



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

KURANTA YA MMUŠO

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THE PRESIDENCY

No. 1353. 13 December 2000

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

No. 37 of 2000: National Health Laboratory Service Act, 2000.

MO-PRESIDENTE

Nmr. 1353. 13 Desembere 2000

Mo go tsebišwa gore Mo-Presidente o dumetše molao o latelago, wona o tla gatišwa e le tsebišo ya kakaretšo:—

Nmr. 37 ya 2000: Molao wa Ditirelo tsa Laporatori ya tsa Maphelo ya Bosetshaba, 2000.

(English text signed by the President.)
(Assented to 5 December 2000.)

ACT

To provide for the establishment of a juristic person to be known as the National Health Laboratory Service; to provide for the abolition of the South African Institute for Medical Research, the National Institute for Virology, the National Centre for Occupational Health, certain forensic chemistry laboratories and all provincial health laboratory services; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING that the Constitution guarantees the right to health care services and requires the State to take legislative and other measures to achieve the progressive realisation of that right;

BEING AWARE that the realisation of the right to health care can be achieved by, amongst others the—

- establishment of a single national public entity to provide public health laboratory services in the country;
- restructuring and transformation of the public health sector laboratory services in order to make them part of a single national public entity; and
- development of policies that will enable the single national public entity to provide health laboratory services as the preferred provider for the public health sector.

B E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—
- (i) “basic research” means the creation, preservation and accumulation of knowledge by means of scientific investigations and methods in—
 - (a) the field of medical and related sciences; and
 - (b) those sciences the application of which is important for the promotion of health or the combating of disease,
 and includes the acquisition, development and transfer of expertise and technology;
 - (ii) “Board” means the National Health Laboratory Services Board referred to in section 7;
 - (iii) “chief executive officer” means the chief executive officer of the executive management committee referred to in section 13;
 - (iv) “executive management committee” means the executive management committee established under section 13;
 - (v) “forensic science service” means the obtaining of specimens from the scene of a crime and the testing thereof for the purposes of criminal investigation, the interpretation thereof and the giving of results as evidence for the criminal justice system;

*(English text signed by the President.)
(Assented to 5 December 2000.)*

MOLAO

Go kgontšha tlhamo ya motho wa semolao yo a tlogo tsebja bjalo ka Ditirelo tša Laporatori ya tša Maphelo; go kgontšha go phumula Institšuti ya Afrika Borwa ya Dinyakišišo tša Kalafo, Institšuti ya Bosetšhaba ya Baerolotši, Lefelo la Bosetshaba la tša Maphelo a Mešomong, dilaporatori tše dingwe tša khemistri ya forensiki le ditirelo ka moka tša laporatori ya tša maphelo ya diprofense; le go kgontšha mabaka ao a lego mabapi le seo.

KETAPELE

TEMOGO ya gore Molaotheo o netefatša tokelo go ditirelo tša maphelo mme o nyaka gore Mmušo o tšee magato a semolao le a mangwe go fihlelela tiragatšo ya tokelo yeo;

Temogo ya gore tiragatšo ya tokelo ya tlhokomelo ya tša maphelo e ka fihlelelwa magareng a tše dingwe, ka—

Go hlama tirelo e tee ya setšhaba go fana ka ditirelo tša setshaba tša laporatori ya maphelo mo nageng;

Kagoleswa le diphetogo tša lefapha la tša maphelo a setšhaba, ditirelo tša laporatori go di dira seripa sa tirelo e tee ya bosetšhaba; le go tšweletša melaotshepetšo yeo e tla kgontšhago tirelo e tee ya bosetšhaba go setšhaba go fana ka ditirelo tša laporatori ya maphelo bjalo ka tirelo ye ratwago ya lefapha la tša maphelo.

BJALO KA GE O DIRILWE ke Palamente ya Repapoliki-ya Afrika Borwa ka mokgwa wo o latelago:—

Ditlhalošo

1. Mo Molaong wo, ntle le ge tlhalošo e bontšha ka mokgwa wo mongwe—
 - 5 (i) “dinyakišišo tša motheo” e ra go hlola, pabalelo le go kgoboketša tsebo ka go diriša dinyakišišo le mekgwa ya saense go—
 - (a) lefapha la tša kalafo le tša disaense tšeo di sepelelanago le seo; le
 - (b) disaense tšeo tirišo ya tšona e lego mohola go kaonafatša maphelo goba go thibela malwetši, mme go akaretšwa go ikhweletša, tšweletšo le go neelana ka bokgoni le thekenolotši;
 - 10 (ii) “Lekgotla” e ra Lekgotla la Bosetšhaba la Ditirelo tša Laporatori ya tša Maphelo leo go bolelwago ka lona go seripa sa 7;
 - (iii) “Mohlankedi-mogolo phethiši” e ra mohlankedi-mogolo phethiši wa komiti ya bolaodi- phethiši yeo e lebišitšwego go seripa sa 13;

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- (vi) "health laboratory service" means a comprehensive service that includes the interpretation of the results thereof, the giving of results and the associated participation in patient care;
- (vii) "Minister" means the Minister of Health;
- (viii) "operational research" means research conducted as a part of the process of improving quality, efficiency and effectiveness of the health laboratory services; 5
- (ix) "public health sector" means, subject to section 2, the State departments and organs of all spheres of government charged with the function of providing health services; 10
- (x) "rule" means a rule made under section 27;
- (xi) "security" means any bill of exchange, promissory note or instrument issued by the Service as security for any loan negotiated by it;
- (xii) "Service" means the National Health Laboratory Service established by section 3; 15
- (xiii) "teaching environment" means the environment established in the laboratories regulated by this Act which is suitable for the teaching of students in the field of health laboratory services;
- (xiv) "tertiary education institution" means a higher education institution as defined in the Higher Education Act, 1997 (Act No. 101 of 1997); and 20
- (xv) "this Act" includes the rules made in terms of this Act.

Exclusion from application of this Act

- 2. (1) This Act does not apply to—
 - (a) the forensic science services provided by the South African Police Service; and 25
 - (b) the South African Military Health Services at—
 - (i) 1 Military Hospital situated in Pretoria; and
 - (ii) 2 Military Hospital situated in Cape Town.
- (2) Any research laboratories belonging to the health science faculties of universities are excluded from the Service, but may be incorporated by agreement. 30

Establishment of National Health Laboratory Service

- 3. (1) There is hereby established a juristic person to be known as the National Health Laboratory Service.
- (2) The Public Finance Management Act, 1999 (Act No. 1 of 1999), applies, with the necessary changes, to the Service. 35

Objects of Service

- 4. The objects of the Service are to—
 - (a) provide cost-effective and efficient health laboratory services to—
 - (i) all public sector health care providers;
 - (ii) any other government institution inside and outside of the Republic that may require such services; and 40
 - (iii) any private health care provider that requests such services;
 - (b) support health research; and
 - (c) provide training for health science education.

Functions, powers and duties of Service 45

- 5. (1) The Service must—

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- (iv) “komiti ya bolaodi-phethiši” e ra komiti ya bolaodi-phethiši yeo e hlamilwego ka tlase ga seripa sa 13;
- (v) “tirelo ya saense ya forensiki” e ra go hwetša mehlala go tšwa lefelong la tiragalo ya molato le go dira diteko mabakeng a dinyakišišo tša molato, kwešišo ya dintlha le go fana ka dipoelo bjalo ka bohlatse go lenaneo la tshepetšo ya toka;
- (vi) “ditirelo tša laporatori ya tša maphelo” e ra tirelo yeo e tse neletšego yeo e akaretšago kwešišo ya dintlha, go fana ka dipoelo le go tšea karolo go tša mabapi le tlhokomelo ya balwetši;
- (vii) “Letona” le šupa Letona la tša Maphelo;
- (viii) “dinyakišišo tša mošomo” e ra dinyakišišo tšeo di dirwago bjalo ka se sengwe sa tshepetšo ya go kaonafatša boleng, bokgoni le mohola wa ditirelo tša laporatori ya tša maphelo;
- (ix) “lefapha la tša maphelo a setšhaba” e ra, ka tlase ga seripa sa 2, mafapha a mmušo le ditlhangwa tša mahlakore ka moka a mmušo tšeo di filwego modiro wa go fana ka ditirelo tša maphelo;
- (x) “molawana” e ra molao wo o dirilwego ka tlase ga seripa sa 27;
- (xi) “tšhireletšo” e ra molao wo mongwe le wo mongwe wa neelano, tshepišo goba setlabele seo se fiwago ke Tirelo bjalo ka tšhireletšo ya kadimo yeo e e kgopelago;
- (xii) “Tirelo” e ra Tirelo ya Bosetšhaba ya Laporatori ya tša Maphelo yeo e hlamilwego ke seripa sa 3;
- (xiii) “seemo sa thuto” e ra seemo seo se lego gona ka dilaporating tšeo di laolwago ke Molao wo, seo se loketšego go rutwa ga baithuti lefapheng la ditirelo tša laporatori ya tša maphelo;
- (xiv) “Lefelo la thuto ya ka godimo” e ra lefelo la thuto ya ka godimo bjalo ka ge le hlalošitšwe ka go Molao wa Thuto ya ka Godimo, 1997 (Molao wa No 101 wa 1997); le
- (xv) “Molao wo” e akaretša melawana yeo e dirilwego go ya ka Molao wo.

30 Go kgethollwa go tšhomišo ya Molao wo

2. (1) Molao wo ga o ame—
- (a) ditirelo tša saense ya forensiki yeo e fiwago ke Ditirelo tša Sephodisa sa Afrika Borwa; le
- (b) Ditirelo tša Maphelo a Sesole sa Afrika Borwa kua—
- (i) 1 Sepetlele sa Sesole kua Tshwane; le
- (ii) 2 Sepetlele sa Sesole kua Kapa.
- (2) Dinyakišišo tša laporatori tšeo e lego tša mafapha a tša saense ya maphelo tša diyunibesithi ga di balelwe mo go Tirelo, fela di ka tsenywa ka kwano.

Tlhamo ya Tirelo ya Bosetšhaba ya Laporatori ya Maphelo

3. (1) Mo go hlangwa setho sa molao seo se tlogo tsebja ka la Tirelo ya Bosetšhaba ya Laporatori ya Maphelo.
- (2) Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999 (Molao wa No. 1 wa 1999).

