Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

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6988

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OFFICE OF THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE

P.N. 114/2012 — 19 April 2012

It is hereby notified that the following isiXhosa version of the Western Cape Health Facility Boards Act, Act 7 of 2001, has been published for general information. The Afrikaans version was assented to by the Premier of the Province of the Western Cape on 2 October 2001 and was published in *Provincial Gazette Extraordinary* 5773, dated 9 October 2001.

No. 7 of 2001: Western Cape Health Facility Boards Act, 2001

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

6988

Donderdag, 19 April 2012

As 'n nuusblad by die Poskantoor geregistreer

(Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

KANTOOR VAN DIE PREMIER VAN DIE PROVINSIE WES-KAAP

P.K. 114/2012 — 19 April 2012

Hiermee word bekend gemaak dat die onderstaande isiXhosa-weergawe van die Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, Wet 7 van 2001, vir algemene inligting gepubliseer word. Die Afrikaanse weergawe is reeds op 2 Oktober 2001 deur die Premier van die Provinsie Wes-Kaap bekragtig en is in *Buitengewone Provinsiale Koerant* 5773, gedateer 9 Oktober 2001, gepubliseer.

Nr. 7 van 2001: Wes-Kaapse Wet op Gesondheidsfasiliteitsrade, 2001

IPHONDO LENTSHONA KOLONI

Isongezelelo kwiGazethi yePhondo

6988

Lwesine, 19 Epreli 2012

Ibhaliswe ePosini njengePhephandaba

(Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e 7 Wale Street, eKapa 8001.)

I-OFISI YENKULUMBUSO YEPHONDO LENTSHONA KOLONI

P.N. 114/2012 — 19 Epreli 2012

Kwenziwa isaziso sokuba le nguqulelo yesiXhosa yoMthetho weeBhodi zaMaziko ezeMpilo weNtshona Koloni, uMthetho 7 ka-2001, upapashelwe ulwazi gabalala. Inguqulelo yesiBhulu yamkelwe yiNkulumbuso yePhondo leNtshona Koloni ngowama-2 Okthobha 2001 yaze yapapashwa kwiGazethi yeSikhawu yePhondo 5773, yowe-9 Okthobha 2001.

Nomb. 7 ka-2001: uMthetho weeBhodi zaMaziko ezeMpilo weNsthona Koloni, 2001

(Uxwebhu lwesiBhulu lutyikitywe yiNkulumbuso)
(Lwamkelwa ngowa 2 Okthobha 2001)

UMTHETHO

Lo mthetho ulungiselelwe ukuseka, imisebenzi, amagunya neenkqubo zeeBhodi zeMpilo; ukulungisa nokutshitshisaimithetho ethile ephathelele kwiiBhodi zeSibhedlele; kunye mokulungiselela imiba enxulumene noko.

KUWILSWA UMTHETHO KE yiPalamente yePhondo yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

Inkcazelo

1. Ngokwenjongo yalo Mthetho,ngaphandle kokuba okuqulathiweyo kuchaza nto yimbi—

"IBhodi" ithetha iBhodi yeZiko leMpilo elasekwa ngokwecandelo 5;
"ilungu" lithetha ilungu leBhodi elinyulwe ngokwecandelo 6;
"UMphathiswa" uthetha uMphathiswa wePhondo ojongene neenkonzo zempilo eNtshona Koloni;
"INtloko yeSebe" ithetha iNtloko yeSebe lezeMpilo lePhondo leNtshona Koloni;
"ISebe" lithetha iSebe lezeMpilo njengoko kuchaziweyo kwikholam 1 yeShedyuli 2; yomthetho oyi-Public Service Act, 1994, phantsi kwesihloko uNtshona Koloni;
"ukuyalela" okanye **"eyalelweyo"** kuthetha ukuyalela okanye okuya kuyalelwa ngumgaqo;
"iziko lempilo" lithetha iziko elimiselwe njengeziko lempilo ngokwecandelo 4;
"iziko lempilo laseburhulumenteni" lithetha i-
(i) klinikhi;
(ii) ziko lezempilo loluntu;
(iii) sibhedlele;
(iv) ndawo yabakhulelweyo;
(v) candelo lokubelekisa;
(vi) ndawo yokuchachela;
(vii) sakhiwo, iziko okanye indawo apho abantu balufumana khona unyango, ukuxilongwa okanye iinkqubo zokunyangwa okanye ezinye iinkonzo zempilo; ezizequmrhu okanye ezilawulwa liqumrhu lombuso wephondo okanye ngurhulumente wommandla nokuba yeyiphi na kwezo, kunye na-
"lo Mthetho" ubandakanya imigaqo ebhengeziweyo apha ngasezantsi.

Ukusebenza koMthetho

2. NguMphathiswa yedwa onoxanduva oluthe gabalala nolawulo lokusebenza kwalo Mthetho, ngaphandle kwaxa kuthe kwavela isiphikiso.

Injongo yowiso-mthetho

3. La manyathelo amiselwa ukuqinisekisa—
(a) ukusekwa kwabameli, iiBhodi zamaZiko eMpilo eziya kuphendula njengamaqumrhu asemthethweni;
(b) uxanduva lokuphendula lwabalawuli beziko lempilo eluntwini nasekukhawulelaneni neemfuno zezigulane neentsapho zazo;

(c) inkxaso eluntwini, ukuzibandakanya, kumaziko empilo neenkqubo zawo;
(d) uxanduva lokulawula imali yamaziko empilo;
(e) ukusetyenziswa ngokufanelekileyo nangendlela eyamkelekileyo izixhobo zamaziko empilo, kunye
(f) nokuba iiBhodi zamaZiko eMpilo zixhotyiswe ngemisebenzi esisiseko namagunya acacisiweyo anokwandiswa ngenxa yobungakanani babantu njengoko nobungakanani bamalungu eBhodi buyakwanda.

