

No. 44, 1952.]

ACT

To amend the Public Health Act, 1919; the Public Health Amendment Act, 1935; the Public Health Amendment Act, 1940; and the Public Health Amendment Act, 1946.

(Afrikaans text signed by the Governor-General)
(Assented to 21st June, 1952.)

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

1. In this Act "principal Act" means the Public Health Act, 1919, and any expression to which a meaning has been assigned in the principal Act bears when used in this Act the meaning which has been so assigned. Definitions.

2. (1) The following new section is hereby substituted for section four of the principal Act: Amendment of section 4 of Act 36 of 1919, as substituted by section 4 of Act 51 of 1946.

"National Health Council.

4. (1) There is hereby established a National Health Council (hereinafter called the Council) which shall be constituted as follows:

(a) Eight persons shall be members *ex officio*, viz.: the Minister who shall be chairman, the Chief Health Officer, the Secretary for Nutrition, the Commissioner for Mental Hygiene, the Secretary for Social Welfare or his nominee, the Secretary for Native Affairs or his nominee, the Commissioner for Coloured Affairs or his nominee, and the Chairman of the National Housing and Planning Commission or his nominee.

(b) Four members shall be appointed by the Minister, of whom two shall be registered medical practitioners, one shall be a registered dentist and one shall be a registered nurse.

(c) The Governor-General shall appoint as members, after consultation with such persons or bodies as he may deem necessary—

(i) two registered medical practitioners, each of whom is engaged, at the date of his appointment, in whole-time medical missionary work within the Union and has been so engaged for a period of not less than ten years;

(ii) one person to represent organized workers;

(iii) one person having special knowledge of the needs of the Indian population of the Union relating to the preservation and promotion of health, and the incidence of disease; and

(iv) not more than five persons to represent such other interests as the Minister may recommend.

(d) The executive committee of each province shall appoint one member.

(e) The organizations specified below may nominate members to represent them, as follows:

(i) three registered medical practitioners to be nominated by the Medical Association of South Africa;

(ii) two registered dentists to be nominated by the Dental Association of South Africa;

(iii) two registered nurses and one registered midwife (who shall also be a registered medical and surgical nurse) to be nomi-

- nated by the South African Nursing Association;
- (iv) a registered chemist and druggist to be nominated by the Pharmaceutical Society of South Africa;
 - (v) a veterinary surgeon to be nominated by the South African Veterinary Medical Association;
 - (vi) a certificated sanitary inspector to be nominated by the Health Officials Association of Southern Africa;
 - (vii) two members to be nominated by the United Municipal Executive of South Africa;
 - (viii) two members to be nominated by the 'Federale Vroueraad';
 - (ix) one member to be nominated by each of the following: the Federated Chamber of Industries and the Association of Chambers of Commerce of South Africa, jointly; the South African Red Cross Society, the St. John Ambulance Society and the Noodhulpliga, jointly; the South African Women's Agricultural Union; the National Council of Women of South Africa; the South African National Council for Child Welfare and the Nursery Schools Association of South Africa, jointly; the South African National Council for the Deaf; the South African National Council for the Blind; the South African National Tuberculosis Association; the South African National Council for Mental Hygiene; the National Council for the Care of Cripples in South Africa; and each University in the Union possessing a medical or dental faculty.

(2) If any association or organization referred to in paragraph (e) of sub-section (1) ceases to exist or fails for any reason to nominate a member (jointly with another organization or otherwise as the case may be) within one month of being invited to do so by the Chief Health Officer, the Governor-General may in his discretion appoint a member to represent the interest or interests concerned.

- (3) (a) An alternate may be appointed or nominated, as the case may be, by the person or body severally concerned, to act in the place of a member appointed or nominated under sub-section (1) or sub-section (2), either generally or for the purpose of any particular meeting.
- (b) For the purpose of such nomination any association or organization referred to in paragraph (e) of sub-section (1) may act jointly with another such association or organization.
- (c) Such alternate shall, while acting as aforesaid, be deemed to be for all purposes a member of the Council.

