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DEPARTMENT OF
WELFARE AND PENSIONS

DEPARTEMENT VAN
WELSYN EN PENSIOENE

ISAZISO SIKAHULUMENI WAKWAZULU UNOMBOLO 3 KA 1994

UMKHANDLU WAKWAZULU OSHAYA UMTHETHO

UMTHETHO 18 KA 1993

UMTHETHOSICHIBIYELO WAKWAZULU WOKUNAKEKELWA KWEZINGANE, 1993

UMongameli weZwe uyathokoza ngaphansi nangegunya lamandla anikezwe wona yisigaba 31 (2) soMthethosisekelo wemiBuso eziBusayo, 1971 (uMthetho 21 ka 1971) ukuba avume loMthetho olandelayo. (Umbhalo wesiNgisi usayinwe nguMongameli weZwe. Kuvunywe mhlaka 13/10/1993).

UMTHETHO

Wokuchibiyela uMthetho waKwaZulu wokuNakekelwa kweziNgane, 1987, ukuze kufakwe izincazelo ezithile; ukuqeda uMkhandlu woKwaluleka ngeNhlalakahle yeziNgane; ukuhlinzekela ukuthi ingane enomzali noma umkhuseli abangenakutholakala ingalethwa phambi kwenkantolo yezingane engenza uphenyo futhi ikhiphe umyalo mayelana naleyongane; ukuqhubeka nokuqondisa amandla ezinkantolo zezingane; ukuqhubeka nokuqondisa ukumiswa kwekhaya lezingane noma yisikole sezemisebenzi njengomphumela womyalo wenkantolo yezingane; ukuqhubeka nokuqondisa ukufaneleka ukuthatha ingane ibe ngeyakho ngokomthetho; ukukhulisa izinhlawulo; ukuhlinzekela ukunakwa, ukuhlolwa kanye nokwelashwa kwezingane ezisezikhungweni zokugcina izingane; ukuqhubeka nokuqondisa ukwedluliswa kwengane isuka esikhungweni noma esandleni iya esandleni somzali noma umkhuseli wayo; ukwenza kube yicala ukuyala, ukufaka umoya noma ukusiza umfundi noma ingane ebinikwe igunya lokungabibikho ukuba ingabuyeli noma ukuyivimba ukuba ibuyele esikhungweni noma esandleni lapho beyinikwe khona igunya lokungabibikho; ukuqhubeka nokuqondisa ukwelashwa kwezingane ezilimele kanye nezingane eziphethwe yisifo sendlala; ukwenza icala lokuphatha kabi ingane ingane libandakanye bonke abantu; ukuvimbela ukuqashwa kwezingane ezithile; ukuqhubeka nokuqondisa ukweseka ngezimali zokugcina izingane ezisencane noma izingane ezithile; kanye nokugunyaza uNgqongqoshe ukuba enze imithethonqubo mayelana nokuseshwa kwezingane ezisezikhungweni zokugcina izingane kanye nokuhlinzekela izindaba eziphathelene nalokho -

MAKUMISWE UMTHETHO nguMkhandlu waKwaZulu oShaya uMthetho, kanje:-

Ukuchitshiyelwa kwesigaba 1 soMthetho 14 ka 1987

1. Isigaba 1 soMthetho waKwaZulu wokuNakekelwa kweziNgane, 1987, (kamuva ozobizwa ngoMthetho omkhulu), ngalokhu uyachitshiyelwa -
 - (a) ngokufaka esikhundleni sencazelo "Inkantolo yezingane" lencazelo elandelayo:
" 'inkantolo yezingane' kusho inkantolo yezingane okukhulunywa ngayo esigabeni 6;"; kanye
 - (b) nangokufaka esikhundleni sencazelo "isisebenzi sezenhlalakahle" lokhu okulandelayo:
" 'isisebenzi sezenhlalakahle' kusho noma yimuphi umuntu obhaliswe njengesisebenzi sezenhlalakahle ngaphansi koMthetho wezeNhlalakahle, 1986 (uMthetho 6 ka 1986) noma othathwa ngokuthi ubhaliswe kanjalo, futhi, ngaphandle kwezinhloso zesigaba 42, osemsebenzini womnyango ongaphansi kwesandla sikaNgqongqoshe noma yinhlangano yezenzhlalakahle emisiwe; "

Ukuchithwa kwesigaba 2 soMthetho 14 ka 1987

2. Isigaba 2 soMthetho omkhulu ngalokhu siyachithwa.

Ukuchithwa kwesigaba 3 soMthetho 14 ka 1987

3. Isigaba 3 soMthetho omkhulu ngalokhu siyachithwa.

Ukuchithwa kwesigaba 4 soMthetho 14 ka 1987

4. Isigaba 4 soMthetho omkhulu ngalokhu siyachithwa.

Ukuchithwa kwesigaba 5 soMthetho 14 ka 1987

5. Isigaba 5 soMthetho omkhulu ngalokhu siyachithwa.

Ukuchitshiyelwa kwesigaba 14 soMthetho 14 ka 1987

6. Isigaba 14 soMthetho omkhulu ngalokhu siyachitshiyelwa -

- (a) ngokufakwa esikhundleni sesigatshana (2) lesigatshana esilandelayo:

“(2) Noma iyiphi ingane umsizi wenkantolo yezingane onombono mayelana nayo wokuthi ayinamzali noma umkhuseli, noma inaye umzali noma umkhuseli abangenakutholakala noma inomzali noma umkhuseli, noma isesandleni somuntu ongenamandla noma ongafanele njengokusho kwesigaba 15 (4) ukuba sesandleni sakhe, ingalethwa phambi kwenkantolo yezingane yesifunda lapho ingane ihlala khona noma okwenzeka ibe sephoyiseni, isisebenzi sezenhlalakahle noma isiphathimandla esigunyaziwe noma yinoma yimuphi umzali umkhuseli noma omunye umuntu ingane esesandleni sakhe.”; kanye

- (b) nangokufaka esikhundleni sesigatshana (3) lesigatshana esilandelayo:

“(3) inkantolo yezingane ingane elethwe kuyo njengokusho kwesigatshana (1) noma (2) iyokwenza uphenyo ngendlela emisiwe futhi ithole ukuthi ingane ayinaye yini umzali noma umkhuseli, noma inaye yini umzali noma umkhuseli ongenakutholakala noma inaye umzali noma umkhuseli noma isesandleni somuntu ongenamandla noma ongafanele ukuba ingane ibe sesandleni sakhe: Kuqikelelwe ukuthi uma ingane ivele ihlala esifundeni senye inkantolo yezingane inkantolo yokuqala okukhulunywe ngayo ingalwedlulisela uphenyo kunkantolo yaleso esinye isifunda.”

