

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain odd numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 1899

8 July 1992

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

No. 111 of 1992: Hospitals Ordinance Amendment Act, 1992.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

HOSPITALS ORDINANCE AMENDMENT ACT
(TRANSVAAL) (HOUSE OF ASSEMBLY), 1992

Act No. 111, 1992

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Hospitals Ordinance, 1958 (Transvaal) (in so far as it is applied as a law on own affairs of the White population group), so as to define a certain expression; to empower the Minister to transfer a provincial hospital to a local authority; and to provide for the consequences of such a transfer; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 2 July 1992.)*

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

Definition

1. In this Act, unless the context otherwise indicates, "the Ordinance" means
5 the Hospitals Ordinance, 1958 (Ordinance No. 14 of 1958)(Transvaal), in so far as and to the extent to which the provisions of Part IV of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), have by paragraph (a) of Proclamation No. 42 of 1989 been declared to be applicable to the said Ordinance.

10 **Amendment of section 1 of Ordinance 14 of 1958, as amended by section 1 of Ordinance 19 of 1963, section 1 of Ordinance 8 of 1973 and section 1 of Ordinance 7 of 1976**

2. Section 1 of the Ordinance is hereby amended by the insertion in subsection
15 (1) after the definition of "medical practitioner" of the following definition:
" 'Minister' means the Minister of Health Services and Welfare: House of Assembly;".

Insertion of Chapter II in Ordinance 14 of 1958

3. The following Chapter is hereby inserted in the Ordinance after section 9:

"CHAPTER II

20 *Transfer of Provincial Hospital to Local Authority*

Transfer of provincial hospital

25 **10.** The Minister may, with the concurrence of a local authority and after consultation with the Administrator, on such conditions as the Minister may determine, by notice in the *Gazette* transfer a provincial hospital to the local authority concerned with effect from a date mentioned in the notice.

Consequences of transfer of provincial hospital to local authority

11. (1) As from the date on which a provincial hospital is transferred to a local authority under section 10—

- 5 (a) the provisions of this Ordinance and a regulation made there-
under, exclusive of this Chapter, shall cease to be applicable to
such provincial hospital;
- 10 (b) the ownership and control of movable and immovable property
and all rights which immediately prior to that date vested in the
Minister and the Department of Health Services and Welfare,
Administration: House of Assembly and which relate to the
provincial hospital concerned, shall devolve upon the local
15 authority concerned on such terms and conditions as the Min-
ister with the concurrence of the Minister of the Budget may
determine: Provided that the ownership of such property shall
without payment of compensation by the State revert to the
State if the property in the opinion of the Minister is not being
utilized in the interest of national health;
- 20 (c) the liabilities and obligations which immediately prior to that
date vested in the Minister and the Department of Health
Services and Welfare, Administration: House of Assembly,
shall devolve upon the local authority concerned;
- 25 (d) the administrative records and other documents relating to the
provincial hospital concerned and which the Minister may
determine shall be transferred to such local authority;
- (e) the management, care, control, executive power, regulation and
superintendence of the provincial hospital shall vest in the
council of the local authority concerned.

30 (2) If the immovable property of which the ownership reverts to
the State as contemplated in the proviso to subsection (1)(b), was
encumbered in any manner by the local authority concerned, that
local authority shall indemnify the State in respect of any costs or
expenses incurred in respect of such encumbrance and such costs or
expenses shall constitute a debt which may be recovered in any
competent court.

35 (3) Immovable property devolving upon the local authority or
reverting to the State in terms of subsection (1)(b), shall be
transferred to the local authority or the State, as the case may be,
without payment of transfer duty, stamp duty or other moneys or
costs, but subject to any term or condition referred to in subsection
40 (1)(b) and any existing right, encumbrance, obligation or trust on or
over that property.

45 (4) The officer in charge of a deeds office or other office where the
immovable property referred to in subsection (3) is registered, shall,
on submission to him of the title deed concerned, make such
endorsements on that title deed and such entries in his registers as
may be required to effect the transfer concerned.”.

Short title

4. This Act shall be called the Hospitals Ordinance Amendment Act
(Transvaal) (House of Assembly), 1992.