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GOVERNMENT NOTICES

DEPARTMENT OF WELFARE

No. R. 983

30 June 1995

REGULATIONS UNDER THE CHILD CARE ACT, 1983: AMENDMENT

The Minister for Welfare and Population Development intends, in terms of section 60 of the Child Care Act, 1983 (Act No. 74 of 1983), to make the regulations set out in the Schedule hereto.

Interested persons are invited to submit any substantiated comments on the proposed regulations or representations they wish to make in regard thereto to the Director-General, Department of Welfare, Private Bag X901, Pretoria, 0001 (for attention: The Director: Family and Community Care) not later than **31 July 1995**.

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN WELSYN

No. R. 983

30 Junie 1995

REGULASIES KRAGTENS DIE WET OP KINDERSORG, 1983: WYSIGING

Die Minister vir Welsyn en Bevolkingsontwikkeling is van voorneme om ingevolge artikel 60 van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), die regulasies in die Bylae uit te vaardig.

Belanghebbende persone word versoek om nie later nie as **31 Julie 1995** enige gemotiveerde kommentaar of verhoë in verband met die voorgestelde regulasies in te dien by die Direkteur-generaal, Departement van Welsyn, Privaatsak X901, Pretoria, 0001 (vir aandag: Die Direkteur: Gesins- en Gemeenskapsorg).

SCHEDULE

1. In this Schedule "the Regulations" means the regulations published in Government Gazette No. R. 2612 of 12 December 1986.

Amendment of Regulation 1 of the Regulations:

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following definitions:

"community group" means a group of persons with a regulatory body consisting of a minimum of five persons;

"formal education" means school and other educational systems which form part of compulsory schooling and are accessible to children;

"job skills" means proficiency in performing a career aimed task;

"life skills" means proficiency in life tasks;

"protected infant" means a child under the age of seven years and who is not born from a married person;"

"welfare programme" means a working document which contains a specific plan of action to address an identified need or problem, motivating how to achieve the desired results;"

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by -

(a) the deletion of paragraph (c) of subregulation (1) and the renumbering of paragraph (d) as paragraph (c); and

(b) the deletion of subregulation (2).

Amendment of regulation 9 of the Regulations

4. Regulation 9 of the Regulations is hereby amended by the -

- (a) the substitution for paragraph (c) of subregulation (2) of the following paragraph:

- "(c) (i) The children's court assistant shall on receipt of the authority open a file in relation to the child.
- (ii) The person who issued such authority shall bring the child concerned before the children's court of the district from where the child was removed on the first court day following the removal of the child ."

- (b) by the substitution for paragraph (d) of subregulation (2) of the following paragraph:

- "(d) At the appearance of the child in question before the court, the commissioner shall, after consideration of the reasons for the child's detention as stated in the authority and such other information as he or she may obtain or which the parent of the child and the children's court assistant or social worker, police officer or authorised officer, as the case may be, may furnish him or her, confirm the detention of the child by issuing an order of detention in the form of Form 5 or set the authority aside and direct that the child be restored to the care of his or her parent."

Amendment of regulation 10 of the Regulations

5. Regulation 10 of the Regulations is hereby amended by the addition of the following subregulations:

"(5) Notices relative to the delivery, removal, change of residence or death of a protected infant in terms of sections 10 of the Act shall be in the form of Forms 22 to 25.

(6) The consent of a commissioner for the maintenance of a child in terms of section 10 of the Act shall be issued in the form of Form 27.

(7) A commissioner shall keep a register in the form of Form 28 of all children maintained in terms of section 10 of the Act within his area of jurisdiction.

(8) A commissioner shall cause to be served on all persons who have charge of protected infants in respect of whom notice has been given to him in terms of section 10 of the Act, a copy of such notice.

(9) (a) The person in charge of 'n maternity home shall give notice to the commissioner of the district in which the maternity home is situated of the receipt or delivery of a protected infant by or to any person other than a parent or such relative as is mentioned in section 10(1B)(a).

(b) The person in charge of a maternity homes shall keep a register of every birth or death of a protected infant in the maternity home and of every protected infant that is removed from such maternity home.

- (c) Any register kept by a person in charge of a maternity home in terms of the provisions of any law or regulation, other than a provision of the Act or a regulation made in terms of the Act, containing all the particulars to be recorded in the register referred to in subregulation (1), shall be deemed to be such latter register.