Ukuchitshiyelwa kwesigaba 16 soMthetho 14 ka 1987

7. Isigaba 16 soMthetho omkhulu ngalokhu siyachitshiyelwa -

- (a) ngokufaka esikhundleni sesigatshana (1) lesigaba esilandelayo:

“16. (1) Inkantolo yezingane leyo, emva kokwenza uphenyo ngokwezimiso zesigaba 14 eyenelisekayo ukuthi ingane ethintekile ayinamzali noma umkhuseli, noma inaye umzali noma umkhuseli ongenakutholakala noma inaye umzali noma umkhuseli, noma isesandleni somuntu ongenamandla noma ongafanele ukuba ingane ibe sesandleni sakhe -

- (a) ingayala ukuba ingane ibuyiselwe kubazali noma isale esandleni sabazali, noma uma abazali bengahlali ndawonye noma behlukanisile kumzali okhonjwe yinkantolo noma kumkhuseli wayo noma kumuntu ebisesandleni sakhe ngaphambi kokuqala kodaba, ngaphansi kokuqapha kwesisebenzi sezenhlalakahle, ngombandela wokuthi ingane noma umzali noma umkhuseli noma lowomuntu uyahambisana noma abazali bengane bayahambisana nezidingo ezimisiwe njengoba inkantolo ingalawula; noma
- (b) ingayala ukuba ingane ifakwe esandleni somzali ongayizali ngempela ofanele okhonjwe yinkantolo ngaphansi kokubhekwa yisisebenzi sezenhlalakahle; noma
- (c) ingayala ukuba ingane ithunyelwe ekhaya lezingane elikhonjwe (nguMqondisi-Jikelele) nguNobhala; noma
- (d) ingayala ukuba ingane ithunyelwe esikoleni sezemisebenzi esikhonjwe (nguMqondisi-Jikelele) nguNobhala.” kanye

- (b) nangokwengeza ngalesigatshana esilandelayo:

“(5) (a) uma uNobhala engakwazi ukukhomba ikhaya lezingane ngokwezimiso zesigatshana (1) (c) noma isikole sezemisebenzi ngokwezimiso zesigaba (1) (d), ngaphandle kokulibala uyonikeza uNgqongqoshe umbiko mayelana nengane ethintekile.

(b) UNgqongqoshe, emva kokucubungula umbiko kaNobhala okukhulunywe ngawo endimeni (a), angabhekana nengane ethintekile ngokwezimiso zesigaba 35 noma 38 kube sengathi ingane yamukelwe ekhaya lezingane noma esikoleni sezemisebenzi, kuye ngesimo.”

Ukufakwa esikhundleni kwesigaba 18 soMthetho 14 ka 1987

8. Isigaba esilandelayo ngalokhu sifakwa esikhundleni sesigatshana 18 soMthetho omkhulu:

“Ukufaneleka ukuthatha ingane ibe ngevakho -

18. Ingane ingathathwa

- (a) yindoda nomfazi ngokuhlanganyela;
- (b) ngumfelwa noma ngumfelokazi noma ngumuntu ongashadile noma owehlukanisile;
- (c) ngumuntu oshadile owakwakhe ongumzali wengane.”

Ukuchitshiyelwa kwesigaba 25 soMthetho 14 ka 1987

9. Isigaba 25 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (2) lesigatshana esilandelayo:

“(2) Noma yimuphi umuntu owephula noma yisiphi isimiso sesigatshana (1) uyobekwa icala futhi uma egwetshwa uyokho-

kha inhlawulo engeqile emarandini ayi-[8000] R2000 noma ukuboshwa isikhathi esingeqile eminyakeni emibili noma kokubili inhlawulo nokuboshwa."

Ukuchitshiyelwa kwesigaba 29 soMthetho 14 ka 1987

10. Isigaba 29 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (1) lesigaba esilandelayo:

- *(1) UNgqongqoshe, ngokuvumelana noNgqongqoshe wezeziMali, ngezimali ezabiwe nguMkhandlu oShaya uMthetho zalenhloso angasungula futhi agcine izikhungo zokugcina izingane ukuze zamukele, zigcine, ziqaphe zihlole futhi zelaphe izingane ngaphansi kwaloMthetho, kanye nokugcina izingane ezilindele amacala noma isigwebo."

Ukuchitshiyelwa kwesigaba 35 soMthetho 14 ka 1987

11. Isigaba 35 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka emva kwesigatshana (1) lesigatshana esilandelayo:

- *(1A) (a) Lapho uNgqongqoshe edlulisela ingane ngaphansi kwesigaba (1) esandleni somzali wayo noma umkhuseli noma kumuntu obalulwe esigabeni 16 (1) (a), ngaphansi kokubhekwa yisebenzi sezenhlalakahle, uNgqongqoshe uyokhomba ngokulandelana izidingo ingane noma umzali wayo noma umkhuseli noma umuntu obalulwe esigabeni 16 (1) (a) okumele bazigcine.
- (b) Uma noma yisiphi isidingo okukhulunywe ngaso endimeni (a) ngokombono wesisebenzi sezenhlalakahle singaqcinwa, ingane ethintekile ingalethwa yisebenzi sezenhlalakahle phambi kwenkantolo yezingane yesifunda leso ingane ehlala kuso, leyokantolo eyokwenza uphenyo ngokwezimiso zesigaba 13 (3) emva kwazo inkantolo engawugququla umyalo obukhishwe nguNgqongqoshe noma yenze umyalo omusha ngaphansi kwesigaba 16 (1)."

Ukuchitshiyelwa kwesigaba 36 soMthetho 14 ka 1987

12. Isigaba 36 soMthetho omkhulu ngalokhu siyachitshiyela ngokwengeza lesigatshana esilandelayo:

- *(3) Noma yimuphi umuntu ngokugondile noma ngokungaqondile oyala, ofaka umoya noma osiza noma iyiphi ingane noma umfundi obenikwe igunya lokungabikho ngaphansi kwesigatshana (1) ukuba angabuyeli esandleni somzali ongayizali ngempela noma esikhungweni, noma omvimba ukuba abuyele kulesosandla noma isikhungo emva kokuphela kwenkathi yokugunyazwa noma emva kokuhoxiswa kwalelogunya uyobekwa icala."

Ukuchitshiyelwa kwesigaba 37 soMthetho 14 ka 1987

13. Isigaba 14 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigaba (1) lesigaba esilandelayo:

- *(1) uNgqongqoshe, uma ebona kufanele ekusizema yimuphi umfundi noma ingane engenabani esesikhungweni ethunyelwe kuso ngaphansi kwalomthetho nanoma yimuphi omunye umthetho noma esesandleni somzali ongayizali ebekwe kuye ngaphansi kwalomthetho nanoma yimuphi omunye uMthetho, ngomyalo ngokubhala angalawula ukuba lowomfundi noma ingane engenabani isiwe esikhungweni sokugcina izingane futhi igcinwe khona ukuba iqashwe noma ihlolwe futhi yelashwe.

Ukuchitshiyelwa kwesigaba 40 soMthetho 14 ka 1987

14. Isigaba 40 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (4) lokhu okulandelayo:

- *(4) Nakuba kukhona noma yimuphi umthetho ophikisayo -
- (a) noma yimuphi umuntu ongaphezu kweminyaka eyi-18 uyoba namandla okuvuma, ngaphandle kosizo lomzali wakhe kunoma yikuphi ukuhlinzwa; futhi
- (b) noma yimuphi umuntu ongaphezu kweminyaka eyi-14 uyoba namandla okuvuma ngaphandle kosizo lomzali wakhe noma umkhuseli kunoma yikuphi ukwelashwa ngemithi noma ukwelashwa kwengane yakhe."

Ukufaka esikhundleni sesigaba 43 soMthetho 14 ka 1987

15. Lesigaba esilandelayo ngalokhu sifakwa esikhundleni sesigaba 43 soMthetho omkhulu:

"Ukwazisa ngezingane ezilimele kanye nezingane eziphethwe yisifo sendlala.