Maikemišetšo a Tirelo

4. Maikemišetšo a Tirelo ke go—
- (a) fana ka ditirelo tse hlwahlwa tša tsheketšo tša laporatori ya tša maphelo go;
- (i) baabi ka moka ba lefapha la tša maphelo a setšhaba;
- (ii) tlhamo ye nngwe le ye nngwe ya mmušo ka gare le ka ntle ga Repapoliki yeo e nyakago ditirelo tše bjalo; le
- (iii) moabi yo mongwe le yo mongwe wa poraebete wa tlhokomelo ya tša maphelo yo a nyakago ditirelo tše bjalo;
- (b) thekga dinyakišišo tša maphelo; le
- (c) fana ka tlhahlo ya thuto ya saense ya tša maphelo.

Mešomo le maatla a Tirelo

5. (1) Tirelo e swanetše go—

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- (a) investigate the need to establish, operate, acquire, maintain, co-ordinate and amalgamate laboratories and related undertakings to provide efficient and cost-effective laboratory services;
- (b) promote the training of laboratory and associated personnel;
- (c) within the available resources, grant study bursaries and loans for studies in the field of laboratory services; and 5
- (d) promote co-operation between the Republic and other countries with regard to the epidemiological surveillance and management of diseases through the monitoring of laboratory test results.
- (2) The Service may— 10
- (a) undertake operational research, on its own or in association or partnership with a tertiary education institution;
- (b) co-operate with persons and institutions undertaking basic research in the Republic and in other countries by the exchange of scientific knowledge and the provision of access to the resources and specimens available to the Service; 15
- (c) participate in joint research operations with departments of State, universities, technikons, colleges, museums, scientific institutions and other persons;
- (d) co-operate with educational authorities and scientific or technical societies or industrial institutions representing employers and employees, respectively, for the promotion of the instruction and training of pathologists, technologists, technicians, scientists, researchers, technical experts and other supporting personnel in universities, technikons, and colleges; 20
- (e) enter into contracts within or outside the Republic, with any person, government, or institution, and execute any contract, deed or any other document in the Republic or any foreign country; 25
- (f) purchase or acquire any movable or immovable property;
- (g) manage, insure, lease, sell, mortgage, dispose of, develop, maintain, improve, or in any other way deal with any of its property or assets;
- (h) apply for, purchase or by any other means acquire, protect, extend, renew, deal with or alienate any patents, patent rights, licences, trade marks, concessions or other rights; 30
- (i) borrow money within or outside the Republic in terms of the provisions of the Public Finance Management Act, 1999;
- (j) invest money in accordance with the framework prescribed in section 7 of the Public Finance Management Act, 1999; 35
- (k) open and operate banking accounts in terms of section 7 of the Public Finance Management Act, 1999;
- (l) make, draw, issue, execute, accept, endorse or discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments; 40
- (m) enter into indemnities, guarantees and suretyships and secure payment thereunder in any way;
- (n) enter into agreements to facilitate or secure the payment of commitments and to this end indemnify any person or cede, exchange or cancel agreements; 45
- (o) undertake and execute any trust;
- (p) form and have an interest in any company or companies for— 45
- (i) the purpose of acquiring the business or all or any assets or liabilities, or both, of any company; or
- (ii) any other purpose which directly or indirectly benefits the Service;
- (q) take part in the management, supervision and control of the business or operations of any company or business; 50
- (r) enter into partnerships;
- (s) make donations to further the interests of the Service;
- (t) act as principal, agent, contractor or trustee;
- (u) charge for the rendering of laboratory services and other services; 55

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- (a) nyakišiša tlhokego ya, go hlama, diriša, hwetša, hlokomela, kgokaganya le ditirelo tša laporatori tše hlwahlwa tša tsheketšo;
- (b) kaonafatša tlhahlo ya bašomi ba laporatori le bao ba angwago ke yona;
- (c) ka methopo yeo e lego gona, fana ka dipasari tša thuto le dikadimo go ithutela lefapha la ditirelo tša laporatori;
- (d) kaonafatša tšhomišanommogo magareng a Repapoliki le dinaga tše dingwe ka go bea leihlo malwetši ao a fetelago le taolo ya malwetši ka go hlokomela dipoelo tša teko ya laporatori.
- (2) Tirelo e ka—
- (a) dira dinyakišišo tša tirišo, ka boyona goba mmogo le, goba mohlakanelwa le lefelo la thuto ya ka godimo;
- (b) šomišana le batho le ditlhangwa tšeo di dirago dinyakišišo tša motheo mono Repapoliki le dinaga tše dingwe ka go neelana ka tšebo ya saense le go fana ka phihlelelo go methopo le dithušateko tšeo di lego gona go Tirelo;
- (c) tšea karolo go mediro ya dinyakišišo tša mohlakanelwa le mafapha a Mmušo, diyunibesithi, dithekinikone, dikholetšhe, dimusiamo, mafelo a saense le batho ba bangwe;
- (d) šomišana le balaodi ba thuto le disosaete tša saense goba ba tša seteginiki goba mafelo a diintaseteri tšeo di emelago beng mošomo le bašomi ka go latelana, go kaonafatša thuto le tlhahlo ya ditsebi tša phatholotši, thekenolotši, thekeniki, saense, dinyakišišo, ditsebi tša thekenikale le bašomi ba bangwe bao ba thušago mo diyunibesithing, dithekenikonong le dikholetšheng;
- (e) tsenela dikontraka ka gare goba ka ntle go Repapoliki, le motho yo mongwe le yo mongwe, mmušo wo mongwe le wo mongwe, goba lefelo, mme e sepetše kontraka, tumelelo goba tokomane ye ngwe le ye nngwe mono Repapoliki goba naga ye nngwe le ye nngwe ye šele;
- (f) reka goba hwetša thoto yeo e šuthišwago le yeo e sa šuthego;
- (g) laola, netefatša, hiriša, rekiša, kolotiša, tloša, kaonafatša, hlokomela, lokiša, goba ka mokgwa wo mongwe le wo mongwe šomana le dithoto goba diphahla tša yona;
- (h) dira kgopelo, reka goba ka mokgwa wo mongwe le wo mongwe hwetša, sireletša, godiša, mpshafatša, šomana le, goba amologana le beng, ditokelo tša bong, dilaesense, maswao a kgwebo, ditumelelo goba ditokelo tše dingwe;
- (i) adima tšhelete ka gare goba ka ntle go Repapoliki go ya ka ditlhalošo tša Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999 (Molao wa No. 1 wa 1999);
- (j) beeletša tšhelete go ya ka magato ao a hlalošitšwego go seripa sa 7 sa Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999.
- (k) bula mme ya diriša diakhaonto tša pankha go ya ka seripa sa 7 sa Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999;
- (l) dira, thala, ntšha, diragatša, dumela, dumelela goba fokotša mangwalo a tshepišo, melato ya neelano le mohuta wo mongwe le wo mongwe wa ditlabele tšeo di ka kwanelwago goba tša neelanwa;
- (m) tsena go tšeo di phumulago maikarabelo (*indemnities*), dinetefatšo le dikgonthišišo mme e tšee ditefelo ka mokgwa wo mongwe le wo mongwe;
- (n) tsenela dipoledišano go sepetša le go hwetša ditefelo tša boitlamo mme go seo e ka phumula maikarabelo go motho goba go swara (cede), go neelana goba go phumula dikwano;
- (o) go hlola le go diragatša trasete efe goba efe;
- (p) hlola e bile e be le kgahlego go khamphani goba dikhamphani tše dingwe le tše dingwe go—
- (i) mabaka a go hwetša kgwebo goba dithoto tše dingwe le tše dingwe goba mekitlane ya khamphani ye nngwe le ye nngwe; goba
- (ii) lebaka le lengwe le le lengwe leo le tšwelago Tirelo mohola ka mokgwa wo mogwe goba thwii;
- (q) tšea karolo go tshepetšo, hlokomelo le taolo ya kgwebo goba mešomo ya khamphani goba kgwebo ye nngwe le ye nngwe;
- (r) tsenela mehlakanelwa;
- (s) dira dimpho (donations) go tšweletša dikgahlego tša Tirelo;
- (t) go šoma bjalo ka hlogo, mošomedi, mokontraka goba moterasete (trustee);
- (u) lefiša go fana ka ditirelo tša laporatori le tše dingwe;

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- (v) remunerate any person or persons, for services rendered in the operation and development of the Service's business;
- (w) appoint officers and employees at such remuneration and on such conditions subject to the relevant labour legislation;
- (x) pay gratuities and pensions to its officers and employees; 5
- (y) establish and manage pension schemes in consultation with the Minister of Finance, medical aid schemes and other incentive schemes for its officers and employees, and appoint trustees and other officials for such schemes;
- (z) produce and sell by-products; and
- (zA) generally, enter into any contract or perform any act, whether within the Republic or outside, as will in the opinion of the Board contribute towards the attainment of the Service's objectives. 10

(3) The Service must exercise its functions, powers and duties in the interest of the Service and in accordance with the national health policy.

Control of Service 15

6. (1) The Service must be controlled by the Board.
- (2) The Board must—
- (a) determine the policy of the Service;
 - (b) do the necessary planning in connection with the functions, powers and duties of the Service; and 20
 - (c) perform such other functions as may be assigned to it by this Act.

Composition of Board

7. The Board consists of the following members, appointed by the Minister, taking into account, among other things, the appropriate representation of race, gender and disability— 25
- (a) the chief executive officer;
 - (b) one member from each province;
 - (c) two members representing the national Department of Health;
 - (d) three members who have special knowledge in— 30
 - (i) economics, financial matters or accounting;
 - (ii) legal matters;
 - (iii) health research; or
 - (iv) epidemiology;
 - (e) two members nominated by the Council on Higher Education referred to in section 4 of the Higher Education Act, 1997 (Act No. 101 of 1997), who 35 represent university health science faculties and technikon;
 - (f) one member nominated by the national Minister responsible for science and technology;
 - (g) one representative from the South African Local Government Association nominated by the said Association; and 40
 - (h) one representative from organized labour.

