

Western Cape, South Africa

Western Cape Ambulance Services Act

Western Cape Ambulance Services Regulations, 2012

Provincial Notice 180 of 2012

Legislation as at 2 July 2012

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Western Cape South Africa

Western Cape Ambulance Services Act

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Provincial Notice 180 of 2012

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The provincial Minister of Health in the Western Cape has made the regulations set out in the Schedule in terms of section 12 of the Western Cape Ambulance Services Act, 2010 (Act 3 of 2010).

1. Definitions

In this Schedule any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context indicates otherwise—

"**advanced life support**" or "ALS" refers to the skills attributed to a person registered as—

- (a) a paramedic, emergency care practitioner or medical practitioner with the Health Professions Council; or
- (b) a professional nurse with the South African Nursing Council and who has a valid critical-care or advanced-life-support qualification or certificate, as the case may be;

"**adverse patient incident**" means an event or circumstance that leads to unintended harm to, or suffering, illness or injury of, a patient;

"**ambulance**" means a vehicle that is designed or adapted, equipped and used or intended to be used for the transportation of patients;

"**ambulance service manager**" means a person contemplated in regulation 17(1);

"**basic life support**" or "BLS" refers to the skills attributed to a person registered as a basic ambulance assistant with the Health Professions Council;

"**committee**" means the advisory committee appointed in terms of regulation 3(1);

"**emergency care practitioner**" means a person registered with the Health Professions Council as an emergency care practitioner;

"**Health Professions Act**" means the Health Professions Act, 1974 (Act 56 of 1974);

"**Health Professions Council**" or "HPCSA" means the Health Professions Council of South Africa, established by the Health Professions Act;

"**intermediate life support**" or "ILS" refers to the skills attributed to a person registered as an ambulance emergency assistant or emergency care technician with the Health Professions Council;

"**licence holder**" means the person or organ of state that has been granted a licence in accordance with section 2 of the Act;

"**major medical incident**" means an incident where the number of patients or the special nature of the incident requires extraordinary measures beyond routine ambulance response;

"**mass casualty situation**" means a casualty situation where the number of patients exceeds the capacity of a single ambulance service to rescue, treat and convey the patients;

"**medical practitioner**" means a person registered with the Health Professions Council as a medical practitioner;

"**norms and standards**" means the norms and standards determined by the Minister in terms of section 4 of the Act;

"**Nursing Act**" means the Nursing Act, 2005 (Act 33 of 2005);

"**paramedic**" means a person registered with the Health Professions Council as a paramedic;

"**Priority One**" means an emergency response classified as an emergency-at-once case by the call taker or dispatcher at the call receiving medical communication centre of an ambulance service;

"**Priority Two**" means an emergency response classified as urgent, for response as soon as possible, by the call taker or dispatcher at the call receiving medical communication centre of an ambulance service;

"**register of ambulance services**" means the register contemplated by regulation 6(7);

"**rescue vehicle**" means a vehicle that is designed or adapted and is equipped for, and is used or intended to be used by, an ambulance service to convey specialist rescue personnel and equipment;

"**response time**" means the time measured from the time an ambulance service receives an emergency call to the time the first medical resource arrives on scene;

"**response vehicle**" means a vehicle that is designed or adapted and is equipped for, and is used or intended to be used by, an ambulance service to convey specialist medical equipment;

"**supervising medical practitioner**" means a medical practitioner who—

- (a) is contracted or employed by an ambulance service in a supervisory clinical capacity; and
- (b) is regularly consulted by ambulance personnel;

"**the Act**" means the Western Cape Ambulance Services Act, 2010 (Act 3 of 2010);

"**volunteer**" means a person who, of his or her own free will and choice, without material or other compensation, undertakes tasks to the benefit of an ambulance service under the direction of that ambulance service.

2. Licensing of ambulance services

- (1) A person, including an organ of state, who wishes to—
 - (a) conduct an ambulance service, must apply in accordance with Forms 1 and 2 of Annexure A; or
 - (b) alter the nature, scope or extent of an ambulance service, must apply in accordance with Forms 1 and 2 of Annexure A.
- (2) The application must be delivered by hand, or sent by email or registered post, to the Office of the Head of Department.
- (3) The applicant must pay the application fee set out in Annexure B when submitting an application for the licensing of an ambulance service.
- (4) An applicant may withdraw an application at any stage, but forfeits the application fee if the application is withdrawn.
- (5) The Head of Department must review the application within 30 days of receipt thereof in order to determine whether it has been properly completed and whether additional information is required.