(4) Save as provided in sub-sections (5) and (6) the members of the Council shall hold office for periods of five years and at the end of every such period they shall vacate office, but shall be eligible for reappointment or renomination.

(5) Every member of the Council shall be a European and shall vacate office if he—

- (a) becomes insolvent; or
- (b) is convicted of any offence for which he is sentenced to imprisonment without the option of a fine for a period of not less than twelve months, unless he is granted a free pardon; or

- (c) has been absent from three or more consecutive meetings of the Council without its leave; or
- (d) is disqualified under any law from carrying on his profession or calling; or
- (e) notifies the Council in writing, of his resignation; or
- (f) not being a member *ex officio* in terms of paragraph (a) of sub-section (1), is or becomes an officer in the public service as defined in the Public Service Act, 1923 (Act No. 27 of 1923).

(6) Every vacancy arising as aforesaid or owing to the death of a member shall, subject to the provisions of sub-section (1), be filled by the nomination or appointment (as the case may be) of another person who shall hold office for the remainder of the period for which the vacating member was appointed or nominated, and shall thereafter be eligible for reappointment or renomination.

(7) It shall be the function of the Council to advise and assist the Minister and the administrator of each province in the planning and direction of health services, and the Council shall accordingly—

- (a) examine reports published from time to time by the Department of Health or any provincial administration, local authority or other statutorily established public authority in so far as such reports relate to the health of the community;
- (b) call for and examine reports and statistics relating to any aspects of the activities of the Department of Health; and
- (c) require the submission to it by the Department of Health, the provincial administrations and the health departments of local authorities, either verbally or in writing, of such available supplementary information as it may from time to time require.

(8) If the Minister is unable to attend any particular meeting of the Council the members present shall elect one of their members to act as chairman during the absence of the Minister and such member shall, whilst so acting, have all the powers of the chairman.

(9) The Governor-General shall fix the date of the first meeting of the Council, and the Council shall meet at least once in two years.

(10) The Governor-General may make regulations providing for—

- (a) the convening of and procedure at meetings of the Council or of any committee thereof;
- (b) the number and composition of the members of the Council which shall constitute a quorum of the Council or of any committee thereof;
- (c) the powers of the chairman at meetings of the Council;
- (d) the appointment by the Minister of persons, not being members of the Council, to serve as members of any committee of the Council, provided that such additional members shall not exceed one-third of the membership of the committee concerned as constituted by the Council;
- (e) the establishment, constitution and functions of any committee of the Council;
- (f) the payment of allowances to members of the Council or of any committee thereof: Provided that the payment of any such allowances to any member (including the chairman), who is a member of the public service, shall be subject to the laws governing the public service; and
- (g) generally for the better carrying out of the functions of the Council.”.

(2) Sub-section (1) shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*, which shall be a date after the National Health Council as constituted at the commencement of this Act has ceased to exist.

3. The following new section is hereby substituted for section *sixteen* of the principal Act:

"Refunds in respect of salaries of qualified personnel of local authorities conducting health services.

16. (1) Where the Minister is of opinion that the interests of the public health within the district of a local authority, or within the districts of any two or more local authorities, require the employment of a health officer devoting the whole of his time to the duties of his office, and where, with the approval of the Minister and in accordance with the provisions of this Act, a health officer is appointed accordingly, the Minister may, subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952, refund out of the Consolidated Revenue Fund to the local authority or authorities concerned an amount not exceeding one-third of the amount paid by such local authority by way of salary to any such health officer.

(2) The performance by a health officer of duties which, though not ordinarily falling within the scope of his office, are cognate or closely allied thereto, and have been approved for the purposes of this section by the Minister, shall not debar the Minister from refunding under this section to the local authority concerned an amount not exceeding one-third of such portion of the salary of such health officer as the Minister may accept as appropriate: Provided that no portion of the salary or allowances of any health officer which is not acceptable for refund purposes under this section shall be eligible for refund under any other provision of this Act.

