificeer dat die betrokke beamppte gedurende die proeftyd ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Direkteur, as die beamppte voldoen het aan al die voorwaardes waaraan sy aanstelling of bevordering onderworpe was, die aanstelling of bevordering bekragtig.

(3) As geen sertificaat aan die end van 'n proeftyd gegee word nie soos beoog in subartikel (2), deel die Direkteur hierdie feit aan die Administrateur mee en die Administrateur kan daarna, sonder om afbreuk te doen aan enige ander bepaling van hierdie Ordonnansie, gelas dat—

- (a) die proeftyd verleng word vir sodanige verdere tydperk as wat die Administrateur vasstel; of
- (b) die beamppte uit die diens van die Departement ontslaan word as sodanige beamppte onmiddellik voor sodanige proeftyd nie 'n ander pos op die diensstaat van die Departement beklee het nie; of
- (c) die betrokke beamppte na die pos terugkeer wat voorheen deur hom beklee is of na 'n pos van gelykstaande gradering met ingang van 'n datum wat deur die Administrateur vasgestel word as sodanige beamppte onmiddellik voor die inwerkingtreding van vermelde proeftyd 'n pos op die diensstaat van die Departement beklee het en sodanige beamppte word dan op 'n salariskerf geplaas binne die salarisskaal van toepassing op sodanige pos, asof hy nie op proef bevorder was nie.

(4) Die bepalings van subartikels (2) en (3) is *mutatis mutandis* op enige verlengde proeftyd van toepassing: Met dien verstande dat sodanige verlengde proeftyd nie vir 'n verdere tydperk verleng mag word nie.

Oorplasing
bevorde-
rings en
tydelike
afstand.

Aanstellinge
of bevor-
derings op
proef.

(5) The Administrator may, without prejudice to any other provision of this Ordinance and either during the course of a period of probation or after the expiry thereof, but before an appointment or promotion on probation has been confirmed—

- (a) direct that an officer be discharged from the service of the Department, if immediately prior to such period of probation such officer did not hold another post on the establishment of the Department—
 - (i) by giving appropriate notice; or
 - (ii) forthwith, if the conduct of such officer has in the opinion of the Administrator been unsatisfactory;

(b) direct that an officer shall revert to the post formerly held by him or to a post of equivalent grading as from a date to be specified by the Administrator, if, immediately prior to the commencement of the said period of probation, such officer held a post on the establishment of the Department and such officer shall then be placed on a salary notch within the salary scale applicable to such post as if he had not been promoted on probation.

Salaries of officers and employees. 46. (1) Subject to the provisions of subsection (2), the Administrator shall fix scales of salaries, wages and allowances payable to officers and employees

(2) With the approval of the Administrator an officer or employee—

- (a) may on appointment be paid a higher salary or wage than the minimum of the scale applicable to him;
- (b) may be specially advanced within the scale applicable to him; or
- (c) who, in the opinion of the Administrator, is of exceptional ability or possesses special qualifications, may be paid salary or wages or allowances at special rates within or above the scales ordinarily applicable to him.

(3) No officer or employee or person appointed on contract in terms of sub-section (4) or section forty-two may cede the whole or part of his salary, wages or allowances without the approval of the Director.

Abolition of posts.

47. The Administrator may at any time in his discretion abolish any post on the establishment of the Department and the incumbent thereof may be discharged from the service of the Department, if another post of equivalent grading is not available elsewhere on such establishment.

Acting appointments.

48. The Administrator or the Director, as the case may be, may appoint a person in an acting capacity—

- (a) to a vacant post on the establishment of the Department; or
- (b) while any officer, employee or person appointed on contract in terms of sub-section (4) of section forty-two is absent from his post for any reason whatsoever, to carry out the functions of such post.

Whole time of persons in the service of the Department to be at the disposal of the Administration.

49. Unless it be otherwise provided in the conditions of his appointment—

- (a) every person in the service of the Department shall place the whole of his time at the disposal of the Administration;
- (b) no person in the service of the Department shall perform remunerative work outside the service of the Administration without

(5) Sonder om afbreuk te doen aan enige ander bepaling van hierdie Ordonnansie, kan die Administrateur, hetsy gedurende die verloop van 'n proeftyd of na die verstryking daarvan, maar voordat 'n aanstelling of bevordering op proef bekragtig is—

- (a) gelas dat 'n beampte uit die diens van die Departement ontslaan word indien onmiddellik voor sodanige proeftyd sodanige beampte nie 'n ander pos op die diensstaat van die Departement beklee het nie—
 - (i) deur die toepaslike kennis te gee; of
 - (ii) onverwyld, as die gedrag van sodanige beampte, na die mening van die Administrateur, onbevredigend was;

(b) gelas dat 'n beampte na die pos terugkeer wat voorheen deur hom beklee is of na 'n pos van gelykstaande gradering met ingang van 'n datum wat deur die Administrateur vasgestel word, indien onmiddellik voor die inwerkingtreding van die vermelde proeftyd sodanige beampte 'n pos op die diensstaat van die Departement beklee het en sodanige beampte word dan op 'n salariskerf geplaas binne die salarisskaal van toepassing op sodanige pos asof hy nie op proef bevorder was nie.

46. (1) Behoudens die bepalings van subartikel 46(2), stel die Administrateur die skale van salarisse, lonne en toelaes vas wat aan beampies en werknekmers betaalbaar is.

(2) Met die goedkeuring van die Administrateur kan 'n beampte of werknekmer—

- (a) by aanstelling 'n hoër salaris of loon betaal word as die minimum van die skaal wat op hom van toepassing is;
- (b) spesiaal verhoog word binne die skaal wat op hom van toepassing is; of
- (c) wat, na die mening van die Administrateur, buitengewoon bekwaam is of spesiale kwalifikasies besit, 'n salaris of loon of toelaes betaal word teen spesiale tariewe binne of bo die skale wat normaalweg op hom van toepassing is.

(3) Geen beampte of werknekmer of persoon ingevolge subartikel (4) van artikel *twee-en-veertig* op kontrak aangestel, mag die geheel of 'n gedeelte van sy salaris, loon of toelaes, sonder goedkeuring van die Direkteur, sedeer nie.

47. Die Administrateur kan te eniger tyd, na goeddunke, enige pos op die diensstaat van die Departement afskaf en die bekleer daarvan kan uit die diens van die Departement ontslaan word, as 'n ander pos van gelykstaande gradering nie elders op sodanige diensstaat beskikbaar is nie.

48. Die Administrateur of die Direkteur, al na die geval, kan 'n persoon in 'n waarnemende hoedanigheid aanstel—

- (a) in 'n vakante pos op die diensstaat van die Departement; of
- (b) terwyl enige beampte, werknekmer of persoon ingevolge subartikel (4) van artikel *twee-en-veertig* op kontrak aangestel, om watter rede ook al, van sy pos afwesig is, om die werkzaamhede van sodanige pos uit te voer.

49. Tensy anders in sy aanstellingsvooraardes bepaal word—

- (a) moet elke persoon in die diens van die Departement al sy tyd tot beskikking van die Administrasie stel;
- (b) mag geen persoon in die diens van die Departement besoldigde werk buite die diens van die Administrasie sonder die voorafverkree toestemming van die Ad-

Salarisse van beampies en werknekmers.

Afskaffing van poste.

Waarnemende aanstellings.

Persone in diens van die Departement moet al hulle tyd tot beskikking van die Administrasie stel.

- the prior permission of the Administrator in the case of an officer, or of the Director, in the case of an employee;
- (c) no person in the service of the Department may claim as of right, additional remuneration in respect of any duty or work in the Department which he is required by competent authority to perform;
 - (d) any remuneration or allowance whatsoever received by an officer or employee otherwise than in accordance with the provisions of this Ordinance and the regulations made thereunder, shall, unless the Administrator directs otherwise, be paid by such officer or employee into the Provincial Revenue Fund and if he does not do so, shall be recovered from him by the Director by legal proceedings or in such other manner as the Administrator may direct and shall then be paid into that fund; and
 - (e) all fees received by an officer or employee in his official capacity shall be paid into the Provincial Revenue Fund unless the Administrator directs otherwise.

Exercise of political and civic rights by persons in the service of the Department.

50. (1) (a) A person in the service of the Department shall, subject to the provisions of this section, have full political and civic rights and may become a member of any political party, including any managing body thereof, and may offer himself for election to Parliament or a provincial council or may become a member of a local authority: Provided that—

- (i) such person shall not use his position in the Department to further or prejudice the interests of any political party or express himself in the public press or at any public meeting on any party political matter;
- (ii) if such person offers himself for election as a member of Parliament or a provincial council he shall be deemed to have relinquished his post on the establishment of the Department on the day on which he is in terms of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), nominated as a candidate for such election;
- (iii) membership of any such local authority shall in no way whatsoever interfere with the duties attached to his post on the establishment of the Department and that such leave of absence as he may require with a view to such membership shall be subject to the provisions of any regulations made in terms of section fifty-seven;
- (iv) any such person who is a member of a local authority shall not take part in the discussion of or vote on any matter in issue between such local authority and the Administrator, Director or Department.

(b) Where a person referred to in paragraph (ii) of the proviso to paragraph (a) is not elected as contemplated therein, he may, subject to the provisions of this Ordinance, again be appointed to a post on the establishment of the Department and if so appointed within twelve months from the date upon which he was deemed to have relinquished his former post in terms of the said paragraph (ii), he shall, notwithstanding anything to the contrary contained in this Ordinance, be

ministreuteur, in die geval van 'n beampie, of van die Direkteur, in die geval van 'n werknemer, verrig nie;

- (c) mag geen persoon in die diens van die Departement regtens aanspraak maak op addisionele besoldiging ten opsigte van enige plig of werk in die Departement wat hy deur 'n bevoegde gesag aangesê word om te verrig nie;
- (d) moet enige besoldiging of toelae, van watter aard ook al, wat deur 'n beampie of werknemer ontvang word anders as ooreenkomsdig die bepalings van hierdie Ordonnansie en die regulasies daarkragtens gemaak, tensy die Administrateur anders gelas, deur sodanige beampie of werknemer op die Provinciale Inkomstefonds gestort word en, as hy dit nie doen nie, moet dit deur die Direkteur deur middel van geregeltlike stappe of op sodanige ander wyse as wat die Administrateur gelas, op hom verhaal en dan op daardie fonds gestort word; en
- (e) moet alle geldie wat deur 'n beampie of werknemer in sy amptelike hoedanigheid ontvang word, op die Provinciale Inkomstefonds gestort word, tensy die Administrateur anders gelas.

50. (1) (a) Iemand in diens van die Departement het, behoudens die bepalings van hierdie artikel, volle politieke en burgerlike regte en hy kan lid van enige politieke party, insluitende enige bestuursliggaam daarvan, word, en hom vir die Parlement of 'n Provinciale raad verkiesbaar stel of lid van 'n plaaslike bestuur word: Met dien verstande dat—

- (i) sodanige persoon nie van sy posisie in die Departement gebruik mag maak om die belang van enige politieke party te bevorder of te benadeel of hom in die openbare pers of om enige openbare vergadering oor enige partypolitieke aangeleentheid mag uitlaat nie;
- (ii) as sodanige persoon hom as lid van die Parlement of 'n Provinciale raad verkiesbaar stel, daar geag word dat hy sy pos op die diensstaat van die Departement neergelê het op die dag waarop hy ingevolge die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), as kandidaat vir sodanige verkiesing genomineer word;
- (iii) lidmaatskap van enige sodanige plaaslike bestuur op generlei wyse hoegenaamd inbreuk mag maak op die pligte wat aan sy pos op die diensstaat van die Departement verbonde is nie en dat sodanige verlof tot afwesigheid as wat hy met die oog op sodanige lidmaatskap benodig onderworpe is aan die bepalings van enige regulasies kragtens artikel *sewe-en-vyftig* gemaak;
- (iv) enige sodanige persoon wat 'n lid van 'n plaaslike bestuur is, nie aan enige besprekking van of stemming in verband met enige aangeleentheid waaraan daar 'n geskil bestaan tussen sodanige plaaslike bestuur en die Administrateur, Direkteur of Departement, mag deelneem nie.

(b) Waar iemand in paragraaf (ii) van die voorbehoudbepaling by paragraaf (a) genoem, nie verkies word soos daarin beoog nie, kan hy, behoudens die bepalings van hierdie Ordonnansie, weer in 'n pos op die diensstaat van die Departement aangestel word en, indien aldus aangestel binne twaalf maande van die datum af waarop hy geag was sy eertydse pos neer te gelê het ingevolge genoemde paragraaf (ii), word hy, ondanks andersluidende bepalings in hierdie

Uitoefteling van politieke en burgerlike regte deur persone in diens van die Departement.

placed on a salary notch within the salary scale applicable to the post to which he is so appointed as if he had not so relinquished such former post.

(c) For the purposes of proviso (i) to paragraph (a)—

- (i) the expression "public meeting" means any gathering, concourse, or procession in, through or along any place of any number of persons having a common purpose, whether such purpose be lawful or unlawful, but does not include a meeting admittance whereto is intended for members of one and the same group, party or movement; and
- (ii) nothing therein contained shall be construed as precluding a person in the service of the Department, subject to the provisions of paragraph (g) of section fifty-two, from expressing himself in public on matters relating to hospitals.

