

**PUBLIC HEALTH ACT NO. 36 OF 1919**

1919 SA HEALTH 36

16. Refunds in respect of salaries of qualified personnel of local authorities conducting health services. - (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 32 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: Provided that where a health officer so appointed is a learner sanitary inspector the amount which may be so refunded shall be such an amount, not exceeding the total amount of his salary, as the Minister may, in consultation with the Minister of Finance, determine.

[Sub - s. (1) substituted by s. (1) (a) of Act No. 13 of 1969.]

(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 -

(a) 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), learner sanitary inspector, or any analytical chemist or bacteriologist engaged in the examination of foods, public water supplies, sewage or trade wastes or sewage effluents;

(b) the term "learner sanitary inspector" means a person studying for a certificate in practical sanitation or sanitary science referred to in section 14 (2).

[S. 16 amended by s. 2 of Act No. 15 of 1928, by s. 3 (a) of Act No. 29 of 1933, by s. 2 of Act No. 14 of 1942 and by s. 5 of Act No. 51 of 1946 and substituted by s. 3 of Act No. 44 of 1952. Sub - s. (3) substituted by s. 2 of Act No. 38 of 1965 and by s. 1 (b) of Act No. 13 of 1969.]

48. Refunds to local authorities in respect of isolation hospitals and formidable epidemic diseases. - (1) The Minister, subject to regulations which he is hereby authorized to make and which may deal with the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of the provisions of this section, shall -

(a) refund the approved net cost actually and necessarily incurred by a local

authority, or by two or more local authorities acting jointly, in providing and equipping an isolation hospital or other isolation accommodation for persons suffering from any infectious disease other than tuberculosis, or detained under medical observation because of exposure to the infection of any formidable epidemic disease: Provided that the scheme as a whole and the plans, specifications and estimates in connection therewith shall be approved by the Minister before the expenditure or any liability therefor is incurred;

[Para. (a) amended by s. 7 (a) of Act No. 44 of 1952 and by s. 4 (1) (a) of Act No. 80 of 1971.]

(b) refund the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in connection with the management and maintenance of an isolation hospital or other isolation accommodation, and the maintenance and treatment therein or in any other hospital or place of isolation of persons suffering or suspected to be suffering from any infectious disease or of persons detained therein under medical observation because of exposure to the infection of any formidable epidemic disease (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), such net cost being determined after deduction of any revenue;

[Para. (b) amended by s. 7 (a) and (b) of Act No. 44 of 1952 and substituted by s. 4 (1) (b) of Act No. 80 of 1971.]

(c) refund the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, or by an epidemic committee, in preventing, investigating, dealing with or suppressing any outbreak of any formidable epidemic disease or any outbreak suspected on reasonable grounds to be of any such disease, including where necessary the provision of temporary isolation hospital accommodation.

[Sub - s. (1) amended by s. 3 (b) of Act No. 29 of 1933 and by s. 7 (a) of Act No. 51 of 1946. Para. (c) amended by s. 7 (b) of Act No. 51 of 1946 and by s. 7 (c) of Act No. 44 of 1952 and substituted by s. 4 (1) (c) of Act No. 80 of 1971.]

(2) The Minister may refuse to make any refund under paragraph (b) or (c) of subsection (1) where his approval of the scheme or service was not applied for, or where the estimated cost and all necessary or required particulars were not furnished to him before the expenditure or liability was incurred, or where, in his opinion, there was unnecessary delay in applying for his approval or furnishing such particulars. Any refund under subsection (1) shall furthermore also be subject to the provisions of section thirty - two of the Public Health Amendment Act, 1952.

[Sub - s. (2) added by s. 7 of Act No. 15 of 1928 and amended by s. 7 (d) of Act No. 44 of 1952.]

(3) The expression "approved net cost" in paragraphs (b) and (c) of subsection (1) means the amount remaining after deducting from the actual cost any expenditure which the Minister considers was unnecessary or unreasonable, and for which his prior approval was not obtained, and in regard to paragraph (c), after further deducting such sum as the Minister, after consideration of all the circumstances, may determine as representing the cost of maintaining or carrying out, in connection with the outbreak, services and duties ordinarily devolving upon the local authority under section ten.