Amendment of regulation 14 of the Regulations

5. Regulation 14 of the Regulations is hereby amended by the substitution in subregulation (1) for the words preceding paragraph (a) of the following words:

" Leave in terms of section 35 of the Act may be granted to a pupil or foster child in the form of form 21-"

Amendment of regulation 18 of the Regulations

6. Regulation 18 of the Regulations is hereby amended by the substitution for paragraph (c) of subregulation (2) of the following paragraph:

"(c) a report by the social worker who has investigated the circumstances of the applicant/applicants and who has counselled them in regard to the proposed adoption."

Amendment of regulation 19 of the Regulations

7. Regulation 19 of the Regulations is hereby amended by -

- (a) the substitution for paragraph (b) of subregulation (2) of the following paragraph:-

"(b) of the contents of subsections 18(8)(a); 18(8)(b) and 18(8)(c) of the Act; and";

(b) the deletion of paragraph (c) of subregulation 2;

(c) the addition of the following subregulations:

"(5) The commissioner of child welfare before whom a consent to adoption has been withdrawn shall immediately notify telegraphically or per facsimile the commissioner of child welfare of the district in which the relevant consent was given of such withdrawal.

(6) If the child in question has been placed with adoptive parents residing in another district, the commissioner of child welfare before whom the consent was given shall notify telegraphically or per facsimile the commissioner of the district where the application for adoption has been lodged of such withdrawal of the consent to the adoption."

Deletion of regulation 20 of the Regulations

8. Regulation 20 of the Regulations is hereby deleted

Amendment of regulation 28 of the Regulations

9. Regulation 28 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

- "(3) The registrar shall require an adoptive parent or a child referred to in subsection (1) to receive counselling from a social worker designated by the registrar before he allows that parent or child to inspect the record concerned or to obtain a copy thereof."

Amendment of regulation 31 of the Regulations

10. Regulation 31 of the Regulations is hereby amended by -

- (a) the deletion of the word "and" at the end of paragraph (b);
- (b) the addition of the following paragraph:
 - "(d) to ensure that children who cannot be accommodated in formal education, attend life skills and job creation skills training."

Amendment of regulation 37 of the Regulations

11. Regulation 37 of the Regulations is hereby amended by the insertion in paragraph (a) of subregulation 5 of the following subparagraph:

- "(iii) attend life skills and job creation skills training regularly if he cannot be accommodated in main stream education."

Amendment of regulation 38 of the Regulations

12. Regulation 38 of the Regulations is hereby amended by -

- (a) the substitution for subregulation (1) of the following subregulation:
 - "(1) The Minister may with the concurrence of the Minister of

Finance, give approval for a grant to be paid to an organisation or community group for the care of children."

- (b) the substitution for paragraph (a) of subregulation (4) of the following paragraph:

"(a) The required number of hours and days of a place of care are subject to the requirements as specified in an approved welfare programme.";

- (c) the deletion of subregulation (5).

Amendment of Annexure

13. The Annexure to the Regulations is hereby amended -

- (a) by the substitution for Form 12 of the Annexure by Form 12 as set out in the Annexure to these regulations;
- (b) by the addition of Forms 21 to 28 as set out in the Annexure to these regulations.

Commencement

14. These regulations shall come into effect on the date of the commencement of the Child Care Amendment Act, 1995.

ANNEXURE

SUMMARY OF FORMS

FORM NO.	
12	Consent by parent or guardian to adoption
21	Leave of absence granted to a foster child or a child in a school of industries or children's home and place of safety
22	Notice of delivery of protected infant
23	Notice of removal of a protected infant
24	Notice of change of residence of a person maintaining a protected infant
25	Notice of death of protected infant
26	Notice of removal of an infant from a maternity home
27	Consent to receive child under age of seven years
28	Register of protected infants to be kept by a commissioner of child welfare.

No. 12 - CONSENT BY PARENT OR GUARDIAN TO THE ADOPTION OF A CHILD: REGULATION 19

Please Note: (1) A separate form must be used for each child.
 (2) Where the consent of both parents is required a separate form should be completed by each parent.

I,, identity number and residing at, being the *father/mother/guardian of
(child's full name), hereby voluntarily consent to the adoption of the said child by-

- * (a) (*full name(s) of person or persons wishing to adopt the child); or
 * (b) a person or persons unknown to me.

I belong to the religion and I am *a South African citizen/not a South African citizen. I am *married/divorced/never married/a widower/a widow.