(2) If any person in the exercise of the political and civic rights referred to in paragraph (a) of sub-section (1) has, in the opinion of the Director, detrimentally affected his status and suitability in respect of the post which he occupies, the Administrator may, on receipt of a report to that effect and after such inquiry as he may deem necessary, transfer such person to another post on the establishment of the Department in terms of section forty-four.

(3) (a) No notice, document, bill or other paper whatsoever, which seeks support for any political party or which relates to the election or the opposition of the election of any person as a member of Parliament or a provincial council or a local authority shall at any time be displayed, circulated or distributed by any person in the service of the Department on or at the premises of any provincial hospital, or institution or service established in terms of section four and no such person shall take any other active part in such election on or at any such premises.

(b) Any person contravening the provisions of paragraph (a) shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding three months.

Efficient officers.

51. (1) (a) If the chairman of a board or the Director reports to the Administrator that any officer is in his opinion unfit for his duties or incapable of carrying them out efficiently, the Administrator may appoint a person to inquire into the subject matter of that report.

(b) The person so appointed shall have the power to—

- (i) summon any person whose evidence appears to be material to the determination of the subject of the inquiry;
- (ii) administer an oath to any person so summoned or who appears to give evidence at such inquiry; and
- (iii) order the production at such inquiry by any person of any book or document in his possession or under his control and which is relevant to the subject of such inquiry.

(c) A person who without reasonable excuse fails to attend in obedience to a summons or who refuses to be sworn or who fails to answer fully to the best of his knowledge and belief any question put to him which is relevant to the inquiry or who, when required, refuses or

Ordonnansie vervat, op 'n salariskerf geplaa binne die salarisskaal van toepassing op die pos waarin hy aldus aangestel is asof hy nie sodanige eertydse pos aldus neergelê het nie.

(c) Vir die toepassing van voorbehoudsbepaling (1) by paragraaf (a)—

- (i) beteken die uitdrukking „openbare vergadering“ enige byeenkoms, toeloop of optog in, deur of langs enige plek van enige aantal persone met 'n gemeenskaplike doel, of so 'n doel wettig of onwettig is, maar omvat nie 'n vergadering waartoe toegang bedoel is vir lede van een en dieselfde groep, party of beweging nie; en
- (ii) word niks daarin vervat, so vertolk dat dit iemand in diens van die Departement belet om, behoudens die bepalings van paragraaf (g) van artikel *twee-en-vyftig*, hom in die openbaar oor aangeleenthede betreffende hospitaal uit te laat nie.

(2) Indien iemand by die uitoefening van die politieke en burgerlike regte in paragraaf (a) van subartikel (1) genoem, na die mening van die Directeur, sy status en gesiktheid benadeel het vir die pos wat hy beklee, kan die Administrateur by ontvangs van 'n rapport in dier voege, en na sodanige ondersoek as wat hy nodig ag, sodanige persoon na 'n ander pos op die diensstaat van die Departement ingevolge artikel *vier-en-veertig* corplaas.

(3) (a) Geen kennisgewing, dokument, biljet of ander stuk, wat oockal, waarin ondersteuning vir enige politieke party versoek word of wat betrekking het op die verkiesing of die bestryding van die verkiesing van enige persoon as 'n lid van die Parlement of 'n provinsiale raad of 'n plaaslike bestuur, mag te eniger tyd deur enige persoon in diens van die Departement op of by die perseel van enige provinsiale hospitaal of inrigting of diens, ingestel ingevolge artikel *vier*, vertoon, versprei of uitgedeel word nie en sodanige persoon mag nie aan sodanige verkiesing op of by enige sodanige perseel op enige ander wyse aktief deelneem nie.

(b) Iemand wat die bepalings van paragraaf (a) oortree, is aan 'n misdryf skuldig en, by skuldig bevinding, strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, gevangeristraf vir 'n tydperk van hoogstens drie maande.

51. (1) (a) As die voorsitter van 'n raad of die Onbekwame
beampte. Directeur aan die Administrateur verslag doen dat enige beampte, na sy mening, ongesik vir sy pligte is of nie in staat is om hulle doeltreffend uit te voer nie, kan die Administrateur iemand aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(b) Iemand wat aldus aangestel is, het die bevoegdheid om—

- (i) enige persoon wie se getuienis ter sake skyn te wees vir die afhandeling van die onderwerp van die ondersoek, te dagvaar;
- (ii) enige persoon wat aldus gedagvaar is of wat verskyn om by sodanige ondersoek te getuig, 'n eed op te lê; en
- (iii) die voorlegging te beveel by sodanige ondersoek deur enige persoon van enige boek of dokument in sy besit of onder sy beheer en wat betrekking het op die onderwerp van sodanige ondersoek.

(c) Iemand wat sonder redelike verskoning versuim om teenwoordig te wees in gehoorsaamheid aan 'n dagvaarding of wat weier om 'n eed af te lê of wat versuim om na sy beste wete enige vraag aan hom gestel wat betrekking het op die ondersoek, volledig te beantwoord of watanneer dit vereis word, weier of versuim om enige

fails to produce any such book or document aforesaid or who hinders or obstructs or intimates any person in the giving of such evidence as may be required of him shall—

- (i) in the case of an officer, be guilty of misconduct and may be dealt with in terms of section *fifty-three*; and
 - (ii) in the case of any other person, be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding three months: Provided that no such person shall be compelled to answer any question which may render him liable to a criminal prosecution.
- (2) The person who is to hold the inquiry shall, in consultation with the Director, fix the time and place of the inquiry, and the Director shall give the officer concerned reasonable notice in writing of the time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfit for his duties or incapable of carrying them out efficiently.

(3) The Director may authorize any person to attend the inquiry and to adduce evidence and arguments in support of the allegations mentioned in sub-section (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4) (a) At the inquiry the officer concerned shall have the right to be present and to be heard, either personally or through a representative, to cross-examine any person called as a witness in support of the allegations referred to in sub-section (2), to inspect any book or document produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The person holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer concerned to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the inquiry, the person holding it shall find whether or not the officer concerned is unfit for his duties or incapable of carrying them out efficiently, shall inform the officer concerned of his finding and shall report the result of the inquiry to the Administrator.

(6) If the person who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, the officer concerned may within fourteen days as from the date upon which he was informed of the finding, appeal therefrom to the Administrator by giving to the person who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(7) If the person who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, he shall forward to the Administrator, through the medium of the Director, the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a written statement of his findings and his reasons therefor and any observation on the case which he may desire to make, and if notice of appeal has been given in terms of sub-section (6), he shall similarly forward with the record the notice

sodanige boek of dokument, soos voormeld, voor te lê of wat enige persoon by die aflegging van sodanige getuienis as wat van hom vereis word, hinder of belemmer of intimideer, is—

- (i) in die geval van 'n beampete, skuldig aan wangedrag en daar kan met hom gehandel word ingevolge artikel *drie-en-vyftig*; en
- (ii) in die geval van enige ander persoon, skuldig aan 'n misdryf en by skuldig bevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande: Met dien verstande dat sodanige persoon nie verplig is om enige vraag wat hom aan 'n kriminele vervolging blootstel, te beantwoord nie.

(2) Die persoon wat die ondersoek moet instel, stel in oorleg met die Direkteur, die tyd en plek van die ondersoek vas, en die Direkteur gee aan die betrokke beampete redelike skrifelike kennis van die tyd en plek aldus vasgestel en verstrek aan hom 'n skrifelike verklaring van die gronde waarop daar beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend uit te voer nie.

(3) Die Direkteur kan enige persoon magtig om die ondersoek by te woon en om getuienis en argumente aan te voer ter staving van die bewerings in subartikel (2) genoem en om enige persoon wat getuienis afgelê het ter weerlegging van daardie bewerings, te kruisvra.

(4) (a) By die ondersoek het die betrokke beampete die reg om teenwoordig te wees en aan gehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie opgeroep is ter staving van die bewerings in subartikel (2) genoem, te kruisvra, om enige boeke of dokumente wat as getuienis voorgelê is, in te sien, om self getuienis af te lê om enige ander persoon as getuie op te roep.

(b) Die persoon wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van al die getuienis wat aldaar afgelê word.

(c) Die versuim van die betrokke beampete om die ondersoek by te woon, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.

(5) Na afloop van die ondersoek moet die persoon wat dit instel, bevind of die betrokke beampete ongeskik is vir sy pligte of nie in staat is nie om hulle doeltreffend uit te voer nie, al dan nie, die betrokke beampete van sy bevinding verwittig en die uitslag van die ondersoek aan die Administrateur rapporteer.

(6) As die persoon wat die ondersoek ingestel het, bevind het dat die betrokke beampete ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend uit te voer nie, kan die betrokke beampete binne veertien dae van die datum af waarop hy van die bevinding verwittig is, by die Administrateur daarteen appelleer deur aan die persoon, wat die ondersoek ingestel het, 'n skriftelike kennisgewing van appèl te gee waarin hy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.

(7) As die persoon wat die ondersoek ingestel het, bevind het dat die betrokke beampete ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend uit te voer nie, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteensetting van sy bevindings en sy redes daarvoor en enige opmerking oor die saak wat hy wil maak, deur die Direkteur aan die Administrateur stuur, en as kennis van appèl ooreenkomsdig die bepalings van subartikel (6) gegee is, moet hy insgelyks die kennisgewing en gronde van

and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his finding.

(8) If the officer concerned applies to the Director for a copy of the record of the proceedings at the inquiry within seven days as from the date upon which he received a copy of the reasons for the finding, the Director shall furnish him with a copy.

(9) The officer concerned may within fourteen days as from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within twenty-one days as from the date upon which he received the copy of the reasons for the finding, submit to the Administrator, through the medium of the Director, written representations in support of his appeal.

(10) If the officer concerned has appealed in terms of sub-section (6), the Director may at any time before the Administrator has given a decision thereon in terms of sub-section (12), submit to the Administrator any representation which he desires to make in support of the finding against which the appeal is brought, and he shall furnish a copy of such representations to the officer concerned.

(11) (a) The officer concerned may within fourteen days after the date upon which he received a copy of the representations referred to in sub-section (10), submit to the Administrator, through the medium of the Director, any reply in writing he may wish to make to such representations.

(b) The Director shall have no right to submit further representations in answer to such reply, except with leave of the Administrator.

(12) (a) After consideration of the aforesaid record and documents, the Administrator may allow the appeal wholly or in part and set aside or alter the finding or dismiss the appeal and confirm the finding wholly or in part, or the Administrator may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the person who held it, and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(b) If the Administrator directs the holding of a further enquiry, the provisions of paragraphs (b) and (c) of sub-section (1) and the provisions of sub-sections (2), (3), (4) and (5) shall apply *mutatis mutandis*.

(13) When the Administrator has arrived at a final decision on an appeal he shall cause that decision to be conveyed in writing to the officer concerned.

(14) If the person who held the inquiry has found that the officer concerned is unfitted for his duties or incapable of carrying them out efficiently and the officer has not appealed against the finding as hereinbefore provided or, if he has so appealed and his appeal has been dismissed, either wholly or in part, the Administrator may determine—

- (a) that no further action be taken in the matter;
- (b) that the officer concerned be transferred to another post in the same or a lower grade with such salary on such scale as the Administrator may decide;
- (c) that his salary or grade or both his salary and grade be reduced to a specified extent or that his annual increment be withheld for such period as he may determine; or

appell saam met die notule aanstuur en moet hy aan die betrokke beampete 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die betrokke beampete binne sewe dae van die datum af waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Direkteur aansoek doen om 'n afskrif van die notule van die verrigtings by die ondersoek, moet die Direkteur 'n afskrif aan hom verstrek.

(9) Die betrokke beampete kan binne veertien dae van die datum af waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne een-en-twintig dae van die datum af waarop hy die afskrif van die redes vir die bevinding ontvang het, skriftelike vertoe ter stawing van sy appell deur die Direkteur aan die Administrateur voorlê.

(10) As die betrokke beampete ingevolge die bepalings van subartikel (6) geappelleer het, kan die Direkteur, ter eniger tyd voordat die Administrateur ingevolge subartikel (12) 'n beslissing daaroor gegee het, enige vertoe wat hy wil rig ter stawing van die bevinding waarteen geappelleer is, aan die Administrateur voorlê, en hy moet 'n afskrif van sodanige vertoe aan die betrokke beampete verstrek.

(11) (a) Die betrokke beampete kan binne veertien dae van die datum af waarop hy 'n afskrif van die vertoe in subartikel (10) genoem, ontvang het, enige skriftelike repliek wat hy op sodanige vertoe wil lewer, deur die Direkteur aan die Administrateur voorlê.

(b) Die Direkteur het geen reg om verdere vertoe in antwoord op sodanige repliek voor te lê nie, behalwe met verlof van die Administrateur.

(12) (a) Na oorweging van voormalde notule en dokumente, kan die Administrateur die appell in sy geheel of gedeeltelik toestaan en die bevinding tersyde stel of wysig of die appell afwys en die bevinding in sy geheel of gedeeltelik bekrugtig, of kan die Administrateur, voordat hy tot 'n finale beslissing oor die appell geraak, enige vraag in verband met die ondersoek na die persoon wat dit ingestel het, terugverwys en hom gelas om daaroor verslag te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(b) As die Administrateur gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van paragrawe (b) en (c) van subartikel (1) en die bepalings van subartikels (2), (3), (4) en (5) *mutatis mutandis* van toepassing.