Ukumiselwa kwamaziko empilo

4. (1) Nangona uMphathiswa eya kumisela ngawo nawuphi na umthetho, naliphi na iziko lempilo laseburhulumenteni njengeziko lempilo ngokwenjongo yalo Mthetho, kodwa oko kwenziwe ngokweli candelo.

(2) Ngokweenjongo zalo Mthetho uMphathiswa uya kumisela iziko elilawulwa ngurhulumente wasemakhaya njengeziko lempilo oko kusenzeka kuphela ngokwemvume yoMphathiswa wePhondo onoxanduva lorhulumente wasemakhaya weNtshona Koloni, kwaye oko kufuneka kwenziwe ngaxeshanye norhulumente wommandla olawula elo ziko lichaphazelekayo.

Ukusekwa kweeBhodi

5. (1) UMphathiswa uya kuseka iBhodi yeZiko leMpilo eya kuba yeyeziko lempilo okanye iqela lamaziko empilo.

(2) IBhodi liqumrhu elisekelezelwe emthethweni, elikwaziyo ukumangala nokumangalelwa egameni lalo.

Ukunyulwa kwamalungu

6. (1) UMphathiswa kufuneka, athi ngokuhambelana neli candelo, aseke iBhodi engayi kuba namalungu angaphantsi kwasibhozo kodwa angabingaphezulu kwamalungu alishumi elinesihlanu, kuqukwa—
(a) abantu abamele uluntu okanye iindawo zoluntu ezincedwa liziko okanye ngamaziko empilo esekwe kuwo iBhodi, bonyulwe ngokwecandelwana (5);
(b) umntu abe mnye ubuncinane onobungcaphephe kubuchwepheshe bezoshishino, ezomthetho, ezemali, kwezocwangciso-mali okanye kwezinye iinkalo ezinento yokwenza nemisebenzi yeBhodi;
(c) intloko yeziko lempilo okanye, xa kuthe kanti iBhodi le isekelwe amaziko amaninzi kufuneka; abe mnye umntu oyintloko osuka kuloo maziko empilo;
(d) umntu abe mnye ubuncinane omele abasebenzi bezonyango beziko okanye amaziko empilo esekelwe wona iBhodi, umntu lowo abe onyulwe ngabasebenzi bezonyango belo ziko, okanye baloo maziko;
(e) umntu abe mnye omele abasebenzi abangaphumi kwezonyango abakwiziko lempilo elo okanye kumaziko esekwe kuwo iBhodi, umntu lowo abe unyulwe ngabasebenzi abangaphumi kwezonyango belo ziko okanye baloo maziko, ize
(f) kwimeko yeziko okanye amaziko empilo apho bathe bafumana uqeqesho abasebenzi abanobungcali, iya kuba ngumntu omnye oya kumela abafunde baqeqeshwe ngokupheleleyo, umntu lowo abe unyulwe liSekela leNgqonyela yeyunivesithi okanye ingamaSekela Ngqonyela eeyunivesithi ezichaphazelekayo.

(2) Ukongeza amalungu onyulwe ngokwecandelwana (1) uMphathiswa uya kumisela kwiBhodi—
(a) ilungu lePalamente yePhondo, elinyulwe yiKhabhinethi yaloo Palamente;
(b) uceba omnye okanye ooceba abanyuliweyo bengingqi, abonyulwe libhunga lengingqi okanye yikomiti ephathelelene nemiba yezempilo yebhunga lengingqi, kunye;
(c) nommeli weSebe.

(3) Kwimeko yeBhodi esekelwe iziko okanye amaziko empilo alawulwa ngurhulumente wommandla, uMphathiswa uya kunyula amalungu ngokwamacandelwana (1) kunye nele (2) kwaye oko kufuneka kwenziwe ngaxeshanye nolawulo lorhulumente wommandla olawula elo ziko lempilo lichaphazelekayo.

(4) Amalungu anyulwe ngokwecandelwana (1)*(a)* kufuneka afike kwiipesenti ezingamashumi amahlanu ubuncinane kumalungu ewonke eBhodi.

(5) Amalungu ekubhekiselelwe kuwo kwicandelwana (1)*(a)* kufuneka anyulwe liqumrhu, ekuyakuthi ngokwembono yoMphathiswa abe ayakwazi ukumela uluntu okanye iindawo zoluntu oluchaphazelekayo.

(6) Iqumrhu ekubhekiselelwe kulo kwicandelwana (5)—

(a) elingengombutho wezopolitiko;

(b) elingasiyiyo, kodwa akufuneki libe yiyo, i—

(i) Komiti okanye iForam yezeMpilo;

(ii) Foram yoPhuhliso loLuntu;

(iii) umbutho wasekuhlaleni;

(iv) umbutho wabafazi;

(v) qumrhu lentlalontle;

(vi) umbutho omele izigulane osebenzisa iinkonzo zempilo okanye amaziko empilo;

(vii) qumrhu loluntu;

(viii) umbutho ongekho kurhulumente;

(ix) umbutho wezenkolo;

(x) umbutho wolutsha, kunye

(xi) nequmrhu elimele uluntu okanye iindawo zoluntu oluneemfuno ezizodwa zempilo.

