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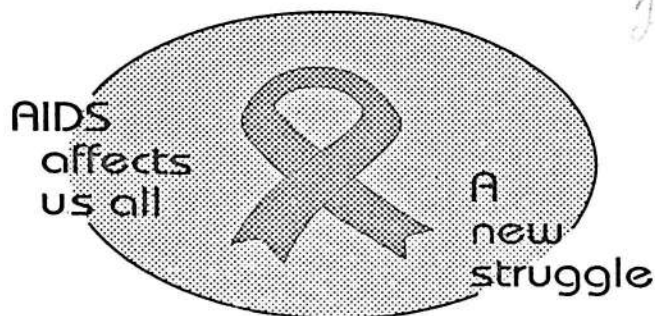
**Ku katsa na Tigazete to
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No. 657

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 412 OF 2000

**DEPARTMENT OF HEALTH AND WELFARE
NORTHERN PROVINCE HEALTH SERVICES
ACT, 1998, (ACT NO. 5 OF 1998) REGULATIONS**

It is notified for general information that the Member of Executive Council responsible for Health and Welfare has, under sections 6, 25 and 33 of the Northern Province Health Services Act, 1998 (Act No 5 of 1998), made the regulations in the schedule.

SCHEDULE

Definitions

1. In these Regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall bear that meaning, and –

"Act"	means the Northern Province Health Services Act No. 5 of 1998;
"Chief Executive Officer"	means a district manager;
"clinic"	means a mobile or a fixed structure excluding a private clinic in which basic health services are provided usually by professional nurses and could be linked to a Community Health Centre;
"Constitution"	means the Constitution of the Republic of South Africa Act (Act No. 108 of 1996);
"district hospital"	means a first level non-specialist public hospital to which patients from clinics or health centres may be referred;
"health centre"	means a community based structure excluding a private clinic or hospital, usually providing a 24 hour health facility with a greater variety of services that are not provided in a clinic;
"institution"	means any public health institution;
"provincial tertiary hospital"	means a public hospital providing specialist and super-specialist tertiary care;
"regional referral hospital"	means a secondary public hospital to which patients are referred from a district hospital, (i.e. a hospital that serves several districts at which more specialised services are available); and
"special function facility"	means a structure providing specialised health care that is not readily available in other health facilities.

Demarcation of new health district boundaries

1. (1) The Member must within 90 days of the promulgation of these regulations demarcate the district in which health services will be administered.

(2) The head of Department, in consultation with the affected municipality, must make recommendations on the boundaries of the district, after considering at least the following factors-

- (a) the existing boundaries of the municipalities, the magisterial districts, welfare and other social services, in order to ensure that the district boundaries are as far as possible co-terminous with existing municipal boundaries;
- (b) the population size, density and distribution so that between 100 000 and 150 000 people reside within the district;
- (c) the viability of health services to be provided;
- (d) the existing physical infrastructure which may enable the establishment of a viable administrative centre;
- (e) the number and service capacity of existing and planned health facilities; and
- (f) the availability of funds to sustain separate district administrations.

(3) The Head of Department must propose a temporary name by which the district shall be known based on the administrative location of the district office.

(4) The recommendations must be submitted to the Member within 30 days of the promulgation of these regulations.

(5) The recommendations to the Member must include-

- (a) a map of the Province and of each district, showing-
 - (i) existing magisterial districts;
 - (ii) existing municipal boundaries;
 - (iii) proposed health district boundaries;
 - (iv) proposed administrative centres; and
 - (v) existing clinics, health centres and hospitals;
- (b) a table which illustrate the population size and density of each proposed district; and
- (c) a brief explanation of the contents of the map and table.

(6) The Member must in consultation with the Head of Department study the contents of the recommendations in sub-regulation (5) above and make any amendments that may be necessary.

(7) The Member must, after considering the recommendations as referred to in sub-regulation (6), consult with -

- (a) the Member of Executive Council responsible for Local Government;
- (b) the Standing Committee of the Legislature responsible for health matters; and
- (c) the Organised Local Government association in the Province.

(8) The Member must, after consultation with the persons referred to in sub-regulation (7), publish the amended recommendations in the Gazette calling for public comment within 30 days.

(9) The Member must demarcate the district boundaries by notice in the Gazette after considering any public comment.

Variation of health districts

3. (1) The Member must consider any application for an amendment of any proclaimed district by a District Health Authority, a municipality or the Head of Department.