(13) Wanneer die Administrateur tot 'n finale beslissing oor 'n appell geraak het, laat hy daardie beslissing skriftelik aan die betrokke beampete mededeel.

(14) As die persoon wat die ondersoek ingestel het, bevind het dat die betrokke beampete ongeskik is vir sy pligte of nie in staat is om hulle doeltreffend uit te voer nie en die beampete nie teen die bevinding soos hierbo bepaal, geappelleer het nie, of, as hy aldus geappelleer het en sy appell is, of in sy geheel of gedeeltelik, afgewys, kan die Administrateur bepaal—

- (a) dat geen verdere stappe in die saak gedoen word nie;
- (b) dat die betrokke beampete na 'n ander pos oorgeplaas word in dieselfde of 'n laer graad met sodanige salaris op sodanige skaal as wat die Administrateur besluit;
- (c) dat sy salaris of graad of beide sy salaris en graad verlaag word in 'n bepaalde mate of dat sy jaarlikse verhoging vir sodanige tydperk teruggehou word as wat hy vasstel; of

Definition of misconduct.

(d) that he be discharged or be called upon to resign from the service of the Department as from a date to be specified by the Administrator: Provided that if an officer who has been called upon to resign from the service of the Department fails so to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Administrator.

52. An officer shall be guilty of misconduct and may be dealt with in accordance with the provisions of section *fifty-three* if he—

- (a) contravenes any provision of this Ordinance or a regulation made thereunder or fails to comply with any provision thereof with which it was his duty to comply; or
- (b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of the Administration;
- (c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give the same or by word or conduct displays insubordination; or
- (d) is negligent or indolent in the discharge of his duties; or
- (e) undertakes without the permission of the Administrator, any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties; or
- (f) attempts to secure intervention from political or outside sources in relation to his position and conditions of employment in the Department: Provided that nothing herein contained shall prevent an officer from endeavouring to obtain redress of any grievance through the Provincial Council; or
- (g) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or
- (h) uses intoxicants or stupefying drugs excessively; or
- (i) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law, unless it is shown that his insolvency or composition or the making of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or
- (j) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties; or
- (k) without first having obtained the permission of the Director discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the Department, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information; or
- (l) accepts without the approval of the Administrator or demands in respect of the carrying out of or the failure to carry out his duties, any commission, fee or reward,

(d) dat hy ontslaan word of aangesê word om uit die diens van die Departement te bedank van 'n datum af wat deur die Administrateur bepaal word: Met dien verstande dat as 'n beampete wat aangesê is om uit die diens van die Departement te bedank, versuum om aldus te bedank, word hy geag daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Administrateur vasgestel word.

52. 'n Beampete is skuldig aan wangedrag en daar kan met hom ooreenkomsdig die bepalings van artikel *drie-en-vyftig* gehandel word as hy—

- (a) enige bepaling van hierdie Ordonnansie of regulasie daarkragtens gemaak, oortree of versuum om te voldoen aan enige bepaling daarvan waaraan dit sy plig was om te voldoen; of
- (b) enige daad wat nadelig vir die bestuur, discipline of doeltreffendheid van die Administrasie is, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word; of
- (c) 'n wettige bevel wat aan hom gegee word deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit veronagsaam of opsetlik versuum om dit uit te voer, of deur woord of gedrag hom aan insubordinasie skuldig maak; of
- (d) nalatig of traag is in die vervulling van sy pligte; of
- (e) sonder die toestemming van die Administrateur enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werkzaamhede of die uitvoering van sy amptspligte onderneem; of
- (f) probeer om uit politieke of buite bronne ingryping in verband met sy posisie en diensvoorraades in die Departement te verkry: Met dien verstande dat nikus hierin vervat 'n beampete verhinder om herstel van enige grief deur bemiddeling van die Provinciale Raad te probeer verkry nie; of
- (g) hom op 'n skandelike, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor enige persoon skuldig maak; of
- (h) buitensporig gebruik maak van sterk drank of bedwelmende middels; of
- (i) insolvent word of 'n akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur enige gereghof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of
- (j) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakkbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy pligte nie; of
- (k) sonder dat hy eers die toestemming van die Direkteur verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die Departement, openbaar maak anders as in die vervulling van sy amptspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy amptspligte; hetsy hy sodanige inligting openbaar maak of nie; of
- (l) sonder die goedkeuring van die Administrateur enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom

pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report to the Director the offer of any such commission, fee or reward; or

- (m) misappropriates or improperly uses any property of the Administration under such circumstances that his act does not constitute a criminal offence; or
- (n) commits a criminal offence or an act in respect of which he is found guilty of improper or disgraceful conduct by the South African Medical and Dental Council, the South African Pharmacy Board or the South African Nursing Council; or
- (o) absents himself from his office or duty without leave or valid cause; or
- (p) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Administration or a person in the service of such Administration, makes a false or incorrect statement knowing it to be false or incorrect.

**Procedure
in cases
of mis-
conduct.**

53. (1) When an officer is accused of misconduct, the Director may charge him in writing under his hand with that misconduct and may at any time withdraw such charge.

(2) The Director shall cause the charge to be served upon the officer concerned.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer charged to transmit or deliver, within a reasonable period specified in the direction, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Director may at any time before or after the officer has been charged under sub-section (1), suspend him from duty.

(5) An officer who has been suspended from duty in terms of sub-section (4), shall not be entitled to any emoluments for the period of his suspension: Provided that the Administrator may, in his discretion, order payment to such officer of the whole or portion of his emoluments.

(6) If no charge under this section is preferred against an officer who has been suspended from duty or, if a charge against such officer is withdrawn, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Director may at any time cancel the suspension, but notwithstanding the cancellation of the suspension, the proceedings on the charge of misconduct may be continued.

(8) If an officer charged in terms of this section admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(9) If the officer charged denies the charge or fails to comply with the direction mentioned in sub-section (3), the Administrator shall appoint a person who, in the opinion of the Administrator, is qualified therefor to inquire into the charge.

betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan die Direkteur die aanbod van so 'n kommissie, geld of beloning te rapporteer; of

- (m) hom enige eiendom van die Administrasie wederegtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie; of
- (n) 'n kriminele misdryf pleeg, of 'n daad begaan ten opsigte waarvan hy van onbehoorlike of skandelike gedrag skuldig bevind word deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Suid-Afrikaanse Aptekerskommissie of die Suid-Afrikaanse Verpleegstersraad; of
- (o) sonder verlof of geldige rede van sy kantoor of diens wegblý; of
- (p) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of op die veroorsaking van nadeel of skade aan die Administrasie of 'n persoon in diens van sodanige Administrasie, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

53. (1) Wanneer 'n beampete van wangedrag be-
skuldig word, kan die Direkteur hom skriftelik
onder sy handtekening van daardie wangedrag
aankla en te eniger tyd sodanige aanklag terug-
trek.

(2) Die Direkteur moet die aanklag aan die betrokke beampete laat bestel.

(3) Die aanklag moet 'n aansegging bevat of van 'n aansegging vergesel gaan waarby die aangeklaagde beampete aangesê word om binne 'n redelike tydperk wat in die aansegging vermeld word, aan 'n persoon wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verlang, 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word, te stuur, of by hom af te lewer.

(4) Die Direkteur kan te eniger tyd voor of nadat die beampete kragtens subartikel (1) aangekla is, die beampete in sy diens skors.

(5) 'n Beampete wat ingevolge subartikel (4) in sy diens geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Administrateur, na goed-dunke, kan gelas dat die geheel of 'n gedeelte van sy emolumente aan so 'n beampete betaal word.

(6) As geen aanklag ingevolge hierdie artikel teen 'n beampete wat in sy diens geskors is, ingebring word nie of as 'n aanklag teen sodanige beampete teruggetrek word, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.

(7) Die Direkteur kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

(8) As die beampete wat ingevolge die bepalings van hierdie artikel aangekla is, die aanklag erken, word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is.

(9) As die aangeklaagde beampete die aanklag ontken of versuim om aan die aansegging in subartikel (3) genoem, te voldoen, stel die Administrateur 'n persoon aan wat na die mening van die Administrateur daarvoor bevoeg is, om ondersoek na die aanklag in te stel.

- (10) The person appointed to hold the inquiry may—
- (a) summon any person whose evidence appears to be material to the determination of the subject of the inquiry;
 - (b) administer an oath to any person so summoned or who appears to give evidence at such inquiry;
 - (c) order the production at such inquiry by any person of any book or document in his possession or under his control and which is relevant to the subject of such inquiry.
- (11) A person who without reasonable excuse fails to attend in obedience to a summons, or who refuses to be sworn, or who fails to answer fully to the best of his knowledge and belief any question put to him which is relevant to the inquiry, or who, when required, refuses or fails to produce any such book or document aforesaid, or who hinders or obstructs or intimidates any person in the giving of such evidence as may be required of him shall—
- (a) in the case of an officer, be guilty of misconduct and may be dealt with in terms of this section; and
 - (b) in the case of any other person, be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or in default of payment, to imprisonment for a period not exceeding three months: Provided that no person shall be compelled to answer any question which may render him liable to a criminal charge.
- (12) The person who is to hold the inquiry shall, in consultation with the Director, fix the time and place of the inquiry and the Director shall give the officer charged reasonable notice in writing of the time and place so fixed.
- (13) The Director may authorise a person to attend the inquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.
- (14) (a) At the inquiry the officer charged shall have the right to present and to be heard, either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any book or document produced in evidence, to give evidence himself and to call any other person as a witness.
- (b) The person holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given therat.
- (c) The failure of the officer charged to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.
- (15) The acquittal or the conviction of an officer by a court of law upon a charge of a criminal offence, shall not be a bar to proceedings against him in terms of this section on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted on his trial on the said criminal charge.
- (16) If the misconduct with which the officer is charged amounts to an offence of which he has been convicted by a court of law or in
- (10) Die persoon wat aangestel is om die ondersoek in te stel, kan—
- (a) enige persoon dagvaar wie se getuienis ter sake skyn te wees vir die afhandeling van die onderwerp van die ondersoek;
 - (b) enige persoon wat aldus gedagvaar is of wat verskyn om by sodanige ondersoek te getuig, 'n eed ople;
 - (c) die voorlegging beveel by sodanige ondersoek deur enige persoon van enige boek of dokument in sy besit of onder sy beheer en wat betrekking het op die onderwerp van sodanige ondersoek.
- (11) Iemand wat sonder redelike verskoning versuim om teenwoordig te wees in gehoorsaamheid aan 'n dagvaarding of wat weier om 'n eed af te lê of wat versuim om na sy beste wete enige vraag aan hom gestel, wat betrekking het op die ondersoek, volledig te beantwoord of wat, wanneer dit vereis word, weier of versuim om enige sodanige boek of dokument, soos vermeld, voor te lê of wat enige persoon by die aflagging van sodanige getuienis as wat van hom vereis word, hinder of belemmer of intimideer, is—
- (a) in die geval van 'n beampie, skuldig aan wangedrag en daar kan met hom gehandel word ingevolge hierdie artikel; en
 - (b) in die geval van enige ander persoon, skuldig aan 'n misdryf en by skuldig bevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens 3 maande: Met dien verstande dat niemand verplig is om enige vraag wat hom aan 'n kriminele aanklag kan blootstel, te beantwoord nie.
- (12) Die persoon wat die ondersoek moet instel, stel in oorleg met die Direkteur die tyd en plek van die ondersoek vas en die Direkteur moet die aangeklaagde beampie redelike skriftelike kennis gee van die tyd en plek wat aldus vasgestel is.
- (13) Die Direkteur kan 'n persoon magtig om die ondersoek by te woon en om getuienis en argumente aan te voer ter stawing van die aanklag en om enige persoon wat as 'n getuie vir die verdediging opgeroep word, te kruisvra.
- (14) (a) By die ondersoek het die aangeklaagde beampie die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as 'n getuie ter stawing van die aanklag opgeroep is, te kruisvra, om enige boek of dokument wat as getuienis voorgelê, word, in te sien, om self getuienis af te lê en om enige ander persoon as 'n getuie op te roep.
- (b) Die persoon wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van al die getuienis wat aldaar afgelê is.
- (c) Die versuim van die aangeklaagde beampie om die ondersoek by te woon, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.
- (15) Die vryspreking of die skuldigbevinding van 'n beampie deur 'n gereghof op 'n aanklag van 'n kriminele misdryf, belet nie dat stapte ingevolge hierdie artikel op 'n aanklag van wangedrag teen hom gedoen word nie ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op vermelde kriminele aanklag skuldig bevind kon geword het.
- (16) As die wangedrag waarvan die beampie aangekla word, neerkom op 'n misdryf waaraan hy deur 'n gereghof skuldig bevind is of ten

respect of which he has been found guilty of improper or disgraceful conduct by the South African Medical and Dental Council, the South African Pharmacy Board, or the South African Nursing Council, a certified copy of the record of his trial and conviction or the proceedings and finding of such Council or Board, as the case may be, shall, upon the identification of such officer as the person referred to in such record, be sufficient proof of the commission by him of such offence or conduct, unless the conviction or finding has been set aside by a superior court: Provided that it shall be competent for the officer charged to adduce evidence that he was not guilty of such improper or disgraceful conduct.