- 43 (1) Noma yimuphi udokotela wamazinyo, udokotela wemithi, umhlengikazi noma yisisebenzi sezenhlalakahle esihlola, esilinda noma esibhekana nanoma iyiphi ingane ezimweni ezidala ukusola ukuthi leyongane iphathwe kabi noma inanoma yikuphi, ukulimala okukodwa noma okuningi isizathu sako okungaba ngamabomu noma iphethwe yisifo sendlala, siyokwazisa uNobhala wezeMpilo nanoma yisiphi isiphathimandla esikhonjwe nguye ngenhloso yalesigaba kulezozimo.
- (2) Ekutholeni isaziso ngokwezimiso zesigatshana (1) uNobhala noma isiphathimandla esishiwo singakhipha iwaranti ngefomu nangendlela emisiweyokuba kususwe ingane ethintekile isiwe esikhungweni sokugcina izingane noma esibhedlela.
- (3) UNobhala noma isiphathimandla esishiwo lapho-ke sesiyohlela ukuba ingane kanye nabazali bayo bathole lokho kuphathwa uNobhala noma isiphathimandla esishiwo esingakukhomba.
- (4) Lesigaba asiyubeka ngaphandle noma yisiphi esinye isinyathelo esibhekiswe noma esimayelana nokuphathwa komzali kanye nengane yakhe ngokwezimiso zaloMthetho.
- (5) Noma yimuphi udokotela wamazinyo, udokotela wemithi, umhlengikazi noma isisebenzi sezenhlalakahle abephula noma yisiphi isimiso salesigaba bayobekwa icala.
- (6) Akukho cala eliyobekwa noma yimuphi udokotela wamazinyo, udokotela wemithi, umhlengikazi noma isisebenzi sezenhlalakahle mayelana nanoma yisiphi isaziso esinikezwe ngenhloso enhle mayelana nalesigaba."

Ukuchitshiyelwa kwesigaba 50 soMthetho 14 ka 1987

16. Isigaba 50 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka esikhundleni sesigatshana (1) lokhu okulandelayo:

“(1) Noma yiliphi isamaniso, incwadi yokubizwa enkantolo, noma (incwadi) isaziso mayelana nanoma yiluphi udaba ngaphansi kwaleSahluko kunganikezwa ngaphandle kwenkokhelo yinoma yiliphi iphoyisa ngendlela emiswe yimithethonqubo emiswe ngaphansi koMthetho weziNkantolo zeziMantshi, 1944 (UMthetho 32 ka 1944), yokunikeza imibhalo enjena emacaleni ombango ezinkantolo zoMantshi, ngaphandle uma enye indlela yokunikeza imisiwe”.

Ukuchitshiyelwa kwesigaba 51 soMthetho ka 1987

17. Isigaba 51 soMthetho omkhulu ngalokhu siyachitshiyelwa -

(a) ngokufaka esikhundleni sesigatshana (1) isigatshana esilandelayo -

“(1) noma yimuphi umzali noma umkhuseleli wengane noma yimuphi omunye umuntu ingane esesandleni sakhe -

(a) oyiphatha kabi leyongane noma ovumela ukuba iphathwe kabi, noma

(b) oyilahlayo leyongane, nanoma yimuphi omunye umuntu ophatha kabi ingane uyobekwa icala.

(b) ngokufaka esikhundleni sesigatshana (3) lesigatshana esilandelayo:

“(3) Noma yimuphi umuntu ogwetshwe nganoma yiliphi icala ngaphansi kwalesigaba uyohlawuliswa imali engevile ku- [R5 000] R20 000 noma ukuboshwa isikhathi esingeqile eminyakeni emihlanu noma kokubili inhlawulo nokuboshwa.

Ukuchitshiyelwa kwesihloko seSahluko 8 soMthetho 14 ka 1987

18. Isihloko seSahluko 8 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka kwalamagama “Ukuvimbela ukuphathwa kabi kanye nokuSuswa ngokungeMthetho kweziNgane” lamagama alandelayo:

“UKUVIMBELA UKUPHATHWA KABI KANYE NOKUSUSWA KWEZINGANE NGOKUNGEMTHETHO KANYE NOKUVIMBELA UKUQASHWA KWEZINGANE EZITHILE.”

Ukufakwa kwesigaba 52A kuMthetho 14 ka 1987

19. Lesigaba esilandelayo ngalokhu sifakwa eMthethweni omkhulu emva kwesigaba 52:

“Ukuvimbela ukuqashwa kwezingane ezithile.

52 A (1) Ngaphansi kwezimiso zaloMthetho nanoma yimuphi omunye umthetho, akukho muntu onqagasha noma ahlinzeke ngomsebenzi ingane ngaphansi kweminyaka eyi-15.

(2) UNgqongqoshe, ngombandela okhonjwe nguye -

(a) ngesaziso kuGazethi kaHulumeni angabeka eceleni noma yikuphi ukuqashwa noma umsebenzi kusukela esimisweni sesigatshana (1); futhi

(b) anganikeza noma yimuphi umuntu noma abantu jikelele isiyekelo ezihlinzekweni zesigatshana (1).

(3) Isiyekelo ngaphansi kwesigatshana 2 (b) -

(a) odabeni lwesiyekelo somuntu othile siyonikezwa ngokukhiphela lowomuntu isitifiketi sesiyekelo kusona okuyoba khona igama lakhe kanye nemibandela yesiyekelo kanye negama lengane noma kubalulwe incazelo yesigaba sezingane ezinikezwe isiyekelo;

(b) odabeni lwesiyekelo sabantu jikelele, siyonikezwa ngokushicilelwa kwesaziso kuGazethi kaHulumeni lapho labo bantu beyochazwa kuchazwe nemibandela yesiyekelo futhi kubalulwe incazelo yesigaba sezingane ezinikezwe isiyekelo;

(4) Isitifiketi sesiyekelo esicatshangwe kusigatshana (3) (a) kanye nesaziso esicatshangwe kusigatshana (3) (b) nganoma yisiphi isikhathi singachitshiyelwa noma sihoxiswe nguNgqongqoshe.”

(5) Noma yimuphi umuntu owephula noma yisiphi isimiso salesigaba uyobekwa icala.”

Ukuchitshiyelwa kwesigaba 57 soMthetho 14 ka 1987

20. Isigaba 57 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokwengeza kusigatshana (1) lendima elandelayo -

“owenelisa izidingo noma imibandela njengoba engamiswa.”.

Ukufakwa esikhundleni sesigaba 59 soMthetho 14 ka 1987

21. Isigaba esilandelayo ngalokhu sifakwa esikhundleni sesigaba 59:

“Izinhlawulo

59. Noma yimuphi umuntu ogwetshwe ngecala ngaphansi kwanoma yisiphi isimiso saloMthetho okungekho sijeziro esihlinzekwe ngqo uyohlawuliswa inhlawulo engeqile ku [R1 000] R4 000 noma ukuboshwa inkathi engeqile onyakeni owodwa noma kokubili inhlawulo nokuboshwa.”.

Ukuchitshiyelwa kwesigaba 61 soMthetho 14 ka 1987

22. Isigaba 61 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokufaka kusigatshana (1) emva kwendima (e) lokhu okulandelayo:

“(eA) mayelana nokuseshwa kwezikhungo zokugcina izingane.”.

Ukuchitshiyelwa kwesigaba 63 soMthetho 14 ka 1987

23. Isigaba 63 soMthetho omkhulu ngalokhu siyachitshiyelwa ngokwengeza ngalezigaba ezilandelayo -

“(3) Noma yimuphi umyalo ngaphansi kwesigaba 3 (1) (a) soMthetho weZingane, 1960 (uMthetho uno 33 ka 1960), uyothathwa ngokuthi usuphelelwe isikhathi kusukela ekuqaleni kokusebenza kwaloMthetho.