- (6) If the Head of Department considers that the application has not been properly completed or that any additional information is required, he or she must request the applicant to correct the incompleteness, or supply the additional information required, by a specific date.
- (7) If an applicant fails to complete an incomplete application or to supply any additional information by the date specified by the Head of Department in terms of subregulation (6), the applicant must be regarded as having withdrawn the application.
- (8) The Head of Department must, within 30 days after the expiry of the period of 30 days referred to in subregulation (5) or after the date referred to in subregulation (6), as the case may be—
 - (a) publish a notice of the receipt of the application in at least two newspapers in general circulation in the applicable area of the province and request written comments on such application; and
 - (b) submit a copy of the application to—
 - (i) all municipalities potentially affected by the application; and
 - (ii) other authorities or institutions regarded necessary by the Head of Department.
- (9) A notice contemplated by subregulation (8)(a) must—
 - (a) be published in at least two official languages of the Province;
 - (b) specify that any interested party has 30 days from the date of publication of the notice to submit written comments to the Head of Department; and
 - (c) provide that a copy of the application may be obtained at a nominal fee from an office specified in the notice.
- (10) A municipality, authority or institution referred to in subregulation 8(b) may submit written comments to the Head of Department within 30 days after receipt of the copy of the application.
- (11) If comments are received in terms of subregulation of 9(b) or (10), the Head of Department must within 10 days of the expiry of the period permitted for the submission of the comments—
 - (a) notify the applicant in writing that comments have been received; and
 - (b) provide the applicant with a copy of the comments.
- (12) The applicant has 15 days from receipt of a copy of the comments in terms of subregulation (11) in which to respond in writing to the Head of Department, failing which the applicant must be regarded as not wishing to respond.

3. Advisory committee

- (1) The Head of Department must appoint an advisory committee to advise and to make recommendations on applications referred to in regulation 2(1).
- (2) The advisory committee must be comprised of—
 - (a) one staff member of the Department, who must not be from the ambulance-services component of the Department;
 - (b) one person who is a specialist in emergency medicine;
 - (c) one person nominated by the organisation recognised in terms of the Organised Local Government Act, 1997 (Act 52 of 1997), to represent local government in the Province; and
 - (d) one person with extensive technical expertise of ambulance services.
- (3) The Head of Department must designate one of the members as the chairperson of the committee.

- (4) At the first meeting of the committee, the chairperson must determine meeting procedures, and the committee must appoint a deputy chairperson and establish a code of conduct for members.
- (5) The chairperson may at any stage in the consideration of an application call upon any person to participate in the committee if the chairperson is satisfied that that person will be able to assist the committee to make a recommendation, but that person may not vote.
- (6) The chairperson must ensure that a full record is kept of attendance at, the proceedings of, and any resolutions taken at, any meeting of the committee.
- (7) A quorum for a meeting is three members of the committee, but either the chairperson or deputy chairperson must always be present.
- (8) A decision of the majority of members present at a meeting of the committee is a decision thereof, and in the event of an equality of votes the person presiding at that meeting has a casting as well as a deliberative vote.
- (9) The Head of Department must pay members who are not employed by the State—
 - (a) remuneration; and
 - (b) allowances for reasonable actual subsistence and travelling expenses necessitated by the attendance of a meeting of the committee,determined by the Minister with the concurrence of the provincial Minister responsible for finance.

4. Prohibition concerning members of committee

- (1) A member of the committee may not be present during, or take part in, any discussion of or the making of decisions or recommendations on, any application before the committee in which—
 - (a) that member or a spouse, immediate family member, business partner, associate or employer (other than the State) of that member; or
 - (b) a business partner, associate, immediate family member or employer (other than the State) of the spouse of that member,has a direct or indirect financial interest or has had such an interest during the previous 12 months.
- (2) For the purpose of subregulation (1)—
 - (a) "spouse" includes a person with whom the member lives as if they were married or with whom the member habitually cohabits; and
 - (b) "immediate family member" means a parent, child, brother or sister, whether or not such a relationship results from birth, marriage or adoption.
- (3) A person may not, while he or she is a member of the committee, accept any form of employment, gift or reward from any person who has a direct financial interest in an ambulance service, or a person who has applied for a licence in terms of regulation 2.

5. Consideration of applications by committee

- (1) The Head of Department must submit each application contemplated by regulation 2(1) and all comments and responses received in respect of the application, to the committee within 10 days of —
 - (a) the closing date for comments, if no comments have been received; or
 - (b) the closing date for the applicant's response to the comments, if comments have been received.