Appointment of members of Board

8. (1) The Minister must appoint the members contemplated in section 7 (b), (c), (e), (f) and (g) after consultation with the relevant bodies and institutions and must ensure that appropriate laboratory professionals are appointed. 45
- (2) The Minister must, before appointing the members contemplated in section 7(d), by notice in the *Gazette* and in a national newspaper circulating in every province of the Republic invite all interested persons to nominate, within the period specified in the notice, persons who in the opinion of such interested persons are fit to be so appointed, stating the grounds upon which such opinion is based. 50

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- (v) lefa motho goba batho ba bangwe le ba bangwe go ditirelo tšeo di fiwago go mešomo le tšwetšopele ya kgwebo ya Tirelo;
- (w) thwala bahlankedi le bašomi ka mogolo le mabaka ao a loketšego go ya ka melao yeo e amanago le bašomi;
- 5 (x) lefela bahlankedi le bašomi dipoelo le diphešele;
- (y) hlola le go laola mananeo a diphešele tša bahlankedi le bašomi ba yona go šomišana le Letona la tša Ditšhelete, mananeo a ditefelo tša kalafo le mananeo a mangwe a kgahlego, le go kgetha baterasete le bahlankedi ba bangwe go mananeo ao;
- 10 (z) tšweletša le go rekiša ditšwa-ditšweletšong; le
- (za) ka kakaretšo, tsenela dikontra ka goba go dira modiro wo mongwe le wo mongwe, le ge e ka ba ka gare goba ka ntle go Repapoliki, ge e le gore ka kgopolo ya Lekgotla, o tla ba le seabi go tšweletšopele ya maikemišetšo a Tirelo.
- 15 (3) Tirelo e swanetše go phetha mešomo le maatla a yona go tšweletša dikgahlego tša Tirelo go ya ka molaotshepetšo wa maphelo a bosetšhaba.

Taolo ya Tirelo

6. (1) Tirelo e swanetše go laolwa ke Lekgotla.
- (2) Lekgotla le swanetše go—
- 20 (a) hlama molaotshepetšo wa Tirelo; le
- (b) go dira peakanyo yeo e swanetšego mabapi le mešomo, maatla le mediro ya Tirelo; le
- (3) Godimo ga mošomo wo le o filwego ke seripana sa (2), Lekgotla le swanetše (c) go dira mešomo ye mengwe yeo e swanago le yeo, yeo e ka fiwago ke Molao wo.

25 Tlhamo ya Legotla

7. Lekgotla le bopša ke maloko ao a latelago, ao a kgethilwego ke Letona, a etše hloko, magareng a tše dingwe, botšeakarolo bjo bo nyakegago bja morafe, bong le bogole—
- (a) Mohlankedi-mogolo phethiši wa komiti-phethiši;
- 30 (b) maloko a senyane ao a emelago leloko le tee go tšwa go porofensi ye nngwe le ye nngwe;
- (c) maloko a mabedi ao a emelago Lefapha la tša Maphelo la Bosetšhaba (ex officio);
- (d) maloko a mararo ao a nago le tsebo yeo e ikgethilego ya—
- 35 (i) ekonomi, tša ditšhelete, goba akhouting;
- (ii) tša molao;
- (iii) dinyakišišo tša tša maphelo; goba
- (iv) epidemiolotši;
- (e) maloko a mabedi ao a khethilwego ke Khasele ya Thuto ya ka Godimo yeo e boletšwego go seripa sa 4 sa Molao wa Thuto ya ka Godimo, 1997 (Molao wa No. 101 wa 1997), bao ba emelago difakaliti tša maphelo le saense tša yunibesithi le dithekinikone;
- 40 (f) leloko le tee leo le kgethilwego ke Letona la bosetšhaba leo le nago le maikarabelo a saense le thekenolotsi; le
- 45 (g) moemedi o tee wa go tšwa go Mokgatlo wa Mmušo wa Selegae wa Afrika Borwa yo a kgethilwego ke Mokgatlo woo; le
- (h) moemedi o tee go tšwa go bašomi bao ba ipyakantšego.

Kgetho ya maloko a Legotla

8. (1) Letona le swanetše go kgetha maloko ao a akantšwego go seripa sa 7(b), (c),
- 50 (e), (f), le (g) morago ga poledišana le ditlhangwa le ditšo di amegago, mme o swanetše go netefatša gore go kgethwa baporofesenale ba laporatori ba maleba.
- (2) Letona le swanetše go, pele a kgetha maloko ao a boletšwego go seripa sa 7(d), ka tsebišo ka go *Kuranta ya Mmušo* leka dikuranteng tša bosetšhaba tšeo di hwetšagalago porefensing e ngwe e le e ngwe, mema batho ka moka bao ba nago le
- 55 kgahlego go fa maina, nakong yeo e filwego ka go tšebiso, a batho bao go ya ka kgopolo ya motho yoo a kgahlegago ba batho ba loketše go ka kgethwa, go bontšhwa mabaka ao kgopolo yeo e beilwego go wona.

(3) If a suitable person or the required number of persons is not nominated as contemplated in subsection (2), the Minister must appoint an appropriate person or persons who qualify to be appointed in terms of this Act.

(4) The members of the Board may hold office for a period of at least three years, as the Minister may determine at the time of appointment, but must be eligible for 5
reappointment.

(5) A member of the Board, excluding a member who is in the full-time employment of the State or the Service, must be appointed on such conditions, as the Minister may, with the concurrence of the Minister of Finance, determine.

(6) If the number of members of the Board is reduced to such an extent that a quorum 10
cannot be obtained, the Minister may appoint any suitably qualified persons on a temporary basis to serve on the Board until new members are appointed in terms of this section.

Chairperson and vice-chairperson of Board

9. (1) In addition to the members contemplated in section 7, the Minister must appoint 15
a chairperson and vice-chairperson of the Board.

(2) Whenever the chairperson of the Board is absent or unable to perform his or her functions as chairperson, the vice-chairperson must act as chairperson and, if the vice-chairperson is absent or unable to act as chairperson the Minister must designate another member of the Board to act as chairperson until the chairperson or 20
vice-chairperson is available.

(3) Any person acting as chairperson of the Board in terms of subsection (2), must exercise all the powers and perform all the functions and duties of the chairperson.

Disqualification from membership of Board and vacation of office

10. (1) A person may not be appointed as a member of the Board if that person— 25

- (a) is not a South African citizen and ordinarily resident in the Republic;
- (b) is an unrehabilitated insolvent;
- (c) has at any time been convicted of an offence involving dishonesty, whether in the Republic or elsewhere, and sentenced to imprisonment without the option of a fine; or 30
- (d) has been removed from an office of trust.

(2) A member of the Board must vacate his or her office if—

- (a) he or she becomes disqualified in terms of subsection (1), from being appointed as a member of the Board;
- (b) he or she submits his or her resignation to the Minister in writing; 35
- (c) he or she is declared by the High Court to be of unsound mind or mentally disordered or is detained under the Mental Health Act, 1973 (Act No.18 of 1973);
- (d) he or she has, without the leave of the Board, been absent from more than two consecutive meetings of the Board; 40
- (e) the Minister withdraws the appointment because in the opinion of the Minister, and after consultation with the Board, the member is incompetent or unfit to fulfil his or her duties; or
- (f) he or she ceases to be ordinarily resident in the Republic.

(3) If a member of the Board dies or vacates his or her office in terms of subsection 45
(2), the Minister may, subject to section 8, appoint a person to fill the vacancy for the unexpired portion of the period for which that member was appointed.

(3) Ge motho goba palo yeo e nyakegago ya batho e se ya kgethwa bjalo ka ge go beilwe go seripa sa (2), Letona le swanetše go kgetha motho goba batho ba maleba bao ba loketsego go ka kgethwa go ya ka Molao wo.

(4) Maloko a Lekgotla, ntle le ao a šomago e se maloko, a ka šoma maamong a wona 5 lebaka la mengwaga ye meraro, go ya ka mo Letona le ka laolago lebakeng la kgetho, fela ba swanetše go ka kgethwa gape.

(5) Leloko la Lekgotla, go sa akaretšwe leloko leo le thwetšwego mme le šomela Mmušo goba Tirelo, le swanetše go kgethwa ka mabaka ao, go ya mo Letona, go tee le Letona la tša Ditšhelete, ba ka laolago.

10 (6) Ge palo ya maloko a Lekgotla a ka fokotšega go fihla ka tlase ga 12 nakong ka moka ya dikgwedi tše tharo, moo e lego gore e ka se lekane khoramo Letona le ka kgetha motho yo mongwe le yo mongwe yo a nakwana batho bao ba lokelwago go ka kgethwa go ya ka Molao wo go fihlela leloko goba maloko a maswa a kgethwa go ya ka seripa se.

15 Modulasetulo le mothuša-modulasetulo wa Lekgotla

9. (1) Godimo ga maloko ao a naganwego ka go seripa sa 7, Letona—

(a) le swanetše go kgetha modulasetulo wa Lekgotla; gape;

(b) le ka kgetha mothuša-modulasetulo wa Lekgotla.

(2) Ge modulasetulo wa Lekgotla a se gona goba a sa kgone go ka dira mošomo 20 bjalo ka modulasetulo, mothuša-modulasetulo o swanetše go dira mošomo woo, mme ge mothuša-modulasetulo a se gona goba a sa kgone go ka dira mošomo bjalo ka modulasetulo goba ge e le gore mothuša-modulasetulo o be a se a kgethwa go ya ka seripana sa (1), maloko a Lekgotla a ka Letona le swanetše go kgetha leloko le lengwe la Lekgotla go ema bjalo ka modulasetulo go fihlela modulasetulo goba mothuša- 25 modulasetulo a e ba gona.

(3) Motho yo mongwe le yo mongwe yo a emago bjalo ka modulasetulo wa Lekgotla go ya seripana sa (2), o swanetše go šomiša maatla ka moka mme a dira mešomo ka moka ya modulasetulo.

Go tlošwa bolelokong bja Lekgotla le go tlogela mošomo

30 10. (1) Motho a ka se kgethwe bjalo ka leloko la Lekgotla ge e le gore motho yo—
(a) ga se modudi wa Afrika Borwa mme a dula bjalo ka mang le mang mono Repapoliki;

(b) o kolota mo a ka se hwetšego thušo;

35 (c) o kile a swarelwa molato wa mabapi le go hloka botshepegi, e ka ba mono Repapoliki goba go gongwe le go gongwe, mme a ahlolelwa kgolego mo go se nago boikgethelo bja tefo; goba

(d) o kile a tlošwa mošomong wa botshepegi.

(2) Leloko la Lekgotla le swanetše go tlogela mošomo ge e ba—

40 (a) o tlogedišwa go ya ka mabaka a seripana sa (1), go kgethwa bjalo ka leloko la Lekgotla;

(b) o fana ka lengwalo la go leboga mošomo go Letona;

(c) kgorokgolo ya tshoko e dumela gore o fokola monaganong goba o na le boarogi bja tšhomišo ya tlhaloganyo goba a tshwerwe go ya ka Molao wa tša Maphelo a Monagano, 1973 (Molao wa 18 wa 1973);

45 (d) o kile, ntle le tumelelo ya Lekgotla, a se iponatše dikopanong tša Lekgotla tša go feta tše pedi ka go latelana;

(e) Letona le gogela morago thwalo ya gagwe ge e le gore go ya ka kgopolo ya Letona, ka morago ga ge a boledišane le Lekgotla, ga a leloko ga le kgone go dira mošomo wa gagwe lona goba ga le a lokelwa go dira mošomo wa gagwe lona; goba

50 (f) o tlogela bodudi bja Repapoliki.

