

No. 57, 1935.]

## ACT

**To amend the Public Health Act, 1919, and to provide for the nursing of patients outside hospitals in certain areas.**

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and House of Assembly of the Union of South Africa, as follows:—

Interpretation of terms.

1. In this Act the expression "principal Act" means the Public Health Act, 1919 (Act No. 36 of 1919), and any expression to which a meaning is assigned in the principal Act shall, where used in this Act, bear the same meaning.

Amendment of section 4 of Act 36 of 1919.

2. Sub-section (1) of section *four* of the principal Act is hereby amended—

- (i) by the deletion of the word "and" at the end of paragraph (b);
- (ii) by the insertion, after paragraph (b), of the following new paragraph (c):  
" (c) the director of veterinary services; and "
- (iii) by designating the existing paragraph (c) as paragraph (d).

Amendment of section 9 of Act 36 of 1919, as amended by section 3 of Act 36 of 1927.

3. Sub-section (1) of section *nine* of the principal Act is hereby amended by the deletion of the word "rural" wherever it occurs.

Amendment of section 10 of Act 36 of 1919.

4. Section *ten* of the principal Act is hereby amended by the addition thereto of the following new sub-sections, and by designating the existing section as sub-section (1):

" (2) Whenever any local authority is, in the opinion of the Minister, unable owing to lack of resources to exercise all its powers and to perform all its duties under this Act in connection with such diseases as aforesaid the Minister may, after consultation with the administrator by notice in writing addressed to such local authority relieve it, during a period specified in the notice, of the exercise of such powers or the performance of such duties, as he may specify in such notice, and he shall simultaneously direct the magistrate to act as the local authority in regard to the powers and duties of which such local authority was relieved and the provisions of section *nine* shall thereupon apply: Provided that if such local authority is not a divisional council and its area of jurisdiction is situate within the area of jurisdiction of a divisional council, the Minister may transfer to that divisional council the powers and duties of which such first-mentioned local authority was relieved.

(3) Whenever a local authority has been relieved, under sub-section (2) of any powers and duties, the Minister may authorize the administrator, if those powers and duties devolved upon the magistrate, or the divisional council, if those powers and duties were transferred to the divisional council, to recover from the local authority such proportion (not exceeding twenty-five per cent.) of any expenditure incurred in its area under this section by the magistrate or divisional council as he may consider should reasonably be borne by such local authority.

(4) Any amount recoverable from a local authority under sub-section (3) may be recovered by action in a competent court or by the levy of a special rate upon all rateable property in the district of the local authority in question (which special rate the administrator or divisional council is hereby authorized to impose) or by both such

methods of recovery, and the Minister's authorization to recover such amount shall be conclusive proof that it is due.

(5) Whenever any moneys are payable to a local authority out of any State or provincial funds while such local authority owes any amount recoverable under sub-section (3), the moneys so payable shall in the first place be devoted towards the payment of the debt so owing by the local authority."

Amendment of section 26 of Act 36 of 1919 as amended by section 4 of Act 15 of 1928.

5. Section *twenty-six* of the principal Act is hereby amended by the addition after the last proviso of the following further proviso:—

"Provided also that if a medical practitioner has certified that a person is suffering from an infectious communicable or preventable disease; that he urgently requires treatment and that he is unable to obtain such treatment, the Minister may take any steps which he deems necessary to ensure that such person shall receive such treatment as may seem to the Minister to be appropriate."

Amendment of section 50 of Act 36 of 1919 as amended by section 6 of Act 15 of 1928, and by section 3 of Act 29 of 1933.

6. Sub-section (1) of section *fifty* of the principal Act is hereby amended—

(i) by the addition at the end of paragraph (b) of the following words:

"Provided further that if any such scheme is intended to provide for the needs of the inhabitants of an extensive area of the Union and has been undertaken at the specific request of the Minister, the latter may refund the whole of the nett cost actually and necessarily incurred by the local authority in connection therewith";

(ii) by the addition at the end of paragraph (c) and at the end of paragraph (d) of the following words:

"and on the production of a certificate of the chief health officer that the Minister has made a refund under this paragraph, the administrator shall pay out of the provincial revenue fund to the local authority an amount equal to one-half of the amount so refunded by the Minister;"

(iii) by the deletion of the words "one-half" in paragraph (e) and the substitution therefor of the words "one-quarter" and by the addition at the end of the said paragraph of the following words: "and one-quarter of the total cost of dealing with such person may be recovered by the Minister directly from the administrator."

(iv) by the addition after paragraph (f) of the following new paragraph:

"(g) determine how the cost of treating any person suffering from an infectious, communicable or preventable disease whose treatment has been authorized by the Minister in terms of the last proviso to section *twenty-six* shall be apportioned: Provided that—

(i) if the Minister is satisfied that a local authority should have treated such person under this Act, he may defray from the Consolidated Revenue Fund the cost of treating such person and may recover from the administrator such cost less any proportion thereof that would have been borne by the Consolidated Revenue Fund under this Act had such person been treated by the local authority and the administrator may in turn recover from the local authority in default in the manner described in paragraph (d) of sub-section (1) of section *eleven* the amount so recovered from him, less any proportion thereof that would have been defrayed from the provincial revenue fund had such person been treated by the local authority;

(ii) if the Minister is satisfied that such person should have been treated in a public hospital controlled by the administrator, or by a board under provincial legislation, he may direct that the cost of treating such person be borne by the administrator, who may, if the hospital in which such person should

have been treated, is controlled by a board, as aforesaid, recover the amount in whole or in part from the board."

Amendment of section 66 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933. 7. Section *sixty-six* of the principal Act is hereby amended by the deletion, in paragraph (c) of the words "at any public institution" and the substitution therefor of the words "under conditions approved by the Minister".