(7) UMphathiswa uya kumisa imiyalelo yeenkqubo zokumemelela uphakamiso-magama obulungu beBhodi njengoko kuchaziwe ngamacandelwana (1)*(a)*kunye nele (5).

(8) Apho kufuneka kwenziwe uphakamiso-magama ngokweli candelo, onke amagama aphakanyisiweyo afunyenwe kwisithuba ebesimiselwe ngokomyalelo aya kunikwa ingqalelo nguMphathiswa ngaphambi konyulo ekubhekiselelwa kulo.

(9) Ukuba uMphathiswa akawafumana amagama aphakanyisiweyo ngokweli candelo, nawuphi na umntu oselungelweni ngokwaneleyo uya kunyulwa abe lilungu, oko kusenziwa ngokuhambelana nomhlathi ochaphazelekayo wecandelwana (1) okanye ele (2).

Ixesha lokuba sesikhundleni kwamalungu

7. (1)Amalungu onyulwe ngokwecandelo 6 isithuba seminyaka emithathu.

(2) Ekupheleni kwexesha lokuba sesikhundleni kwelungu, elo lungu liya kuhlala likweso sikhundla isithuba esingayi kudlula kwiinyanga ezintandathu, kude kunyulwe umntu oza kungena kweso sikhundla.

(3) Ngokuxhomekeke kwicandelwana (4), ilungu likulungele ukuba lingaphinde linyulelwe kwiBhodi ekupheleni kwexesha lokuba sesikhundleni kwalo.

(4) Ilungu, ngaphandle kwelungu elinyulwe ngokwecandelwana 6(1)*(c)*, alina-kusebenza kwiBhodi isithuba esidlulileyo kwiinyanga ezintathu ezilandelelanayo.

(5) Nangona ingatyeshelwanga imimiselo yecandelwana (4), ilungu elisebenze izigaba ezithathu ezilandelelanayo, linokuphinda linyulwe emva kwekhefu elingayi kuba ngaphantsi konyaka omnye.

Izithuba

8. (1) USihlalo weBhodi uyakwenza umpoposho ngokukhawuleza wesikhundla seBhodi Njengesingenamntu xa ilungu—

(a) lasweleka;

(b) lithe lakwazisa ukurhoxa kwalo kusihlalo ngembalelwano;

(c) lisematyaleni angahlawulekiyo;

(d) libonwe njengelingenakuwufezekisa umsebenzi ngokwesimo salo sengqondo, yinkundla yeRiphablikhi;

(e) likhe lachaphazeleka kuzo naziphi na izenzo zolwaphulo-mthetho okanye lafunyaniswa linetyala lize ligwetyelwe intolongo linganikwanga sohlwayo, kwiRiphablikhi okanye ngaphandle kwiRiphablikhi, ukuba oku kuziphatha bekuya kuba lityala kwiRiphablikhi;

(f) alibangakho ngokuzithandela kwiintlanganiso ezintathu zeBhodi ngoku-landelelana, libe lingekho kwikhefu elimiselwe yiBhodi;

(g) liyayeka esikhundleni elalinyulelwe sona yiBhodi, okanye

(h) lisilele ukuchaza kwiBhodi nayiphi na enye indlela eliyingenisa ngayo imali, aliwandlalanga phambi kweBhodi umcimbi onjalo ngokungqalileyo okanye ngokungangqalanga, kwaye elo lungu kufuneka libekho xa, okanye lithathe inxaxheba kwiingxoxo okanye xa kuvotelwa loo mcimbi.

(2) Kwisithuba seentsuku ezisixhenxe zokubhengeza isithuba ngokwecandelwana (1), usihlalo kufuneka abhalele uMphathiswa amazise ngesithuba eso.

(3) Akuba esifumene isaziso ngesithuba uMphathiswa ngokwecandelwana (2) uya kunyula omnye umntu, elandela kwa inkqubo efanayo naleyo yayilandelwe xa kwakunyulwa eli lingu likhutshwayo,lungu elo liya kuba sesikhundleni selungu elimkileyo ixesha elingayi kuphelelwa, kwaye ngokweenjongo zecandelo 7(4) kwakukho isithuba ngexesha ebelingene ngalo esikhundleni.

Imisebenzi

9. Imisebenzi yeBhodi, ekufuneka iyenze, yile—

(a) kukwamkela umnqophiso, umbono nemimiselo-siseko yeziko okanye yamaziko empilo ewasebenzelayo iBhodi, oko kusenzeka kungaphunywanga kwimida emiselwe ngumthetho, imigaqo-nkqubo kunye nemithetho-siseko kuwo onke amanqanaba karhulumente, njengoko kuchaziwe lulawulo okanye ngabalawuli beziko lempilo elichaphazelekayo;

(b) kukucebisa ulawulo okanye abalawuli beziko lempilo elichaphazelekayo malunga nemigaqo-nkqubo, neenkqubo-qhinga zeziko lempilo;

(c) kukuthatha inxaxheba kucwangciso-qhinga nakwiinkqubo zokusebenza ngenjongo yokucebisa ulawulo okanye abalawuli beziko lempilo elichaphazelekayo;

(d) kukuqinisekisa amanyathelo athatyathiweyo lulawulo okanye ngabalawuli beziko lempilo elichaphazelekayo ukuphucula indlela yokwenziwa komsebenzi nomgangatho wenkonzo yempilo kwiziko okanye kumaziko empilo;

