



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 584.

21 Maart 1979.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 18 van 1979: Wysigingswet op Gesondheid, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 584.

21 March 1979.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 18 of 1979: Health Amendment Act, 1979.

Act No. 18, 1979

HEALTH AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Health Act, 1977, so as to provide for the continued existence of the Kimberley Health Board to a date determined by the Minister of Health; for the vesting in the City Council of Kimberley of all assets, rights, liabilities and obligations of the said Kimberley Health Board; and for the transfer of the officers and employees of the said Kimberley Health Board to the City Council of Kimberley; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 13 March 1979.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 63 of
Act 63 of 1977.

1. (1) Section 63 of the Health Act, 1977, is hereby amended—
 - (a) by the substitution in subsection (1) for the words 5
preceding paragraph (a) of the following words:
“Subject to the provisions of **[subsection]** subsec-
tions (2) and (4)—”; and
 - (b) by the addition of the following subsection:

“(4) (a) Notwithstanding the repeal of the Public 10
Health Extension Act, 1884 (Act No. 10 of
1884—Cape), by subsection (1), the Kimberley
Health Board established by the said Act (in this
subsection referred to as the board) shall continue 15
to exist and shall continue to perform its functions
until a date determined by the Minister by notice in
the *Gazette*, which may be a date prior to the date
of that notice.

(b) As from the date determined by the Minister in 20
terms of paragraph (a), all assets, rights, liabilities
and obligations of the board shall vest in the City
Council of Kimberley, and the registrar of deeds
concerned shall, as soon as practicable after the
said date, make such entries or endorsements in or 25
on any relevant register, title deed or other
document in his office or submitted to him as he
may deem necessary in order to give effect to the
provisions of this paragraph, and no transfer duty,
stamp duty, office fee or other charge shall be 30
payable in respect of any vesting in terms of this
paragraph or in respect of any such entry or
endorsement.

(c) The City Council of Kimberley shall, subject to the
provisions of paragraph (d), utilize the assets and 35
rights vested in it in terms of paragraph (b),

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalinge van die Wet op Gesondheid, 1977, ten einde voorsiening te maak vir die voortbestaan van die „Kimberley Health Board” tot 'n datum wat die Minister van Gesondheid bepaal; vir die oorgaan van alle bates, regte, laste en verpligtinge van genoemde „Kimberley Health Board” op die Stadsraad van Kimberley; en vir die oorpasing van genoemde „Kimberley Health Board” se beamptes en werknemers na die Stadsraad van Kimberley; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Maart 1979.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Artikel 63 van die Wet op Gesondheid, 1977, word 5 hierby gewysig—
 - (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Behoudens die bepalinge van **[subartikel]** subartikels (2) en (4)—”; en
 - 10 (b) deur die volgende subartikel by te voeg:

„(4) (a) Ondanks die herroeping van die „Public Health Extension Act, 1884” (Wet No. 10 van 1884—Kaap), deur subartikel (1), bly die „Kimberley Health Board” wat by genoemde Wet ingestel is

15 (in hierdie subartikel die raad genoem), voortbestaan, en gaan hy voort met die verrigting van sy werksaamhede, tot 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, wat 'n datum voor die datum van daardie kennisgewing kan wees.

20 (b) Vanaf die datum ingevolge paragraaf (a), deur die Minister bepaal, gaan alle bates, regte, laste en verpligtinge van die raad oor op die Stadsraad van Kimberley, en die betrokke registrateur van aktes moet, so gou doenlik na bedoelde datum, die

25 inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalinge van hierdie paragraaf gevolg te gee, in of op enige betrokke register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê, maak, en geen hereregte, seëlregte, kantoorgelde of ander gelde is ten opsigte van 'n oorgang ingevolge hierdie paragraaf of ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.

30 (c) Die Stadsraad van Kimberley moet, behoudens die bepalinge van paragraaf (d), die bates en regte wat ingevolge paragraaf (b) op hom oorgegaan het,

35

Wysiging van
artikel 63 van
Wet 63 van 1977.

Act No. 18, 1979

HEALTH AMENDMENT ACT, 1979.