[Sub - s. (3) added by s. 7 of Act No. 15 of 1928.]

50. Financial provisions. - (1) The Minister, subject to regulations which he is hereby authorized to make and which may deal with the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of the provisions of this section, may -

(d) apart from expenditure which may be refunded as aforesaid, refund seven - eighths of the approved net cost actually and necessarily incurred by a local authority in the treatment and care of persons suffering or suspected to be suffering from tuberculosis in a communicable form: Provided that if, after consultation with the administrator, the Minister is satisfied that any local authority is unable, owing to lack of resources, to bear the whole or any portion of the remaining one - eighth of the said net cost, he may refund to such local authority the whole or such portion thereof as he may determine;

[Para. (d) amended by s. 6 (ii) of Act No. 57 of 1935 and by s. 15 (1) (a) of Act No. 37 of 1943, substituted by s. 8 (d) of Act No. 51 of 1946, amended by s. 8 (c) of Act No. 44 of 1952 and substituted by s. 1 (b) of Act No. 60 of 1956, by s. 5 (1) (c) of Act No. 80 of 1971 and by s. 1 (1) of Act No. 62 of 1973.]

66. Minister may make contributions and provide facilities for the diagnosis and treatment of venereal diseases. - The Minister, subject to regulations which he is hereby authorized to make and which may deal with the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of the provisions of this section, may -

(d) refund to any local authority, or to two or more local authorities acting jointly, seven - eighths of the net 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;

(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;

[Para. (d) amended by s. 9 (b) of Act No. 51 of 1946 and by s. 19 (1) (b) of Act No. 36 of 1950, substituted by s. 9 (b) of Act No. 44 of 1952 and amended by s. 6 (1) of Act No. 80 of 1971 and by s. 2 (1) of Act No. 62 of 1973.]

## **HISTORY:**

ASSENTED TO 20 JUNE, **1919**

DATE OF COMMENCEMENT: 1 JANUARY, 1920

### NOTES:

as amended by

**Public Health Act, 1919**, Amendment Act, No. 36 of 1927

Public Health (Amendment) Act, No. 15 of 1928

Financial Adjustments Act, No. 25 of 1932

[with effect from 30 May, 1932 - see title FINANCE]

Financial Adjustments Act, No. 29 of 1933

[with effect from 26 June, 1933 - see title FINANCE]

Public Health Amendment Act, No. 57 of 1935

Public Health Amendment Act, No. 14 of 1938

**Public Health Acts** Amendment Act, No. 14 of 1942

Finance Act, No. 37 of 1943

[with effect from 1 April, 1943 - see title FINANCE]

Public Health Amendment Act, No. 51 of 1946

Finance Act, No. 36 of 1950

[with effect from 1 October, 1950 - see title FINANCE]

Public Health Amendment Act, No. 44 of 1952

Public Health Amendment Act, No. 60 of 1956

Public Health Amendment Act, No. 71 of 1959

Public Health Amendment Act, No. 79 of 1963

Public Health Amendment Act, No. 38 of 1965

Public Health Amendment Act, No. 13 of 1969

Public Health Amendment Act, No. 30 of 1970

Public Health Amendment Act, No. 42 of 1971

General Law Amendment Act, No. 80 of 1971

[with effect from 14 July, 1971, unless otherwise indicated - see title GENERAL LAW AMENDMENT ACTS]

General Law Amendment Act, No. 62 of 1973

[with effect from 1 April, 1973 - see title GENERAL LAW AMENDMENT ACTS]

Public Health Amendment Act, No. 45 of 1976

Health Act, No. 63 of 1977

### NOTES:

#### GENERAL NOTE

The whole of this Act has been repealed by s. 63 (1) (a) of Act No. 63 of 1977 except sections 16, 48, 50 (1) (d) and 66 (d) which are reprinted below.