- (2) When considering an application, the committee must consider all comments and responses received in respect of the application, including written reports by the inspecting officer.
- (3) The committee may take into account any factors that it regards to be relevant to the application, including—
 - (a) the need to promote equitable distribution and rationalisation of ambulance services with a view to correcting inequities based on racial, gender, economic and geographical factors;
 - (b) the need to promote quality ambulance services which are accessible, affordable, cost-effective, and safe;
 - (c) the potential advantages and disadvantages of the application for existing ambulance services;
 - (d) the need to protect or advance people from designated groups as defined in the Employment Equity Act, 1998 (Act 55 of 1998), and the emerging small, medium and micro-enterprise sector; and
 - (e) the potential benefits of training, research and development to improve ambulance service delivery.
- (4) The committee must render its recommendation to the Head of Department within 60 days of receipt of the application concerned.
- (5) The committee may recommend that an application should be—
 - (a) granted;
 - (b) granted subject to conditions which the committee considers appropriate, including conditions relating to—
 - (i) the nature, type or quantum of services to be provided by the ambulance service;
 - (ii) insurance cover and indemnity to be carried by the ambulance service;
 - (iii) personnel;
 - (iv) inspections or monitoring by the Department;
 - (v) appropriate complaints mechanisms which must be made available to all users of the ambulance service;
 - (vi) appropriate data-reporting mechanisms on key indicators; or
 - (c) refused.

6. Head of Department's decision on application

- (1) The Head of Department must, within 10 days of receipt of a recommendation by the committee, decide about the application and—
 - (a) grant the application; or
 - (b) grant it subject to conditions; or
 - (c) refuse the application.
- (2) An application may be refused only if the Head of Department is satisfied that the applicant does not or will not comply with the requirements set out in paragraphs (a) to (g) of regulation 7.
- (3) The Head of Department may, before taking a decision in terms of subregulation (1), refer an application back to the committee for reconsideration of its recommendation.

- (4) The committee must make its final recommendation on an application referred back to it within 21 days of receipt thereof.
- (5) The Head of Department must, within five days of receipt of a final recommendation in terms of subregulation (3), decide on the application in accordance with subregulation (1).
- (6) The Head of Department must, within 10 days of deciding an application, inform the applicant in writing of the decision and, if the application is refused, give written reasons for the refusal and inform the applicant of the right of appeal in terms of regulation 8.
- (7) When the Head of Department has granted an application, he or she must cause the ambulance service to be registered in a register of ambulance services kept by the Department and inform the applicant in writing that this has been done.

7. Requirements for licensing of ambulance services

In order to qualify to be licensed as an ambulance service, a service must comply with the following:

- (a) The personnel, vehicles and equipment of the service must comply with the applicable minimum norms and standards.
- (b) Each vehicle of the service used as an ambulance, response vehicle or rescue vehicle must be clearly marked as such.
- (c) The vehicles must be roadworthy, modified, adapted and configured according to the minimum norms and standards for the category of emergency care that is to be provided by the unit concerned with regard to personnel, vehicle, and equipment.
- (d) The service must have adequate liability insurance cover.
- (e) The service must be supervised by an ambulance services manager.
- (f) The ratio of ambulances to response vehicles in a service must at least be one ambulance to one response vehicle.
- (g) The service must have a base in the province, from which it operates, and a communications system to receive requests for assistance and to dispatch vehicles.

8. Appeals

- (1) An applicant may, within 14 days of being notified in terms of regulation 6 of the Head of Department's decision on the application, lodge an appeal in writing with the Minister and must include the grounds for the appeal.
- (2) The Minister must, within seven days of receipt of an appeal, submit a copy thereof to the Head of Department.
- (3) The Head of Department must within 30 days of receipt of a copy of an appeal, submit a response thereto to the Minister.
- (4) The Minister may appoint up to three persons who are not staff members of the Department or members of the committee to advise the Minister on the appeal.
- (5) The Minister may uphold or refuse an appeal and may, in the event that the appeal is upheld, replace the decision of the Head of Department with a decision to grant the application either unconditionally or subject to conditions determined by the Minister.
- (6) An appeal must be finally adjudicated within 30 days of the date on which the Head of Department submits a response to the Minister in terms of subregulation (3).
- (7) The Minister must communicate the decision on the appeal in writing to the appellant and, if the appeal is refused, give the reasons therefore.