(4) Noma yimuphi umyalo owenziwe ngaphansi kwendima (b), (d) noma (e) yesigaba 31 (1) soMthetho weZingane, 1960

Isihloko esifingqiwe.

24. LoMthetho uyobizwa ngokuthi uMthethosichibiyelo waKwaZulu wokuNakekelwa kweziNgane, 1993.

KWAZULU GOVERNMENT NOTICE NO. 3 OF 1994
KWAZULU LEGISLATIVE ASSEMBLY
ACT 18 OF 1993
KWAZULU CHILD CARE AMENDMENT ACT, 1993.

The State President has been pleased under and by virtue of the powers vested in him by section 31 (2) of the Self-governing Territories Constitution Act, 1971 (Act 21 of 1971) to approve the following Act. (English text signed by the State President. Assented to on 13/10/1993).

ACT

To amend the KwaZulu Child Care Act, 1987, so as to substitute certain definitions; to abolish the Child Welfare Advisory Council; to provide that a child who has a parent or guardian who cannot be traced, may be brought before a children's court; which can hold an inquiry and make an order in respect of such a child; to further regulate the powers of the children's courts; to further regulate the designation of a children's home or school of industries as a result of an order of a children's court; to further regulate the qualifications for adoption of children; to increase fines; to provide for the observation, examination and treatment of children in places of safety; to further regulate the transfer of a child from an institution or custody to the custody of his parents or guardian; to make it an offence to counsel, to induce or to aid a pupil or child to whom leave of absence was granted not to return or to prevent him from returning to the institution or custody from which leave of absence was granted; to further regulate the medical treatment of children; to further regulate the notification of injured children and children who suffer from a nutritional deficiency disease; to make the offence relating to the ill-treatment of children applicable to all persons; to prohibit the employment of certain children; to further regulate the financial support for the maintenance of pupils and certain children; and to authorize the Minister to make regulations as to the search of children in places of safety; and to provide for incidental matters.

BE IT ENACTED by the KwaZulu Legislative Assembly, as follows:-

Amendment of section 1 of Act 14 of 1987

1. Section 1 of the KwaZulu Child Care Act, 1987, (hereinafter referred to as the principal Act), is hereby amended-
 - (a) by the substitution for the definition of "children's court" of the following definition:
" 'children's court' means a children's court mentioned in section 6;"; and
 - (b) by the substitution for the definition of "social worker" of the following definition:
" 'social worker' means any person registered as a social worker under the Social Work Act, 1986 (Act No. 6 of 1986), or deemed to be so registered, and who, save for the purposes of section 42, is in the service of a department under the control of the Minister or prescribed welfare organization;";

Repeal of section 2 of Act 14 of 1987

2. Section 2 of the principal Act is hereby repealed.

Repeal of section 3 of Act 14 of 1987

3. Section 3 of the principal Act is hereby repealed.

Repeal of section 4 of Act 14 of 1987

4. Section 4 of the principal Act is hereby repealed.

Repeal of section 5 of Act 14 of 1987

5. Section 5 of the principal Act is hereby repealed.

Amendment of section 14 of Act 14 of 1987

6. Section 14 of the principal Act is hereby amended-
 - (a) by the substitution for subsection (2) of the following subsection:
"(2) Any child in regard to whom a children's court assistant is of opinion that he has no parent or guardian, or has a parent or guardian who cannot be traced or has a parent or guardian or is in the custody of a person unable or unfit in terms of section 15(4) to have the custody of him, may be brought before the children's court of the district in which the child resides or happens to be by any policeman, social worker or authorized officer or by a parent, guardian or other person having the custody of the child."; and
 - (b) by the substitution for subsection (3) of the following subsection:
"(3) The children's court before which a child is brought in terms of subsection (1) or (2) shall hold an inquiry in the

prescribed manner and determine whether the child has no parent or guardian, or has a parent or guardian who cannot be traced or has a parent or guardian or is in the custody of a person unable or unfit to have the custody of that child: Provided that if the child ordinarily resides in the district of another children's court the first-mentioned court may refer the inquiry to the children's court of that other district."

Amendment of section 16 of Act 14 of 1987

7. Section 16 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"16. (1) A children's court which, after holding an inquiry in terms of section 14 is satisfied that the child concerned has no parent or guardian, or has a parent or guardian who cannot be traced, or has a parent or guardian, or is in the custody of a person unable or unfit to have the custody of the child, may-

- (a) order that the child be returned to or remain in the custody of his parents or, if the parents live apart or are divorced the parent designated by the court or of his guardian or of the person in whose custody he was immediately before the commencement of the proceedings, under the supervision of a social worker, on condition that the child or his parent or guardian or such person complies or the parents of the child comply with such of the prescribed requirements as the court may determine; or
- (b) order that the child be placed in the custody of a suitable foster parent designated by the court under the supervision of a social worker; or
- (c) order that the child be sent to a children's home designated by the [Director - General] Secretary; or
- (d) order that the child be sent to a school of industries designated by the [Director - General] Secretary." and

(b) by the addition of the following subsection:

"(5) (a) If the Secretary cannot designate a children's home in terms of subsection (1)(c) or a school of industries in terms of subsection (1)(d), he shall without delay furnish the Minister with a report in connection with the child concerned.

(b) The Minister may, after consideration of the Secretary's report referred to in paragraph (a), deal with the child concerned in terms of section 35 or 38 as if the child has been admitted to a children's home or a school of industries, as the case may be."

Substitution of section 18 of Act 14 of 1987

8. The following section is hereby substituted for subsection 18 of the principal Act:

"Qualifications for adoption of children

18. A child may be adopted-

- (a) by a husband and his wife jointly;
- (b) by a widower or widow or unmarried or divorced person;
- (c) by a married person whose spouse is the parent of the child."

Amendment of section 25 of Act 14 of 1987

9. Section 25 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and on conviction liable to a fine not exceeding [R2 000] R8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

Amendment of section 29 of Act 14 of 1987

10. Section 29 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may, with the concurrence of the Minister of Finance, out of moneys appropriated by the Legislative Assembly for the purpose establish and maintain places of safety for the reception, custody, observation, examination, and treatment of children under this Act, and the detention of children awaiting trial or sentence."

Amendment of section 35 of Act 14 of 1987

11. Section 35 of the principal Act is hereby amended by the insertion after subsection 1 of the following subsection:

"(1A) (a) When the Minister transfers a child under subsection (1) to the custody of his parent or guardian or of the person mentioned in section 16 (1) (a), under the supervision of a social worker, the Minister shall determine in the order the requirements with which the child or his parent or guardian or the person mentioned in section 16(1)(a) shall comply.

(b) If any requirement referred to in paragraph (a) is in the opinion of the social worker concerned not being complied with, the child concerned may be brought by that social worker before the children's court of the district in which the child resides, which shall hold an inquiry in terms of section 13(3), after which the court may vary the order issued by the Minister or make a new order under section 16(1)."

Amendment of section 36 of Act 14 of 1987

12. Section 36 of the principal Act is hereby amended by the addition of the following subsection after subsection (2):

"(3) Any person who directly or indirectly counsels, induces or aids any child or pupil to whom leave of absence has been granted under subsection (1) not to return to the custody of the foster parent or the institution, or who prevents him from

returning to such custody or institution after the expiration of the period of leave or after the cancellation of such leave, shall be guilty of an offence."