Amendment of section 86 of Act 36 of 1919. 8. Section *eighty-six* of the principal Act is hereby amended by the addition after paragraph (n) of the following new paragraph:

"(o) regulating the burial at sea or the removal from the Union of the body of any person who died in the Union, or of any dead body brought into the Union, or prohibiting the burial of any dead body at sea within a distance of three nautical miles from the low water line on any part of the coast of the Union."

Amendment of section 116 of Act 36 of 1919. 9. Section *one hundred and sixteen* of the principal Act is hereby amended by the insertion after paragraph (d) of the following new paragraph:

"(e) prohibiting or regulating the conveyance of the carcase of any animal killed at a slaughter place situate outside the district of an urban local authority, into that district, or regulating the conveyance or delivery of any such carcase within such district, if he is satisfied that such slaughter place does not conform to the reasonable requirements of such local authority or that the inspection, storage or handling of carcases at such slaughter place or the method of conveying any carcase or part thereof from such place does not sufficiently safeguard the health of the inhabitants of the district of such local authority."

Amendment of section 132 of Act 36 of 1919. 10. Section *one hundred and thirty-two* of the principal Act is hereby amended by the deletion of paragraph (b) and the substitution therefor of the following paragraph:

"(b) the construction of new buildings and the provision of a sewerage and drainage system in connection with any buildings in urban areas; the siting and construction of new buildings and the repair of buildings, used or intended to be used as dwellings or work places; the provision of proper lighting and ventilation, the prevention of overcrowding, and the provision of suitable ablution rooms and sanitary conveniences in connection with dwellings or work places."

Amendment of section 133 of Act 36 of 1919 as amended by section 18 of Act 15 of 1928. 11. Section *one hundred and thirty-three* of the principal Act is hereby amended—

(a) by the deletion in sub-section (3) of the words "and to prohibit any person whose name is not on such list from so practising"; and

(b) by the deletion of sub-section (4) and the substitution therefor of the following sub-section—

"(4) If a local authority has made a list referred to in sub-section (3), any person (other than a registered medical practitioner) whose name is not included in that list shall be guilty of an offence if he practises midwifery within the district of that local authority."

Amendment of section 159 of Act 36 of 1919, as amended by section 26 of Act 15 of 1928. 12. Section *one hundred and fifty-nine* of the principal Act is hereby amended by the insertion of the following new definition after the definition of the word "burial":

"calf vaccine lymph" or "vaccine lymph" includes vaccine virus cultivated on any medium approved of by the Minister."

Refunds to provincial councils of expenditure on nursing outside hospitals. 13. Whenever a board controlling any hospital under provincial legislation has received a subsidy from a provincial council for the purpose of maintaining a nursing or midwifery service outside such hospital but in connection therewith, or whenever a provincial council incurs expenditure in establishing and maintaining any such service outside but in connection with any hospital under its control, the Minister may, subject to regulations which he is hereby authorized to make and which may prescribe the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of this section, refund to such provincial council one-half of the said subsidy or expenditure: Provided that no expenditure on the emoluments of pupil-midwives shall be refunded under this section.

Provision for nursing outside hospitals.

14. Whenever the Minister is satisfied that a nursing service or midwifery service outside a hospital is necessary in any area; that such service cannot properly be established or maintained in connection with a public hospital controlled by an administrator or by a hospital board under provincial legislation and that a contribution from public funds is justified, to enable such a service to be provided or maintained in the area, he may out of moneys voted by Parliament for the purpose—

- (a) refund to any charitable association of persons or to any local authority making provision for such a service a proportion not exceeding one-third of the salary paid by such association or local authority to any nurse or midwife who devotes all her time to nursing or midwifery service in the employ of such association or local authority: Provided that no such refund shall be made unless such nurse or midwife is registered as such under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), and unless the chief health officer has certified that the arrangements in connection with the appointment of such nurse or midwife are satisfactory and the best practicable and that the duties in question have been satisfactorily performed;
- (b) subsidize nurses or midwives who are registered as aforesaid, to enable them to practise in such area;

and whenever the Minister, after enquiry, finds that the provisions of paragraphs (a) and (b) cannot be carried out in such area, then he may, appoint, subject to the provisions of the law governing the public service, at such salary and on such conditions of service as he may determine, so many nurses and midwives registered as aforesaid, as are in his opinion necessary to render service in such area.

Nursing service in native areas.

15. The Minister may, out of moneys appropriated by Parliament for the purpose—

- (a) refund to any charitable association of persons or any body controlling any mission hospital or any statutory native body, which makes provision for a nursing or midwifery service in any native reserve or native location, one-third of the salary paid by such association or body to any nurse or midwife registered as such under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or to any native nursing assistant, who, in the employ of such association or body, devoted all her time to nursing or midwifery service in the said reserve or location outside a hospital: Provided that no such refund shall be made unless the chief health officer has certified that the persons employed as aforesaid are suitable; that the arrangements in connection with their appointment are satisfactory and the best practicable and that the services in question have been satisfactorily performed;
- (b) subsidize nurses and midwives registered as aforesaid and native nursing assistants to enable them to practise in such reserve and location;

and the Minister may, irrespective of any refund or subsidy under paragraph (a) or (b) appoint, subject to the provisions of the law governing the public service, on such salary and on such conditions of service as he may determine, so many nurses and midwives registered as aforesaid, and so many native medical and nursing assistants as are, in his opinion, necessary to render service in any such reserve or location.

Short title and commencement of Act.

16. This Act may be cited as the Public Health Amendment Act, 1935, shall be read as one with the principal Act and shall commence on a date to be fixed by the Governor-General by proclamation in the *Gazette*.