(3) For the purposes of this section, the term 'health officer' means any medical officer of health, certificated sanitary inspector, certificated meat and food inspector (including a veterinary surgeon engaged in the control of milk supplies or employed as a meat inspector), certificated health visitor, or any analytical chemist or bacteriologist engaged in the examination of foods, public water supplies, sewage or trade wastes, or sewage effluents."

4. Section *twenty-six* of the principal Act is hereby amended by the insertion after the word "suffering" in both places where it appears, of the words "or suspected to be suffering".

Amendment of section 26 of Act 36 of 1919, as amended by section 4 of Act 15 of 1928, and section 5 of Act 57 of 1935.

5. Section *thirty-five* of the principal Act is hereby amended by the substitution for sub-section (2) of the following new sub-section:

"(2) Subject to the provisions of the Inquests Act, 1919 (Act No. 12 of 1919), and the Births, Marriages and Deaths Registration Act, 1923 (Act No. 17 of 1923), and whether or not directions under sub-section (1) have been issued, responsibility for the removal and burial of the body of a destitute person or of any dead body which is unclaimed or which no competent person undertakes to and does bury, and for the payment of all costs entailed thereby, shall devolve upon the local authority of the district in which the dead body is at the time when the necessity for removal first arises, save and except in the case of a person who has died in a hospital or other institution in which case such responsibility shall devolve upon the responsible authorities of such hospital or institution: Provided that—

Amendment of section 35 of Act 36 of 1919, as amended by section 5 of Act 15 of 1928.

- (i) the local authority remains responsible as aforesaid in the case of a person who has been admitted to or retained in such hospital or institution on the order or on behalf of the local authority, or in the case of a person who, not being a convicted person or a person under arrest, has died in any gaol or prison;
- (ii) the local authority or the hospital or institution, as the case may be, may recover such costs from any person legally liable for the maintenance of such person."

6. The following new section is hereby substituted for section *forty-two* of the principal Act:

"Expenditure under section *forty-one*.

42. (1) Any expenditure incurred by the Minister under section *forty-one* shall be defrayed in the first instance out of the Consolidated Revenue Fund, but the excess over the amount which would have been payable out of that fund by way of part-refund or subsidy if the expenditure had been incurred by the local authority, may be recovered from the local authority by the Minister in manner described in paragraph (d) of sub-section (1) of section *eleven*.

(2) The certificate of the Minister shall be conclusive evidence of the amount due by a local authority under this section."

Substitution of new section for section 42 of Act 36 of 1919, as substituted by section 6 of Act 51 of 1946.

7. Section *forty-eight* of the principal Act is hereby amended—

- (a) by the substitution in paragraphs (a) and (b) of sub-section (1) for the word "one-half" of the word "seven-eighths";
- (b) by the insertion in paragraph (b) of the said sub-section after the words "epidemic disease" of the expression:

"(including the cost of removal to or from a hospital or place of isolation of such person and, in the event of his death in such hospital or place of isolation, the cost of burial)";
- (c) by the insertion in paragraph (c) of the said sub-section, after the word "refund" of the words "seven-eighths of";
- (d) by the insertion at the end of sub-section (2) of the following words: "Any refund under sub-section (1) shall furthermore also be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952."

Amendment of section 48 of Act 36 of 1919, as amended by section 7 of Act 15 of 1928, section 3 of Act 29 of 1933, and section 7 of Act 51 of 1946.

8. Section *fifty* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for paragraph (a) of the following paragraph:

"(a) provide free of charge in Government laboratories or elsewhere for the carrying out of bacteriological or other examinations (including radiological examinations) for the purpose of ascertaining whether any person is suffering from or is cured of or is free from tuberculosis in a communicable form;"
- (b) by the substitution in paragraph (b) of the said sub-section for the word "two-thirds" of the word "seven-eighths";
- (c) by the insertion after the word "suffering" where it occurs in paragraphs (c), (d) and (e) of the said sub-section of the words "or suspected to be suffering";
- (d) by the deletion in proviso (ii) to paragraph (e) of the said sub-section of the word "nett";
- (e) by the substitution in paragraph (g) of the said sub-section for the words "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*" of the words "any cost involved in the care and treatment of any person suffering or suspected to be suffering from tuberculosis in a communicable form or in the treatment of any person suffering or suspected to be suffering from any other infectious, communicable or preventable disease

Amendment of section 50 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 6 of Act 57 of 1935, section 1 of Act 14 of 1938, section 15 of Act 37 of 1943, and section 8 of Act 51 of 1946.