Amendment of section 37 of Act 14 of 1987

13. Section 37 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- "(1) The Minister may, if he considers it desirable in the interest of any pupil or foster child who is in an institution to which he has been sent under this Act or any other law or in the custody of a foster parent in which he has been placed under this Act or any other law, by order in writing direct that that pupil or foster child be taken to a place of safety and be kept therein for observation or to be examined and treated."

Amendment of section 40 of Act 14 of 1987

14. Section 40 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) Notwithstanding any rule of law to the contrary -

- (a) any person over the age of 18 years shall be competent to consent, without the assistance of his parent or guardian, to the performance of any operation upon himself; and
(b) any person over the age of 14 years shall be competent to consent, without the assistance of his parent or guardian, to the performance of any medical treatment of himself or his child."

Substitution of section 43 of Act 14 of 1987

15. The following section is hereby substituted for section 43 of the principal Act:

"Notification of injured children and children who suffer from nutritional deficiency disease.

- 43 (1) Every dentist, medical practitioner, nurse or social worker who examines, attends or deals with any child in circumstances giving rise to the suspicion that that child has been ill-treated, or suffers from any injury, single or multiple, the cause of which probably might have been deliberate or suffers from a nutritional deficiency disease, shall immediately notify the Secretary for Health or any officer designated by him for the purposes of this section of those circumstances.
(2) On receipt of a notification in terms of subsection (1) the Secretary or the said officer may issue a warrant in the prescribed form and manner for the removal of the child concerned to a place of safety or a hospital.
(3) The Secretary or the said officer shall thereupon arrange that the child and his parents receive such treatment as the Secretary or the said officer may determine.
(4) This section shall not exclude any other action against or treatment of the parent and his child in terms of this Act.
(5) Any dentist, medical practitioner, nurse or social worker who contravenes any provision of this section shall be guilty of an offence.
(6) No legal proceedings shall lie against any dentist, medical practitioner, nurse or social worker in respect of any notification given in good faith in accordance with this section."

Amendment of section 50 of Act 14 of 1987

16. Section 50 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection :

- "(1) Any summons, subpoena or [motive] notice in connection with any proceedings under this Chapter may be served without fee by any policeman in the manner prescribed by the rules framed under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), for the service of similar documents in civil proceedings in magistrates' courts, unless any other manner of service has been prescribed."

Amendment of section 51 of Act 14 of 1987

17. Section 51 of the principal Act is hereby amended -

- (a) by the substitution for subsection (1) of the following subsection:

"(1) Any parent or guardian of a child or any person having the custody of a child who -

(a) ill-treats that child or allows it to be ill-treated; or

(b) abandons that child,

or any other person who ill-treats a child shall be guilty of an offence.

- (b) by the substitution for subsection (3) of the following subsection:

"(3) Any person convicted of any offence under this section shall be liable to a fine not exceeding [R5 000] R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Amendment of heading to Chapter 8 of Act 14 of 1987

18. The heading of Chapter 8 of the principal Act is hereby amended by the substitution for the words "Prevention of ill-treatment and Unlawful Removal of Children" of the following words:

"PREVENTION OF ILL-TREATMENT AND UNLAWFUL REMOVAL OF CHILDREN AND PROHIBITION OF EMPLOYMENT OF CERTAIN CHILDREN."

Insertion of section 52A in Act 14 of 1987

19. The following section is hereby inserted in the principal Act after section 52:

"Prohibition of employment of certain children

- 52.A (1) Subject to the provisions of this Act or any other law, no person may employ or provide work to any child under the age of 15 years.
- (2) The Minister may, on the conditions determined by him -
- (a) by notice in the Official Gazette exclude any employment or work from the provision of subsection (1); and
- (b) grant any particular person, or persons generally, exemption from the provisions of subsection (1).
- (3) An exemption under subsection (2) (b) shall -
- (a) in the case of the exemption of a particular person be granted by issuing to such person a certificate of exemption in which his name and the conditions of the exemption and the name of the child or a description of the category of children with respect to whom exemption is granted are specified;
- (b) in the case of the exemption of persons generally, be granted by the publication in the Official Gazette of a notice in which such persons are described and the conditions of the exemption and a description of the category of children with respect to whom exemption is granted are specified.
- (4) A certificate of exemption contemplated in subsection (3) (a) and a notice contemplated in subsection (3) (b) may at any time be amended or withdrawn by the Minister.
- (5) Any person who contravenes any provision of this section shall be guilty of an offence.*

Amendment of section 57 of Act 14 of 1987

20. Section 57 of the principal Act is hereby amended -
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
"(b) in any institution of any pupil;"
- (b) by the addition to subsection (1) of the following paragraph:
"(c) in any institution of any child who is admitted with the approval of the Secretary;" and
- (c) by the addition to subsection (1) after paragraph (c) of the following words:
"who satisfies such requirements or conditions as may be prescribed."

Substitution of section 59 of Act 14 of 1987

21. The following section is hereby substituted for section 59:

"Penalties

- 59 Any person who is convicted of an offence under any provision of this Act for which no punishment is specially provided shall be liable to a fine not exceeding [R1 000] R4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.*

Amendment of section 61 of Act 14 of 1987

22. Section 61 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (e) of the following paragraph:
"(eA) as to the search of children in places of safety."

Amendment of section 63 of Act 14 of 1987

23. Section 63 of the principal Act is hereby amended by the addition of the following subsections -
- "(3) Any order made under section 31 (1) (a) of the Children's Act, 1960 (Act No. 33 of 1960), shall be deemed to have lapsed with effect from the date of commencement of this Act.
- (4) Any order made under paragraph (b), (d) or (e) of section 31 (1) of the Children's Act, 1960 (Act No. 33 of 1960), that was in force immediately prior to the commencement of this Act shall be deemed to have been made under paragraphs (b), (c) and (d) of section 15 (1) of this Act, respectively."

Short title

24. This Act shall be called the KwaZulu Child Care Amendment Act, 1993.

KWAZULU GOEWERMENTS KENNISGEWING NR. 3 VAN 1994

KWAZULU-WETGEWENDE VERGADERING

WET 18 VAN 1993

KWAZULU-WYSIGINGSWET OP KINDERSORG, 1993

Dit het die Staatspresident behaag kragtens die bevoegheid hom verleen by artikel 31 (2) van die Grondwet van die Self Regerende Gebiede, 1971 (Wet 21 van 1971), om sy goedkeuring aan onderstaande Wet te heg. (Engelse teks deur die Staatspresident geteken. Goedgekeur op 13/10/1993).