(17) At the conclusion of the inquiry, the person holding it shall find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged, shall inform the officer charged of his finding, and shall report the result of the inquiry to the Administrator.

(18) If the officer charged is under suspension from duty in terms of sub-section (4) and the person holding the inquiry finds that he is not guilty of the misconduct with which he has been charged, the said officer shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(19) If the person holding the inquiry finds the officer charged guilty of the misconduct with which he has been charged, the provisions of sub-section (6) of section *fifty-one* shall apply *mutatis mutandis*.

(20) If the person who held the inquiry found the officer charged guilty of the misconduct with which he has been charged, he shall forward to the Administrator, through the medium of the Director, the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a statement of his finding and his reasons therefor and any observations on the case which he may desire to make.

(21) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid, the person who held the inquiry shall forward to the Administrator, through the medium of the Director, with the record and other documents referred to in sub-section (20), the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(22) If notice of the appeal has been given in accordance with the provisions aforesaid, the provisions of sub-sections (8) to (13), both inclusive, of section *fifty-one* shall apply *mutatis mutandis*.

(23) If the Administrator allows the appeal of an appellant who was suspended from duty, he shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspension.

(24) If the officer charged admits the charge in terms of sub-section (8), or if no appeal was noted against the finding of the person who held the inquiry in terms of this section, or if an appeal was so noted and the Administrator has dismissed such appeal, wholly or in part, the Administrator shall refer the matter to the Director together with the record of the proceedings at the inquiry and all documents in his

opsigte waarvan hy skuldig bevind is aan onbehoorlike of skandelike gedrag deur die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Suid-Afrikaanse Aptekerskommissie of die Suid-Afrikaanse Verpleegstersraad, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding of die verrigtings en bevinding van sodanige Raad of Kommissie, al na die geval, nadat vermelde beampete geïdentifiseer is as die persoon wat in sodanige notule genoem is, voldoende bewys dat hy skuldig is aan sodanige misdryf of gedrag, tensy die skuldigbevinding of bevinding deur 'n hoë hof tersyde gestel is: Met dien verstande dat die aangeklaagde beampete die reg het om getuenis aan te voer dat hy in werklikheid verkeerdelik skuldig bevind is of dat hy nie aan sodanige onbehoorlike of skandelike gedrag skuldig was nie.

(17) Na afloop van die ondersoek moet die persoon wat dit instel, bevind of die aangeklaagde beampete skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is, die aangeklaagde beampete van sy bevinding verwittig en verslag doen van die uitslag van die ondersoek aan die Administrateur.

(18) As die aangeklaagde beampete ingevolge subartikel (4) in sy diens geskors is en die persoon wat die ondersoek instel, bevind dat hy onskuldig is aan die wangedrag waarvan hy aangekla is, moet vermelde beampete toegelaat word om dadelik weer diens in sy pos te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(19) As die persoon wat die ondersoek instel die aangeklaagde beampete skuldig bevind aan die wangedrag waarvan hy aangekla is, is die bepalings van subartikel (6) van artikel *een-en-vyftig* *mutatis mutandis* van toepassing.

(20) As die persoon wat die ondersoek ingestel het die aangeklaagde beampete skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuenis aldaar toegelaat, 'n uiteensetting van sy bevinding en sy redes daarvoor en enige opmerking oor die saak wat hy wil maak, deur die Direkteur aan die Administrateur stuur:

(21) As die beampete wat aan wangedrag skuldig bevind is, kennis van appèl ooreenkomsdig die voormalde bepalings gegee het, moet die beampete wat die ondersoek ingestel het, saam met die notule en ander dokumente in subartikel (20) genoem, die appellant se kennisgewing en gronde van appèl deur die Direkteur aan die Administrateur stuur en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die appellant verstrek.

(22) As kennis van die appèl ooreenkomsdig die voormalde bepalings gegee is, is die bepalings van subartikels (8) tot en met (13) van artikel *een-en-vyftig*, *mutatis mutandis* van toepassing.

(23) As die Administrateur die appèl van 'n appellant wat in sy diens geskors is, toestaan, moet hy onverwyld toegelaat word om weer sy diens te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(24) As die aangeklaagde beampete die aanklag ingevolge subartikel (8) erken, of as geen appèl aangeteken is teen die bevinding van die persoon wat die ondersoek ingestel het ingevolge hierdie artikel, of as 'n appèl aldus aangeteken is en die Administrateur sodanige appèl in sy geheel of gedeeltelik afgewys het, verwys die Administrateur die saak na die Direkteur saam met die notule van die verrigtings by die ondersoek en

possession which relate to the inquiry or to the appeal and the Director may then recommend to the Administrator—

- (a) that the said officer be cautioned or reprimanded; or
- (b) that a fine not exceeding two hundred pounds be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Administrator; or
- (c) that he be transferred to another post in the same or a lower grade with such salary on such scale as the Administrator may decide; or
- (d) that his salary or grade or both his salary and grade be reduced to a specified extent or that his annual increment be withheld for such period as the Administrator may determine; or
- (e) that he be discharged or be called upon to resign from the service of the Department as from a date to be specified by the Administrator: Provided that—
 - (i) except when a recommendation is made under paragraph (e), the Director shall not be precluded from making a recommendation under more than one of the foregoing paragraphs;
 - (ii) the Director may postpone, for a period not exceeding twelve months, the making of a recommendation.

(25) The Administrator may adopt the course recommended by the Director or any other course which he could lawfully have recommended under sub-section (24).

(26) If an officer who has been called upon to resign from the service of the Department, fails so to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Administrator.

(27) If an officer who has been suspended from duty in terms of sub-section (4) is dealt with in accordance with the provisions of paragraph (a), (b) or (d) of sub-section (24) or of the second proviso to that sub-section, he shall forthwith be allowed to resume duty, and, if he is dealt with in accordance with the provisions of paragraph (c) of sub-section (24), he shall as soon as practicable be allowed to assume duty in the post to which he is transferred, and in any such case he shall be paid his full emoluments for the period of his suspension: Provided that, if his grade is reduced in terms of the said paragraph (d) he shall as soon as practicable be allowed to assume duty in a post in the reduced grade and be paid for the period of suspension the emoluments of that post, but if emoluments in excess of the emoluments of that post were paid to him under sub-section (5), he shall not be obliged to refund the excess.

(28) An officer who is under suspension from duty in terms of sub-section (4) or against whom a charge is pending under this section, and who resigns from the service of the Department or who, unless the consent of the Administrator thereto has first been obtained, assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this section, shall be deemed to have been discharged on account of misconduct with effect from a date to be specified by the Administrator.

alle dokumente in sy besit wat op die ondersoek of die appèl betrekking het en die Directeur kan dan by die Administrateur aanbeveel—

- (a) dat genoemde beamppte gewaarsku of berispe word; of
- (b) dat 'n boete van hoogstens tweehonderd pond hom opgelê word, welke boete verhaal kan word deur aftrekking van sy emolumente in sodanige paaiemende as wat die Administrateur vasstel; of
- (c) dat hy na 'n ander pos oorgeplaas word in dieselfde of 'n laer graad met sodanige salaris op sodanige skaal as wat die Administrateur besluit; of
- (d) dat sy salaris of graad of beide sy salaris en graad in 'n bepaalde mate verlaag word of dat sy jaarlikse verhoging teruggehou word vir sodanige tydperk as wat die Administrateur vasstel; of
- (e) dat hy ontslaan of aangesê word om uit die diens van die Departement te bedank met ingang van 'n datum wat deur die Administrateur vasgestel word: Met dien verstande dat—
 - (i) behalwe wanneer 'n aanbeveling kragtens paragraaf (e) gedoen word, die Directeur nie belet word om 'n aanbeveling kragtens meer as een van die voorafgaande paragrawe te doen nie; en
 - (ii) die Directeur die doen van 'n aanbeveling vir 'n tydperk van hoogstens twaalf maande kan uitstel.

(25) Die Administrateur kan volgens die aanbeveling van die Directeur handel of enige ander weg inslaan wat hy wettiglik ingevolge subartikel (24) kon aanbeveel het.

(26) As 'n beamppte wat aangesê is om uit die diens van die Departement te bedank, versuim om aldus te bedank, word hy geag daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Administrateur vasgestel word.

(27) As daar met 'n beamppte, wat ingevolge die bepalings van subartikel (4) in sy diens geskors is, gehandel word ooreenkomsdig die bepalings van paragraaf (a), (b) of (d) van subartikel (24) of van die tweede voorbehoudsbepaling by daardie subartikel, moet hy onverwyd toegelaat word om weer diens te aanvaar, en as daar met hom ooreenkomsdig die bepalings van paragraaf (c) van subartikel (24) gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos waarna hy oorgeplaas word, en, in enige sodanige geval, moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word: Met dien verstande dat as sy graad ingevolge genoemde paragraaf (d) verlaag word, hy so gou doenlik toegelaat moet word om diens in 'n pos van die verlaagde graad te aanvaar, en moet aan hom vir die tydperk van sodanige skorsing, die emolumente van daardie pos betaal word, maar as hoër emolumente as die emolumente van daardie pos aan hom ingevolge subartikel (5) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(28) 'n Beamppte wat ingevolge subartikel (4) in sy diens geskors is of teen wie daar 'n aanklag ingevolge hierdie artikel hangende is, en wat uit die diens van die Departement bedank of wat, tensy die toestemming van die Administrateur eers daartoe verkry is, ander werk aanvaar voordat sodanige aanklag ooreenkomsdig die bepalings van hierdie artikel finaal afgehandel is, word geag weens wangedrag ontslaan te gewees het met ingang van 'n datum wat deur die Administrateur vasgestel word.

Manner
in which
notices,
etc., may
be given or
furnished.

54. Whenever in terms of section fifty-one or fifty-three it is provided—

- (a) that any notice, statement or other document, is to be given or furnished to or served upon any person or that any matter is to be or may be conveyed to any person in writing, the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last-known place of residence; or
- (b) that any person is to be informed of any decision or finding, he may be informed thereof verbally or in writing sent by post in a registered letter or delivered to him or left at his last-known place of residence.

Copy of
mis-
conduct
proceedings
to be
forwarded
to board
or council
with which
officer
registered.

55. Whenever any officer who is required to be registered as contemplated in section forty-three, has been found guilty of misconduct in terms of section fifty-three, a copy of the record of the proceedings at an enquiry (if any) held in terms of section fifty-three and of such finding shall be forwarded to the Board or Council with which such officer is required to be registered.

Termination
of services
of officers
and
employees.

56. (1) The services of an officer shall terminate when he reaches the prescribed age for retirement in terms of the provisions of the Pensions Ordinance: Provided that in the case of an officer not subject to such provisions, the age of retirement of such officer shall be deemed to be the age upon which he would have retired if such provisions had been applicable to him.

(2) The Administrator may terminate the services of an officer—

- (a) on account of continued ill-health; or
- (b) owing to the abolition of his post or any reduction in or re-organisation of the number of posts in the Department; or
- (c) as contemplated in paragraph (b) of subsection (3) or paragraph (a) of sub-section (5) of section forty-five; or
- (d) as contemplated in paragraph (d) of sub-section (14) of section fifty-one; or
- (e) as contemplated in paragraph (e) of sub-section (24) read with sub-section (25) of section fifty-three; or
- (f) if he is at any time absent from his post without leave for a period in excess of one month.

(3) The Director may at any time in his discretion discharge an employee by giving him appropriate notice to that effect.

Regulations.

57. The Administrator may from time to time make regulations, not inconsistent with the provisions of this Ordinance and either generally or specifically—

- (a) prescribing the conditions of appointment and service of persons in the service of the Department or of any group or class of such persons, including—
 - (i) the circumstances in which such persons or groups or classes of persons may be required on appointment or in the course of their service to undergo medical examinations and the form of medical certificates in relation thereto;
 - (ii) the security which may be required to be given by such persons or any group or class of such persons and the amount and form thereof; and

54. Wanneer daar ingevolge artikel een-en-vyftig of drie-en-vyftig bepaal word—

- (a) dat enige kennisgewing, verklaring of ander dokument aan enige persoon gegee, of verstrek of bestel moet word of dat enige aangeleentheid skriftelik aan enige persoon meegedeel moet kan word, kan die kennisgewing, verklaring, dokument of geskrif per pos in 'n geregistreerde brief gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word; of
- (b) dat enige persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per pos in 'n geregistreerde brief gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word, daarvan verwittig word.

55. Wanneer enige beampte wat soos in artikel drie-en-veertig beoog, geregistreer moet wees, van wangedrag skuldig bevind is ingevolge artikel drie-en-vyftig, moet 'n afskrif van die notule van die verrigtings by 'n ondersoek (as daar een is) ingevolge artikel drie-en-vyftig gehou en van sodanige bevinding, aan die Raad of Kommissie waarby sodanige beampte geregistreer moet word, gestuur word.

56. (1) Die diens van 'n beampte eindig wanneer hy die voorgeskrewe aftredingsouderdom ingevolge die bepalings van die Pensioene-ordinansie bereik: Met dien verstande dat in die geval van 'n beampte wat nie aan sodanige bepalings onderworpe is nie, die aftredingsouderdom van sodanige beampte geag word die cuderdom te wees waarop hy sou afgetree het as sodanige bepalings op hom van toepassing was.