(e) kukubeka iliso kwindlela owenziwa ngayo umsebenzi, ukusebenza kweziko okanye amaziko empilo ngokufanelekileyo nangempumelelo;

(f) kukuthatha amanyathelo okuqinisekisa iimfuno, izinto ezidala ukuxhalaba nezikhalazo zezigulane nezoluntu ukuba kukhawulelwana nazo ngokufanelekileyo kulawulo okanye ngabalawuli beziko lempilo elichaphazelekayo;

(g) kukukhuthaza inkxaso yeziko okanye yamaziko empilo;

(h) kukunyusa ingxowa-mali yeBhodi;

(i) kukubandakanyeka kwinkqubo yokubonisana ngexesha lokuqeshwa nokuvavanywa komphathi okanye kwabaphathi beziko okanye bamaziko eBhodi, ndawonye

(j) nokumana kusenziwa iinkqubo zokuhanjelwa kweziko okanye kwamaziko empilo esebenzela wona iBhodi ngenjongo yokuwahlola, kuze kunikwe ingxelo ngezi nkqubo zohambelo kumphathi okanye kubaphathi beziko okanye bamaziko empilo achaphazelekayo nakwiNtloko yeSebe, xa ikho imfuneko, kodwa ezi nkqubo zohambelo kufuneka zenziwe ngamaxesha afanelekileyo kwaye akufuneki ziphazamise owona msebenzi wesiqhelo kwiziko okanye kumaziko empilo ahlolwayo.

Amagunya

10. IBhodi inegunya—

(a) lokucebisa nokwenza iziphakamiso kulawulo okanye kubalawuli beziko lempilo, okanye kwiNtloko yeSebe, okanye kurhulumente wasemakhaya, nokuba yiyiphi na kwezi, okanye uMphathiswa ngawo nawuphi umba ophathelelene nokwenziwa kwemisebenzi yeBhodi;

(b) lokucebisa nokwenza iziphakamiso kuMphathiswa, okanye kurhulumente wommandla, nokuba yeyiphi na kwezi, malunga nokuthiywa ngokutsha kweziko okanye amaziko empilo esebenzela wona iBhodi;

(c) lokufumana naluphi na ulwazi elufunayo kulawulo okanye kubalawuli beziko lempilo elichaphazelekayo ngaphandle kokuba olo lwazi aluluchaphazeli kakubi ilungelo lokuphathwa kwemicimbi yezigulana nabasebenzi ngokuyimfihlo nangokusekhusini;

(d) ukwenza isicelo sokufuna rhoqo iingxelo ngenkqubo kulawulo okanye kubalawuli beziko okanye lamaziko empilo achaphazelekayo;

(e) lokwenza isicelo sokufumana nokuphononongа iingxelo zemali neengxelo zemali zonyaka zeziko okanye zamaziko empilo achaphazelekayo kube kanye ubuncinane ngonyaka;

(f) ukwenza uphando, ukubamba iintlanganiso, ucweyo lokubonisana eluntwini okanye kwiindawo zoluntu oluchaphazelekayo;

(g) ukuhambisa ulwazi eluntwini okanye kwiindawo zoluntu oluchaphazelekayo malunga nomnqophiso, umbono, imimiselo-siseko, iinkonzo, umsebenzi,imithetho-siseko, imigaqo-nkqubo, iinkqubo-qhinga, iimfuno ubume bezimali beziko okanye bamaziko empilo;

(h) lokuqesha abasebenzi ngokwesivumelwano sexeshana ukuze asebenze ngokweenjongo zeBhodi;

(i) lokuxhasa ngemali ngexesha lolungiselelo, uphuculo okanye ukwandiswa kweenkonzo, ukwenziwa kwezinto ezenza kube mnandi ukuphila iimpahla ezinokuphakamiseka nezo zingenakuphakanyiswa, ngokufumaneka kwemvume yeSebe loNondyebo wephondo apho kukho imfuneko khona ngokwawo nawuphi na umthetho, kunye

(j) nelokunyusa okanye ukulawula ingxowa-mali okanye ukunyusa nokulawula ingxowa-mali yequmrhu okanye ngxowa-mali yeBhodi ngokweenjongo ekubhekiselelwe kuzo kumhlathi *(h)* okanye *(i)*, okanye ukuwenza usebenze nawuphi ummiselo walo Mthetho.

Ukutshintshwa kwemisebenzi namagunya eBhodi

11. (1) Ngokuxhomekeke kwicandelwana (4) nemimiselo yawo nawuphi na omnye umthetho, iNtloko yeSebe iya kuthi ngokweziphakamiso zeBhodi, igunyazise iBhodi ukuba yenze imisebenzi eyongezelelweyo okanye isebenzise amagunya ongezelelweyo xa iNtloko yeSebe ibona kufanelekile ukuba—

(a) iBhodi inawo amandla nobuchule bokwenza loo misebenzi yongezelelweyo okanye isebenzise loo magunya ongezelelweyo, kwaye

(b) iya kukwenza oko iBhodi ngokweemfuno zoburhulumente.

(2) Ngokuxhomekeke kwicandelwana (4), iNtloko yeSebe iya kuthi, emva kokubonisana neBhodi, irhoxise igunya leBhodi ekwenzeni imisebenzi eyongezeleweyo okanye lisebenzise amagunya ongezelelweyo xa iNtloko yeSebe ibona kufanelekile ukuba—

(a) iBhodi ayisenawo amandla nobuchule bokwenza imisebenzi eyongezelelweyo okanye okusebenzisa amagunya ongezelelweyo achaphazelekayo, okanye

(b) iNtloko yeSebe kufuneka ilwazisile uluntu.