WET

Tot wysiging van die KwaZulu-Wet op Kindersorg, 1987, ten einde sekere omskrywing te vervang; die Kindersorgadviesraad af te skaf; voorsiening te maak dat 'n kind wat 'n ouer of voog het wat nie opgespoor kan word nie, gebring kan word voor 'n kindershof, wat 'n ondersoek kan instel en 'n bevel kan maak ten opsigte van so 'n kind; die bevoegdhede van kinderhove verder te reël; die aanwysing van 'n kindershof of nywerheidskool na aanleiding van 'n bevel van 'n kindershof verder te reël die vereistes by aanneming van kinders verder te reël; boetes te verhoog; voorsiening te maak vir die waarneming, ondersoek en behandeling van kinders in veiligheidsplekke; die oorpasing van 'n kind vanaf 'n inrigting of bewaring na die bewaring van sy ouers of voog verder te reël; dit 'n misdryf te maak om 'n leerling of kind aan wie verlof tot afwesigheid toegestaan is, aan te raai, te bewoog of te help om nie na die inrigting of bewaring terug te keer waaruit afwesigheidsverlof aan hom toegestaan is nie of om hom te verhoed om daarheen terug te keer; die mediese behandeling van beseerde kinders verder te reël; die kennisgewing van beseerde kinders en kinders wat aan 'n voedingsgebreksiekte ly, verder te reël; die misdryf aangaande die mishandeling van kinders op alle persone van toepassing te maak; die indiensneming van sekere kinders te verbied; die geldelike ondersteuning vir onderhoud van leerlinge en sekere kinders verder te reël; die Minister te magtig om regulasies uit te vaardig aangaande die visitering van kinders in veiligheidsplekke; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die KwaZulu-Wetgewende Vergadering, soos volg:-

Wysiging van artikel 1 van Wet 14 van 1987

1. Artikel 1 van die KwaZulu-Wet op Kindersorg, 1987, (hieronder die Hoofwet genoem), word hierby gewysig —
 - (a) deur die omskrywing van "kinderhof" deur die volgende omskrywing te vervang:

"'kinderhof' 'n kindershof in artikel 6 vermeld"; en
 - (b) deur die omskrywing van "maatskaplike werker" deur die volgende omskrywing te vervang:

"'maatskaplike werker' iemand wat kragtens die Wet op Maatskaplike Werk, 1986 (Wet No. 6 van 1986), as 'n maatskaplike werker geregistreer is of geag word aldus geregistreer te wees en wat, behalwe by die toepassing van artikel 42, in diens is van 'n departement onder die beheer van die Minister of 'n voorgeskrewe welsynsorganisasie";

Herroeping van artikel 2 van Wet 14 van 1987

2. Artikel 2 van die Hoofwet word hierby herroep.

Herroeping van artikel 3 van Wet 14 van 1987

3. Artikel 3 van die Hoofwet word hierby herroep.

Herroeping van artikel 4 van Wet 14 van 1987

4. Artikel 4 van die Hoofwet word hierby herroep.

Herroeping van artikel 5 van Wet 14 van 1987

5. Artikel 5 van die Hoofwet word hierby herroep.

Wysiging van artikel 14 van Wet 14 van 1987

6. Artikel 14 van die Hoofwet word hierby gewysig -
 - (a) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) 'n Kind met betrekking tot wie 'n assistent van 'n kindershof van oordeel is dat die betrokke kind geen ouer of voog het nie, of 'n ouer of voog het wat nie opgespoor kan word nie, of 'n ouer of voog het of in die bewaring van 'n persoon is wat ingevolge artikel 15 (4) nie in staat of geskik is om die bewaring van die kind te hê nie, kan deur 'n polisiebeampte, maatskaplike werker of gemagtigde beampte of deur 'n ouer of voog of ander persoon in wie se bewaring die kind is, gebring word voor die kindershof van die distrik waarin die kind woonagtig is of hom bevind."; en
 - (b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die kindershof waarvoor 'n kind ingevolge subartikel (1) of (2) gebring word, moet op die voorgeskrewe wyse ondersoek instel of die kind geen ouer of voog het nie, of 'n ouer of voog het wat nie opgespoor kan word nie, of 'n ouer of voog het of in die bewaring van 'n persoon is wat nie in staat of geskik is om die bewaring van daardie kind te hê nie: Met dien verstande dat as die kind gewoonlik woonagtig is in die distrik van 'n ander kindershof, eersgenoemde hof die ondersoek na die kindershof van die ander distrik kan verwys.".

Wysiging van artikel 16 van Wet 14 van 1987

7. Artikel 16 van die Hoofwet word hierby gewysig -
 - (a) deur subartikel (1) deur die volgende subartikel te vervang:

"16. (1) 'n Kindershof wat na ondersoek ingevolge artikel 14 oortuig is dat die betrokke kind geen ouer of voog het nie, of 'n ouer of voog het wat nie opgespoor kan word nie, of 'n ouer of voog het of in die bewaring van 'n persoon is wat nie in staat of geskik is om die bewaring van die kind te hê nie, kan -

 - (a) beveel dat die kind herstel moet word of moet bly in die bewaring van sy ouers of, indien die ouers apart woon of geskei is, van die ouer deur die hof aangewys of van sy voog of van die persoon in wie se bewaring die kind onmiddellik voor die aanvang van die verrigtinge was, onder toesig van 'n maatskaplike werker, op voorwaarde dat die kind of sy ouers of ouer of voog of sodanige persoon voldoen aan sodanige van die voorgeskrewe vereistes as wat die hof bepaal; of
 - (b) beveel dat die kind onder toesig van 'n maatskaplike werker in die bewaring van 'n geskikte pleegouer deur die hof aangewys, geplaas word; of
 - (c) beveel dat die kind na 'n kindershof deur die **[Direkteur-Generaal] Sekretaris** aangewys, verwys word; of

(d) beveel dat die kind na 'n nywerheidskool deur die [Direkteur-Generaal] Sekretaris aangewys, verwys word." en

(b) deur die volgende subartikel by te voeg:

"(5) (a) Indien die Sekretaris nie 'n kinderhuis ingevolge subartikel (1) (c) of 'n nywerheidskool ingevolge subartikel (1) (d) kan aanwys nie, moet hy onverwyld 'n verslag in verband met die betrokke kind aan die Minister verstrek.

(b) Die Minister kan, na oorweging van die verslag van die Sekretaris bedoel in paragraaf (a), met die betrokke kind kragtens artikel 35 of 38 handel asof die kind in 'n kinderhuis of nywerheidskool, na gelang van die geval, opgeneem is."

Vervanging van artikel 18 van Wet 14 van 1987

8. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

"Vereistes by aanneming van kinders

18. 'n Kind kan aangeneem word -

(a) deur 'n man en sy vrou gesamentlik;

(b) deur 'n wewenaar of weduwee of 'n ongetroude of geskeide persoon;

(c) deur 'n getroude persoon wie se gade die ouer van die kind is."

Wysiging van artikel 25 van Wet 14 van 1987

9. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Iemand wat enige bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens [R2 000] R8 000 of met 'n gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangenisstraf."

Wysiging van artikel 29 van Wet 14 van 1987

10. Artikel 29 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Minister kan, met die instemming van die Minister van Finansies uit geld wat deur die Wetgewende Vergadering vir die doel bewillig is, veiligheidsplekke oprig en in stand hou vir die opname, bewaring, waarneming, ondersoek en behandeling van kinders kragtens hierdie Wet, en die aanhouding van kinders in afwagting van hul verhoor of vonnis."

Wysiging van artikel 35 van Wet 14 van 1987

11. Artikel 35 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

"(1A) (a) Wanneer die Minister 'n kind kragtens subartikel (1) oorplaas na die bewaring van sy ouer of voog of van die persoon in artikel 16 (1) (a) vermeld, onder toesig van 'n maatskaplike werker, bepaal die Minister in die bevel die vereistes waaraan die kind of sy ouer of voog of die persoon in artikel 16 (1) (a) vermeld, moet voldoen.

(b) Indien daar na die oordeel van die betrokke maatskaplike werker nie voldoen word aan 'n vereiste in paragraaf (a) bedoel nie, kan die betrokke kind deur daardie maatskaplike werker gebring word voor die kinderhof van die distrik waarin die kind woonagtig is, wat 'n ondersoek ingevolge artikel 13 (3) moet instel, waarna die hof die bevel deur die Minister uitgereik, kan verander of 'n nuwe bevel kragtens artikel 16 (1) kan uitreik."

Wysiging van artikel 36 van Wet 14 van 1987

12. Artikel 36 van die Hoofwet word hierby gewysig deur die invoeging van die volgende subartikel na subartikel (2):

"(3) Iemand wat 'n kind of leerling aan wie verlof kragtens subartikel (1) toegestaan is, na verstryking van die tydperk van verlof of na die intrekking van sodanige verlof, direk of indirek aanraai, beweeg of help om nie na die bewaring van die pleegouer of die inrigting terug te keer nie of hom verhinder om na sodanige bewaring of inrigting terug te keer, is aan 'n misdryf skuldig."

Wysiging van artikel 37 van Wet 14 van 1987

13. Artikel 37 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Minister kan, indien hy dit wenslik ag in die belang van 'n leerling of pleegkind wat in 'n inrigting is waarheen hy kragtens hierdie Wet of 'n ander wet verwys is of in die bewaring van 'n pleegouer is waarin hy kragtens hierdie Wet of 'n ander wet geplaas is, by skriftelike bevel gelas dat daardie leerling of kind na 'n veiligheidsplek geneem word en daarna gehou word vir waarneming of om ondersoek en behandeling te word."

Wysiging van artikel 40 van Wet 14 van 1987

14. Artikel 40 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Ondanks 'n andersluidende regsreël is -

(a) iemand bo die leeftyd van 18 jaar bevoeg om sonder die bystand van sy ouer of voog toestemming te verleen tot die uitvoer van 'n operasie op homself; en

(b) iemand bo die leeftyd van 14 jaar bevoeg om sonder die bystand van sy ouer of voog toestemming te verleen tot mediese behandeling van homself of sy kind."

Vervanging van artikel 43 van Wet 14 van 1987

15. Artikel 43 van die Hoofwet word deur die volgende artikel vervang:

*Kennisgewing van beseerde kinders en kinders wat aan voedingsgebreksiekte ly.

- 43 (1) Elke tandarts, geneesheer, verpleegkundige of maatskaplike werker wat 'n kind ondersoek, verpleeg of aan hom aandag gee onder omstandighede wat die vermoede laat ontstaan dat daardie kind mishandel is of aan enige besering, enkelvoudig of veelvoudig, ly waarvan die oorsak waarskynlik opsetlik mag wees, of aan 'n voedingsgebreksiekte ly, moet die Sekretaris van Gesondheid of enige beamppte deur hom aangewys vir die doeleindes van hierdie artikel, onmiddellik van daardie omstandighede in kennis stel.
- (2) By ontvangs van 'n kennisgewing ingevolge subartikel (1) kan die Sekretaris of bedoelde beamppte 'n lasbrief in die voorgeskrewe vorm en op die voorgeskrewe wyse uitreik vir die verwydering van die betrokke kind na 'n veiligheidsplek of 'n hospitaal.
- (3) Die Sekretaris of genoemde beamppte moet daarop reël tref dat die kind en sy ouers die behandeling ontvang wat die Sekretaris of genoemde beamppte bepaal.
- (4) Hierdie artikel belet nie enige ander optrede teen of behandeling van 'n ouer of sy kind ingevolge hierdie Wet nie.
- (5) 'n Tandarts, geneesheer, verpleegkundige of maatskaplike werker wat 'n bepaling van hierdie artikel oortree, is aan misdryf skuldig.
- (6) Geen regsdeding kan teen 'n tandarts, geneesheer, verpleegkundige of maatskaplike werker ingestel word nie tens opsigte van 'n kennisgewing te goeder trou ooreenkomstig hierdie artikel.*

Wysiging van artikel 50 van Wet 14 van 1987

16. Artikel 50 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Dagvaarding, getuiedagvaarding of kennisgewing in verband met verrigtings kragtens hierdie Hoofstuk kan kosteloos deur 'n polisiebeamppte beteken word volgens voorskrif van die reëls opgestel kragtens die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), vir die betekening van dergelike dokumente in siviele sake in landdroshowe, tensy 'n ander wyse van betekening voorgeskryf is.”.

Wysiging van artikel 51 van Wet 14 van 1987

17. Artikel 51 van die Hoofwet word hierby gewysig -

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Ouer of voog van 'n kind of iemand in wie se bewaring 'n kind is wat -

(a) die kind mishandel of toelaat dat hy mishandel word; of

(b) die kind verlaat,

of enige ander persoon wat 'n kind mishandel, is aan 'n misdryf skuldig.

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Iemand wat weens 'n misdryf kragtens hierdie artikel skuldig bevind is, is strafbaar met 'n boete van hoogstens [R5000] R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sodanige boete sowel as sodanige gevangenisstraf.”.

Wysiging van die Kopskrif tot Hoofstuk 8 van Wet 14 van 1987

18. Die Kopskrif tot Hoofstuk 8 van die Hoofwet word hiermee gewysig deur die vervanging van die woorde “Voorkoming van Mishandeling en Onwettige Verwydering van Kinders” deur die volgende woorde:

“Voorkoming van Mishandeling en Onwettige Verwydering van Kinders en Verbod op Indiensneming van Sekere Kinders.”.

Invoeging van artikel 52A van Wet 14 van 1987

19. Die volgende artikel word hierby in die Hoofwet na artikel 52 ingevoeg:

“Verbod op indiensneming van sekere kinders

52A (1) Behoudens die bepalings van hierdie Wet of van enige ander wet mag niemand 'n kind onder die ouderdom van 15 jaar in diens neem of aan hom werk verskaf nie.

(2) Die Minister kan op voorwaardes wat hy bepaal -

(a) by kennisgewing in die Amptelike Koerant 'n diens of werk uitsluit van die bepalings van subartikel (1); en

(b) aan 'n bepaalde persoon, of persone in die algemeen, vrystelling verleen van die bepalings van subartikel (1).

(3) 'n Vrystelling kragtens subartikel (2) (b) word -

(a) in die geval van die vrystelling van 'n bepaalde persoon verleen deur die uitreiking aan sodanige persoon van 'n vrystellingsertifikaat waarin sy naam en die voorwaardes van die vrystelling en die naam van die kind of 'n beskrywing van die kategorie kinders met betrekking tot wie vrystelling verleen word, vermeld word;

(b) in die geval van die vrystelling van persone in die algemeen, verleen deur die publikasie van 'n kennisgewing in die Amptelike Koerant waarin sodanige persone beskryf en die voorwaardes van die vrystelling en 'n beskrywing van die kategorie kinders met betrekking tot wie vrystelling verleen word, vermeld word.

(4) 'n Vrystellingsertifikaat beoog in subartikel (3) (a) en 'n kennisgewing beoog in subartikel (3) (b) kan te eniger tyd deur die Minister gewysig of ingetrek word.

(5) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig.”.

Wysiging van artikel 57 van Wet 14 van 1987

20. Artikel 57 van die Hoofwet word hiermee gewysig deur:

- (a) die vervanging van paragraaf (b) van subartikel (1) met die volgende paragraaf -

"(b) in 'n inrigting van 'n leerling;"

- (b) die invoeging, onder subartikel (1) en na paragraaf (b) daarvan, van die volgende paragraaf -

"(c) in 'n inrigting van 'n kind wat met die goedkeuring van die Sekretaris opgeneem is;" en

- (c) die invoeging, onder subartikel (1) en na paragraaf (c) daarvan, van die volgende woorde -

"wat voldoen aan die vereistes of voorwaardes wat voorgeskryf is."