(2) Die Administrateur kan die diens van 'n beampte beëindig—

- (a) weens voortdurende swak gesondheid; of
- (b) weens die afskaffing van sy pos of enige vermindering of reorganisasie van die aantal poste in die Departement; of
- (c) soos in paragraaf (b) van subartikel (3) of paragraaf (a) van subartikel (5) van artikel vyf-en-veertig beoog; of
- (d) soos in paragraaf (d) van subartikel (14) van artikel een-en-vyftig beoog; of
- (e) soos in paragraaf (e) van subartikel (24) gelees met subartikel (25) van artikel drie-en-vyftig beoog; of
- (f) as hy te eniger tyd van sy pos afwesig is sonder verlof vir 'n tydperk van meer as een maand.

(3) Die Directeur kan te eniger tyd, na goed-dunke, 'n werknemer ontslaan deur hom toepas-like kennis in dier voege te gee.

57. Die Administrateur kan van tyd tot tyd Regulasies maak wat nie met die bepalings van hierdie Ordonnansie onbestaanbaar is nie en of in die algemeen of in die besonder—

- (a) wat die aanstellings- en diensvoorraad voorskryf van persone in die diens van die Departement of van enige groep of klas sodanige persone, insluitende
 - (i) die omstandighede waaronder daar van sodanige persone of groep of klasse persone vereis kan word om hulle by aanstelling of in die loop van hulle diens geneeskundig te laat ondersoek en die vorm van geneeskundige sertifikate in verband daarmee;
 - (ii) die sekuriteit wat van sodanige persone of enige groep of klas sodanige persone vereis word en die bedrag en vorm daarvan; en

Wyse
waarop
kennis, ens.
gegee of
verstrek
kan word.

Afskrif van
wangedrag
verrigtings
word aan
raad of
kommissie
waarby
beampte
geregistreer
is, gestuur.

Betindiging
van diens
van
beamptes
en werk-
nemers.

- (iii) any matter whatsoever relating to proceedings instituted in terms of section *fifty-one* or *fifty-three*, including the procedure to be observed in connection therewith; or
 (b) in respect of all matters which he considers necessary or expedient for achieving the objects and purposes of this Chapter.

CHAPTER VI.

TEACHING HOSPITALS.

Association of provincial hospital and university for instructional purposes.

Teaching appointments at teaching hospital.

58. The Administrator may approve that a provincial hospital (in this Chapter referred to as a teaching hospital) shall be associated with a university, having a faculty of medicine or dentistry, for the purpose of giving instruction at such hospital to students in such faculty.

59. (1) Subject to the provisions of this Chapter, the Administrator may make an appointment to an approved post on the establishment of a teaching hospital which he has, in consultation with the university concerned, designated as a teaching post, and such appointment shall be called a teaching appointment.

(2) No person shall be appointed in terms of sub-section (1) unless the Administrator and the university have agreed as to—

- (a) the person to be appointed;
- (b) the salary and allowances to be paid to such person;
- (c) the financial contribution of the university in respect of such salary and allowances; and
- (d) subject to the provisions of section *sixty*, the conditions of appointment and service of such person.

(3) Any person who is appointed in terms of sub-section (1) shall—

- (a) give instruction at the teaching hospital to which he is so appointed and at the university associated therewith to students in the faculty of medicine or dentistry of such university;
- (b) act in a general advisory and consultative capacity in connection with the medical, dental or other professional services provided by such hospital or by any other provincial hospital or an institution or service established in terms of section *four*; and
- (c) perform such other functions as may be agreed upon between the Administrator and the university at the time of such appointment or thereafter.

(4) Any person appointed in terms of sub-section (1) of section *seventy-one* of the Public Hospitals Ordinance, 1946, shall be deemed to have been appointed in terms of the provisions of this section.

Further provisions in regard to conditions of appointment and service of persons appointed to teaching posts.

60. (1) Subject to the provisions of sub-section (1) of section *fifty-nine*, nothing in Chapter V contained shall apply to any person appointed in terms of that sub-section, unless the Administrator has, by notice in the *Provincial Gazette*, after agreement with the university concerned, applied the provisions of the said Chapter or any part thereof to persons or to a class of persons so appointed.

(2) The Administrator may, after agreement with the university concerned, make regulations prescribing the conditions of appointment and service of persons appointed in terms of sub-section (1) of section *fifty-nine* or of any class of persons so appointed; including such disciplinary measures as may be deemed necessary.

- (iii) enige aangeleenthed wat ook al betrefende verrigtings ingevolge artikel *een-en-vyftig* of *drie-en-vyftig* ingestel, insluitende die prosedure wat in verband daarmee gevvolg moet word; of
 (b) ten opsigte van alle aangeleenthede wat hy nodig of dienstig ag om die oogmerke en doelstellings van hierdie hoofstuk te bereik.

HOOFSTUK VI.

AKADEMIESE HOSPITALE.

58. Die Administrateur kan dit goedkeur dat 'n provinsiale hospitaal (in hierdie Hoofstuk 'n akademiese hospitaal genoem) verbond moet wees aan 'n universiteit wat 'n fakulteit van geneeskunde of tandheelkunde het, ten einde onderrig by sodanige hospitaal aan studente in sodanige fakulteit te gee.

59. (1) Behoudens die bepalings van hierdie Hoofstuk, kan die Administrateur 'n aanstelling doen in 'n goedgekeurde pos op die diensstaat van 'n akademiese hospitaal wat hy in oorleg met die betrokke universiteit as 'n akademiese pos aangewys het, en sodanige aanstelling word 'n akademiese aanstelling genoem.

(2) Niemand mag ingevolge subartikel (1) aangestel word nie, tensy die Administrateur en die universiteit ooreengekom het oor—

- (a) die persoon wat aangestel moet word;
- (b) die salaris en toelaes wat aan sodanige persoon betaal moet word;
- (c) die finansiële bydrae van die universiteit ten opsigte van sodanige salaris en toelaes; en
- (d) behoudens die bepalings van artikel *sesig*, die aanstellings- en diensvoorraarde van sodanige persoon.

(3) Iemand wat ingevolge subartikel (1) aangestel word moet—

- (a) onderrig gee by die akademiese hospitaal waarin hy aldus aangestel word en by die universiteit wat daarvan verbond is, aan studente in die fakulteit van geneeskunde of tandheelkunde van sodanige universiteit;
- (b) in 'n adviserende en raadplegende hoedanigheid optree in verband met die geneeskundige, tandheelkundige of ander professionele dienste wat deur sodanige hospitaal of deur enige ander provinsiale hospitaal of 'n inrigting of diens ingevolge artikel *vier* ingestel, verskaf word; en
- (c) sodanige ander werksaamhede uitvoer as waaroor ten tye van sodanige aanstelling of daarna tussen die Administrateur en die universiteit ooreengekom word.

(4) Iemand wat aangestel is ingevolge subartikel (1) van artikel *een-en-sewintig* van die Ordonnantie op Publieke Hospitale, 1946, word geag ingevolge die bepalings van hierdie artikel aangestel te gewees het.

60. (1) Behoudens die bepalings van subartikel (1) van artikel *nege-en-vyftig*, is geen bepaling in Hoofstuk V vervat van toepassing op iemand wat ingevolge daardie subartikel aangestel is nie, tensy die Administrateur by kennisgewing in die *Provinciale Koerant* na 'n ooreenkoms met die betrokke universiteit, die bepalings van die genoemde Hoofstuk of enige gedeelte daarvan op persone of 'n klas persone aldus aangestel, van toepassing gemaak het.

(2) Die Administrateur kan, na ooreenkoms met die betrokke universiteit, regulasies maak wat die aanstellings- en diensvoorraarde van persone ingevolge subartikel (1) van artikel *nege-en-vyftig* aangestel of van enige klas persone aldus aangestel, voorskryf, insluitende sodanige tugmaatreëls as wat nodig geag word.

Provinsiale hospitaalverbond aan universiteit vir onderwrig-doeleindes.

Akademiese aanstellings by akademiese hospitaal.

Verdere bepalings ten opsigte van aanstellings- en diensvoorraarde van persone in akademiese poste aangestel.

Teaching appointments on contract.

Access to provincial hospitals of university personnel who do not hold teaching appointments.

Refusal of access to medical or dental student.

Regulations.

Dis-establishment of hospitals fund.

61. Notwithstanding anything to the contrary in this Chapter contained, the Administrator may, after agreement with the university concerned, make a teaching appointment as contemplated in sub-section (1) of section *fifty-nine* on contract for such period and subject to such conditions of appointment and service as may be agreed upon between the Administrator and such university.

62. (1) A university may at any time apply to the Administrator for permission for a person on the staff of such university and not holding a teaching appointment in terms of sub-section (1) of section *fifty-nine*, or in terms of section *sixty-one*, as the case may be, to be granted access to a provincial hospital for the purpose of teaching and giving instruction thereat to students in the faculty of medicine or dentistry at such university and the decision of the Administrator on such application shall be final: Provided that the Administrator in granting such permission may impose such conditions as he may deem fit, including a condition that such permission shall only apply in respect of a specified portion of the provincial hospital in respect of which application has been made.

(2) Any permission granted or condition imposed in terms of sub-section (1) may at any time be withdrawn, amended or altered by the Administrator.

(3) A university referred to in sub-section (1) may at any time—

- (a) renew an application for permission which has been refused in terms of sub-section (1) or withdrawn in terms of sub-section (2); or
- (b) apply for the removal or alteration of any condition which has been imposed in terms of sub-section (1) or (2), as the case may be.

63. The Administrator may at any time in his discretion refuse a student in the faculty of medicine or dentistry at a university, access to a provincial hospital or part thereof where such access is sought for the purpose of receiving instruction thereat or may permit such access subject to such conditions as he may deem fit and the Administrator may at any time withdraw, alter or amend his decision.

64. In addition to the regulations contemplated in sub-section (2) of section *sixty*, the Administrator may, after agreement with the university concerned, from time to time make regulations, not inconsistent with the provisions of this Ordinance—

- (a) prescribing the procedure to be followed in the making of teaching appointments; or
- (b) generally in respect of all matters which he may consider necessary or expedient for achieving the objects and purposes of this Chapter.

CHAPTER VII.

FINANCIAL.

65. (1) The hospitals fund established in terms of sub-section (1) of section *fifty-eight* of the Public Hospitals Ordinance, 1946, shall be deemed to have been established in terms of this section but shall be disestablished with effect from such date, not being later than the first day of April, 1959, as the Administrator may fix by notice in the *Provincial Gazette*.

61. Ondanks andersluidende bepalings in hierdie Hoofstuk vervat, kan die Administrateur na ooreenkoms met die betrokke universiteit, 'n akademiese aanstelling soos in subartikel (1) van artikel *nege-en-vyftig* beoog word, op kontrak doen vir sodanige tydperk en onderworpe aan sodanige aanstellings- en diensvoorraades as waaroer tussen die Administrateur en sodanige universiteit ooreengekom word.

62. (1) 'n Universiteit kan te enige tyd aansoek doen by die Administrateur om toestemming dat 'n persoon op die personeel van sodanige universiteit en wat nie 'n akademiese aanstelling ingevolge subartikel (1) van artikel *nege-en-vyftig* of ingevolge artikel *een-en-sesig*, al na die geval, het nie, toegang tot 'n provinsiale hospitaal verleen word, ten einde studente in die fakulteit van geneeskunde of tandheelkunde by sodanige universiteit te doseer en aan hulle onderrig te gee, en die beslissing van die Administrateur oor sodanige aansoek is final: Met dien verstande dat die Administrateur wanneer hy sodanige toestemming verleen, sodanige voorraades as wat hy goed ag, kan ople, insluitende 'n voorwaarde dat sodanige toestemming slegs van toepassing moet wees ten opsigte van 'n bepaalde gedeelte van die provinsiale hospitaal ten opsigte waarvan aansoek gedoen is.

(2) Enige toestemming verleen of voorwaarde opgelê ingevolge subartikel (1), kan te eniger tyd deur die Administrateur teruggetrek, gewysig of verander word.

(3) 'n Universiteit in subartikel (1) genoem, kan te eniger tyd—

- (a) aansoek om toestemming hernu, wat ingevolge subartikel (1) van die hand gewys is of wat ingevolge subartikel (2) teruggetrek is; of
- (b) aansoek doen om die verwydering of verandering van enige voorwaarde wat ingevolge subartikel (1) of (2), al na die geval, opgelê is.

63. Die Administrateur kan te eniger tyd, na goedunke, toegang tot 'n provinsiale hospitaal of gedeelte daarvan aan 'n student in die fakulteit van geneeskunde of tandheelkunde by 'n universiteit weier, waar sodanige toegang versoek word ten einde onderrig aldaar te ontvang of hy kan sodanige toegang verleen onderworpe aan sodanige voorraades as wat hy goed ag en die Administrateur kan te eniger tyd sy beslissing terugtrek, gewysig of verander.

64. Benewens die regulasies in subartikel (2) van artikel *sesig* beoog, kan die Administrateur, na ooreenkoms met die betrokke universiteit, van tyd tot tyd regulasies maak, wat nie onbestaanbaar is met die bepalings van hierdie Ordonnansie nie—

- (a) wat die prosedure voorskryf wat gevolg moet word wanneer akademiese aanstellings gedoen word; of
- (b) in die algemeen ten opsigte van alle aangeleenthede wat hy nodig of dienstig ag om die oogmerke en doelstellings van hierdie Hoofstuk te bereik.

