

Western Cape, South Africa

Western Cape Ambulance Services Act Act 3 of 2010

Legislation as at 1 November 2010

FRBR URI: /akn/za-wc/act/2010/3/eng@2010-11-01

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PDF created on 28 June 2024 at 13:49.

Collection last checked for updates: 28 June 2024.

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Western Cape South Africa

Western Cape Ambulance Services Act Act 3 of 2010

Published in Western Cape Provincial Gazette 6806 on 1 November 2010

Assented to on 1 November 2010

Commenced on 1 July 2012 by Western Cape Ambulance Services Act: Commencement

*[This is the version of this document from 1 November 2010
and includes any amendments published up to 28 June 2024.]*

(English text signed by the Premier)

ACT

To provide for the licensing of ambulance services in the Province; and for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Western Cape as follows:-

1. Definitions

In this Act, unless the context indicates otherwise, a word or expression defined in the National Health Act, 2003 (Act 61 of 2003), has the same meaning as in that Act, and-

"**ambulance personnel**" means persons employed by a licensed ambulance service and registered in terms of, respectively—

- (a) the Health Professions Act, 1974 (Act 56 of 1974), as a medical practitioner, paramedic, ambulance emergency assistant, basic ambulance assistant, operational emergency care orderly, emergency care practitioner, emergency care technician or emergency care assistant; or
- (b) section 31 of the Nursing Act, 2005 (Act 33 of 2005), as a professional nurse, midwife, staff nurse, auxiliary nurse or auxiliary midwife;

"**ambulance service**" means any service that is intended to be employed and is held out to the public as available for-

- (a) the emergency medical treatment, stabilisation, rescue or transportation of patients in need of emergency medical care; or
- (b) the transportation of patients to and from and between health establishments;

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

"**Head of Department**" means the head of the department responsible for health services in the Province;

"**inspecting officer**" means a person designated as inspecting officer in terms of section 5;

"**licensed ambulance service**" means an ambulance service licensed in accordance with section 3;

"**Minister**" means the Provincial Minister responsible for health in the Province;

"**patient**" means a person who is ill, injured, wounded or otherwise incapacitated and in need of medical care and who may require stabilisation as well as transportation;

"**prescribe**" means prescribe by regulation;

"**Province**" means the Province of the Western Cape;

"**regulation**" means a regulation made in terms of section 12;

"**this Act**" includes the regulations;

"**vehicle**" includes any air or water-borne conveyance.

2. Application of Act

This Act does not apply to—

- (a) an ambulance service which—
 - (i) transports a patient from another province to a health establishment in the Province for the purposes of receiving medical attention and, after having received such attention, back to the other province; or
 - (ii) renders assistance temporarily in the Province during a disaster as defined in section 1 of the Disaster Management Act, 2002 (Act 57 of 2002), or at the request of the Minister or the Head of Department; or
- (b) an emergency centre at a health establishment.

3. Licensing of ambulance services

- (1) A person, including any organ of state, may not conduct an ambulance service unless the service is licensed in accordance with this Act.
- (2) The Minister must prescribe the procedure and requirements for licensing ambulance services and the renewal of licences.

4. Norms and standards for ambulance services

The Minister must determine minimum norms and standards for the personnel, vehicles and equipment of ambulance services, and may amend those norms and standards.

5. Inspecting officers

- (1) The Head of Department must designate staff members of the Department as inspecting officers.
- (2) An inspecting officer—
 - (a) must inspect ambulance services to ensure compliance with the requirements referred to in section 3(2) and the norms and standards determined in terms of section 4;
 - (b) may issue a compliance notice as prescribed to a person in charge or control of an ambulance service calling upon that person to comply with the provisions of this Act, or a condition of the licence of that ambulance service; and
 - (c) has the other powers and duties as prescribed.