(3) Ge leloko la Lekgotla le hlokofala goba le tlogela mošomo go ya ka seripana sa (2), Letona le ka, go ya ka seripa sa 8, kgetha motho go thiba sekgoba sa nako yeo leloko leo le sego la e feleletša.

Meetings of Board

11. (1) The meetings of the Board and the conduct of business at meetings must be prescribed by the rules.

(2) A quorum for a meeting of the Board is the majority of its members.

(3) A decision of the majority of the members of the Board present at any meeting constitutes a decision of the Board and, in the event of an equality of votes, the member presiding at the meeting must have a casting vote in addition to his or her deliberative vote. 5

(4) A decision taken by the Board or an act performed under the authority of the Board is not invalid by reason only of a vacancy on the Board, or that a person who is not entitled to sit as a member of the Board sat as a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of the members of the Board who were present at the time and entitled to sit as members. 10

(5) Minutes of the proceedings of every meeting of the Board must be prepared and entered in a book kept for that purpose. 15

(6) Minutes of the proceedings of each meeting must be submitted at the next meeting of the Board and, if passed as correct, must be confirmed by the signature of the chairperson or other member presiding thereat and may, when so confirmed, be evidence in a court of law of the proceedings of the first-mentioned meeting. 20

(7) In the absence of the chairperson or the person acting as the chairperson from a particular meeting of the Board, the members present at that meeting may elect one of their number to preside at that meeting.

Committees of Board

12. (1) The Board may appoint one or more committees from among its members to assist it with the performance of its functions and exercise of its powers. 25

(2) The Board may appoint one or more specialist advisory committees consisting of members other than members of the Board, to assist it with the performance of its functions and exercise of its powers.

Executive management committee 30

13. (1) The Board must appoint an executive management committee, which consists of—

(a) the chief executive officer, who must act as chairperson; and

(b) as many other employees of the Service as the Board may deem necessary.

(2) The executive management committee is responsible for the management of the Service in accordance with the policy of the Service. 35

Staff of Service

14. (1) The Service may, subject to relevant labour legislation, from time to time and on such conditions as it may determine, appoint such officers and employees as it may deem necessary to assist it in the performance of its functions. 40

(2) The Service may in the performance of its functions, in addition to or in the place of the officers and employees referred to in subsection (1), make use of—

(a) officers and employees placed at its disposal in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994); or

(b) persons in the employment of any other body or person, placed at its disposal in terms of an agreement between the Service and such body or person. 45

(3) (a) The Service must reimburse the State or the employer in respect of every officer, employee or person placed at its disposal in terms of subsection (2)(a) or (b) for every amount paid by the State or employer in respect of such officer, employee or person. 50

(b) The provisions of paragraph (a) apply for as long as such officer, employee or person is placed at the disposal of the Service.

(4) The Service may for the purpose of the performance of any of its functions and duties enter into an agreement for the—

(a) execution of a particular task; or 55

Dikopano tša Lekgotla

11. (1) Dikopano tša Lekgotla le tshepetšo ya kgwebo mo dikopanong di swanetše go laolwa ke molao.
- (2) Khoramo ya kopano ya Lekgotla ke bontsi bja maloko a lona.
- 5 (3) Sephetho sa bontši bja maloko a Lekgotla ao a lego gona kopanong ye nngwe le ye nngwe se tšewa bjalo ka sephetho sa Lekgotla mme, ge diboutu di lekana, leloko leo le dutšego setulo le swanetše go ba le boutu ya sephetho godimo ga boutu ya maikemišetšo.
- (4) Sephetho seo se tšerwego ke Lekgotla molao tiro yeo e dirilwego ka fase ga
- 10 Bolaodi bja Lekgotla ga se sa nnete ka lebaka gore fela ka sekgoba Lekgotleng, goba motho yoo a se nago tokelo ya go dula bjalo ka leloko la Lekgotla o be a dutše bjalo ka leloko ge sephetho se tšewa goba ge tiragalo e dumelwa, ge sephetho se tšerwa goba molao o fiwa maatla, ge e le gore sephetho se tšerwe goba molao o filwe maatla ke bontšhi bjo bo nyakegago bja maloko a Lekgotla ao a bego a le gona nakong yeo
- 15 mme ba swanetše go dula bjalo ka maloko.
- (5) Metsotso ya tshepetšo ya kopano ye nngwe le ye nngwe ya Lekgotla e swanetše go lokišwa mme ya tšenywa ka pukung yeo e beetšwego lebaka leo.
- (6) Metsotso ya tshepetšo ya kopano ye nngwe le ye nngwe e swanetše go tlišwa kopanong yeo e latelago ya Lekgotla mme, ge e fetišitšwe e lokile, e swanetše e
- 20 netefatšwe ka go saanelwa ke modulasetulo goba leloko le lengwe leo le lego setulong, mme ge e netefaditšwe bjalo, e ka ba bohlatše go kgorong ye nngwe le ye nngwe ya molao.
- (7) Ge modulasetulo goba motho yo a bago legatong la modulasetulo ba se gona kopanong yeo e itšeng ya Lekgotla, maloko ao a lego gona kopanong yeo a ka kgetha
- 25 yo mongwe wa bona go dula setulo.

Dikomiti tša Lekgotla

12. (1) Lekgotla le ka kgetha komiti e tee goba go feta go tšwa go maloko a yona go le thuša ka tiragatšo ya mešomo ya lona le go diriša maatla a lona.
- (2) Lekgotla le ka kgetha komiti ya keletšo ya ditsebi e tee goba go feta yeo e nago
- 30 le maloko ao e sego a Lekgotla go le thuša ka tiragatšo ya mešomo ya lona le go diriša maatla a lona.

Komiti-phethiši ya taolo

13. (1) Lekgotla le swanetše go kgetha komiti-phethiši ya taolo yeo e dirwago ke—
- (a) Mohlankedi-mogolo-phethišo, yo a swanetšego go šoma bjalo ka modulasetuco; le
- 35 (b) palo ya bašomi ba Tirelo yeo Lekgotla le ka bonago e nyakega.
- (2) Komiti-phethiši ya taolo e na le maikarabelo a taolo ya Tirelo go ya ka molaotshepetšo wa Tirelo.

Bašomi ba tirelo

- 40 14. (1) Nako le nako, ka mabaka ao a lego gona, bjalo ka ge go ka nyakega, Tirelo e tla kgetha go ya ka melao yeo e amanago le bašomi bahlankedi bao le bašomi bjalo ka ge go nyakega go thuša ka tiragatšo ya mošomo wa yona.
- (2) Mo tiragatšong ya mošomo wa yona, go oketša goba legatong la bahlankedi le bašomi bao go boletšwego ka bona go seripana sa (1), Tirelo e ka šomiša—
- 45 (a) bahlankedi le bašomi bao ba ka hwetšwago go ya ka Molao wa Tirelo ya Setšhaba, 1994 (Kwalakwašo ya No. 103 ya 1994); goba
- (b) batho bao ba thwetšwego setho goba motho yo mongwe bao ba beilwego go šomišwa go ya ka kwano magareng a Tirelo le setho goba motho yoo.
- (3) (a) Tirelo e swanetše go lefa Mmušo goba mong mošomo ka mohlankedi,
- 50 mothwalwa goba motho yoo e filwego go ya ka karolwana ya bo (2)(a) goba (b) ka baka la tšhelete ye nngwe le ye nngwe yeo e lefilwego ke Mmušo goba mothwadi ka baka la mohlankedi yo bjalo, mothwalwa goba motho.
- (b) ditlhalošo tša temana ya (a) di dirišwa lebaka ka moka la ge mohlankedi, mošomi goba motho yo a ntše a šomišwa ke Tirelo.
- 55 (4) Mabakeng a go diragatša tše dingwe tša mešomo, Tirelo e ka dira kwano ya go—
- (a) dira mošomo wo o itšeng; goba

(b) furnishing of particular services, with any person who, on account of his or her qualifications or special knowledge, is, in the opinion of the Service, suitable to execute such a task or to furnish such services.

Purchasing of services

15. (1) Public health sector service providers must purchase laboratory services from the Service. 5

(2) Private health sector service providers may purchase laboratory services from the Service.

Rendering of laboratory services to foreign countries

16. (1) The Service may, in addition to the powers conferred to it by section 5, and subject to prior approval by the Minister— 10

- (a) render laboratory services in the Republic on behalf of any country which has requested a laboratory service;
- (b) render laboratory services in any country outside the Republic which has requested a laboratory service; 15
- (c) collect specimens for the purposes of testing them in the Republic, in any country which has requested a laboratory service;
- (d) import any human tissue or any blood, blood product or gamete in terms of section 25 of the Human Tissue Act, 1983 (Act No. 65 of 1983), for the purposes contemplated in paragraph (a), (b) or (c); and 20
- (e) import any human waste products and any live or preserved agent responsible for or involved in disease transmission for the purposes contemplated in paragraph (a), (b), (c) or (d) and section 5(2)(a), (b) or (c).

(2) This Act must apply in connection with the rendering of services in terms of subsection (1)(b) or (c) as if such services were rendered within the Republic for the public health sector. 25

(3) The Minister may with the concurrence of the Minister of Finance, indemnify the Service against any losses the Service may incur as a result of services rendered in terms of this section.

Discoveries, inventions and improvements by employees of Service and other persons 30

17. (1) The ownership of intellectual property rights in all discoveries, inventions and improvements in respect of processes, apparatus, machines and medicines made by—

- (a) employees of the Service in the course of such employment;
- (b) persons assisting the Service with any investigation or research; or 35
- (c) persons to whom bursaries or grants-in-aid have been granted by the Service in the course of any research in respect of which such a bursary or grant-in-aid was received,

must be determined on a case-by-case basis, taking into account—

- (i) the general principles of intellectual property law; 40
- (ii) the nature of the intellectual property concerned;
- (iii) the parties involved in the creation of such intellectual property;
- (iv) contractual rights and obligations of all the parties referred to in paragraph (iii);
- (v) the financial contribution of all parties to the creation of the intellectual property; 45
- (vi) the intellectual contribution of all parties to the creation of the intellectual property; and
- (vii) any other relevant factors.