- (8) If the Minister upholds an appeal, the Head of Department must cause an appropriate entry to be made in the register of ambulance services.

9. Issuing of licence certificates and licence tokens

- (1) If an application for an ambulance service is granted or conditionally granted, the Head of Department must—
- (a) cause an inspecting officer to inspect the ambulance service concerned in order to establish that the service complies with the requirements of regulation 7; and
 - (b) issue the applicant with—
 - (i) a licence certificate to operate the service concerned; and
 - (ii) a licence token for each vehicle to be used by that service as an ambulance or a rescue or response vehicle.
- (2) A licence certificate and a registration disc must have displayed on it the date from which it is effective and its expiry date.
- (3) A licence is valid until 31 December of the year in which the licence certificate was issued in terms of subsection (1).
- (4) A licence that has not been cancelled or suspended in terms of section 6 of the Act is, upon receipt by the Head of Department of the annual renewal fee referred to in Annexure B, regarded as having been automatically renewed until 31 December of the year in respect of which that fee has been paid.

10. Inspecting officers and inspections

- (1) An inspecting officer may at any reasonable time inspect an ambulance service as contemplated in section 5(2)(a) of the Act.
- (2) An inspecting officer must—
- (a) be afforded reasonable access to an ambulance service, including its facilities, for the purposes of an inspection; and
 - (b) within 30 days of inspecting an ambulance service provide a report to the Head of Department.
- (3) An inspecting officer may make recommendations to the Head of Department with respect to an ambulance service.
- (4) A person may not—
- (a) in any way obstruct an inspecting officer in the performance of his or her duties;
 - (b) refuse to furnish to the best of his or her knowledge any information requested by an inspecting officer; or
 - (c) refuse to show an inspecting officer at his or her request any equipment, apparatus or vehicle of an ambulance service, or purchase or maintenance records associated with such equipment, apparatus or vehicle.
- (5) The Head of Department must ensure that every ambulance service is inspected at least annually.
- (6) In addition to the annual inspection referred to in subregulation (5), the Head of Department may at any reasonable time, and without notice, cause an ambulance service to be inspected by an inspecting officer, but at no cost to that service.

11. Cancellation and suspension of licences

- (1) If a licensed ambulance service contravenes or does not comply with any provision of these Regulations or of paragraph (a), (b), (c), (d) or (e) of section 6(1) of the Act, the Head of Department must give written notice of the defect or non-compliance to the licence holder.
- (2) The notice must state—
 - (a) the nature and extent of the defect or non-compliance which must be rectified;
 - (b) that failure to rectify it within the time specified in the notice could lead to the cancellation or suspension of the licence; and
 - (c) that the licence holder is entitled to make written representations to the Head of the Department within the time specified in the notice regarding the proposed cancellation or suspension of the licence.
- (3) If, at the expiry of the time period specified in terms of subregulation (2)(c), the defect or non-compliance has not been rectified to the satisfaction of the Head of Department, he or she may, having regard to all relevant facts, including the report of an investigating officer and any representations by the licence holder, cancel or suspend the licence of the ambulance service in terms of section 6 of the Act.
- (4) If the licence is cancelled or suspended, the Head of Department must within 10 days inform the licence holder in writing of the decision, of the reasons therefore and of the right of appeal to the Minister.
- (5) Regulation 8 applies, with the changes required by the context, to an appeal contemplated in subregulation (4).

12. Reinstatement of licence and lifting of suspension

- (1) A person whose licence has been cancelled or suspended may at any time apply for the reinstatement of the licence or the lifting of its suspension as contemplated in section 6(2) of the Act.
- (2) Regulation 2 applies, with the changes required by the context, in respect of an application for the reinstatement of a licence.
- (3) Before the Head of Department reinstates a licence or lifts its suspension, an inspecting officer must inspect the ambulance service concerned and make a recommendation to the Head of Department.

13. Fees

- (1) The fees referred to in section 8(1) of the Act are as set out in Annexure B.
- (2) The fee for the renewal of a licence becomes payable each year on completion of the annual inspection contemplated in regulation 10(5).

14. Change of ownership

- (1) A licence for an ambulance service may not be transferred.
- (2) If an ambulance service is transferred or sold to a new owner, the new owner must submit an application in terms of regulation 2 (1)(a).

15. Display of licence certificates and licence tokens

The ambulance service manager must ensure that—

- (a) the licence certificate referred to in regulation 9(1)(b)(i) is displayed in a conspicuous place at the base of the ambulance service referred to in regulation 7(g); and
- (b) the applicable licence token referred to in regulation 9(1)(b)(ii) is displayed in a conspicuous place on every vehicle used by the ambulance service as an ambulance or a rescue or response vehicle.