(whether or not such treatment has been authorized by the Minister under the last proviso to section *twenty-six*)”;

(f) by the substitution for paragraph (h) of the said sub-section of the following paragraph:

“(h) supply free of charge to local authorities such materials (including any material used for the purpose of determining immunity) as he may deem fit for use in or in connection with the immunization of persons against diphtheria or enteric fever.”;

(g) by the insertion at the end of sub-section (2) of the following words: “Such refunds shall furthermore also be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952.”;

(h) by the addition at the end of the section of the following sub-sections:

“(4) For the purposes of paragraphs (d) and (g) of sub-section (1) and of sub-section (3), the word ‘cost’ shall be deemed to include the cost of removal to or from any institution of any person in respect of whom the said provisions apply and, in the event of death, the cost of burial of such person.

(5) (a) For the purposes of this section, a person shall be deemed to be domiciled in the district—

(i) within which he was resident for a continuous period of not less than six months immediately prior to the date when he was first found to be suffering from tuberculosis in a communicable form; or

(ii) if he was not so resident in any one district immediately prior to such date, within which he was resident for the longest continuous period of not less than six months within a period not exceeding three years immediately prior to such date.

(b) If any such person was not resident within any one district for a continuous period of not less than six months as provided in paragraph (a), any expenditure involved shall form a charge against the Consolidated Revenue Fund, save that if such person was resident in any one province for a continuous period of not less than six months within a period not exceeding three years prior to the date aforesaid, the Minister may recover one-quarter of the said expenditure from the administrator of the said province.”.

9. Section *sixty-six* of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) supply free of charge—

(i) to local authorities such remedies, materials, instruments or equipment as may be approved from time to time by the Minister for use in the treatment of persons suffering from venereal diseases who are treated as free patients under conditions approved by the Minister; and

(ii) to such other hospitals or institutions as he may approve such remedies as he may determine in respect of any particular case;”;

(b) by the substitution for paragraph (d) of the following new paragraph:

“(d) refund to any local authority, or to two or more local authorities acting jointly, seven-eighths of the nett cost of any approved scheme for providing treatment (including maintenance and accommodation where necessary) for persons who are suffering from venereal disease: Provided that—

(i) such refund shall be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952;

Amendment of section 66 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933, section 7 of Act 57 of 1935, section 9 of Act 51 of 1946, and section 19 of Act 36 of 1950.