(2) The Service may make the discoveries, inventions and improvements referred to in subsection (1), and the rights arising therefrom, available for use in the public interest subject to such conditions and the payment of such fees or royalties as the Service may determine, but must ensure that such availability will also be in the interest of persons who made such discoveries, inventions and improvements. 50

(3) Where the rights referred to in subsection (2) are vested jointly in the Service and one or more other parties, the Service and such other party or parties must reach 55

(b) tlabela ditirelo tše itšeng,

le motho yo mongwe le yo mongwe, yo ka mabaka a dithuto goba tšebo yeo e ikgethago, go ya ka kgopolo ya Tirelo, o loketše go ka dira mošomo woo goba go tlabela ditirelo tše bjalo.

5 Theko ya ditirelo

15. (1) Lekala la baabi ba ditirelo tša tša maphelo a setšhaba le swanetše go reka ditirelo tša laporatori go tšwa go Tirelo.

(2) Lekala la baabi ba ditirelo tša maphelo a praebete le ka reka ditirelo tša laporatori go tswa go Tirelo.

10 Go fana ka ditirelo tša laporatori go dinaga di šele

16. (1) Godimo ga maatla ao e a filwego ke seripa sa 5, le godimo ga tumelelo ya Letona, Tirelo e ka—

- (a) fana ka ditirelo tša laporatori ka mono Repapoliki legatong la naga yeo e kgopetšego ditirelo tša laporatori;
- 15 (b) fana ka ditirelo tša laporatori nageng ye nngwe le ye nngwe ka ntle go Repapoliki yeo e kgopetšego tirelo ya laporatori;
- (c) go kgoboketša mehlala yeo e yo lekwago ka Rephaboliking, go tšwa nageng ye nngwe le ye nngwe yeo e kgopetšego tirelo ya laporatori;
- 20 (d) go tliša tlhalenama efe goba efe ya go tšwa ntle goba madi, setšweletšwa sa madi goba kamete go ya ka karolo ya bo 24 ya Molao wa Tlhalenama ya Batho, wa 1983 (Molao wa No. ya bo 65 wa 1983) ka mabaka ao a š'išintšwego temaneng ya bo (a) goba (b) goba (c); le
- 25 (e) go tliša ditšhila tša batho dife goba dife goba selo seo se phelago goba se bolokilwego seo se rwelego maikarabelo goba e lego karolo ya phetetšo ya malwetše ka mabaka ao a hlalošitšwego ka temaneng ya bo (a), (b) goba (d) le karolo ya bo 5(2)(a), (b) goba (c).

(2) Molao wo o swanetše go šoma mabapi le go phethagatšwa ga ditirelo go ya ka karolwana ya bo (1)(b) goba (c) bjalo okare ditirelo tše bjalo di dirilwe ka gare ga Repapoliki di diretšwe lekala la maphelo a setšhaba.

30 (3) Letona, ka tumelo ya Letona la Ditšhelete, le ka no bušeletša Tirelo kgahlanong le tahlegelo yeo e hlagilego ka baka la ditirelo tšeo di filwego go ya ka karolo ye.

Dikhumano, ditlhamo le dikaonafatšo tšeo di dirilwego ke badiredi ba Tirelo le batho ba bangwe

17. (1) Borui bja ditokelo tša thuo ya mogopolo dikhumanong, ditlhamong le 35 dikaonafatšong go ya ka ditshepedišo, didirišwa, metšhene le dihlare tšeo di dirilwego le—

- (a) badiredi ba tirelo ka nako ya thwalo ye bjalo;
 - (b) batho bao ba thušago Tirelo ka nyakišišo efe goba efe, goba;
 - 40 (c) batho bao ba filwego dipasari goba dithušo ke tirelo ka nako ya nyakišišo efe goba efe ge e le gore pasari goba thušo ye bjalo e humanwe;
- di swanetše go phethwa go ya ka kgetse ye nngwe le ye nngwe, go tšeelwa hlogong—
- (i) metheo ya kakaretšo ya molao wa thuo ya mogopolo;
 - (ii) tlhago ya thuo ya mogopolo yeo e amegago;
 - (iii) maloko ao a amegago hlong ya thuo ye bjalo ya mogopolo;
 - 45 (iv) ditokelo tša kontraka le boitlamo bja maloko kamoka ao a boletšwego ka temaneng ya bo (iii);
 - (v) thušo ya ditšhelete ya maloko kamoka go hlolweng ga thuo ya mogopolo;
 - (vi) thušo ya mogopolo ya maloko kamoka go hlolweng ga thuo ya mogopolo; le
 - (vii) dintlha tše dingwe tša maleba.

50 (2) Tirelo e ka no dira dikhumano, ditlhamo le dikaonafatšo tšeo di boletšwego ka karolwaneng ya bo (1) le ditokelo tšeo di tšwago gona, tšeo di ka šomišetšwago dikgahlego tša setšhaba go ya ka mabaka a bjalo le tefo ya ditšhelete tšeo le tšhelete yeo e lefšwago bang ba ditokelo yeo e tla phethwago ke Tirelo, fela ge e le gore go ba gona go go bjalo go tla ba ka kgahlego ya batho bao ba dirilego dikhumano tše bjalo, 55 ditlhamo le dikaonafatšo.

(3) Ge e le gore ditokelo tšeo di boletšwego ka Karolwaneng ya bo (2) di filwe Tirelo mmogo le leloko le tee goba go feta, Tirelo le leloko le bjalo goba maloko ba swanetše

agreement on how to make the discoveries, inventions and improvements referred to in subsection (1) available for use on the conditions and on payment of fees or royalties associated therewith.

(4) In respect of rights which are vested in the Service in terms of subsection (1), the Service may reward the person responsible for the discovery, invention or improvement to the extent that it deems fit, or make provision for financial participation by such person in the profits derived from the discovery, invention or improvement to such extent as the Minister, with the concurrence of the Minister of Finance, may determine. 5

(5) (a) Where patent rights are vested solely in the Service, the Service may apply to register for a patent right in respect of any discovery, invention or improvement referred to in subsection (1). 10

(b) For the purposes of the Patents Act, 1978 (Act No. 57 of 1978), the Service must be regarded as the assignee of the discoverer or inventor in question.

Finances of Service

18. The funds of the Service may consist of— 15

- (a) income earned from fees for services rendered in terms of section 20;
- (b) income earned on surplus moneys deposited or invested;
- (c) money appropriated by Parliament on such terms and conditions as the Minister, with the concurrence of the Minister of Finance, may determine;
- (d) grants, donations and bequests made to it; 20
- (e) royalties; or
- (f) money received from any other source.

Defrayment of expenditure

19. (1) All expenditure incurred by the Service under this Act must be defrayed from the funds of the Service, including expenditure— 25

- (a) in connection with the performance of its functions by the Board;
- (b) incidental to the payment of remuneration and allowances to members of the Board and the executive management committee.

(2) Any surplus remaining at the end of the financial year of the Service may be utilised for any expenses in connection with the exercise of its powers or the performance of its functions, provided that the provisions of the Public Finance Management Act, 1999, are complied with. 30

Charges for services

20. (1) (a) The public health sector and foreign governments that purchase laboratory tests from the Service must pay such prescribed fees as determined from time to time by the Service after consultation with the Minister. 35

(b) The Minister must consult with the Members of the Executive Council responsible for health, the Treasury and the provincial treasuries in respect of fees for the public health sector.

(2) The private health sector that purchases laboratory tests from the Service must pay such prescribed fees as determined from time to time by the Service after consultation with the Minister. 40

(3) The Service may decrease or increase its charges in respect of services rendered in terms of subsection (1).

Borrowing powers of Service 45

21. (1) The Service may from time to time borrow money as authorised by the Minister of Finance in terms of section 66 of the Public Finance Management Act, 1999.

(2) The Minister may issue a guarantee, indemnity or security which binds the Service in accordance with the provisions of section 70 of the Public Finance Management Act, 1999. 50

go kwana gore ba yo dira bjang khumano, tlhamo le dikaonafatšo tšeo di boletšwego ka karolwaneng ya bo (1); yeo e lego gona go šomišetšwa mabaka le tefong ya tefišo goba ya bang ba ditokelo tšeo di sepelelanago le tšona.

(4) Go ya ka ditokelo tšeo di filwego Tirelo go ya ka karolwana ya bo (1), Tirelo e ka no lefa motho yoo a dirilego khumano, tlhamo goba kaonafatšo go ya ka mokgwa woo e bonago, goba ya dira gore motho yo bjalo a holwe ke ditshelete tšeo di humanwego ka baka la khumano, tlhamo goba kaonafatšo go ya ka moo Letona, ka tumelo ya Letona la Dišhelete le tla phethago.

(5) (a) Ge e le gore ditokelo tša patente ke tša Tirelo fela, Tirelo e ka dira kgopelo ya go ngwadišetša ditokelo tša patente tša khumano, tlhamo goba kaonafatšo tšeo di boletšwego ka karolwaneng ya bo (1);

(b) Ka mabaka a Molao wa Patente, wa 1978, (Molao wa No. ya bo 57 wa 1978), Tirelo e swanetše go tšewa e le yona e humanego goba e tthamilego.

Ditshelete tša Tirelo

15 **18.** Ditshelete tša tirelo di ka bopšwa ke—

(a) tšhelete yeo e tšwago ditirelong tšeo di dirilwego go ya ka karolo ya bo 20;

(b) tšhelete yeo e tšwago mašaleding a ditshelete tšeo di tšentšhwego goba tšeo di bolokilwego;

20 (c) tšhelete yeo Palamente e e abilego ka dikwano le mabaka ao Letona, ka tumelo ya Letona la Tšhelete le tla a phethago;

(d) dithušo, dikabo le mahwa ao e a filwego;

(e) tšhelete ya bong bja tokelo; goba

(f) tšhelete yeo e humanwego mothopong ofe goba ofe.

Tefo ya ditshenyegelo

25 **19.** (1) Ditshenyegelo kamoka tšeo di dirilwego ke Tirelo ka fase ga molao wo di swanetše go lefšwa go tšwa matlotlong a Tirelo, go tsenywa ditshenyegelo tša go—

(a) dira mešomo ya yona ke Lekgotla;

(b) lefa megolo le dipušeletšo go maloko a Lekgotla le komiti phethišo ya taolo, di swanetše go lefšwa go tšwa matlotlong a Tirelo.

30 (2) Mašaledi a mangwe le a mangwe ao a šalago mafelelong a ngwaga wa ditshelete wa Tirelo a ka no šomišetšwa ditshenyegelo dife goba dife tša go phethagatša maatla a yona goba go dira mešomo ya yona, fela ge e le gore ditaelo tša Molao wa Taolo ya Matlotlo a Setšhaba di šalwa morago.

Ditefišo tša tirelo

35 **20.** (1) (a) Lekala la maphelo a setšhaba le mebušo ye šele yeo e rekago diteko tša Laporatori go Tirelo di swanetše go lefa ditefišo tšeo di beilwego ke Tirelo nako le nako morago ga therišano le Letona.

(b) Letona le swanetše go rerišana le dihlogo tša dikgoro tša diprofense tšeo di maloko a Lekgotla Phethisi ao a rwelego maikarabelo a maphelo, Polokelo ya Matlotlo 40 le matlotlo a diprofense go ya ka ditefišo tša lekala la setšhaba la maphelo.

(2) Lekala la praebete la maphelo leo le rekago diteko tša laporatori go Tirelo le swanetše go lefa ditefišo tšeo di beilwego ke Tirelo nako le nako morago ga therišano le Letona.

45 (3) Tirelo e ka no fokotša goba ya oketša ditefišo tša yona go ya ka ditirelo tšeo di dirilwego go ya ka karolwana ya bo (1), ka tsela yeo e netefatšago go humanwa ga ditshenyegelo ka mokgwa woo o kwešišegago ka thušano ya fase yeo e kgonegago gare ga diteko.

Maatla a kadimo a Tirelo

50 **21.** (1) Tirelo, e ka no adima tšhelete yeo e dumeletšwego ke Letona la Dišhelete nako le nako go ya ka karolwana ya bo 66 ya Molao wa Taolo ya Matlotlo a Setšhaba, wa 1999.

Accounting records

22. The Public Finance Management Act, 1999, must, with the necessary changes, be applied in respect of the keeping of financial records by the Service.

Audit

23. (1) The Service must consult the Auditor-General on the appointment of auditors to examine the financial statements of the Service. 5

(2) The annual financial statements of the Service must be audited by a person registered in terms of section 15 of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), as an accountant and auditor, and engaged in public practice as such.

(3) The Service must produce and submit to the auditors all its accounting records with all vouchers in support thereof, and all relevant books and documents in its possession or control. 10

(4) For the purposes of the audit an auditor —

(a) is empowered to administer an oath and take an affirmation; 15

(b) may hear and receive evidence upon oath or affirmation; and

(c) may issue summons under his or her hand requiring such persons as he or she may think fit, to appear personally before him or her at a time and place stated in the summons and produce all such books, papers, documents and objects as may be necessary for such audit.

(5) The auditors must certify at least once a year to the executive management committee whether or not— 20

(a) they have examined the financial statements of the Service;

(b) the financial statements fairly present the financial position of the Service and the results of its functions in the manner required by this Act. The Public Finance Management Act, 1999, must also apply in respect of financial statements of the Service; 25

(c) the value of the assets and liabilities of the Service have been correctly stated; and

(d) all of their requirements and recommendations as auditors have been complied with and carried out. 30

(6) The expenses of any audit must be borne by the Service.

Annual reports

24. The Board must, on or before 31 August of each year, submit to the Minister a report on the affairs and functions of the Service during the previous year ending on 31 March. 35

Proceedings by Minister for non-compliance with Act by Service

25. (1) If at any time it appears to the Minister that the Service has failed to comply with any of the requirements of this Act, he or she may by written notice require the Service to remedy the default within a specified time.

(2) The Minister may apply to a High Court having jurisdiction for an order compelling the Service to remedy the default if the Service fails to comply with the terms of a notice referred to in subsection (1). 40

Delegation of functions by Board

26. (1) (a) The Board may, by resolution, delegate any of its powers, with the exception of powers referred to in sections 6 and 27, to— 45

(i) a committee appointed under section 12;

(ii) the executive management committee or any member thereof; or

(iii) any officer or employee of the Service.

(b) The Board may delegate its powers subject to any conditions it may determine.

(2) When a power has been delegated under subsection (1) the Board may, by resolution and on conditions as it may determine, authorise the further delegation of the 50

Direkhoto tša dišupamatlotlo

22. Molao wa Taolo ya Matlotlo a Setšhaba, wa 1999 le diphetogo tšeo di hlokegago, o swanetše go šomišwa ka go swarwa ka direkhoto tša matlotlo ke Tirelo.

Tlhakišo

- 5 23. (1) Tirelo e swanetše go ikopanya le Mohlakiši-Pharephare ka go kgethwa ga bahlakiši bao ba tla hlalobago ditšhupamatlotlo tša Tirelo.
- (2) Ditšhupamatlotlo tša ngwaga tša Tirelo di swanetše go hlalobjwa ke motho yoo a ngwadišitšego go ya ka karolo ya bo 15 ya Molao wa Mošupamatlotlo wa Setšhaba le Mohlakiši, wa 1991 (Molao wa No. ya bo 80 wa 1991), bjalo ka mošupamatlotlo le
10 mohlakiši, ebile a tšea karolo tirelong ya setšhaba ka mokgwa woo.
- (3) Tirelo e swanetše go tsweletša le go fa bahlakiši direkhoto kamoka tša tšhupamatlotlo le divaotšha tša go di thekga, le dipuku kamoka tša maleba le ditokumente tšeo e nago le tšona goba tšeo e di laolago.
- (4) Ka mabaka a hlakišo, mmalamatlotlo—
15 (a) o na le maatla a go diriša kano le go tšea tumelo;
(b) a ka no kwa le go amogela bohlatse ge go dirwa boikano goba tumelo; le
(c) a ka no ntšha disamonse ka fase ga letsogo la gagwe, go nyaka batho bao a gopolago gore ba na le bokgoni, go tšwelela ka nama pele ga gagwe ka nako le lefelong leo le boletšwego ka disamonseng le go hlagiša dipuku tše bjalo
20 kamoka, dipampiri, ditokumente le didirišwa tšeo di tla hlokegago ge go hlakišwa.
- (5) Bahlakiši ba swanetše go netefatša bonyane ga tee ka ngwaga go komiti phethiši ya bolaodi ge e le gore—
(a) ba hlalobile ditšhupamatlotlo tša Tirelo goba aowa;
25 (b) ditšhupamatlotlo di šupa maemo a tša ditšhelete a nnete a Tirelo le dipelo tša mediro ya yona go ya ka moo go nyakwago ke Molao wo. Molao wa Taolo ya Matlotlo a setšhaba, wa 1999, o swanetše go šomišwa gape ditšhupamatlotlong tša Tirelo goba aowa; le
(c) boleng bja maruo a Tirelo bjoo bo boletšwego ke bja nnete goba aowa;
30 (d) dinyakwa tša bona le ditšhišinyo kamoka bjalo ka bahlakiši di šetšwe morago le go phethagatšwa.
- (6) Ditshenyegelo tša hlakišo ye nngwe le ye nngwe di swanetše go rwalwa ke Tirelo.

Dipego tša Ngwaga

- 35 24. Pele ga goba ka di 31 tša Agostose ngwaga wo mongwe le wo mongwe Lekgotla le swanetše go fa Letona pegu ya merero le ditiro tša Tirelo tša ngwaga woo o fetilego pele ga di 31 tša Matšhe.

Tšeo di tla dirwago ke Letona ge Tirelo e sa obamele Molao

- 40 25. (1) Ge ka nako efe goba efe go ka bonala go Letona okare Tirelo ga se e obamele dinyakwa tša Molao wo, Letona, ka tsebišo yeo e ngwadilwego fase, le ka no nyaka gore phošo yeo e phošollwe lebakeng leo le rilego la nako.
- (2) Letona le ka no dira kgopelo Kgotleng Kgolo yeo e nago le tokelo ya go fa Tirelo taelo ya gore e phošolle phošo, ge e le gore Tirelo e palelwa ke go obamela mabaka ao a boletšwego ka gare ga tšebiso yeo e boletšwego karolwaneng ya bo (1).

45 Go aba mešomo ke Lekgotla

26. (1) (a) Lekgotla, ka go tšea sephetho, fela e sego maatla ao a boletšwego ka karolong ya bo 6 le 27, le ka no aba efe le efe ya maatla a lona go—
(i) komiti yeo e kgethilwego ka fase ga karolo ya bo 12;
(ii) komiti phethiši ya bolaodi goba leloko lefe goba lefe la yona goba;
50 (iii) mohlankedi ofe goba ofe wa Tirelo.
- (b) Lekgotla le ka no aba mešomo ya lona go ya ka mabaka afe le afe ao le tla a phethago.
- (2) Ge maatla a abilwe ka fase ga karolo ya bo (1) Lekgotla, ka go tšea sephetho, le ka mabaka ao le ka no a phethago, le ka no laela komiti yeo e kgethilwego ka fase ga

power concerned by a committee appointed under section 12, the executive management committee or any member thereof or any officer or employee of the Service.

(3) When a power has been further delegated under subsection (2), the committee appointed under section 12, the executive management committee or any member thereof, or the officer or employee of the Service concerned may—

(a) at any time withdraw such delegation and such delegation does not prevent the exercise of the relevant powers by such committee, the executive management committee or such member, officer or employee; and

(b) set aside or vary any decision by an officer or employee of the Service made in the exercise of the power delegated to him or her.

(4) The Board may, by resolution and on conditions as it may determine, authorise any committee appointed under section 12, the executive management committee or any member thereof, officer or employee of the Service to perform any duty assigned to the Service or the Board by this Act.

(5) When an authorisation has been given in terms of subsection (4) the Board may, by resolution and on conditions as it may determine, authorise the committee, the executive management committee or any member thereof, or officer or employee of the Service concerned to further authorise any officer or employee of the Service to perform such duty.

(6) When an authorisation to perform a duty has been further authorised under subsection (5), the committee, the executive management committee or any member thereof, or the officer or employee of the Service may—

(a) at any time withdraw such authorisation and such authorisation shall not prevent the performance of the relevant duty by such committee, the executive management committee or such member, officer or employee; and

(b) set aside or vary any decision by an officer or employee of the Service made in the exercise of the power delegated to him or her.

(7) The Board may at any time by resolution withdraw—

(a) a delegation under subsection (1); or

(b) an authorization under subsection (2),(4) or (5).

(8) The Board may set aside or vary any decision made in the exercise of any power delegated by it under subsection (1) or by virtue of an authorisation under subsection (2), including a decision setting aside or varying a decision under subsection (3)(b) or (6)(b).