16. Information concerning ambulance service

- (1) The ambulance-service manager of an ambulance service or his or her designee must furnish an inspecting officer upon his or her request with all the information necessary for the purposes of the licensing or continued licensing of that service.
- (2) The ambulance-service manager must ensure that the following information is captured on a monthly basis, properly secured, and readily available to be provided at the request of an inspecting officer:
 - (a) Priority-1 ambulance response-time performance within urban and rural areas;
 - (b) Priority-2 ambulance response-time performance within urban and rural areas;
 - (c) the number, names, qualifications, and relevant HPCSA or South African Nursing Council registration details of employees, contractors and volunteers;
 - (d) the number of ambulances in the service; and
 - (e) the number and nature of adverse patient incidents.
- (3) The ambulance service manager must ensure that an individual patient care record is kept for every patient treated or conveyed by the service.

17. Management of ambulance service

- (1) An ambulance service must appoint a person who is qualified and registered to at least intermediate life support level to manage and supervise the service.
- (2) The ambulance-service manager must—
 - (a) ensure that the number of patients conveyed in an ambulance-service vehicle does not exceed the maximum number permitted in terms of the applicable norms and standards, except in the case of major medical incidents or mass casualty situations;
 - (b) ensure that the ambulance service is not operated in a way that compromises public, patient or personnel safety;
 - (c) keep confidential patient records as required by law, and have those records reviewed by the supervising medical practitioner or his or her delegate at frequent and regular intervals for both appropriate documentation and care;
 - (d) inform the Head of Department in writing, within 30 days, of any change in the particulars furnished by or on behalf of the licence holder in terms of these regulations;
 - (e) rely upon and defer to the judgement of the service's supervising medical practitioner in all matters of clinical care for the health protection of ambulance personnel and for the appropriate administration of medical care given to patients attended by that service;
 - (f) ensure that no patient is ever refused care or transport by the ambulance service on the basis of that person's inability to pay for the care or transportation;

- (g) ensure that protocols exist for immediate medical intervention in the event of the exposure of ambulance personnel to situations of a biological, chemical, psychological or physical nature; and

18. Incident management and coordination of ambulance services

- (1) The Head of Department must designate a staff member of the Department to manage mass casualty incidents.
- (2) The Head: Ambulance Services in the Department must coordinate—
 - (a) the actions necessary for pre-hospital emergency care related to all major medical incidents; and
 - (b) a Major Incident Medical Management and Support System (MIMMS) within the Province.

19. Offences and penalties

A person who contravenes regulation 4(3) or 10(4) commits an offence and is liable to a fine or to imprisonment for a period not exceeding five years.

20. Short title

These regulations are called the Western Cape Ambulance Services Regulations, 2012.

Annexure A to Ambulance Services Regulations

Form 1: Applicant details

Company name.....

Company registration number.....

Tax certificate number.....

Address physical.....

Address postal.....

Email address.....

Facsimile number.....

Manager name.....

Service details

Service name.....

District of operation (*mark with an X*)

Cape Town Overberg West Coast Cape Winelands Central Karoo Eden

Guide to completion of application

Each application, whether for a new service or the extension of a service, must consist of Form 1, a Form 2 for each station, and the annexures.

Application annexures

The following documentation must be attached to this application:

- (1) A copy of the service plan for the geographic area(s) specified in the application.
- (2) Detailed reasons why this application should be approved with reference to regulations 7(a) to (g).
- (3) Further information as deemed necessary by the applicant.
- (4) Tax clearance certificate.

Form 2: Station details

To be completed per station

Service name.....

District of operation.....

Town of operation.....

Physical address.....

Telephone.....

Facsimile.....

Email.....

Contact officer.....

GIS coordinates S....°.....'....."E....°.....'....."

Clinical scope of service

Mark with an X

BLS ILS ALS RESCUE AVIATION MARITIME

Fleet details

Number of ambulances		Number and type of aircraft	
Number of rescue vehicles		Number and type of boats	

Number of other vehicles			
--------------------------	--	--	--

Personnel details

Total number of personnel	
---------------------------	--

Number of personnel with each type of qualification:

BAA		AEA		CCA		Doctor		Manager/ supervisor	
NDIP		BTech		ECT		Nurse		Volunteer	
Other									

Applicant signature	Date
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