

Western Cape, South Africa

Western Cape Health Service Fees Act Act 5 of 2008

Legislation as at 19 December 2008

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Western Cape South Africa

Western Cape Health Service Fees Act

Act 5 of 2008

Published in Western Cape Provincial Gazette 6590 on 19 December 2008

Assented to on 15 December 2008

Commenced on 19 December 2008

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and includes any amendments published up to 12 April 2024.]*

(Afrikaans text signed by the Premier)

ACT

To provide for a schedule of fees to be prescribed for health services rendered in the Western Cape Province by the Department; to repeal the Hospital Ordinance, 1946; and to provide for incidental matters.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

1. Definitions

In this Act, unless the context indicates otherwise:

"Department" means the provincial department responsible for health matters in the Province;

"forensic pathology services" means the service rendered by the Department, including, but not limited to—

- (a) the examination of a dead human body or the remains thereof with the purpose of establishing the cause of death and factors associated with death; and
- (b) laboratory or mortuary services used for post mortem examinations and medico-legal autopsies;

"health care provider" means a person providing health services in terms of any law, including the—

- (a) Allied Health Professions Act, 1982 ([Act 63 of 1982](#));
- (b) Health Professions Act, 1974 ([Act 56 of 1974](#));
- (c) Nursing Act, 2005 ([Act 33 of 2005](#));
- (d) Pharmacy Act, 1974 ([Act 53 of 1974](#)); and
- (e) Dental Technicians Act, 1979 ([Act 19 of 1979](#));

"health services" means any health care services rendered by the Department, including reproductive health care, emergency medical treatment, basic nutrition and basic health care services, medical treatment, mortuary services and forensic pathology services;

"Minister" means the provincial Minister responsible for health matters in the Province;

"mortuary services" means the service rendered by the Department, relating to the storage of a corpse;

"Province" means the Province of the Western Cape;

"provincial public health establishment" means a health establishment that is owned or controlled by the Department; and

"user" means a person receiving health services.

2. Schedule of fees for health services

- (1) The Minister may by regulation prescribe—
 - (a) a schedule of fees to be paid for health services, rendered by the Department; and
 - (b) the conditions on which and circumstances under which a user is eligible for free health services.
- (2) In framing a schedule of fees, the Minister may vary the fees according to different—
 - (a) categories of users;
 - (b) forms of treatment;
 - (c) categories of health services; or
 - (d) categories of provincial public health establishments.
- (3) The Minister may reduce or waive the fees payable for health services in respect of a user if the Minister is satisfied that the user is not able to pay the fee in full or at all.

3. Declaration by user

- (1) A user who receives health services from the Department, or the person responsible for fees for the health services in respect of a user, must complete a declaration stating his or her income, and such other particulars which the Head of the Department determines.
- (2) A person who is required to complete a declaration in terms of subsection (1), but refuses or fails to complete the declaration, is liable for the maximum fee prescribed for the health services rendered.

4. User's own practitioner

When a user in a provincial public health establishment selects and engages his or her own health care provider, the Department is not liable for the fees payable to the health care provider.

5. Offences and penalties

A person who knowingly furnishes false or misleading information in a declaration referred to in [section 3\(1\)](#) commits an offence and, upon conviction, is liable to a fine or to imprisonment, for a period not exceeding six months, or to both such fine and imprisonment.

6. Transitional provisions

The Regulations, prescribing the uniform patient fee schedule for health care services rendered by the Department for externally funded and subsidised patients, issued in terms of the Hospital Ordinance, 1946 ([Ordinance 18 of 1946](#)) and in force at the commencement of this Act, are regarded as regulations made under this Act.

7. Repeal of law

The Hospital Ordinance, 1946 ([Ordinance 18 of 1946](#)), is repealed.

8. Short Title

This Act is called the Western Cape Health Services Fees Act, 2008.