



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 358.

2 Maart 1984

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

No. 2 van 1984: Wysigingswet op Gesondheid, 1984.

OFFICE OF THE PRIME MINISTER

No. 358.

2 March 1984

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

No. 2 of 1984: Health Amendment Act, 1984.

Wet No. 2, 1984

WYSIGINGSWET OP GESONDHEID, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
-
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

WET

Tot wysiging van die Wet op Gesondheid, 1977, ten einde sekere verouderde uitdrukings te vervang; die omskrywing van "plaaslike bestuur" uit te brei om sekere Swart plaaslike besture in te sluit; die samestelling van die Adviserende Komitee vir Gesondheidsake te wysig; en sekere bevoegdhede van onderzoek en inspeksie verder te reël; en om vir bykomstige angeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1984.)

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

Wysiging van artikel 1 van Wet 63 van 1977, soos gewysig deur artikel 1 van Wet 33 van 1981.

1. Artikel 1 van die Wet op Gesondheid, 1977 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:
"Direkteur-generaal" die Direkteur-generaal: Gesondheid en Welsyn **[en Pensioene]**; 5
 - (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister van Gesondheid en Welsyn **[en Pensioene]**; en 10
 - (c) deur die omskrywing van "plaaslike bestuur" deur die volgende omskrywing te vervang:
"plaaslike bestuur"—
 - (a) 'n in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoogde instelling of liggaam; **[en ook]** of 15
 - (b) 'n bestuursraad soos omskryf in artikel 1 van die Wet op Landelike Kleurlinggebiede, **[1963 (Wet No. 24 van 1963)]** 1979 (Wet 1 van 1979, van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika; of 20
 - (c) 'n plaaslike bestuur soos omskryf in artikel 1 van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982); **[en]** of 25
 - (d) enige persoon wat ingevolge die bepalings van artikel 30 (2) deur die Minister tot 'n plaaslike bestuur verklaar is"; 20

Wysiging van artikel 4 van Wet 63 van 1977, soos gewysig deur artikel 2 van Wet 33 van 1981.

2. Artikel 4 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- "(b) drie **[persone wat elk 'n pos van direkteur in beampetes van die Departement van Gesondheid en Welsyn [en Pensioene beklee en]** wat deur die Minister 35 aangewys moet word;".

HEALTH AMENDMENT ACT, 1984

Act No. 2, 1984

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 Health Act, 1977, so as to replace certain obsolete expressions; to extend the definition of "local authority" so as to include certain Black local authorities; to alter the constitution of the Health Matters Advisory Committee; and to further regulate certain powers of investigation and inspection; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 22 February 1984.)

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

1. Section 1 of the Health Act, 1977 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the substitution for the definition of "Director-General" of the following definition:
"Director-General" means the Director-General, Health and Welfare [and Pensions];";
- 10 (b) by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of Health and Welfare [and Pensions];"; and
- 15 (c) by the substitution for the definition of "local authority" of the following definition:
"local authority" means—
- 20 (a) any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); [and includes] or
- 25 (b) a board of management as defined in section 1 of the Rural Coloured Areas [Act, 1963 (Act No. 24 of 1963)] Law, 1979 (Law 1 of 1979), of the Coloured Persons Representative Council of the Republic of South Africa; or
- 30 (c) a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982); [and] or
- 35 (d) any person declared to be a local authority by the Minister in terms of the provisions of section 30 (2);".
2. Section 4 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- 35 "(b) three [persons each holding a post of director in] of officers of the Department of Health and Welfare [and Pensions and] who shall be designated by the Minister;".

Amendment of
section 1 of
Act 63 of 1977,
as amended by
section 1 of
Act 33 of 1981.

Amendment of
section 4 of
Act 63 of 1977,
as amended by
section 2 of
Act 33 of 1981.

Wet No. 2, 1984

WYSIGINGSWET OP GESONDHEID, 1984

Wysiging van artikel 48 van Wet 63 van 1977, soos gewysig deur artikel 3 van Wet 37 van 1982 en artikel 3 van Wet 21 van 1983.

3. Artikel 48 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) By die toepassing van hierdie artikel beteken ‘plaaslike bestuur’ ook ‘n Administrasieraad ingestel kragtens die Wet op die Administrasie van Swart Sake, 1971 (Wet No. 45 van 1971), en ‘n gemeenskapsraad ingestel kragtens die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977) [en ‘n Swart plaaslike bestuur ingestel kragtens die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982)]. Met dien verstande dat ‘n Administrasieraad sy bevoegdhede en pligte ingevolge hierdie artikel slegs uitoefen of verrig ten opsigte van ‘n terrein in sy administrasiegebied wat ingevolge artikel 2 (1) (a) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), bepaal, afgesondert of aangelê is en ten opsigte waarvan ‘n gemeenskapsraad of ‘n Swart plaaslike bestuur ingestel kragtens die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), nie die bevoegdhede en pligte ingevolge hierdie artikel uitoefen of verrig nie.”.

Wysiging van artikel 53 van Wet 63 van 1977, soos gewysig deur artikel 12 van Wet 33 van 1981.