6. Cancellation or suspension of licences

- (1) The Head of Department may cancel or suspend the licence of an ambulance service, either wholly or to the extent determined by the Head of Department, if it—
 - (a) fails to comply with any conditions or requirements imposed in terms of this Act;
 - (b) fails to comply with the norms and standards referred to in section 4;
 - (c) fails to furnish the prescribed returns, particulars or information;

- (d) is operated in a way that compromises public, patient or personnel safety; or
 - (e) fails to comply with a compliance notice issued by an inspecting officer in terms of section 5(2)(b).
- (2) The Head of Department may, if he or she is satisfied that a breach or failure referred to in subsection (1) has been rectified, reinstate the licence concerned or lift its suspension, as the case may be.

7. Appeals

A person—

- (a) aggrieved by a decision on an application for the licensing of an ambulance service or for the renewal of a licence; or
- (b) whose licence has been cancelled or suspended in terms of section 6,

may appeal to the Minister in accordance with the prescribed procedure.

8. Fees

- (1) The Minister may, with the concurrence of the Provincial Minister responsible for finance, prescribe fees payable in respect of—
- (a) the licensing of an ambulance service;
 - (b) the renewal of a licence;
 - (c) the inspection of a licensed ambulance service; and
 - (d) an appeal in terms of section 7.
- (2) The Minister may exempt a particular ambulance service or type of ambulance service from paying any fee referred to in subsection (1).

9. Powers of ambulance personnel

Ambulance personnel may, in the performance of their functions, whenever they reasonably regard it as necessary or expedient in the interest of the health or well-being of any person—

- (a) temporarily close any road or street;
- (b) access or enter any premises by any reasonable means;
- (c) restrict access to an incident scene; or
- (d) cause to be removed from the scene any person who—
 - (i) is in danger or poses a threat to himself or herself; or
 - (ii) obstructs or hinders ambulance personnel in the performance of their duties.

10. Offences and penalties

A person who—

- (a) contravenes section 3(1);
- (b) obstructs or hinders an inspecting officer or ambulance personnel in the performance of their duties;
- (c) prevents access of ambulance personnel to a person in need of emergency medical care;

- (d) wilfully summons a licensed ambulance service, without a valid reason for doing so;
- (e) impersonates any ambulance personnel; or
- (f) uses a vehicle on which is displayed the term "paramedic", "ambulance", "medical rescue", "medical response", "advanced life support", "intermediate life support" or "basic life support", or any other term or sign indicating that the vehicle is used for emergency medical care, unless the vehicle is owned by or is under the control of a licensed ambulance service and displays the prescribed licence token,

commits an offence and is liable to a fine or to imprisonment for a period not exceeding five years, or to both the fine and the imprisonment.

11. Delegation

- (1) The Head of Department may delegate any power or assign any duty conferred or imposed upon him or her in terms of this Act, to any employee of the Department, subject to conditions determined by the Head of Department.
- (2) A delegation or assignment in terms of subsection (1)—
 - (a) must be in writing;
 - (b) does not prevent the Head of Department from exercising the power or performing the duty concerned; and
 - (c) may be withdrawn at any time.

12. Regulations

The Minister may make regulations, after consultation with the standing committee of the Provincial Parliament responsible for health, regarding—

- (a) any matter which may or must be prescribed in terms of this Act;
- (b) the management, control, supervision and operation of a licensed ambulance service;
- (c) the records to be kept by a licensed ambulance service;
- (d) the categories of vehicles of a licensed ambulance service that must display the licence token referred to in section 10(f);
- (e) coordination between the various licensed ambulance services;
- (f) the management of any incident or situation requiring the provision of emergency medical care and where more than one ambulance service is involved; or
- (g) any matter which the Minister considers necessary or expedient to prescribe for the effective carrying out of this Act.

13. Transitional provisions

For a period of 12 months after the date of commencement of this Act, section 3 does not apply to a person who, immediately before that date, conducted, maintained, managed or controlled an ambulance service.

14. Short title and commencement

This Act is called the Western Cape Ambulance Services Act, 2010, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.