HOOFSTUK VII.

FINANSIEEL.

65. (1) Die hospitaalfonds ingevolge subartikel (1) van artikel *agt-en-vyftig* van die Ordonnansie op Publieke Hospitale, 1946, ingestel, word geag ingevolge hierdie artikel ingestel te gewees het, maar word afgeskaf met ingang van sodanige datum maar nie later nie as die eerste dag van April 1958, as wat die Administrateur by kennisgewing in die *Provinciale Koerant* vassel.

Akademiese aanstellings op kontrak.

Toegang tot provinsiale hospitale van universiteitspersoneel wat nie akademiese aanstellings beklee nie.

Weiering van toegang aan geneeskundige of tandheelkundige student.

Afskaffing van hospitaalfonds.

(2) Any moneys in the hospitals fund, on the date of disestablishment thereof in terms of subsection (1), in respect of which separate sub-accounts are required to be kept in terms of subsection (5), shall, until required, be invested with the Public Debt Commissioners in terms of section twenty-five of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), and any other moneys in that fund on such date shall be paid into the Provincial Revenue Fund.

(3) During the period between the commencement of this Ordinance and the date of disestablishment of the hospitals fund in terms of sub-section (1), such fund shall be subject to the control of the Administrator, and, subject to the provisions of this Ordinance, shall be used—

- (a) to defray all expenditure connected with hospital services in the Province; or
- (b) to make any grant-in-aid contemplated in paragraph (a) of sub-section (1) of section seventy.

(4) During the period referred to in sub-section (3), there shall be paid into the hospitals fund—

- (a) all such moneys as may be specially appropriated by the Provincial Council for that purpose;
- (b) all fees and charges paid by patients or on their behalf in respect of treatment received at, in or from a provincial hospital or an institution or service established in terms of section four;
- (c) all subsidies paid in terms of section sixty-seven;
- (d) all moneys received by the Administration for hospital services by way of bequest, donation or subscription;
- (e) all moneys realized by the lease or sale or other alienation of any property referred to in paragraphs (a), (b) or (c) of sub-section (2) of section eight, or the interest or other income derived from any such property;
- (f) the income derived from the investment of any moneys in the hospitals fund: Provided that any income derived from the investment of any moneys standing to the credit of any particular sub-account in that fund shall be credited to such sub-account; and
- (g) such other moneys for which special provision is made in the Ordinance.

(5) During the period referred to in sub-section (3), such separate sub-accounts as may be necessary shall be kept in the hospitals fund in respect of all moneys which are in terms of the provisions of this Ordinance to be used for any particular provincial hospital or institution or service established in terms of section four or any object or purpose connected with such hospital, institution or service.

(6) For the purposes of this Chapter the term "hospital services" means all services necessary for the equipment, control, conduct and maintenance of provincial hospitals and the institutions and services established in terms of section four and includes interest and redemption charges on capital funds applied to the construction, erection, establishment or equipment of such hospitals, institutions and services, and such other capital expenditure as the Administrator may approve.

(2) Enige gelde in die hospitaalfonds op die datum van afskaffing daarvan ingevolge subartikel (1), ten opsigte waarvan afsonderlike subrekenings ingevolge subartikel (5) gehou moet word, moet tot benodig, by die Openbare Skuldkommissaris bele word ingevolge artikel vyf-en-twintig van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), en enige ander gelde in daardie fonds op sodanige datum moet op die Provinciale Inkomstefonds gestort word.

(3) Gedurende die tydperk tussen die inwerkingtreding van hierdie Ordonnansie en die datum van afskaffing van die hospitaalfonds ingevolge subartikel (1), is sodanige fonds onderworpe aan die beheer van die Administrateur, en, behoudens die bepalings van hierdie Ordonnansie, moet dit aangewend word om—

- (a) alle uitgawes in verband met hospitaaldienste in die Provincie te bestry; of
- (b) enige hulptoelaag in paragraaf (a) van subartikel (1) van artikel sewentig beoog, toe te staan.

(4) Gedurende die tydperk in subartikel (3) genoem, word daar op die hospitaalfonds gestort—

- (a) alle sodanige gelde as wat deur die Provinciale Raad spesiaal vir daardie doel beskikbaar gestel word;
- (b) alle gelde en vorderings deur of namens pasiënte betaal ten opsigte van behandeling ontvang by, in of van uit 'n provinsiale hospitaal of 'n inrigting of diens ingevolge artikel vier ingestel;
- (c) alle subsidies ingevolge artikel seven-en-sestig betaal;
- (d) alle gelde, deur die Administrasie ontvang vir hospitaaldienste by wyse van vermaking, skenking of bydrae;
- (e) alle gelde opgebring deur die verhuur of verkoop of ander vervreemding van enige eiendom in paragraaf (a), (b) of (c) van subartikel (2) van artikel agt genoem of die rente of ander inkomste van enige sodanige eiendom verkry;
- (f) die inkomste verkry uit die belegging van enige gelde in die hospitaalfonds: Met dien verstande dat enige inkomste verkry uit die belegging van enige gelde waarvoor 'n besondere subrekening in daardie fonds gekrediteer is, sodanige subrekening vir sodanige inkomste gekrediteer word; en
- (g) sodanige ander gelde waarvoor spesiaal in hierdie Ordonnansie voorsiening gemaak word.

(5) Gedurende die tydperk in subartikel (3) genoem, moet sodanige afsonderlike subrekenings as wat nodig mag wees, in die hospitaalfonds gehou word ten opsigte van alle gelde wat ingevolge die bepalings van hierdie Ordonnansie aangewend moet word vir enige besondere provinciale hospitaal of inrigting of diens ingevolge artikel vier ingestel of enige oogmerk of doelstelling in verband met sodanige hospitaal, inrigting of diens.

(6) Vir die toepassing van hierdie Hoofstuk, beteken die uitdrukking „hospitaaldienste“ alle dienste wat nodig is vir die uitrusting, beheer, bestuur en onderhoud van provinsiale hospitale en die inrigtings en dienste ingevolge artikel vier ingestel en sluit in rente en delgingskoste op kapitaalfondse aangewend vir die bou, oprigting, instelling of uitrusting van sodanige hospitale, inrigtings en dienste en sodanige ander kapitaaluitgawe as wat die Administrateur goedkeur.

Special provisions after date of dis-establishment of hospitals fund.

66. With effect from the date of disestablishment of the hospitals fund in terms of sub-section (1) of section *sixty-five* and subject to the provisions of this Ordinance.

- (a) all expenditure necessary for giving effect to the objects and purposes of this Ordinance shall be met from the Provincial Revenue Fund;
- (b) all moneys referred to in paragraph (b) or (g) of sub-section (4) of section *sixty-five* shall be paid into the Provincial Revenue Fund; and
- (c) all moneys referred to in paragraph (d), (e) or (f) of sub-section (4) of section *sixty-five* shall be accounted for in separate sub-accounts and shall be invested with the Public Debt Commissioners in terms of section *twenty-five* of the Financial Relations Consolidation and Amendment Act, 1945, until required for expenditure in terms of the provisions of this Ordinance and shall then be paid into the Provincial Revenue Fund.

Subsidies.

67. (1) There shall be paid from the Provincial Revenue Fund, a subsidy of twenty shillings on every pound of cash and on every pound of the estimated value of any other property received by the Administration by way of bequest, donation or subscription for hospital services: Provided that any such subsidy shall be paid only on the utilization of such bequest, donation or subscription and to the extent that such bequest, donation or subscription is so utilized:

- (2) For the purposes of this section—
 - (a) "estimated value" means such value as the Administrator considers to be fair and reasonable; and
 - (b) "bequest", "donation" or "subscription" shall comprise only such net amounts as accrue to the Administration after deduction of all payments or expenses incurred in connection therewith.

(3) Notwithstanding anything to the contrary in sub-section (1) contained, the Administrator may withhold any subsidy payable in terms thereof or may direct that a subsidy at a lesser rate than that provided for in that sub-section shall be paid in respect of any bequest, donation or subscription.

(4) Any moneys paid as subsidy in terms of sub-section (1) shall only be expended in the manner in which the bequest, donation or subscription on which it was paid may be lawfully expended.

Appointment of committees for the collection of funds.

68. (1) The Administrator may appoint in respect of any defined area a committee to collect funds for the purpose of establishing in such area a provincial hospital or an institution or service contemplated in section *four* and may by regulation prescribe the powers and duties of such committee.

(2) Any moneys collected by a committee appointed in terms of sub-section (1) shall, during the period referred to in sub-section (3) of section *sixty-five*, be dealt with in terms of paragraph (d) of sub-section (4) and sub-section (5) of the said section *sixty-five* and thereafter in terms of paragraph (c) of section *sixty-six*.

(3) The provisions of section *sixty-seven* shall apply *mutatis mutandis* to any moneys collected by a committee appointed in terms of sub-section (1).

Spesiale bepalings na datum van afskaffing van hospitaalfonds.

66. Met ingang van die datum van die afskaffing van die hospitaalfonds ingevalge subartikel (1) van artikel *vyf-en-sestig* en, behoudens die bepalings van hierdie Ordonnansie, word—

- (a) alle uitgawe, wat nodig is vir die uitvoering van die oogmerke en doelstellings van hierdie Ordonnansie, uit die Proviniale Inkomstefonds bestry;
- (b) alle gelde in paragraaf (b) of (g) van subartikel (4) van artikel *vyf-en-sestig* genoem, op die Proviniale Inkomstefonds gestort; en
- (c) alle gelde in paragraaf (d), (e) of (f) van subartikel (4) van artikel *vyf-en-sestig* genoem, in afsonderlike subrekenings verantwoord en by die Openbare Skuldkommissaris ingevalge artikel *vyf-en-twintig* van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, belê totdat dit benodig word vir uitgawe ingevalge die bepalings van hierdie Ordonnansie en dit word dan op die Proviniale Inkomstefonds gestort.

67. (1) Daar word uit die Proviniale Inkomstefonds 'n subsidie betaal van twintig sjieings op elke pond kontant en op elke pond van die geraamde waarde van enige ander eiendom deur die Administrasie ontvang by wyse van vermaking, skenking of bydrae vir hospitaaldienste: Met dien verstande dat enige sodanige subsidie slegs betaal word wanneer sodanige vermaking, skenking of bydrae gebruik word en in die mate wat sodanige vermaking, skenking of bydrae aldus gebruik word.

Subsidies.

- (2) Vir die toepassing van hierdie artikel—
 - (a) beteken „geraamde waarde“ sodanige waarde“ as wat die Administrateur billik en redelik beskou; en
 - (b) omvat „vermaking“, „skening“ of „bydrae“ slegs sodanige netto bedrae as wat die Administrasie toekom nadat alle betalings of onkoste in verband daarmee aangegaan, afgetrek is.

(3) Ondanks andersluidende bepalings in subartikel (1) vervat, kan die Administrateur enige subsidie terughou wat ingevalge daarvan betaalbaar is of kan hy gelas dat 'n subsidie teen 'n laer koers as die waarvor in daardie subartikel voorseening gemaak is, ten opsigte van enige vermaking, skenking of bydrae, betaal moet word.

(4) Enige gelde wat ingevalge subartikel (1) as subsidie betaal is, moet slegs bestee word op die wyse waarop die vermaking, skenking of bydrae waarop dit betaal is, wettiglik bestee kan word.

68. (1) Die Administrateur kan 'n komitee aanstel ten opsigte van enige omskreve gebied om fondse te kollekteer ten einde in sodanige gebied 'n provinsiale hospitaal of 'n inrigting of diens in artikel *vier* beoog, in te stel en kan by regulasie die bevoegdhede en pligte van sodanige komitee voorskryf.

Aanstelling van Komitees vir die kolleksie van fondse.

(2) Enige gelde wat deur 'n komitee, ingevalge subartikel (1) aangestel, gekollekteer is, moet gedurende die tydperk in subartikel (3) van artikel *vyf-en-sestig* genoem, ingevalge paragraaf (d) van subartikel (4) en subartikel (5) van genoemde artikel *vyf-en-sestig* en daarna ingevalge paragraaf (c) van artikel *ses-en-sestig* aangewend word.

(3) Die bepalings van artikel *sewe-en-sestig* is *mutatis mutandis* van toepassing op enige gelde wat deur 'n komitee, ingevalge subartikel (1) aangestel, gekollekteer is.

(4) Any committee appointed in terms of paragraph (a) of sub-section (4) of section *sixty-six* of the Public Hospitals Ordinance, 1946, shall be deemed to have been appointed in terms of sub-section (1) of this section, and any moneys collected by any such committee prior to the commencement of this Ordinance and not paid into the Provincial Revenue Fund for the credit of the hospitals fund before such commencement in terms of paragraph (b) of sub-section (4) of section *sixty-six* of the Public Hospitals Ordinance, 1946, shall on or after such commencement be dealt with in terms of sub-section (2) of this section as if such moneys had been collected on or after such commencement.

Revocation
of appoint-
ment of
collectors.