(3) Ngokuxhomekeke kwicandelo (4), iNtloko yeSebe iya kuthi, emva kokubonisana neBhodi, iyixolele iBhodi ekubeni yenze imisebenzi ethile okanye isebenzise amagunya athile akhankanyiweyo kumacandelo 9 nele 10.

(4) Xa isebenzisa amagunya achaziweyo kwicandelwana (1), (2) okanye (3) iNtloko yeSebe iya kuthabatha inyathelo—

(a) emva kokubonisana nomphathi okanye abaphathi beziko lempilo okanye amaziko empilo achaphazelekayo, kunye

(b) nangokuhambelana nazo naziphi na iinkqubo eziya kumiselwa nguMphathiswa ekusetyenzisweni kwaloo magunya.

Ukwenziwa kwemisebenzi nokusetyenziswa kwamagunya

12. (1) Xa isenza imisebenzi yayo okanye isebenzisa amagunya ayo, iBhodi kufuneka ikwenze oko ngokuhambelana nemithetho nemigaqo-nkqubo echaphazelekayo nesetyenziswayo yezempilo eziqulunqwe ngurhulumente wesizwe, owephondo nowommandla.

(2) INtloko yeSebe iya kuthi, xa ibona kukho imfuneko, iyalele iBhodi ukuba ingenise ingxelo yemisebenzi yayo yekota.

Intsebenziswano phakathi kweeBhodi nabalawuli beziko lempilo

13. (1) IBhodi kufuneka idale ubudlelane bentsebenziswano bube luqilima kunye nolawulo okanye abalawuli beziko lempilo elichaphazelekayo (2) Iziko lempilo kufuneka—

(a) lithabathe amanyathelo okuncedisa iBhodi echaphazelekayo xa iBhodi leyo isenza imisebenzi yayo isebenzisa anamgunya ayo, kunye

(b) naxa idala ubudlelane bentsebenziswano obuluqilima kunye neBhodi echaphazelekayo.

(3) Ukuba kuye kwakho ukungaboni ngasonye phakathi kolawulo lweziko lempilo kunye neBhodi, iBhodi okanye umphathi weziko lempilo elichaphazelekayo uya kucela iNtloko yeSebe ingenelele okanye ilamle.

USihlalo nesekela-sihlalo

14. (1) Ngokuxhomekeke kwicandelwana (2), iBhodi kufuneka ithi kwintlanganiso yayo yokuqala naphakathi kwamalungu ekubhekiselelwe kuwo kwicandelo 6(1)*(a)* yonyule usihlalo nesekela-sihlalo nanini na zakuba ezo zikhundla zivulekile.

(2) Usihlalo nesekela-sihlalo bonyulwa isithuba esingangonyaka omnye.

(3) Kwisithuba seentsuku ezili 14 zokunyulwa kwesihlalo okanye isekela -sihlalo ngokwecandelwana (1), usihlalo kufuneka abhalele iNtloko yeSebe ayazise igama nedilesi yegosa elichaphazelekayo elisesikhundleni.

(4) Xa bengekho bobabini usihlalo nesekela-sihlalo entlanganisweni yeBhodi, iBhodi kufuneka yonyule umntu phakathi kwamalungu ayo asebenze njengosihlalo waloo ntlanganiso.

(5) Usihlalo weBhodi ligosa locwangciso-mali waloo Bhodi.

(6) Usihlalo kufuneka anike ingxelo rhoqo ngemisebenzi yeBhodi kumphathi weziko lempilo okanye wamaziko empilo esekelwe ukusebenza kulo iBhodi.

Inkxaso ngokubanzi

15. (1) Iziko lempilo okanye amaziko empilo esekelwe wona iBhodi kufuneka afune indawo kwakunye necandelo lonobhala, i-ofisi yolawulo nenkxaso yocwangciso-zimali ezifunwa yiBhodi, kodwa akuyi kubakho mntu wumbi oya kunyulwa kwiziko lempilo ngokwale njongo.

(2) Ukuba iBhodi ithe yasekelwa amaziko aliqela, kufuneka indawo, icandelo lonobhala, i-ofisi yolawulo kunye nenkxaso yocwangciso zimali kufuneka ifunwe liziko lempilo elinye okanye ngamaziko empilo aliqela, njengoko kumiselwe—

(a) isivumelwano phakathi kwabaphathi bamaziko empilo achaphazelekayo, okanye

(b) iNtloko yeSebe, xa singabangakho eso sivumelwano.

(3) Nangona ingatyeshelwanga imimiselo yeli candelo, iBhodi iyakwenza amanye amalungiselelo malunga nokufuna indawo, kwakunye necandelo lonobhala, i-ofisi yolawulo nenkxaso yocwangciso zimali, kodwa iBhodi kuya kufuneka iwahlawulele kwingxowa yayo loo malungiselelo.

Ukumisela iintlanganiso

16. (1) INtloko yeSebe iya kumisela ixesha nendawo yentlanganiso yokuqala yeBhodi.

(2) IBhodi iya kumisela ixesha nendawo yentlanganiso yezinye iintlanganiso zesiqhelo ezilandelayo eziya kuhlala kube kanye qho emva kweenyanga ezimbini.

(3) Usihlalo uya kuthi nangaliphi na ixesha, kwaye kufuneka athi xa eceliwe ngembalelwano yamalungu eBhodi amabini ubuncinane, abize intlanganiso yesikhawu.