Rules

27. (1) The Board may make rules not inconsistent with this Act relating to the—

(a) proceedings at meetings of, and the business of, the Board, committees appointed under section 12, and the executive management committee;

(b) period for which members appointed to the executive management committee in terms of section 13 must hold office;

(c) duties of officers, employees and other persons in the employ of the Service;

(d) delegation to any particular officer of powers of appointment and dismissal and such rules must comply with the relevant labour legislation;

(e) disciplinary rules that establish the standard of conduct required of their employees within the parameters of the relevant labour legislation;

(f) salary, wages and other remuneration of persons in the employ of the Service, and the contributions to be paid by the Service to any such persons towards any pension, medical aid or other incentive scheme established by the Service in accordance with relevant labour legislation;

(g) construction, alteration, operation, protection and inspection of works, plant, machinery, apparatus, appliances and equipment required for the testing of laboratory specimens and the running of laboratories by the Service;

(h) fees to be charged by the Service under this Act;

(i) payment and collection of moneys due for the rendering of laboratory services and fines and penalties for overdue payments;

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karolo ya bo 12, komiti phethiši ya bolaodi goba leloko lefe goba lefe la yona goba mohlankedi ofe goba ofe goba modiredi wa Tirelo go aba maatla go ya pele.

(3) Ge maatla a abilwe go ya pele ka fase ga karolo ya bo (2), komiti yeo e kgethilwego ka fase ga karolo ya bo 12, komiti phethišo ya bolaodi goba leloko lefe
5 goba lefe la yona, goba mohlankedi goba modiredi wa Tirelo a ka no—

(a) fediša kabo ye bjalo nako ye nngwe le ye ngwe gomme kabo ye bjalo ga e palediše go dirwa ga maatla a maleba ke komiti ye bjalo, komiti phethiši ya bolaodi goba leloko le bjalo, mohlankedi goba modiredi; le

(b) beela thoko goba go ganetšana le sephetho sefe goba sefe sa mohlankedi
10 goba modiredi wa Tirelo seo se dirilwego ge a phethagatša maatla ao a a abetšwego.

(4) Lekgotla, ka go tšea sephetho le ka mabaka ao le ka no a phethago, le ka no laela komiti efe goba efe yeo e kgethilwego ka fase ga karolo ya bo 12, Komiti Phethiši ya Bolaodi goba leloko la yona, mohlankedi goba modiredi wa Tirelo go dira mošomo ofe
15 goba ofe woo o filwego Tirelo goba Lekgotla ke Molao wo.

(5) Ge tumelelo e filwe go ya ka baka la karolwana (4) Lekgotla, ka go tšea sephetho le ka mabaka ao le ka a phethago, le ka no laela Komiti Phethiši ya Bolaodi goba leloko la yona, mohlankedi goba modiredi wa Tirelo go dira mošomo ofe goba ofe woo.

(6) Ge tumelelo ya go dira mošomo woo e filwe go ya pele ka fase ga karolwana ya
20 bo (5) ya komiti, komiti phethiši ya bolaodi goba leloko lefe goba lefe la yona goba mohlankedi goba modiredi wa Tirelo a ka no—

(a) fediša tumelelo ye bjalo ka nako efe goba efe gomme tumelelo ye bjalo e ka se thibele komiti ye bjalo, komiti phethiši ya bolaodi goba leloko le bjalo, mohlankedi goba modiredi go phethagatša mošomo wa maleba; le

(b) beela thoko goba go ganetšana le sephetho sefe goba sefe sa mohlankedi
25 goba modiredi wa Tirelo seo se dirilwego ge go phethagatšwa maatla ao a a abetšwego.

(7) Lekgotla, ka go tšea sephetho ka nako efe goba efe le ka no fediša—

(a) thomo ka fase ga karolwana ya bo (1); goba

(b) tumelelo ka fase ga karolwana (2), (4) goba (5).

(8) Lekgotla le ka no beela thoko goba la ganetšana le sephetho seo se dirilwego ge go phethagatšwa maatla ao a abilwego ke lona ka fase ga karolwana ya bo (1) goba ka maatla a tumelelo ka fase ga karolwana ya bo (2), go tsenywa ka gare sephetho seo se beelago thoko goba se ganetšana le sephetho ka fase ga dikarolwana tša ya bo 3(b) le
35 goba 6(b).

Melawana

27. (1) Lekgotla le ka no dira melawana yeo e sa ganetšanego le molao wo yeo e amanago le—

(a) ditshepedišo tša dikopano, le ditaba tša Lekgotla, dikomiti tšeo di kgethilwego ka fase ga karolo ya bo 12, le komiti phethiši ya bolaodi;

(b) sebaka seo maloko ao a kgethilwego komiting phethiši ya bolaodi go ya ka karolo ya bo 13 a swanetšego go dula ditulong;

(c) mešomo ya bahlankedi, badiredi le batho ba bangwe bao ba thwadilwego ke Tirelo;

(d) go abelwa maatla a go thwala le go koba bahlankedi ba itšego gomme melao
45 ye bjalo e swanetše go obamela ditaelo tša Molao wa Dikamano tša Mošomong, wa 1995 (Molao wa No. 88 wa 1995) le Molao wa Tekatenano Mošomong, wa 1998 (Molao wa No. 55 wa 1998) melao yeo e amanago le bašomi;

(e) melao ya thupelo yeo e hlomago maitshwaro a mphato ao a nyakegago badireding ba bona ka gare ga melao yeo e amanago le bašomi.

(f) megolo, meputso le ditefo tše dingwe tša batho bao ba direlago tirelo, le ditšhelete tšeo di swanetšego go lefšwa Tirelo ke batho bao tša phenšene, thušo ya bongaka goba peakanyo efe goba efe ya hlohleletšo yeo e

55 hlomilwego ke Tirelo go ya ka melao yeo e amanago le bašomi;

(g) go agwa, go fetola, go sepetša, go šireletša le go hlahlobjwa ga mediro dipolante, metšhene, didirišwa, le ditlabakelo tšeo di nyakegago go leka dišupo tša laporatori le go sepetšwa ga dilaporatori ke Tirelo;

(h) ditefišo tšeo Tirelo e yo di lefišago ka fase ga Molao wo;

(i) go lefšwa le go kgoboketšwa ga ditšhelete tša go phethagatša ditirelo tša
60 laporatori le difaene le dikotlo tša ditefo tšeo di fetilego;

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- (j) granting of discounts and other incentives for prompt payment by purchasers or the making of additional charges or the payment of interest in respect of delayed payments;
- (k) suspension or termination of any laboratory tests for non-payment of charges;
- (l) receipt and utilisation of grants, bequests and donations of any kind; 5
- (m) composition, quorum, functions, powers and duties of committees appointed by the Board under section 12;
- (n) determination and setting of internal quality assurance standards;
- (o) process for the preparation for, and authority for application for accreditation of the laboratories in the Service; or 10
- (p) conditions for the participation of the Service in the conducting of clinical trials, either on its own or in partnership with a tertiary education institution or private company.

(2) Any rule made under subsection (1) is of no force until approved by the Minister.

(3) The Board must, not less than three months before any rule is made under subsection (1), cause a copy of the proposed rule to be published in the *Gazette* together with a notice declaring its intention to make that rule and inviting interested persons to furnish the Board with their comments thereon or any representations they may wish to make in regard thereto. 15

Transitional provisions 20

28. The transitional provisions in the Schedule must be read and applied as substantive provisions of this Act.

Short title and commencement

29. (1) This Act is called the National Health Laboratory Service Act, 2000, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 25

(2) Different dates may be determined in terms of subsection (1) for the commencement of different provisions of this Act and dates so fixed may differ in respect of different provinces and bodies affected by this Act.

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- (j) go fiwa ga didiskhaonte le dihlohleletšo tše dingwe go bareki bao ba lefilego ka bjako goba go dirwa ga ditefišo tša tlaleletšo goba go lefšwa ga tswalo ya ditefišo tšeo di se di tlego ka pela;
- 5 (k) go fegwa goba go fedišwa ga ditefo dife goba dife tša laporatori ka baka la go se lefe ditefišo;
- (l) go amogela le go šomiša dithušo, mahwa le dikabelo tša mohuta ofe goba ofe;
- (m) gore dikomiti di tla ba le bomang, khoramo, mešomo le maatla a komiti yeo e beilwego ke Lekgotla ka fase ga karolo ya bo 12;
- 10 (n) go phethwa le go bewa ga mephato ya ka gare ya bonnete bja khwalithi;
- (o) tšhepetšo ya tokišo ya, le taolo ya kgopelo ya go dumelelwa ga dilaporatori tša Tirelo, goba
- (p) mabaka a go tšea karolo ga Tirelo ditekong tša malwetse, e le tee goba e šomišana le instithušene ya thuto ya godingwana goba khamphani ya
- 15 praebete.
- (2) Molao ofe goba ofe woo o dirilwego ka fase ga karolwana ya (1) ga o šome ka ntle le ge o dumeletšwe ke Letona.
- (3) Lekgotla, e sego ka fase ga dikgwedi tše tharo pele molao o dirwa ka fase ga karolwana ya (1), le swanetše go dira gore khopi ya molao woo o šišintšwego e gatišwe
- 20 ka Kuranteng ya Mmušo mmogo le tsebišo yeo e begago maikemišetšo a yona go dira molao woo le go laletša bao ba nago le kgahlego go fa Lekgotla diswayaswayo tša bona ka molao woo goba kemedi efe goba efe yeo ba ka no ratago go e dira mabapi le molao woo.

Ditaelo tša nakwana

- 25 **28.** Ditaelo tša nakwana tšeo di lego ka setulong di swanetše go balwa le go šomišwa bjalo ka dihlolešo tša ditaelo tšeo di lego ka Molaong wo.

Thaetlele ye kopana le go thoma

- 29.** (1) Molao wo o bitšwa Molao wa Laporatori ya Maphelo a Setšhaba wa 2000, gomme o thoma go šomišwa ka tšatši leo le beilwego ke MoPresidente ka go bega ka
- 30 Kuranteng ya Mmušo.
- (2) Go ka no phethwa ka matšatši a go fapana go ya ka karolwana ya (1) gore dikgontšho tša go fapana tša Molao wo di thongwe, gomme matšatši ao a beilwego a ka no fapana go ya ka diprofense tša go fapana le mekgatlo yeo e amago ke Molao wo.