- (2) The party making an application for an amendment must prepare a written motivation which must include the written comments of-
 - (a) an affected municipality;
 - (b) an affected District Health Authority; and
 - (c) top management of the Department in the case of the Head of Department.
- (3) The Member must study the contents of the recommendations referred to in regulation 2(7) and discuss the proposed amendments with the Head of Department.
- (4) After considering the Head of Department's inputs, the Member must, before making a decision consult with-
 - (a) the Member responsible for Local Government;
 - (b) the Standing Committee of the Legislature responsible for health matters;
 - (c) the Organised Local Government association in the Province;
 - (d) each affected municipality; and
 - (e) each District Health Authority.
- (5) The Member must make a decision on the application within 60 days.
- (6) Where the Member rejects the application, the motivating party and the parties referred to in regulation 3(2) must be informed in writing and be given reasons for the decision.
- (7) Where the Member decides to vary a boundary-
 - (a) the motivating party and all the parties referred to in regulation 3(2) must be informed in writing; and
 - (b) the variation must be published in the Gazette.
- (8) An aggrieved party-
 - (a) may in writing appeal to the Premier within 30 days of the publication of variation; and
 - (b) must in writing give a notice of appeal to the Member and give reasons.
- (9) The Member must submit reasons for the decision to the Premier within 7 days of the notice of the appeal.
- (10) The Premier must make a decision within 21 days of the notice of appeal and his or her decision will be final.
- (11) Where the decision of the Premier alters the decision made by the Member, the Member must publish the final decision in the Gazette.
- (12) If the Member fails to comply with the provisions of these regulations, the Premier may demarcate the district boundaries or vary the existing district boundaries by notice in the Gazette.

Naming of health districts and facilities

4. The Member must, in consultation with the affected municipality, determine the name by which any district or facility will be known in the following manner:

- (a) facilities already established before the commencement of the Act will be known by the names listed in Schedules A-E;
- (b) a district demarcated in terms of these regulations will be known by the name given to it in terms of these regulations until such time as it is either confirmed or varied;
- (c) in the case of a newly established district or district facility, the Member must request a District Health Authority to recommend a name within 60 days of establishment;
- (d) the recommendation to the Member from District Health Authority must include-
 - (i) a brief explanation of the consultative process by which the name was arrived at; and
 - (ii) all alternative names proposed;
- (e) if a District Health Authority fails to recommend a name within the prescribed period, the Member must determine the name by which a district or district health facility will be known; and
- (f) in the case of a new facility that is not a district facility, the Member must after consulting the Standing Committee on health matters determine a name.

Variation of districts and facility names

5. (1) Any party that desires to change the name of a district or district health facility, must make a motivation in writing to the District Health Authority.

- (2) The District Health Authority must consult with all stakeholders within the district and make a recommendation with a motivation, to the Member within 60 days of receipt of the application.
- (3) Where the District Health Authority supports the application, the Member must change the name by notice in the Gazette.
- (4) Where the District Health Authority does not support the application, the District Health Authority must in writing inform and give reasons to the applicant.
- (5) Any party who desires to change the name of a facility, which is not a district health facility, must motivate the change in writing to a board of that facility.
- (6) The board may after consultation with the members of the Provincial Health Consultative Forum, recommend and motivate, to the Member within 30 days of receipt of the motivation.

- (7) Where the board after consultation with the Provincial Health Consultative Forum, supports the name change, the Member must change the name by notice in the Gazette.
- (8) Where the board after consultation with the Provincial Health Consultative Forum, does not support the name change, the board must inform the applicant in writing giving reasons.

Appeal procedure

6. (1) The party whose application for name change is rejected may appeal to the Member within 14 days.
 - (2) On receipt of notice of appeal, the Member must request the relevant board, to submit a report within 30 days, specifying-
 - (a) the consultation process which was followed;
 - (b) the role players consulted; and
 - (c) the reasons of the decision.
 - (3) After considering all views, the Member must make a decision, which will be final.
 - (4) The Member must inform the party who appealed and the health facility or board, as the case may be, of the decision in writing within 60 days of noting the appeal.
 - (5) In the case where the appeal is granted, the Member must change the new name by notice in the Gazette within 30 days.

Abolition of a health facility board

7. (1) The Member must in writing notify each board and give reasons for its abolition and such board must continue to function until new board members have been appointed.
 - (2) The chairperson of every board must within 30 days of the date of the notice convene a board meeting to inform the members of the abolition of the board, the interim arrangements and the establishment of a new board.

Membership of district hospital board

8. (1) A district hospital board will consist of-
 - (a) a manager of the district hospital (*ex officio*);
 - (b) one representative of the practitioners employed in the district hospital;
 - (c) one representative of the staff employed in the district hospital who is not a practitioner;
 - (d) a representative of a municipality wherein the district hospital is situated; and
 - (e) five additional members of the community served by the district hospital who are not employees of the district health services.
- (2) The representatives referred to in sub-regulation 1(b) and (c) must be selected by a process as determined by the district hospital manager.
- (3) The representatives referred to in sub-regulation 1(e) must be nominated as follows: