

HEALTH ACT, 1988

Act No. 21, 1988

ACT

To make provision for the application in those parts of the territory of South West Africa where they are not already of force and effect of the Public Health Act, 1919, and the amendments thereto, the Hazardous Substances Ordinance, 1974, and the regulations made thereunder, the Atmospheric Pollution Prevention Ordinance, 1976, the Anatomical Donations and Post-Mortem Examinations Ordinance, 1977, and the Foodstuffs, Cosmetics and Disinfectants Ordinance, 1979; and to provide for incidental matters.

*(English text signed by the Administrator-General
on 21 December 1988)*

BE IT ENACTED by the National Assembly, as follows:-

1. (1) (a) Subject to the provisions of this Act and of the Rehoboth Self-Government Act, 1976 (Act 56 of 1976), the Public Health Act, 1919, as applied to the territory of South West Africa and amended for that purpose by the Public Health Proclamation, 1920 (Proclamation 36 of 1920), and subsequently further amended in relation to the territory of South West Africa, the Atmospheric Pollution Prevention Ordinance, 1976 (Ordinance 11 of 1976), the Anatomical Donations and Post-Mortem Examinations Ordinance, 1977 (Ordinance 12 of 1977), and the Foodstuffs, Cosmetics and Disinfectants Ordinance, 1979 (Ordinance 18 of 1979), shall be of force and effect in every part of the territory of South West Africa where on the day preceding the date of the coming into operation of this Act they are not already of force and effect.

Application of legislation in parts of the territory of South West Africa where it does not already apply.

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- (b) The Hazardous Substances Ordinance, 1974 (Ordinance 14 of 1974), and the regulations promulgated thereunder, excluding any regulation that is only applicable in a specified area, shall, notwithstanding the provisions of section 2 of the said Ordinance, but subject to the provisions of this Act, be of force and effect in the Eastern Caprivi as referred to in the said section 2.
- (c) Every regulation promulgated under a law referred to in paragraph (a), and every notice, mandate, order, authorisation, declaration, prohibition, licence, appointment, designation, certificate, permission, consent, approval, exemption, donation, rule or registration promulgated, issued, granted, made or done, in terms of a provision of a law referred to in paragraph (a) or (b), and that is in force on the day preceeding the date of the coming into operation of this Act, shall, in conjunction with the law in terms of which it has been promulgated, issued, granted, made or done, except when it will clearly be unsuitable because prerequisites specified by law have not been complied with in respect of a part of the territory of South West Africa to which it is made applicable by this Act, or for another reason, or only concerns a particular place, area, person or group of persons, be of force and effect in every part of the territory of South West Africa where on the day preceding the date of the coming into operation of this Act it is not already of force and effect.

(2) In the application of the laws referred to in subsection (1)(a) or (b), and of the regulations, notices, mandates, orders, authorisations, declarations, prohibitions, licences, appointments, designations, certificates, permission, consent, approval, exemptions, donations, rules or registration referred to in subsection (1)(c), in a part of the territory of South West Africa where on the day preceding the date of the coming into operation of this Act they were not of force and effect, every word or expression therein to which, in the application thereof in a part of the territory of South West Africa excluding the Rehoboth Gebiet where they were indeed of force and effect on the said day, a particular interpretation was given in terms of legal provision or otherwise, shall be given the same interpretation, according to whether the central authority or a representative authority is entrusted with the application thereof.

2. This Act shall be called the Health Act, 1988.

Short title.