- (ii) no refund shall be payable in respect of any expenditure incurred in the purchase of remedies, materials, instruments or equipment of the nature referred to in paragraph (c), unless such expenditure has in any particular case been specially approved by the Minister;”.
- 10. Section *eighty-six* of the principal Act is hereby amended by the substitution for the word “five” in paragraph (h) of the word “three”. Amendment of section 86 of Act 36 of 1919, as amended by section 8 of Act 57 of 1935.
11. Section *ninety-two* of the principal Act is hereby amended by the deletion of the word “calf”. Amendment of section 92 of Act 36 of 1919.
12. Section *ninety-three* of the principal Act is hereby amended by the deletion of the word “calf”. Amendment of section 93 of Act 36 of 1919.
13. Section *ninety-five* of the principal Act is hereby amended by the substitution for the word “five” of the word “three”. Amendment of section 95 of Act 36 of 1919.
14. Section *ninety-six* of the principal Act is hereby amended by the addition after the word “vaccinated” at the end of the section of the words “within a period not exceeding three years immediately preceding.”. Amendment of section 96 of Act 36 of 1919.
15. Section *ninety-seven* of the principal Act is hereby amended by the addition at the end of the section of the following proviso: “Provided that such emergency vaccination or revaccination took place within a period not exceeding three years immediately preceding.”. Amendment of section 97 of Act 36 of 1919.
16. Section *one hundred* of the principal Act is hereby amended by the substitution in paragraph (3) for the word “five” of the word “three”. Amendment of section 100 of Act 36 of 1919.
17. Section *one hundred and one* of the principal Act is hereby amended by the insertion after the word “registrar” where it appears for the second time of the words “within a period not exceeding four years prior to the date of application therefor”. Amendment of section 101 of Act 36 of 1919.
18. Section *one hundred and two* of the principal Act is hereby amended by the substitution for the word “five” of the word “three”. Amendment of section 102 of Act 36 of 1919.
19. Section *one hundred and four* of the principal Act is hereby amended— Amendment of section 104 of Act 36 of 1919.
- (a) by the insertion after the words “that he has” of the words “within a period not exceeding three years immediately preceding”; and
- (b) in paragraph (c), by the deletion of the word “has”.
20. Section *one hundred and five* of the principal Act is hereby amended by the deletion in sub-section (1) of the word “calf”. Amendment of section 105 of Act 36 of 1919.
21. Section *one hundred and ten* of the principal Act is hereby amended by the deletion in the definition of “vaccination” of the word “calf”. Amendment of section 110 of Act 36 of 1919.
22. The principal Act is hereby amended by the insertion of the following section after section *one hundred and twenty-nine*: Insertion of section 129bis in Act 36 of 1919.
- “Saving as to other legislation relating to nuisances. 129bis. Nothing in this Chapter contained shall be construed as preventing a local authority from taking steps in terms of any other law relating to nuisances in force within its area of jurisdiction, or as rendering such a law invalid in so far as it provides for an alternative procedure for the purpose of eradicating nuisances.”.
23. Section *one hundred and thirty-three* of the principal Act is hereby amended— Amendment of section 133 of Act 36 of 1919, as amended by section 18 of Act 15 of 1928, and section 11 of Act 57 of 1935.
- (a) by the substitution in sub-section (2) for the words “for gain” of the words “for the benefit of patients accommodated therein for periods of not less than twenty-four hours, and where fees are charged by the owner or lessee of any such home or premises in respect of nursing services rendered to them or

- contributions are made by such patients towards the cost of such services"; and
- (b) by the substitution in sub-section (3) for the words "medical council" wherever they occur of the words "South African Nursing Council".

24. The following new section is hereby substituted for section *one hundred and thirty-nine* of the principal Act—

Substitution of new section for section 139 of Act 36 of 1919.

"Advertisements of cures for cancer.

139. (1) No person shall publish any advertisement or statement intended to promote the sale of any medicine, appliance or article for the alleviation or cure of cancer or of any cancerous condition.

(2) The provisions of sub-sections (2) and (3) of section *sixty-five* shall apply *mutatis mutandis* in regard to any such advertisement or statement."

25. (1) The Third Schedule to the principal Act is hereby deleted.

Deletion of Third Schedule to Act 36 of 1919, as inserted by section 18 of Act 51 of 1946.

(2) Sub-section (1) shall come into force on the date on which sub-section (1) of section *two* of this Act comes into force as fixed by the Governor-General by proclamation in the *Gazette*.

26. The following new section is hereby substituted for section *thirteen* of the Public Health Amendment Act, 1935:

Substitution of new section for section 13 of Act 57 of 1935, as amended by section 9 of Act 28 of 1948.

"Establishment and maintenance of nursing or midwifery services outside but in connection with provincial hospitals.

13. (1) It shall be the duty of the administrator, upon the request of the Minister, to establish a nursing or midwifery service outside but in connection with any hospital under the control of such administrator, which is to be maintained so long as the Minister is satisfied as to the necessity therefor and that it is the most economical arrangement practicable.