4. Artikel 53 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) ‘n Beampete van die Departement van Gesondheid en Welsyn [en Pensioene] of ‘n landdros of polisiebeampete of enige ander persoon wat die Minister in die algemeen of spesiaal gemagtig het, of ‘n mediese gesondheidsbeampete of gesondheidsinspekteur of enige ander persoon wat ‘n plaaslike bestuur in die algemeen of spesiaal gemagtig het, kan, te eniger tyd wat redelik is vir die verrigting van die plig, enige grond of perseel betree, uitgesonderd grond of ‘n perseel wat deur die Suid-Afrikaanse Weermag geokkupeer of gebruik word, ten einde—

(a) [en] die inspeksie te doen of ondersoek in te stel wat hy nodig ag om vas te stel of daar aan die bepalings van hierdie Wet voldoen word;

(b) ‘n plig te verrig of [om] enigiets te doen wat hy kragtens hierdie Wet moet verrig of kan doen [indien so ‘n inspeksie of die verrigting van so ‘n plig of handeling nodig is vir of voortvloeи uit die verrigting van sy pligte of die uitoefening van sy bevoegdhede]; of

(c) in die geval van ‘n beampete van die Departement van Gesondheid en Welsyn, [en Pensioene] die ondersoek in te stel wat hy nodig ag [om vas te stel of daar aan die bepalings van hierdie Wet voldoen word of] om die Minister te adviseer met betrekking tot die aanwesigheid of afwesigheid of aard van ‘n toedrag van sake in artikel 15 (1) beoog.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Wanneer ‘n beampete, inspekteur of persoon bedoel in subartikel (3) ‘n inspeksie doen of ‘n ondersoek instel of ‘n plig of handeling verrig soos beoog in hierdie artikel—

(a) moet hy op versoek van enigiemand wat daardeur geraak word die dokument wat ingevolge subartikel (3) aan hom uitgereik is [toon aan enigiemand wat daardeur geraak word] aan daardie persoon toon; en

(b) kan hy ‘n tolk of ander assistent met hom saamneem en sodanige tolk of ander assistent het, vir sover hy kragtens die opdrag van daardie beampete,

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3. Section 48 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

- 5 " (4) For the purposes of this section 'local authority' includes an Administration Board established under the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), and a community council established under the Community Councils Act, 1977 (Act No. 125 of 1977) [and a Black local authority established under the Black Local Authorities Act, 1982 (Act No. 102 of 1982)]: Provided that an Administration Board shall exercise or perform its powers and duties in terms of this section only in respect of an area of land in its administration area defined, set apart or laid out in terms of section 2 (1) (a) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and in respect of which a community council or a Black local authority established under the Black Local Authorities Act, 1982 (Act No. 102 of 1982), does not exercise or perform the powers and duties in terms of this section.”.

Amendment of section 48 of Act 63 of 1977, as amended by section 3 of Act 37 of 1982 and section 3 of Act 21 of 1983.

4. Section 53 of the principal Act is hereby amended—

- 20 (a) by the substitution for subsection (1) of the following subsection:

25 " (1) Any officer of the Department of Health and Welfare [and Pensions] or any magistrate or police officer or any other person generally or specially authorized by the Minister, or any medical officer of health or health inspector or any other person generally or specially authorized by a local authority may, at any time reasonable for the proper performance of the duty, enter any land or premises, except land or premises occupied or used by the South African Defence Force—

30 (a) to make [any] such inspection or carry out such investigation as he may consider necessary to establish whether the provisions of this Act are being complied with;

35 (b) to perform any duty or to do anything which he is under this Act required to perform or authorized [by this Act] to do [if such inspection or the performance of such duty or act is necessary for or incidental to the performance of his duties or the exercise of his powers]; or

40 (c) in the case of an officer of the Department of Health and Welfare [and Pensions], to carry out such investigation as he may consider necessary [to establish whether the provisions of this Act are being complied with or] to advise the Minister with regard to the absence or presence or nature of any state of affairs contemplated in section 15 (1)."; and

- 45 (b) by the substitution for subsection (4) of the following subsection:

50 " (4) Whenever any officer, inspector or person referred to in subsection (3) makes any inspection or carries out any investigation or performs any duty or act as contemplated in this section—

55 (a) he shall, [exhibit to] at the request of any person affected thereby, exhibit to such person the document issued to him in terms of subsection (3); and

60 (b) he may take an interpreter or other assistant with him and such interpreter or other assistant, in so far as he acts under the directions of such officer,

Amendment of section 53 of Act 63 of 1977, as amended by section 12 of Act 33 of 1981.

Wet No. 2, 1984**WYSIGINGSWET OP GESONDHEID, 1984**

inspekteur of persoon handel, by die toepassing van hierdie artikel dieselfde bevoegdheid as daar-die beampte, inspekteur of persoon, na gelang van die geval.".

Vervanging van "Departement van Gesondheid, Welsyn en Pensioene" deur "Departement van Gesondheid en Welsyn" in Wet 63 van 1977.

Kort titel.

5. Die Hoofwet word hierby gewysig deur die uitdrukking "Departement van Gesondheid, Welsyn en Pensioene" oral waar dit voorkom deur die uitdrukking "Departement van Gesondheid en Welsyn" te vervang.

6. Hierdie Wet heet die Wysigingswet op Gesondheid, 1984.

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inspector or person, shall for the purposes of this section have the same powers as such officer, inspector or person, as the case may be.”.

5. The principal Act is hereby amended by the substitution for 5 the expression “Department of Health, Welfare and Pensions” wherever it occurs of the expression “Department of Health and Welfare”.

Substitution for
“Department of
Health, Welfare
and Pensions” of
“Department of
Health and
Welfare” in Act
63 of 1977.

6. This Act shall be called the Health Amendment Act, 1984.

Short title.