(4) Usihlalo kufuneka awazise amalungu ngexesha, indawo nesizathu sokubizwa kwentlanganiso yesikhawu echazwe kwicandelwana (3), ubuncinane kwisithuba seentsuku ezintathu zomsebenzi ngaphambi kokuba ihlale kwintlanganiso leyo, ngaphandle kwaxa kufuneka ibizwe ngesiquphe intlanganiso ngokubangelwa ziimeko ezingxamisekileyo.

Inkqubo elandelwayo ezintlanganisweni

17. (1) Inkqubo elandelwayo entlanganisweni yeBhodi kufuneka ithi, njengoko ingagunyaziswanga, imiselwe yiBhodi.

(2) Ikhoram enamalungu angayi kuba ngaphantsi kwesiqingatha samalungu ewonke kufuneka abe khona nangaliphi ixesha xa kusenziwa umsebenzi.

(3) Isigqibo seBhodi kufuneka senziwe ngokufikelela kwisivumelwano, kodwa xa singafikelelanga isininzi samalungu ebekho entlanganisweni kwisivumelwano, eso sivumelwano kufikelelwe kuso iya kuba sisigqibo seBhodi.

(4) Xa kuye kwakho ukulingana ngokweevoti kuwo nawuphi umbandela, usihlalo kuloo ntlanganiso uya kongeza

eyakhe ivoti ukuze kuthathwe isigqibo.

(5) IBhodi iya kunika umyalelo okanye inike imvume nawuphi na umntu osesikhundleni sokuba ngumcebisi athabathe inxaxheba kwintlanganiso okanye ezintlanganisweni zeBhodi.

(6) Usihlalo uya kuqinisekisa ukuba—

(a) iyagcinwa irekhodi egqibeleleyo yamalungu abekho entlanganisweni, amanqaku entlanganiso nezisombululo ekugqitywe ngazo, kuzo zonke iintlanganiso, kunye

(c) nekopi yerekhodi ekubhekiselwe kuyo kumhlathi *(a)*, ityikitywe ngusihlalo, ithunyelwe kwiNtloko yeSebe, ukuba iNtloko yeSebe iya kufuna oku.

Iintlanganiso ezivulelekele noluntu

18. (1) Ngokuxhomekeke kwicandelwana (2), zonke iintlanganiso zeBhodi zivulelekile eluntwini.

(2) Ukuba iBhodi ithe ngezizathu ezifanelekileyo yagqiba ekubeni uluntu malungathabathi nxaxheba kwintlanganiso xa kuxoxwa ngomba othile, usihlalo akayi kulubandakanya uluntu entlanganisweni ngexesha lengxoxo.

(3) IBhodi iya kusebenzisa nayiphi na into ebona ifanelekile, ukwazisa uluntu ngeentlanganiso zeBhodi.

Ikomiti elawulayo

19. (1) IBhodi iya kuseka ikomiti yolawulo enamalungu eBhodi, ekuya kubakho kuwo ubuncinane isiqingatha samalungu anyulwe ngokwecandelo 6(1)*(a)*.

(2) Ngokuxhomekeke kwimigaqo yeBhodi kunye necandelwana (3) nele (4),ikomiti elawulayo iyakwenza yonke imisebenzi kwaye isebenzise onke amagunya eBhodi phakathi kweentlanganiso zeBhodi.

(3) Ikomiti elawulayo ayinawo amagunya okumisela okanye okwenza nasiphi na isigqibo seBhodi, ngaphandle kwaxa iBhodi ikwalathile oko.

(4) Naliphi inyathelo okanye isigqibo esithatyathiweyo yikomiti elawulayo siya kuthi kwintlanganiso yokuqala yeBhodi elandela emva kwelo nyathelo okanye eso sigqibo siphononongwe ze silungiswe kungagatywanga nawuphi na umntu.

Iikomiti

20. (1) IBhodi iya kuseka iikomiti ezizodwa eziya kuba namalungu eBhodi eziyakwenza imisebenzi ethile okanye zisebenzise amagunya athile egameni leBhodi.

(2) Xa igunya lolawulo linikwe ikomiti, umyalelo, imimiselo ekubhekiselelwa kuyo, inkqubo neekhoram zekomiti kufuneka kuvunyelwane ngazo zishicilelwe yiBhodi.

(3) Ikomiti iya kutyumba umntu okanye abantu abangasebenzi kwiBhodi ukuba basebenze kwikomiti njengabacebisi.

(4) Naliphi inyathelo elithatyathiweyo okanye isigqibo esithatyathiweyo yikomiti, siya kuthi kwintlanganiso yokuqala yeBhodi emva kwelo nyathelo kweso sigqibo, kuphononongwa okanye sitshintshwe yiBhodi kungakhethwanga mntu utheni.

Ukunyusa ingxowa-mali nokusetyenziswa kwayo

21. (1) Ngokuxhomekeke kwimimiselo yeli candelo, iBhodi iya kufumana iinkonzo, imali, oovimba bokugcina okanye izixhobo ngeenjongo zokufezekisa imisebenzi yayo okanye ukusebenzisa amagunya azo ngokwalo Mthetho.

(2) IBhodi iya kuzigqibela ngokwayo ukuba iza kuyisebenza njani imali, oovimba okanye izixhobo ezinikwe ngeenjongo zokwenza imisebenzi yawo okanye ukusebenzisa amagunya ayo ngokwalo Mthetho.