(2) In accordance with regulations which the Minister is hereby authorized to make and which may prescribe the conditions to be observed (including such limitations or restrictions as he may deem fit in respect of the services which may be provided and the expenditure which may be incurred) the Minister may refund to the administrator, after deduction of any revenue received in respect of fees or other charges imposed or contributions payable in respect of such nursing or midwifery service, the expenditure incurred in the establishment and maintenance of such service: Provided that—

- (i) no expenditure entailed in the maintenance of a midwifery training scheme shall be refunded under this scheme;
- (ii) such refund shall be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952.

(3) If no request is made by the Minister in terms of sub-section (1), nothing in this section contained shall be construed as preventing the administrator, after consultation with the Minister, from establishing and maintaining any such service as a charge against the provincial revenue fund of the province concerned in exercise of such powers as are vested in him under any other law in force in such province."

27. The following new section is hereby substituted for section *fourteen* of the Public Health Amendment Act, 1935:

Substitution of a new section for section 14 of Act 57 of 1935, as amended by section 12 of Act 51 of 1946, and section 10 of Act 28 of 1948.

"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, 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 or to any local authority making provision for such a service a proportion not exceeding seven-eighths of the expenditure incurred by such association or local authority in respect of the

salary of any registered nurse or registered midwife who devotes all her time to nursing or midwifery service in the employ of such association or local authority: Provided that such refund shall be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952;

- (b) make grants-in-aid towards transport costs necessarily incurred in the maintenance of any particular service, in any particular area, within such limits as may from time to time be approved by the Minister, and which may vary in accordance with the class or race of nurse or midwife employed;
- (c) subsidize registered nurses or midwives to enable them to practise in such area;

and the Minister may furthermore 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 registered nurses and midwives as are in his opinion necessary to render service in such area."

28. The following new section is hereby substituted for section *fifteen* of the Public Health Amendment Act, 1935:

"Nursing service in native areas.

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

- (a) refund to any charitable association 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, a proportion not exceeding seven-eighths of the expenditure incurred by such association or body in respect of the salary of any registered nurse or registered midwife or native nursing assistant in the employ of such association or body, who devotes all her time to the said nursing or midwifery service in such reserve or location outside a hospital: Provided that such refund shall be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952;
- (b) make grants-in-aid towards transport costs necessarily incurred in the maintenance of any particular service, in any particular area, within such limits as may from time to time be approved by the Minister and which may vary in accordance with the class or race of the nurse or midwife or nursing assistant employed;
- (c) subsidize registered nurses and midwives and native nursing assistants to enable them to practise in such reserve or location,

and the Minister may furthermore 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 registered nurses and midwives and so many native medical and nursing assistants as are, in his opinion, necessary to render service in any such reserve or location."

29. Section *two* of the Public Health Amendment Act, 1940, is hereby amended by the insertion in paragraph (b) of sub-section (1) after the word "Health," of the word "Nutrition,"

Substitution of new section for section 15 of Act 57 of 1935, as amended by section 13 of Act 51 of 1946, and section 11 of Act 28 of 1948.

Amendment of section 2 of Act 14 of 1940, as amended by section 2 of Act 51 of 1946.

30. The following new section is hereby substituted for section *three* of the Public Health Amendment Act, 1940:

“Chairman and secretary of Council.

3. (1) The Minister shall appoint, from amongst three members nominated by the Council, the chairman of the Council: Provided that if the Minister is not prepared to appoint one of the members so nominated to be chairman he may either—

- (a) request the Council to nominate three other members; or
- (b) appoint a chairman from amongst the remaining members of the Council.

(2) The chairman shall hold office for a period of three years, but shall be eligible for reappointment in like manner: Provided that should the chairman so appointed resign or for any other reason be unable to carry out his functions, the Minister may, in like manner, appoint another member of the Council as chairman of the Council for the unexpired period of office of the aforesaid chairman.

(3) In the event of the chairman not being present at any particular meeting of the Council, the Council shall elect, from amongst the members present, an acting chairman who shall, whilst so acting, have all the powers and discharge all the duties of the chairman.

(4) The Minister may assign to the Council an officer of the public service to act as secretary to the Council.”

Substitution of new section for section 3 of Act 14 of 1940, as amended by section 2 of Act 51 of 1946.