69. The appointment of any person as a collector in terms of sub-section (1) of section *sixty-six* of the Public Hospitals Ordinance, 1946, is hereby revoked and the provisions of section *sixty-seven* and sub-section (4) of section *sixty-eight* shall apply *mutatis mutandis* to any moneys collected by any such collector prior to the commencement of this Ordinance.

CHAPTER VIII.

AIDED-HOSPITALS.

Grants-in-
aid to
hospitals.

70. (1) (a) The Administrator may, from funds appropriated for the purpose by the Provincial Council, make grants-in-aid in such amounts as he may deem necessary to any hospital, not being a provincial hospital: Provided that any such grant-in-aid which is made in respect of a capital service shall in no case exceed fifty per cent of the cost of such service.

(b) For the purposes of this sub-section, "capital service" means—

- (i) the erection, construction, acquisition, extension or improvement of any hospital building;
- (ii) the acquisition of land or of any right or interest in or over land;
- (iii) the acquisition of equipment; or
- (iv) the carrying out of any work of a permanent nature in connection with any hospital.

(2) No grant-in-aid in respect of the cost of the treatment of patients shall be made to any aided hospital in terms of sub-section (1), unless such hospital—

- (a) complies with the requirements and conditions prescribed for the classification of patients in a provincial hospital in terms of the provisions of this Ordinance and the regulations made thereunder; and
- (b) charges fees in respect of the treatment of patients, other than free patients, in accordance with tariffs approved by the Administrator.

(3) The Administrator in making any grant-in-aid in terms of sub-section (1) may impose such other conditions and lay down such other requirements as he may deem fit, including a requirement that a representative of the Administration shall be appointed to the board of management or like body of the hospital concerned.

(4) (a) The Provincial Auditor or any person authorized thereto by him shall from time to time examine the books, accounts and records of an aided hospital.

(4) Enige komitee aangestel ingevolge paragraaf (a) van subartikel (4) van artikel *ses-en-sestig* van die Ordonnansie op Publieke Hospitale, 1946, word geag aangestel te gewees het ingevolge subartikel (1) van hierdie artikel, en enige gelde gekollekteer deur enige sodanige komitee voor die inwerkingtreding van hierdie Ordonnansie en nie op die Provinciale Inkomstefonds tot krediet van die hospitaalfonds voor sodanige inwerkingtreding ingevolge paragraaf (b) van subartikel (4) van artikel *ses-en-sestig* van die Ordonnansie op Publieke Hospitale, 1946, gestort nie, word op of na sodanige inwerkingtreding ingevolge subartikel (2) van hierdie artikel aangewend asof sodanige gelde op of na sodanige inwerkingtreding gekollekteer was.

69. Die aanstelling van enige persoon as invorderaar ingevolge subartikel (1) van artikel *ses-en-sestig* van die Ordonnansie op Publieke Hospitale, 1946, word hierby herroep en die bepalings van artikel *sewe-en-sestig* en subartikel (4) van artikel *agt-en-sestig* is *mutatis mutandis* van toepassing op enige gelde wat deur enige sodanige invorderaar voor die inwerkingtreding van hierdie Ordonnansie gekollekteer is.

Herroeping
van aanstel-
ling van
invor-
deraaars.

HOOFSTUK VIII.

ONDERSTEUNDE HOSPITALE.

70. (1) (a) Die Administrateur kan, uit fondse ^{Hulptoelae} wat vir die doel deur die Provinciale Raad beskikbaar gestel is, hulptoelae toestaan aan enige hospitaal wat nie 'n provinsiale hospitaal is nie, tot sodanige bedrae as wat hy nodig ag: Met dien verstande dat enige sodanige hulptoelae wat ten opsigte van 'n kapitaaldiens toegestaan word, in geen geval vyftig persent van die koste van sodanige diens te bove gaan nie.

(b) Vir die toepassing van hierdie subartikel beteken „kapitaaldiens“—

- (i) die oprigting, bou, aanskaffing, uitbreiding of verbetering van enige hospitaalgebou;
- (ii) die aanskaffing van grond of enige reg of belang in of oor grond;
- (iii) die aanskaffing van uitrusting; of
- (iv) die verrigting van enige werk van 'n permanente aard in verband met enige hospitaal.

(2) Geen hulptoelae ten opsigte van die koste van die behandeling van pasiënte word aan enige ondersteunde hospitaal ingevolge subartikel (1) toegestaan nie, tensy sodanige hospitaal—

(a) aan die vereistes en voorwaardes voldoen wat vir die indeling van pasiënte in 'n provinsiale hospitaal voorgeskryf word ingevolge die bepalings van hierdie Ordonnansie en die regulasies daarkragtens gemaak; en

(b) geldie hef ten opsigte van die behandeling van pasiënte anders as vry pasiënte ooreenkomsdig die tariewe wat deur die Administrateur goedgekeur is.

(3) Die Administrateur kan, wanneer hy enige hulptoelae boreenkomsdig subartikel (1) toestaan, sodanige ander voorwaardes ople en sodanige ander vereistes vasstel as wat hy goed ag, insluitende 'n vereiste dat 'n verteenwoordiger van die Administrasie tot die bestuursraad of soortgelyke liggaam van die betrokke hospitaal aangestel moet word.

(4) (a) Die Provinciale Ouditeur of enige persoon deur hom daartoe gemagtig, moet van tyd tot tyd die boeke, rekenings en rekords van 'n ondersteunde hospitaal ondersoek.

(b) An aided hospital, when required thereto, shall ensure that all books, statements of account, vouchers and such other documents and papers as may be required in the course of audit, are laid before the Provincial Auditor or the person authorized in terms of paragraph (a), as the case may be.

(c) The Provincial Auditor shall furnish to the Director a report in writing and shall certify not less than once in every financial year whether or not—

- (i) the books, accounts and financial statements of every aided hospital are in order;
- (ii) such books and accounts are properly drawn up and completed in the case of each such aided hospital so as to reflect and exhibit a true and correct view of the affairs of such hospital;
- (iii) the provisions of this Ordinance have been complied with; and
- (iv) all this requirements and recommendations have been complied with and carried out.

(5) The board of management or like body of every aided hospital shall within three months after the close of the financial year furnish to the Administrator in such form as he may determine, a report on the working of such hospital during such financial year.

(6) The payment of any grant-in-aid in terms of this section shall only be made after the Provincial Auditor has submitted a statement in respect of the aided hospital concerned, certifying the amount to be paid in accordance with such method of calculation and such conditions and requirements as may have been imposed or laid down by the Administrator in terms of this section: Provided that, pending the submission of such statement, the Administrator may, subject to the provisions of sub-section (7), make advances in such amounts as he may determine to such hospital.

(7) If it appears—

- (a) that a grant-in-aid has been made to an aided hospital and that such hospital has not complied with the provisions of sub-section (2) or with a condition imposed or requirement laid down in terms of sub-section (3); or
- (b) that a grant-in-aid made for a capital service has not been utilized for such service within a reasonable period as determined by the Administrator; or
- (c) after the submission of the statement of the Provincial Auditor as contemplated in sub-section (6), that an amount in excess of the amount reflected in that statement has been advanced in terms of the proviso to that sub-section;

the Administrator may give such instructions and take such steps as may be necessary to recover the whole or such portion of the grant-in-aid or advance contemplated in sub-section (6) as he may specify, having regard to all the circumstances of the case.

CHAPTER IX.

GENERAL.

71. (1) As soon as possible after the close of each financial year the Director shall cause to be prepared and shall submit to the Administrator a report on the activities of the Department during the course of such financial year.

(b) 'n Ondersteunde hospitaal moet, wanneer dit vereis word, verseker dat alle boeke, rekeningsstate, bewyse en sodanige ander dokumente en stukke as wat nodig mag wees in die loop van die ouditering, voorgelê word aan die Proviniale Ouditeur of die persoon wat ingevolge paragraaf (a) gemagtig is, al na die geval.

(c) Die Proviniale Ouditeur moet aan die Direkteur 'n skriftelike verslag verstrek en moet minstens eenkeer in elke boekjaar sertificeer of, al dan nie—

- (i) die boeke, rekenings en finansiële state van elke ondersteunde hospitaal in orde is;
- (ii) sodanige boeke en rekenings behoorlik opgestel en afgesluit is in die geval van elke sodanige ondersteunde hospitaal sodat dit 'n ware en korrekte weergawe en voorstelling is van die sake van sodanige hospitaal;
- (iii) daar voldoen is aan die bepalings van hierdie Ordonnansie; en
- (iv) al sy vereistes en aanbevelings nagekom en uitgevoer is.

(5) Die bestuursraad of soortgelyke liggaam van elke ondersteunde hospitaal moet binne drie maande na die sluiting van die boekjaar aan die Administrateur 'n verslag verstrek in sodanige vorm as wat hy vasstel oor die fungering van sodanige hospitaal gedurende sodanige boekjaar.

(6) Die betaling van enige hulptoelae ingevolge hierdie artikel, word slegs gedaan nadat die Proviniale Ouditeur 'n staat voorgelê het ten opsigte van die betrokke ondersteunde hospitaal wat die bedrag sertificeer wat betaal moet word ooreenkomsdig sodanige metodes van berekening en sodanige voorwaardes en vereistes as wat opgelê of vasgestel is deur die Administrateur ingevolge hierdie artikel: Met dien verstande dat, hangende die voorlegging van sodanige staat, die Administrateur, behoudens die bepalings van subartikel (7), sodanige bedrae aan sodanige hospitaal kan voorskiet as wat hy vasstel.

(7) As dit blyk—

- (a) dat 'n hulptoelae aan 'n ondersteunde hospitaal toegestaan is en dat sodanige hospitaal nie aan die bepalings van subartikel (2) of 'n voorwaarde opgelê of vereiste vasgestel ingevolge subartikel (3) voldoen het nie; of
- (b) dat 'n hulptoelae wat ten opsigte van 'n kapitaaldiens toegestaan is, nie vir sodanige diens binne 'n redelike tydperk soos deur die Administrateur vasgestel, aangewend is nie; of
- (c) dat, na die voorlegging van die Proviniale Ouditeur se staat soos in subartikel (6) beoog, 'n bedrag wat die bedrag te bowe gaan wat in daardie staat weergegee is, voorgeskiet is ingevolge die voorbehouds-bepaling by daardie subartikel;

kan die Administrateur sodanige opdrag gee en sodanige stappe doen, as wat nodig mag wees om die geheel of sodanige gedeelte van die hulptoelae of voorskot in subartikel (6) beoog, as wat hy vasstel, te verhaal met inagneming van al die omstandighede van die geval.

HOOFSTUK IX.

ALGEMEEN.

71. (1) So gou moontlik na die sluiting van elke boekjaar, moet die Direkteur 'n verslag oor die bedrywighede van die Departement gedurende die loop van sodanige boekjaar, laat opstel en aan die Administrateur voorgelê.

(2) The Administrator shall lay such report before the Provincial Council within thirty days of the receipt thereof, if the Provincial Council is then sitting, or, if the Provincial Council is not then sitting, within seven days of the commencement of its next ensuing sitting.

Administrator's powers to appoint a commission of enquiry.

72. The Administrator may appoint a commission of one or more persons to enquire into and report on—

- (a) any complaint lodged by any person in respect of the treatment of a patient received at, in or from any provincial hospital, or institution or service established in terms of section *four*;
- (b) the conduct, administration and management of any such hospital, institution or service; or
- (c) the acts or omissions of a board alleged to be in contravention of section *twenty-one*;

and may confer on such commission the powers, jurisdiction and privileges of the Commission's Powers Ordinance, 1902 (Ordinance No. 30 of 1902).

Supply of medical requisites, etc., to outside clinics.

73. (1) Subject to the approval of the Administrator, the Director may supply as nearly as possible at inclusive cost price, drugs, dressings, medical requisites, appliances or other goods or services, to any clinic established, maintained, organised, controlled or carried on by any local authority in terms of any law or to any aided hospital.

(2) Any moneys received by the Director in terms of sub-section (1) shall be paid into the Provincial Revenue Fund.

Delegation of rights, powers, duties or functions.

74. (1) The Administrator may delegate any right, power, duty or function conferred or imposed upon him in terms of this Ordinance, other than the power to make regulations, to the Director and may in any such delegation authorize the Director to delegate such delegated right, power, duty or function to any other person in the service of the Department as the Administrator may direct or, failing such direction, as the Director may determine; Provided that no such right, power, duty or function shall be so delegated to the Director in regard to any matter if the correctness of a decision thereon is subject to an appeal to the Administrator in terms of section *thirty-seven, fifty-one or fifty-three*.

(2) Subject to the provisions of this Ordinance, the Director may delegate any right, power, duty or function conferred or imposed upon him in terms of the provisions of this Ordinance to such other person in the service of the Department as he may determine: Provided that nothing in this section contained shall be construed as entitling the Director to relieve himself of the responsibility placed upon him in terms of sub-section (2) of section *three* in regard to the efficient management and control of the Department.

Power to expropriate land.

75. The establishment of a provincial hospital or of an institution or service established in terms of section *four* shall be deemed to be a public purpose within the meaning of section *two* of the Expropriation of Lands and Arbitration Clauses Proclamation, 1902.

(2) Die Administrateur moet sodanige verslag binne dertig dae na die ontvangs daarvan aan die Provinciale Raad voorlê as die Provinciale Raad dan sit, of, as die Provinciale Raad nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sitting.