- for purposes of the provision, in terms of a decision to co-operate as contemplated in section 20 (6), of health services within the districts of those local authorities the districts of which fall within the area of jurisdiction of the board (in this subsection referred to as the local authorities in question), and which are parties to such a decision to co-operate. 5
- (d) The City Council of Kimberley shall pay, out of the assets referred to in paragraph (c), an amount mutually agreed upon by the local authorities in question, to such of the local authorities in question as are not parties to a decision referred to in paragraph (c) and may, if necessary for purposes of such a payment, convert any part of those assets into money. 10 15
- (e) Any amount paid in terms of paragraph (d), shall be utilized by the local authority which received it for the provision of health services within its district.
- (f) If an agreement contemplated in paragraph (d) cannot be reached, the matter shall be referred to the Minister and the decision of the Minister with regard to the matter shall be final. 20
- (g) As from a date mutually agreed upon by the board and the City Council of Kimberley, which shall be a date prior to the date referred to in paragraph (b), the service, with the board, of every person who is on that date in the service of the board shall terminate and he shall become an employee of the City Council of Kimberley. 25 30
- (h) Save in pursuance of disciplinary measures applied by the City Council of Kimberley, the salary or scale of salary of any person who so becomes an employee of the City Council of Kimberley shall not be reduced without his consent. 35
- (i) Any leave which may have accrued in favour of any such person before he so became an employee of the City Council of Kimberley, shall be deemed to have accrued in his favour by virtue of service with the City Council of Kimberley. 40
- (j) Subject to the provisions of paragraphs (h) and (i), the City Council of Kimberley may determine the remuneration, furnishing of benefits and other conditions of service of persons who become employees of the City Council of Kimberley in terms of paragraph (g), as it may deem fit." 45

(2) Subsection (1) shall be deemed to have come into operation on 1 September 1977.

Short title.

2. This Act shall be called the Health Amendment Act, 1979.

WYSIGINGSWET OP GESONDHEID, 1979.

Wet No. 18, 1979

- aanwend vir die doeleindes van die verskaffing, ingevolge 'n besluit om saam te werk soos beoog in artikel 20 (6), van gesondheidsdienste binne die distrikte van daardie plaaslike besture waarvan die distrikte binne die regsgebied van die raad val (in hierdie subartikel die betrokke plaaslike besture genoem), en wat partye is by so 'n besluit om saam te werk.
- (d) Die Stadsraad van Kimberley moet, uit die bates bedoel in paragraaf (c), 'n bedrag waartoe die betrokke plaaslike besture onderling ooreengekom het, betaal aan sodanige van die betrokke plaaslike besture wat nie partye is by 'n besluit bedoel in paragraaf (c) nie, en kan, indien nodig vir die doeleindes van so 'n betaling, enige deel van daardie bates te gelde maak.
- (e) 'n Bedrag ingevolge paragraaf (d) betaal, moet deur die plaaslike bestuur wat dit ontvang het, aangewend word vir die verskaffing van gesondheidsdienste binne sy distrik.
- (f) Indien 'n ooreenkoms beoog in paragraaf (d) nie bereik kan word nie, moet die saak na die Minister verwys word en die besluit van die Minister met betrekking tot die saak is afdoende.
- (g) Vanaf 'n datum waartoe die raad en die Stadsraad van Kimberley onderling ooreengekom het, wat 'n datum voor die datum bedoel in paragraaf (b) moet wees, eindig die diens, by die raad, van elke persoon wat op daardie datum in die diens van die raad is, en word hy 'n werknemer van die Stadsraad van Kimberley.
- (h) Behalwe ingevolge tugmaatreëls deur die Stadsraad van Kimberley toegepas, word 'n persoon wat aldus 'n werknemer van die Stadsraad van Kimberley word, se salaris of skaal van salaris nie sonder sy toestemming verminder nie.
- (i) Enige verlof wat ten gunste van so 'n persoon opgeloop het voordat hy aldus 'n werknemer van die Stadsraad van Kimberley geword het, word geag uit hoofde van diens by die Stadsraad van Kimberley ten gunste van hom op te geloop het.
- (j) Behoudens die bepalinge van paragrafe (h) en (i) kan die Stadsraad van Kimberley die besoldiging, verskaffing van voordele en ander diensvoorwaardes van persone wat ingevolge paragraaf (g) werknemers van die Stadsraad van Kimberley word, na goeddunke bepaal."

(2) Subartikel (1) word geag op 1 September 1977 in werking te getree het.

50 2. Hierdie Wet heet die Wysigingswet op Gesondheid, 1979. Kort titel.