(3) IBhodi iya kuseka iqumrhu eliya kujongana nezimali eziya kuba luncedo kwiziko lempilo esebenzela lona kwaye iya kwamkela ize ilawule elo qumrhu lakuba lisekiwe ukuze lincede iziko lempilo esebenzela lona.

(4) IBhodi kufuneka igcine lonke ulwazi olushicilelweyo lwezimali ezifumeneyo nezichithileyo ezee-mpahla, ezamatyala, nako konke okwenziweyo ngemali.

(5) IBhodi kufuneka ithi rhoqo kwisithuba seenyanga ezimbini zokuphela konyaka-mali, ingenise kwiNtloko yeSebe nakuMphicothi-Jikelele iingxelo zemali ezi-hlanganiswe ngokwenkqubo esemthethweni yocwangciso-mali.

(6) Iirekhodi kunye neengxelo zonyaka zemali kufuneka ziphicothwe nguMphicothi-Jikelele oya kungenisa ingxelo kwiNtloko yeSebe nakwiBhodi echaphazelekayo kwisithuba seenyanga ezimbini zifumanekile iingxelo ekubhekiselelwa kuzo kwi-candelwana (5).

(7) Unyaka-mali weBhodi uthetha unyaka ophela ngomhla wama-31 kuMatshi.

(8) Ukuba iBhodi iyasilela ukuthobela imimiselo yecadnelwana (5), okanye kwimeko apho iye iBhodi yayisebenzisa ngokungekho sikweni imali, iNtloko yeSebe iya kuthatha nawaphi na amanyhathelo olungiso xa kukho imfuneko.

Iimfanelo zohambo nezimayela noko

22. (1) Ngokuxhomekeke kwixabiso elimiswe nguMphathiswa, iBhodi iya kuthi kwimali yayo ibuyekeze ilungu, umcebisi ngokwecandelo 17(5) okanye nawuphi na umntu owatyunjwa njengelungu eliya kusebenza kwikomiti yeBhodi, okanye—

(a) iindleko zothutho phakathi kwendawo elihlala, okanye indawo elisebenza kuyo ilungu, umcebisi okanye umntu kunye nendawo ebanjelwe kuyo intlanganiso yeBhodi okanye yekomiti echaphazelekayo, kunye

(b) neendleko zohambo neemfanelo zokuphila ezithe zadaleka ngenxa yokuya kwiinkomfa, iisemina okanye kwiinkqubo zoqeqesho zeBhodi, kodwa ukuba xa iinkomfa, iisemina neenkqubo zoqeqesho zingaphaya kwemida yeRiphablikhi yoMzantsi Afrika, kufuneka ngaphambili koko kufumaneke imvume yoMphathiswa ebhaliweyo.

(2) IBhodi ayiyi kuwanika mbuyekezo amalungu ayo ngexesha alichithe kumsebenzi weBhodi.

(3) Kuya kuxhomekeka kwixabiso elimiselwe nguMphathiswa, ukuze iBhodi ikwazi ukubuyekeza umcebisi ngokwecandelo 17(5) okanye ilungu elityunjelwe ukusebenza kwikomiti yeBhodi, ixesha alichithe kumsebenzi weBhodi.

Ukuvalwa kweziko lempilo

23. Xa lithe lavalwa iziko lempilo yiBhodi esekwe ngokwalo Mthetho, iNtloko yeSebe kufuneka, ithi kwisithuba seenyanga ezintathu ubuncinane ngaphambi kokuvalwa kwalo nasemva kokuba ibonisene neBhodi, iyalele iBhodi ngembalelwano malunga—

(a) neenjongo zayo zokulivala, xa iBhodi leyo yayisekelwe ukusebenza kwelo ziko lempilo;

(b) nayo nayiphi na injongo yokutshintsha amalungu ngenxa yokuvalwa kwelo ziko lempilo, xa iBhodi leyo yayisekelwe amaziko empilo aliqela, kunye

(c) nokutshitshiswa kwee-mpahla namatyala ayeluxanduva lweBhodi leyo.

Ugqithiselo lweempahla ezingenakuphakamiseka

24. (1) Zonke iimpahla ezingenakuphakamiseka, ezathi ekuqaleni kokusebenza kwalo Mthetho, zanikwa okanye zabhaliswa egameni lamaqumrhu ezemali esibhedlele achazwe kwicandelo 11 lomthetho oyi-Ordinance, 1946 (Ordinance 18 of 1946), ziya kunikwa uRhulumente wePhondo leNtshona Koloni ukusuka kumhla wokuqalisa.

(2) INtloko yeSebe kufuneka ithabathe amanyathelo afanelekileyo ukuqinisekisa ukuba kwenziwa ngokomthetho omiselweyo ukugqithiselwa kweempahla ezinge-nakuphakamiseka kuRhulumente wePhondo leNtshona Koloni ngokwecandelwana (1).

Imimiselo

25. (1) Ngokuxhomekeke kwicandelo (2), uMphathiswa uyakwenza imimiselo ephathelele—

(a) ekucaciseni nasekwamkeleni uhlahlo lwabiwo-mali lweBhodi;
(b) kwiinkqubo ezimalunga nogunyaziso lwenkcitho;
(c) kwiinkqubo ezimalunga nokuphathwa kwenkcitho engagunyaziswanga, engenanzuzo, eyilahleko okanye enxamnye noko bekumiselwe;
(d) kwiinkqubo ezimalunga nokuphathwa kweengxelo zophicotho, kubandakanywa namaxesha ezifumaneke ngawo ezo ngxelo ezisenokuthatyathelwa inyathelo lolungiso eliyimfuneko, xa ngaba kufuneka lithatyathiwe;
(e) ukutyalwa kwemali yeBhodi, kunye
(f) nawuphi na omnye umbandela osenokumiselwa okanye ekufuneka umiselwe ngokwemimiselo yalo Mthetho, okanye awuthatha njengofanalekileyo okanye olungele ukuba ungayalela ukuze kuphunyezwe iinjongo zalo Mthetho.