72. Die Administrateur kan 'n kommissie bestaande uit een of meer persone aanstel om ondersoek in te stel na en verslag te doen oor—

- (a) enige klage deur enige persoon ingedien oor die behandeling van 'n pasiënt ontvang by, in of vanuit enige provinsiale hospitaal, of inrigting of diens ooreenkomstig artikel *vier* ingestel;
- (b) die beheer, administrasie en bestuur van enige sodanige hospitaal, inrigting of diens;
- (c) die handelinge of versuime van 'n raad wat beweer word 'n oortreding te wees van artikel *een-en-twintig*;

en kan aan sodanige kommissie die bevoegdhede, jurisdiksie en voorregte van die „Commission's Powers Ordinance”, 1902 (Ordonnansie No. 30 van 1902), verleen.

Administrateur se bevoegdhede om 'n kommissie van onderzoek aan te stel.

73. (1) Onderworpe aan die goedkeuring van die Administrateur, kan die Direkteur so na moontlik teen die insluitende kosprys, medisyne, verbande, geneeskundige benodigdhede, toestelle of ander goedere of dienste aan enige kliniek wat ingestel, onderhou, georganiseer, beheer of gedryf word deur enige plaaslike bestuur ingevolge die bepalings van enige wet of aan enige ondersteunde hospitaal verskaf.

(2) Enige gelde wat deur die Direkteur ingevolge subartikel (1) ontvang is, word op die Provinciale Inkomstefonds gestort.

Verskaffing van geneeskundige benodigdhede, ens., aan buite-klinike.

74. (1) Die Administrateur kan enige reg, bevoegdheid, plig of werksaamheid wat ingevolge die bepalings van hierdie Ordonnansie aan hom verleen of opgelê is, behalwe die bevoegdheid om regulasies te maak, aan die Direkteur deleger en kan in enige sodanige delegasie die Direkteur magtig om sodanige gedelegeerde reg, bevoegdheid, plig of werksaamheid aan enige ander persoon in die diens van die Departement as wat die Administrateur gelas, te deleger of, by versuim aan sodanige lasgewing, as wat die Direkteur vasstel: Met dien verstande dat geen sodanige reg, bevoegdheid, plig of werksaamheid aldus in verband met enige aangeleentheid aan die Direkteur gedelegeer mag word nie, as die korrektheid van 'n beslissing daaroor onderworpe is aan 'n appèl na die Administrateur ingevolge artikel *sewe-en-dertig, een-en-vyftig of drie-en-vyftig*.

Delegasie van regte, bevoegdheid, pligte of werksaamhede.

(2) Behoudens die bepalings van hierdie Ordonnansie, kan die Direkteur enige reg, bevoegdheid, plig of werksaamheid wat aan hom verleen of opgelê is ingevolge die bepalings van hierdie Ordonnansie, deleger aan sodanige ander persoon in die diens van die Departement as wat hy vasstel: Met dien verstande dat niks in hierdie artikel vervat op so 'n wyse vertolk word dat dit die Direkteur die reg gee om hom van die verantwoordelikheid te onthef wat ingevolge subartikel (2) van artikel *drie* op hom geplaas is in verband met die doeltreffende beheer en bestuur van die Departement.

75. Die instelling van 'n provinsiale hospitaal of van 'n inrigting of diens ingevolge artikel *vier* ingestel, word geag 'n openbare doel („public purpose”) binne die betekenis van artikel *twee* van die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902” te wees.

Bevoegdheid om grond te onteien.

Regulations.

76. (1) In addition to any power already conferred on the Administrator in terms of the foregoing provisions of this Ordinance to make regulations, the Administrator may from time to time make regulations, not inconsistent with the provisions of this Ordinance, which he may deem necessary or expedient for achieving the objects and purposes of this Ordinance, including the determination of tariffs of charges for services not elsewhere provided for, and different regulations may be made in so far as they affect persons of different classes and in such other circumstances as the Administrator may determine.

(2) Where deemed by him to be necessary, the Administrator may make any regulation in terms of this Ordinance with retrospective effect from the commencement of this Ordinance.

(3) Any regulation made in terms of this Ordinance may for any contravention thereof or failure to comply therewith, prescribe a fine not exceeding fifty pounds or, in default of payment, imprisonment for a period not exceeding three months.

(4) (a) Every regulation made in terms of this Ordinance shall be published in the *Provincial Gazette* and shall within seven days of the date of publication thereof be laid upon the Table of the Provincial Council, if the Provincial Council be then sitting, or, if it is not then sitting, within seven days of the commencement of its next sitting.

(b) During the sitting in which any regulation has been laid on the Table of the Provincial Council, the Provincial Council may by resolution disapprove of such regulation.

(c) On the passing of such resolution, such regulation shall cease to be of force and effect but nothing in this paragraph contained shall affect the validity of anything previously done under such regulation, or the power to make a new regulation, not inconsistent with the provisions of this Ordinance, as to the subject matter of such regulation.

Fines.

77. Every fine imposed and paid for a contravention of or failure to comply with any provision of this Ordinance or the regulations made thereunder or any moneys or deposits forfeited or declared forfeit in terms of this Ordinance or the regulations made thereunder, shall be paid into the Provincial Revenue Fund.

Repeal
of laws.

78. (1) The following laws are hereby repealed:

The Public Hospitals Interim Control Ordinance, 1943 (Ordinance No. 15 of 1943);

the Public Hospitals Ordinance, 1946 (Ordinance No. 19 of 1946);

the Public Hospitals Interim Control Amendment Ordinance, 1947 (Ordinance No. 6 of 1947);

the Public Hospitals Interim Control Amendment Ordinance, 1948 (Ordinance No. 15 of 1948);

the Public Hospitals Amendment Ordinance, 1948 (Ordinance No. 21 of 1948);

the Public Hospitals Further Amendment Ordinance 1948 (Ordinance No. 23 of 1948);

the Public Hospital Services (Interim Suspension) Ordinance, 1948 (Ordinance No. 25 of 1948);

the Public Hospitals Amendment Ordinance, 1949 (Ordinance No. 3 of 1949);

76. (1) Benewens enige bevoegdheid wat reeds aan die Administrateur verleen is ingevolge die voorgaande bepalings van hierdie Ordonnansie om regulasies te maak, kan die Administrateur van tyd tot tyd regulasies maak, wat nie onbestaanbaar is met die bepalings van hierdie Ordonnansie nie, wat hy nodig of dienstig ag om die oogmerke en doelstellings van hierdie Ordonnansie te bereik, insluitende die vasstelling van tariewe van vorderings vir dienste waarvoor nie elders voorsiening gemaak is nie, en verskillende regulasies kan gemaak word vir sover hulle persone van verskillende klasse raak en in sodanige ander omstandighede as wat die Administrateur vasstel.

(2) Waar hy dit nodig ag kan die Administrateur enige regulasies ingevolge die bepalings van hierdie Ordonnansie met terugwerkende krag maak met ingang van die inwerkingtreding van hierdie Ordonnansie.

(3) Enige regulasie ingevolge die bepalings van hierdie Ordonnansie gemaak, kan, ten opsigte van enige oortreding daarvan of versuim om daar-aan te voldoen, 'n boete voorskryf van hoogstens vyftig pond of, by wanbetaling, gevangersstraf vir 'n tydperk van hoogstens drie maande.

(4) (a) Elke regulasie ingevolge die bepalings van hierdie Ordonnansie gemaak, moet in die *Provinsiale Koerant* gepubliseer word en moet, binne sewe dae na die publikasie daarvan, ter Tafel van die Provinsiale Raad gelê word, as die Provinsiale Raad dan sit, of, as dit nie dan sit nie, binne sewe dae na die aanvang van sy volgende sittung.

(b) Gedurende die sitting waarby enige regulasie ter Tafel van die Provinsiale Raad gelê is, kan die Provinsiale Raad by besluit sodanige regulasie afkeur.

(c) Wanneer sodanige besluit geneem word, is sodanige regulasie nie langer van krag en regsgeldig nie, maar niks in hierdie paragraaf vervat, raak die regsgeldigheid van enigets wat voorheen kragtens sodanige regulasie gedoen is nie, of die bevoegdheid om 'n nuwe regulasie te maak, wat nie onbestaanbaar is met die bepalings van hierdie Ordonnansie is nie vir sover dit die inhoud van sodanige regulasie betref.

77. Elke boete wat, weens 'n oortreding van of versuim om te voldoen aan enige bepaling van hierdie Ordonnansie of die regulasies daarkragtens gemaak, opgelê en betaal word, of enige geldie of stortings wat, ingevolge hierdie Ordonnansie of die regulasies daarkragtens gemaak, verbeur word of verbeurdverklaar word, word op die Provinsiale Inkomsfonds gestort.

78. (1) Die volgende wette word hierby herroep:

Herroeping
van wette.

die Ordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1943 (Ordonnansie No. 15 van 1943);

die Ordonnansie op Publieke Hospitale, 1946 (Ordonnansie No. 19 van 1946);

die Wysigingsordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1947 (Ordonnansie No. 6 van 1947);

die Wysigingsordonnansie op die Tussentydse Beheer oor Publieke Hospitale, 1948 (Ordonnansie No. 15 van 1948);

die Wysigingsordonnansie op Publieke Hospitale, 1948 (Ordonnansie No. 21 van 1948);

die Verdere Wysigingsordonnansie op Publieke Hospitale, 1948 (Ordonnansie No. 23 van 1948);

die Ordonnansie op Publieke Hospitaaldienste (Tussentydse Opskorting), 1948 (Ordonnansie No. 25 van 1948);

die Wysigingsordonnansie op Publieke Hospitale, 1949 (Ordonnansie No. 3 van 1949);

the Public Hospitals Interim Control Amendment Ordinance, 1950 (Ordinance No. 14 of 1950);
 the Public Hospitals Amendment Ordinance, 1951 (Ordinance No. 4 of 1951);
 the Public Hospitals Further Amendment Ordinance, 1951 (Ordinance No. 10 of 1951);
 the Public Hospital Services (Interim Suspension) Amendment Ordinance, 1951 (Ordinance No. 20 of 1951);
 the Public Hospitals Amendment Ordinance, 1952 (Ordinance No. 3 of 1952);
 the Public Hospital Services (Interim Suspension) Amendment Ordinance, 1953 (Ordinance No. 7 of 1953);
 the Public Hospital Services (Interim Suspension) Further Amendment Ordinance, 1953 (Ordinance No. 15 of 1953);
 the Public Hospital Services (Interim Suspension) Amendment Ordinance, 1954 (Ordinance No. 6 of 1954);
 the Public Hospital Services (Interim Suspension) Amendment Ordinance, 1956 (Ordinance No. 4 of 1956); and
 the Public Hospital Services (Interim Suspension) Amendment Ordinance, 1957 (Ordinance No. 9 of 1957).

(2) Any proclamation, regulation, notice, order, prohibition authority, permission, information or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by sub-section (1) shall, if not inconsistent with the provisions of this Ordinance, be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provisions of this Ordinance.

Short title. 79. This Ordinance shall be called the Hospitals Ordinance, 1958 and shall come into operation on a date to be fixed by the Administrator by proclamation in the *Provincial Gazette*.

T.A.A. 3/1/48/20.

die Wysigingsordonansie op die Tussentydse Beheer oor Publieke Hospitale, 1950 (Ordonansie No. 14 van 1950);
 die Wysigingsordonansie op Publieke Hospitale, 1951 (Ordonansie No. 4 van 1951);
 die Verdere Wysigingsordonansie op Publieke Hospitale, 1951 (Ordonansie No. 10 van 1951);
 die Wysigingsordonansie op Publieke Hospitaaldienste (Tussentydse Opskorting), 1951 (Ordonansie No. 20 van 1951);
 die Wysigingsordonansie op Publieke Hospitale, 1952 (Ordonansie No. 3 van 1952);
 die Wysigingsordonansie op Publieke Hospitaaldienste (Tussentydse Opskorting), 1953 (Ordonansie No. 7 van 1953);
 die Verdere Wysigingsordonansie op Publieke Hospitaaldienste (Tussentydse Opskorting), 1953 (Ordonansie No. 15 van 1953);
 die Wysigingsordonansie op Publieke Hospitaaldienste (Tussentydse Opskorting), 1954 (Ordonansie No. 6 van 1954);
 die Wysigingsordonansie op Publieke Hospitaaldienste (Tussentydse Opskorting), 1956 (Ordonansie No. 4 van 1956); en
 die Wysigingsordonansie op Publieke Hospitaaldienste (Tussentydse Opskorting), 1957 (Ordonansie No. 9 van 1957).

(2) Enige proklamasie, regulasie, kennisgewing, order, verbod, magtiging, toestemming, inligting of dokument uitgereik, gemaak, afgekondig, gegee of verleen en enige ander optrede ingevolge die bepalings van 'n wet herroep by subartikel (1) word, indien dit nie onbestaanbaar is met die bepalings van hierdie Ordonansie nie, geag uitgereik, gemaak, afgekondig, gegee, verleen of geneem te wees ingevolge die ooreenstemmende bepalings van hierdie Ordonansie.

Kort titel. 79. Hierdie Ordonansie heet die Ordonansie op Hospitale, 1958, en tree in werking op 'n datum deur die Administrateur by kennisgewing in die *Provinsiale Koerant* vasgestel te word.

T.A.A. 3/1/48/20.