Vervanging van artikel 59 van Wet 14 van 1987

21. Artikel 59 van die Hoofwet word met die volgende artikel vervang:

"Strawwe

59. Iemand wat skuldig bevind word weens 'n misdryf kragtens 'n bepaling van hierdie Wet waarvoor geen besondere straf voorgeskryf word nie, is strafbaar met 'n boete van hoogstens [R1000] R4000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf."

Wysiging van artikel 61 van Wet 14 van 1987

22. Artikel 61 van die Hoofwet word hiermee gewysig deur die invoeging, onder subartikel (1) en na paragraaf (e) daarvan, van die volgende paragraaf:

"(eA) aangaande die visentering van kinders in veiligheidsplekke;"

Wysiging van artikel 63 van Wet 14 van 1987

23. Artikel 63 van die Hoofwet word hiermee gewysig deur die byvoeging van die volgende subartikels -

"(3) 'n Bevel kragtens artikel 31 (1) (a) van die Kinderwet, 1960 (Wet 33 van 1960), uitgereik, word geag te verval het met ingang van die datum van inwerkingtreding van hierdie Wet.

(4) Enige bevel kragtens paragraaf (b), (d) of (e) van artikel 31 (1) van die Kinderwet, 1960 (Wet No. 33 van 1960), uitgereik wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag was, bly van krag en word geag op die datum van sodanige inwerkingtreding kragtens onderskeidelik paragrafe (b), (c) en (d) van artikel 15 (1) van hierdie Wet uitgereik te gewees het."

Kort titel

24. Hierdie Wet heet die KwaZulu-Wysigingswet op Kindersorg, 1993.

IZIMEMEZELO

ISAZISO KWABAMEMEZELOYO NABAKHOKHAYO IMALI

IZIMEMEZELO: Ngesentimitha noma ingxenye (Kuhlanganisa 13 milimitha ngenhla nangezansi kwesihloko nesiginesha.)

(a) Izicelo zamalayisense okuhweba: ngolwimi: inkokhelo elingayo ngu R5.

(b) Ezinye izimemezelelo: ngolwimi:-

Uhlu olulodwa - R0,60/isentimitha - ukuphinda - R0,30/isentimitha.

Izinhlal ezimbili - R1,20/isentimitha - ukuphinda - R0,60/isentimitha.

Izinhlal ezintathu - R1,80/isentimitha - ukuphinda - R0,90/isentimitha.

Ukulinganisa ubungako bohlu, linganisa amagama awu 6 ngomugqa ohlwini olulodwa; 14 izinhla ezimbili, 21 izinhla ezintathu ezinemigqa emithathu kwisentimitha.

Umbhalo (olotshwe ngesandla) ubhalwe ecaleni elilodwa kuphela. Amabizo oqobo NGAMAGAMA AMAKHULU.

Akukhocala elokwamukelwa ngokulahlekelwa okubangwa ukushiyeka kwamagama athile norma amaphutha okushicilela.

ZONKE IZINKOKHELO ZEZIMEMEZELO NEZIMALI EZIKHISHWAYO ZIKHOKHWA KUQALA

IZICELO ZAMALAYISENSE AMABHIZINISI/EMISEBENZI

Abenza izicelo zamalayisense amabhizinisi/emisebenzi mabaqaphele uhlelo 4 lwengxenye I yemithetho ephathelene namabhizinisi nokuhweba KwaZulu njengokusho koMthetho wakwaZulu wamaBhizinisi

IZICELO ZAMALAYISENSE OPHUZO

Abenza izicelo zamalayisense ophuzo mabaqaphele isijobelelo emithethweni ephathelene nophuzo njengokusho koMthetho wophuzo wakwaZulu ka 1980 okuyiyona-yona fomu yesaziso sesicelo selayisense yoPhuzo okufanele sikhishwe ngayo kule Gazethi kaHulumeni.

Izincwadi mazithunyelwe ku Nobhala weZangaphakathi, Isikhwama sePosi X02, Ulundi 3838.

ADVERTISEMENTS

NOTICE TO ADVERTISERS AND SUBSCRIBERS

ADVERTISEMENTS: Per cm, or part (including 13 mm at top and bottom of heading and signature):-

(a) Applications for trading licences per language - A flat rate of R5,00

(b) Other advertisements per language:-

Single column - - - - - R0,60/cm Repeat - - - R0,30/cm

Double Column - - - - - R1,20/cm Repeat - - - R0,60/cm

Triple Column - - - - - R1,80/cm Repeat - - - R0,90/cm

To Calculate approximate space, allow 6 words per line single Column, 14 Double Column, 21 Triple Column, with 3 lines to a cm. Manuscript to be written on one side only; proper names in BLOCK LETTERS. NO responsibility is accepted for losses arising from omissions or typographical errors.

ALL ADVERTISEMENTS AND SUBSCRIPTION PAYMENTS STRICTLY IN ADVANCE

BUSINESS/OCCUPATIONAL AND LICENCE APPLICATIONS

The attention of applicants for Business/Occupational licences is drawn to Schedule 4 of Part I of the regulations relating to Business and Trading Undertakings in KwaZulu in terms of the KwaZulu Business and Trading Undertakings Act 1974, which is the correct form of a Notice of Application for a Business Licence for publication in this Official Gazette.

LIQUOR LICENCE APPLICATIONS

The attention of applicants for Liquor Licences is drawn to the Annexure of the Regulations relating to Liquor Licences in terms of the KwaZulu Liquor Act 1980, which is the correct form of a Notice of Application for a Liquor Licence for publication in this Official Gazette.

Communications to be addressed to: -

The Secretary for Interior, Private Bag X02, Ulundi 3838

ADVERTENSIES

KENNISGEWING AAN ADVERTEERDERS EN INTEKENAARS

ADVERTENSIES: Per cm. of deel (insl. 13 mm bo en onder vir opskrif en handtekening): -

(a) Aansoeke om Handellisensie per taal - 'n Vaste tarief van R5,00

(b) Ander advertensies per taal:

Enkel kolom R0,60/cm Herhaling ... R0,30/cm

Dubbele kolom R1,20/cm Herhaling ... R0,60/cm

Driedubbele kolom, R1,80/cm Herhaling ... R0,90/cm

Vir berekening van benaderde ruimte moet 6 woorde per reël enkele kolom, 14 per reël dubbele kolom, 21 per reël driedubbele kolom, en 3 reël per cm toegelaat word. Manuskripte moet duidelik op een kant en eienaam met BLOKLETTERS geskryf word. Geen aanspreeklikheid word vir verliese as gevolg van weglatings of drukfoute aanvaar nie.

ALLE ADVERTENSIE - EN INTEKENGELDE STRENG VOORUITBETAALBAAR

AANSOEKE OM BESIGHEIDS/BEROEPSLISENSIES

Die aandaag van applikante om Besigheids/beroepslisensies word gevestig op bylae 4 van Deel 1 van die Regulasies betreffende Besigheids/Beroepslisensies in KwaZulu ingevolge die KwaZulu-wet op Sake - en Beroepsondernemings, 1974, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Besigheidslisensie in hierdie Amptelike Koerant gepubliseer moet word.

AANSOEK OM DRANKLISENSIES

Die aandaag van applikante om Dranklisensies word gevestig op die aanhangsel van die Regulasies betreffende Dranklisensies kragtens die KwaZulu Drankwet, 1980, wat die juiste vorm is waarin 'n Kennisgewing van Aansoek om 'n Dranklisensie in hierdie Amptelike Koerant gepubliseer moet word.

Mededelings moet gerig word aan: -

Die Sekretaris van Binnelandse Sake,
Privaatsaak X02 Ulundi 3838