31. The following new section is hereby substituted for section *seventeen* of the Public Health Amendment Act, 1946:

“Out-patient services.

17. (1) It shall be the duty of the administrator upon the request of the Minister, to establish, in accordance with regulations made under sub-section (3), outpatient services at or in connection with a detached outpatient department maintained in conjunction with or independently of a hospital under the control of such administrator, and to maintain such services as long as the Minister is satisfied as to the necessity therefor and that it is the most economical arrangement practicable.

(2) The expenditure incurred in connection with such services shall, subject to regulations made under sub-section (3) and to any limitations in respect of the services to be rendered or the expenditure to be accepted for the purposes of refund under this section which the Minister may from time to time determine, be refunded by the Minister to the administrator: Provided that such refund shall be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952.

(3) The Minister may make regulations prescribing—

- (a) the general conditions which shall apply in respect of the establishment and maintenance of outpatient services which shall be provided at the request of the Minister;
- (b) the procedure to be followed in connection with the submission of claims for refund of expenditure incurred;
- (c) the conditions which shall govern the payment of refunds in respect of expenditure incurred; and
- (d) any other matters necessary for the purpose of carrying out effectively the provisions of sub-sections (1) and (2).

(4) The Minister may likewise, subject to regulations made under sub-section (3) and to any limitations in respect of the services to be rendered and the expenditure to be accepted for refund purposes which the Minister may determine, refund not more than seven-eighths of the nett expenditure actually and necessarily incurred by a local authority in providing outpatient services independently of any hospital: Provided that such refund shall be subject to the provisions of section *thirty-two* of the Public Health Amendment Act, 1952.

Substitution of new section for section 17 of Act 51 of 1946.

(5) For the purposes of this section the expression 'detached outpatient department' means an outlying institution where outpatient services only are rendered, save that the provision of beds for the accommodation of emergency cases pending removal to a hospital shall not be precluded.

(6) If no request is made by the Minister in terms of sub-section (1), nothing in this section contained shall be construed as preventing the administrator, after consultation with the Minister, from establishing and maintaining such services as a charge against the provincial revenue fund of the province concerned in exercise of such powers as are vested in him under any other law in force in such province."

32. In regard to refunds payable in terms of sections *sixteen*, *Control of* *forty-eight*, *fifty* and *sixty-six* of the principal Act, sections *statutory refunds* *thirteen*, *fourteen* and *fifteen* of the Public Health Amendment *relating to* *Act, 1935* (Act No. 57 of 1935), and sub-sections (2) and (4) *emoluments* *of section seventeen* of the Public Health Amendment Act, 1946 *of officers and* *(Act No. 51 of 1946)*, the following principles shall apply in *employees.* *respect of the emoluments of any officer or employee (including any nurse or midwife) of the provincial administration, local authority, charitable association, body controlling any mission hospital, or statutory native body that may be severally concerned, that is to say—*

- (a) no refund shall be payable unless the Chief Health Officer is satisfied that the appointment of such officer or employee is necessary, that the arrangements in respect of the appointment are suitable, and that the duties have been satisfactorily performed;
- (b) in respect of any such officer or employee appointed before the first day of April, 1952, or of any such officer or employee of a local authority who at any time after that date is promoted within the establishment of the same local authority, the proportion to be refunded shall be calculated in relation to such portion of the emoluments of such officer or employee (including the cash value of any privileges) as may be approved for the purpose of the particular section or sub-section in question by the Minister;
- (c) in respect of any such officer or employee appointed on or after the first day of April, 1952, no refund shall be payable unless the emoluments (including the cash value of any privileges) attaching to the post concerned have been approved by the Minister;
- (d) if in respect of any such officer or employee any increase in emoluments is paid without the approval of the Minister, no refund shall be payable in respect of any portion of the emoluments of such officer or employee, as from the date when such increase was paid."

33. This Act shall be called the Public Health Amendment *Short title* *Act, 1952*, and shall, save as provided in sections *two* and *and date of* *twenty-five*, be deemed to have come into operation on the first *commencement.* *day of April, 1952.*