Schedule

(Section 28)

TRANSITIONAL PROVISIONS

Definitions

1. In this Schedule—

- (i) “Department” means the Department of Health;
- (ii) “commencement date” means the date determined in terms of section 29(2) on which this Act comes into operation;
- (iii) “designated employees” means—
 - (a) the employees in the employ of the department at the commencement date as designated by the Minister in terms of item 3(1); or
 - (b) the employees in the employ of the provincial health department at the commencement date as designated by the Member of the Executive Council responsible for health in the provinces in terms of item 3(2); and
- (iv) “South African Institute for Medical Research” means the South African Institute for Medical Research, and its laboratories, that were established by the State and the mining industry in the Founding Statement of 1917.

Abolition of the bodies and laboratories

2. The following bodies and laboratories must cease to exist, and together with their employees be incorporated into the Service from the commencement date:

- (a) South African Institute for Medical Research;
- (b) National Institute for Virology;
- (c) National Centre for Occupational Health;
- (d) forensic chemistry laboratories owned by the State; and
- (e) all provincial health laboratory services.

Persons in service of State

3. (1) The Minister of Health must, at least 30 days before the commencement date, designate every employee of the Department who is engaged in the provision of laboratory services as employees to be transferred to the Service.

(2) The Member of the Executive Council responsible for health, must, at least 30 days before the commencement date, designate every employee of the provincial department of health who is engaged in the provision of laboratory services as employees to be transferred to the Service.

(3) An employee contemplated in subitems (1) or (2) must, as soon as possible after designation, be informed in writing of such designation.

(4) The transfer of designated employees must be done in terms of—

- (a) the relevant labour legislation;
- (b) the Public Service Act, 1994; and
- (c) any collective agreement reached between employers and employees.

(5) Any designated employee who disputes a transfer to the Service may refer such a dispute to the Commission for Conciliation, Mediation and Arbitration in terms of Chapter VII of the Labour Relations Act, 1995.

Rules and regulations

4. Rules or regulations made by the bodies referred to in item 2 which are in force on the commencement date remain in force after the commencement of this Act in so far as they deal with any matter in respect of which the Board may make rules under section 27, until they are replaced by a rule made under section 27.

Setulo
(Karolo ya bo 28)

DITAETŠO TŠA NAKWANA

Dihlalošo

1. Ka setulong ye—

- (i) “Kgoro” e šupa Kgoro ya maphelo;
- (ii) “tšatši la go thoma” le šupa tšatši leo le beilwego go ya ka karolo ya bo 29(2) leo ka lona melao wo o thomago go šomišwa;
- (iii) “badiredi bao ba filwego maatla” eupša—
 - (a) badiredi bao ba direlago Kgoro ka tšatši la go thoma leo le filwego ke Letona go ya ka ntlha ya bo 3(1); goba
 - (b) badiredi ba kgoro ya maphelo ya profense ka tšatši la go thoma leo le filwego ke Leloko la Lekgotla Phethiši leo le rwelego maikarabelo a maphelo ka diprofenseng go ya ka ntlha ya bo 3(2).
- (iv) “Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka” e šupa Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka, le dilaporatori tša yona, tšeo di hlomilwego ke Mmušo le intasteri ya dimaene ka Taodišong ya Theo ya 1917.

Phedišo ya mekgatlo le dilaporatori

2. Mekgatlo le dilaporatori tšeo di latelago di swanetše go se sa ba gona gomme le badiredi ba tšona di kopanywe le Tirelo go tloga ka tšatši la go thoma:

- (a) Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka;
- (b) Institšhute ya Setšhaba ya Virolotši;
- (c) Lefelo la Setšhaba la Maphelo a mošomong;
- (d) Dilaporatori tša khemisteri ya forensiki tšeo e lego tša Mmušo; le
- (e) Ditirelo kamoka tša dilaporatori tša maphelo tša diprofense.

Batho bao ba direlago Mmušo

3. (1) Letona la Maphelo, bonyane matšatši a 30 pele ga letšatši la go thoma, le swanetše go dira gore modiredi yo mongwe le yo mongwe wa Kgoro yoo a fago tirelo ya laporatori a šuthišetšwe Tirelong.

(2) Leloko la Lekgotla Phethiši leo le rwelego maikarabelo a maphelo, le swanetše gore bonyane matšatši a 30 pele ga letšatši la go thoma, le swanetše go dira gore modiredi yo mongwe le yo mongwe yoo a fago tirelo ya laporatori a šuthišetšwe Tirelong.

(3) Modiredi yoo go bolelwago ka yena ka gare ga seka-ntlha sa bo(1) goba (2) o swanetše gore ka pela ka moo go kgonegago morago ga go šuthišwa, a tšebišwe ka go ngwala fase ka tšhutišo yeo.

(4) Tšhutišo ya badiredi bao ba boletšwego e swanetše go dirwa go ya ka—

- (a) Molao wa Dikamano tša Mošomong, wa 1995 melao yeo e amanago le basomi;
- (b) Molao wa Tirelo ya Setšhaba, wa 1994; le
- (c) Kwano ye nngwe le ye nngwe yeo e fihleletšwego gare ga mothwadi le badiredi.

(5) Modiredi yo mongwe le yo mongwe yoo a ganago go šuthišetšwa Tirelong a ka no iša ngongorego ya gagwe Khomišeneng ya Kopanyo, Namolelo le Kahlololelo go ya ka Kgaolo ya bo VII ya Molao wa Dikamano tša Bašomi, wa 1995.

Melao le melawana

4. Melao le melawana yeo e dirilwego ke Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka, Institšhute ya Setšhaba ya virolotsi, lefelo la Setšhaba la Maphelo a Mošomong, dilaporatori ya khemisteri ya forensiki le ditirelo tša laporatori tša maphelo tša diprofenseng mekgahlo yeo e boletšwego nhleng ya 2 yeo e šomago, e tla no šoma ka tšatši la go thoma morago ga ge Molao wo o thomile ge e le gore di ahlaahla taba ye nngwe le ye nngwe yeo Lekgotla le ka no e direlago melao ka fase ga karolo ya bo 27, go fihlwa ge go bewa legatong la yona melao yeo e dirilwego ka fase ga karolo ya bo 27.

Assets and liabilities

5. (1) Immovable property owned by—
- (a) the South African Institute for Medical Research; or
 - (b) the State, but which was used for purposes of a public health laboratory, is transferred to the Service.
- (2) The registrar of deeds must register the property referred to in sub-item (1) and make such entries or endorsements in any relevant register, title deed or other document.
- (3) No duty fee is payable in respect of a registration in terms of sub-item (2).
- (4) On production of a certified register by a competent authority that movable property that constitutes part of the resources of the public health laboratory service is owned by the South African Institute for Medical Research or the State, the Service must make such entries or endorsements in or on any relevant register or other document to register that movable property in its name, and in the case of a government department, such department must remove the asset from its asset register.
- (5) From the commencement date all contractual rights, obligations, assets and liabilities of the bodies referred to in item 2, are transferred to the Service.

Fees to be charged for laboratory services rendered by Service

6. The fees to be charged by the Service for laboratory tests rendered to purchasers in the public health sector must, from the commencement date, be as contained in the schedule of standard prices in force and used by the South African Institute for Medical Research immediately before the commencement date until they can be determined in terms of section 20.

Debt owing to SAIMR and other bodies and laboratories to be abolished

7. (1) All debt owing to the South African Institute for Medical Research and all bodies and laboratories to be abolished by this Act, immediately before the date of commencement, is payable to the Service and must be managed under the same conditions that applied immediately prior to the commencement date.
- (2) The Board may alter the conditions under which the debt is managed after giving the debtors three months notice of the proposed changes.

Maruo le dikoloto

5. (1) Maruo ao a sa šuthego ao e lego a—
- (a) Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka; goba
 - (b) Mmušo, empa ao a bego a šomišetšwa mabaka a laporatori ya maphelo a setšhaba, di šuthišetšwa go Tirelo ya laporatori ya Maphelo a Setšhaba.
- (2) Mongwadiši wa ditokumente o swanetše go ngwadiša maruo ao a boletšwego ka karololwaneng ya sekanhleng sa bo (1) a be a dire ditšenyō le dinetefatšo ka rejistareng ya maleba, lengwalo la borui goba tokumente ye nngwe.
- (3) Ga go na tefišo ya mošomo yeo e lefišwago go ngwadiša go ya ka sekantlha sa bo (2).
- (4) Ge bolaodi bjo tšebegago bo ntšha lengwalo leo le netefadišwego la go šupa gore maruo ke karolo ya diphahlo tša tirelo ya laporatori ya maphelo a setšhaba yeo e lego ya Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka goba ya Mmušo, Tirelo e swanetše go dira ditsenyō goba dinetefatšo ka gare ga rejistara ya maleba goba ka tokumenteng ye nngwe go ngwadiša maruo ao a šuthago ka leina la yona, gomme ge e le kgoro ya mmušo, kgoro yeo e swanetše go ntšha maruo ao ka gare ga rejistara ya yona ya maruo.
- (5) Go tloga ka tšatši la go thoma ditokelo kamoka tša kontraka, boitlamo, maruo le dikoloto tša Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka, Institšhute ya Setšhaba ya Virolotši, Lefelo la Setšhaba la Maphelo a Mošomong, Laporatori ya Khemisteri ya Forensiki le ditirelo kamoka tša laporateri ya maphelo tša diprofense mekgahlo yeo e beletšwego ka nhleng ya, di swanetše go šuthišetšwa go Tirelo.

Ditefišo tšeo di swanetšego go lefišwa ditirelo tša laporatori tšeo di dirilwego ke Tirelo

6. (1) Ditefišo tšeo di swanetšego go lefišwa ke Tirelo tša diteko tša Laporatori tšeo di diretšwego bareki lekaleng la setšhaba, di swanetše gore, ka tšatši la go thoma, di be go swana le ka mokgwa woo di lego ka wona ka šetulong ya mephato ya ditheko pele ga letšatši la go thoma go fihla di phethwa go ya ka karolo ya bo 20.

Melato yeo e kolotwago SAMIR le mekgatlo ye mengwe le dilaporatori e a fedišwa

7. (1) Melato kamoka yeo e kolotwago Institšhute ya Afrika Borwa ya Nyakišišo ya Bongaka le mekgatlo ye mengwe ka moka le dilaporatori e tla fedišwa ke Molao wo, ka bjako pele ga tšatši la go thoma e tla lefišwa Tirelo gomme e laolwe ka fase ga mabaka ao a šomišetšwego ka bjako pele ga tšatši la go thoma.
- (2) Lekgotla le ka no fetola mabaka ao molato o laolwago ka fase ga wona morago ga go fa bao ba kolotago tšebiso ya dikgwedi tše tharo ka diphetogo tšeo di šišinywago.