(2) Ngokumalunga nemimiselo echaza ngemali eya kufuneka yoMbuso, uMphathiswa kufuneka ayikhuphe le mimiselo ngaxeshanye noMphathiswa wePhondo onoxanduva kwezemali.

Ugunyaziso-msebenzi

26. (1) UMphathiswa uya kunikezela nawuphi na umsebenzi okanye igunya elinikwe yena phantsi kwalo Mthetho, ngaphandle kwegunya lokwenza imimiselo, iNtloko yeSebe, ngokuxhomekeke kuyo nayiphi imeko aya kuyimisa uMphathiswa.

(2) INtloko yeSebe iya kunikezela nawuphi na umsebenzi okanye igunya elinikwe yona ngaphantsi kwalo Mthetho kulo naliphi na igosa eliqeshwe liSebe, ngokuxhomekeke kuyo nayiphi na imeko eya kuyimisa iNtloko yeSebe.

(3) Unikezelo-msebenzi ngokwecandelwana (1) okanye (2) aluthinteli ukwenziwa komsebenzi ogunyaziswe ukuba wenziwe okanye ukusetyenziswa kwamagunya nguMphathiswa okanye yiNtloko yeSebe, nokuba yeyiphi na imeko kwezi.

Amaqumrhu ezemali eSibhedlele

27. I-ofisi yesikhundla sequmrhu lezemali, isekwe ngokwecandelo 11 lomthetho oyi-Hospital Ordinance, 1946 (Ordinance 18 of 1946), ize litshitshiswe naliphi na iqumrhu lezemali elimi ngaxeshanye nelinye.

Imimiselo yexeshana

28. (1) Nangona ukubhangiswa kweZahluko II nese IV zomthetho oyi-Hospital Ordinance, 1946 ngokwecandelo 29 nangokuxhomekeke kwicandelwana (2), iBhodi yeSibhedlele esele imi isekwe ngokwala Ordinance iya kuthi kamsinya ngaphambi koko kubhangiswa ihlale imi ngokungathi oko kubhangiswa akukhange kwenzeke.

(2) INtloko yeSebe iya kuyitshintsha iBhodi yeSibhedlele ekubhekiselelwe kuyo kwicandelwana (1) ngeBhodi emiselwe ngokwalo Mthetho, kodwa kufuneka iNtloko yeSebe inike iBhodi yeSibhedlele esichaphazelekayo isaziso seenyanga ezintathu ubuncinane malunga notshintsho oluzakwenziwa.

(3) Emva kokubonisana neBhodi yeSibhedlele eza kutshintshwa, iNtloko yeSebe kufuneka yenze umiselo oluphathelelene nokutshitshiswa kwee-asethi, amatyala aloo Bhodi, kwanokuba olo miselo kufuneka lubandakanywe kwisaziso esibhaliweyo secandelwana (2).

(4) Umiselo ekubhekiselelwe kulo kwicandelwana (3) luyakwenza ukuba zonke okanye ii-asethi namatyala athile eBhodi yeSibhedlele esichaphazelekayo agqithiselwe kwiqumrhu ekubhekiselelwe kulo kwicandelo 21(3).

Ukubhangisa, izilungiso, ungquzulwano lwemithetho nolondolozo

29. (1) Umthetho oyi-Hospitals Ordinance, 1946 (iOrdinance 18 of 1946), uyalungiswa—

(a) kwicandelo 2, ngokufakela kwinkcazelo engu-‘‘iBhodi’’ le nkcazelo ilandelayo:

" 'IBhodi' ithetha iBhodi yeZiko leMpilo elisekwe phantsi kwecandelo 5 lomthetho oyiWestern Cape Health Facility Board Act,2001,'' kunye

(b) nangokubhangiswa kweZahluko II nese IV zonke.

(2) umthetho i-Local Authorities (Investment of Funds) Ordinance, 1935 (Ordinance 23 of 1935), uyabhangiswa ngokubhekiselele kwiiBhodi zeZibhedlele.

(3) Ngokubhekiselele ekungquzulaneni kwalo Mthetho kunye ne- Local Authorities (Audit) Ordincance (Ordinance 17 of 1938), kuya kusebenza lo Mthetho

(4) Nawuphi na umpoposho, umgaqo, umyalelo, isigunyaziso, imvume okanye uxwebhu oluthe lwakhutshwa, lwapapashwa, lwanikelwa okanye lwavunywa kananjalo naso nasiphi na esinye isenzo esenziwe phantsi komthetho obhangiswe leli candelo, ukuba oko akuhambi ngokwalo Mthetho, uthatyathwa njengopapashwe, wanikelwa, wavunywa okanye wenziwa phantsi kwalo Mthetho.

Isihloko esifutshane nokuqala kokusebenza komthetho

30. Lo Mthetho ubizwa ngokuba ngumthetho oyi-Western Cape Health Facility Boards Act, 2001 noya kuqala ukusebenza ngomhla oya kumiselwa yiNkulumbuso ngokwenza umpoposho kwi*Gazethi yePhondo*.