.....
 Signature of *father/mother/guardian

Signed before me after I have explained to the said *parent/guardian the legal consequences of the consent and of an adoption and after I have informed *him/her that -

- (a) *he/she may before the expiration of 30 days after having given this consent withdraw such consent in writing before a commission of Child Welfare,
 (b) if such consent has not been withdrawn before the expiry of 30 days from the date hereof it shall become final and can thereafter not be withdrawn,
 (c) *he/she is not entitled to be present when the application is considered unless *his/her presence is, in the opinion of the Court dealing with such application, necessary for the proceedings of that court, and *he/she has intimated that *he/she understand.

Place

.....
 Commissioner of Child Welfare

Date

* Delete whichever is not applicable.

No. 21 - LEAVE OF ABSENCE GRANTED TO A FOSTER CHILD OR A CHILD IN A SCHOOL OF INDUSTRIES OR CHILDREN'S HOME AND PLACE OF SAFETY: REGULATION 14(1) - SECTION 35

The Director-General

.....
.....
.....

Child/Pupil

Children's home/school of industries/foster parent/place of safety

Your reference number

My reference number

Address:
.....
.....

Leave approved:.....(Signature of social worker).....

Leave of absence is hereby granted to the above-named child from to

Reasons for the granting of such leave:

Leave to be spent with:

Address:
.....
.....

Date:

Signature of Person granting leave.
(*Principal of School of Industries;
Head of Children's Home;
Foster parent or Director-General)

* Delete whichever is not applicable.

No. 22. - NOTICE OF DELIVERY OF PROTECTED INFANT: REGULATION 10(5)

To the Commissioner of Child Welfare,

I hereby give notice that _____
(state name and sex of infant) in my custody, was delivered on the _____
(state date) to _____
(state full name and address of person).

Signature of person making delivery of infant.

Date _____

Address _____

No. 23. - NOTICE OF REMOVAL OF A PROTECTED INFANT: REGULATION 10(5)

To the Commissioner of Child Welfare,

I hereby give notice that _____
(state name and sex), a protected infant in my custody, has been removed on the _____
(state date) to _____
(state name and address of person).

Signature. _____

Date _____

Address _____

No. 24. - NOTICE OF CHANGE OF RESIDENCE OF A PERSON MAINTAINING A PROTECTED INFANT: REGULATION 10(5)

To the Commissioner of Child Welfare,

I hereby give notice that I have changed my residence to _____
(state new address) on the _____

The infant's name is _____

Signature.

Date _____

Old address _____

No. 25 - NOTICE OF DEATH OF PROTECTED INFANT: REGULATION 10(5)

To the Commissioner of Child Welfare,

I hereby give notice that _____
(state name and sex), a protected infant in my custody, registered in the district of _____
died on the _____
(state date) as a result of _____

The names and dates of death of other protected infants who have died in my custody are:-

Name	Date of death.	Cause of death (if known).

Signature. _____

Date _____

Address _____

No. 26. - NOTICE OF REMOVAL OF AN INFANT FROM A MATERNITY HOME: REGULATION 10(5)

To the Commissioner of Child Welfare,

Name and address of maternity home _____

I hereby give notice that _____
(state name and sex of infant), was removed from the above-named maternity home on the
_____ (state date) by _____
(state the name and address of the person).

Signature._____
Designation.

Date _____

No. 27. - CONSENT TO RECEIVE CHILD UNDER AGE OF SEVEN YEARS: REGULATION 10(6)

In the children's court for the district _____ hold at _____
To _____ of _____

In the matter of application to receive child (1) _____
(full name) born on _____ sex _____ race _____

Consent is hereby given to you in terms of section 10 of the Child Care Act, 1983 (Act No. 74 of 1983), to receive the said child whom you propose to maintain apart from his/her mother for longer than 14 days.

Take notice that this consent must, together with your application for the adoption of the child, be lodged with the court where the application for the adoption of the child will be heard within 14 days hereof.

Given to _____ on this _____ day of _____ 19 _____

Commissioner of Child Welfare.

(1) If the child has not yet been named, insert surname of mother.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R. 2612 van 12 Desember 1986.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur die volgende woordomskrywings in te voeg:

"beskermde jong kind" 'n kind onder die ouderdom van sewe jaar wat nie uit 'n getroude persoon gebore is nie;

"formele onderwys" skool en ander onderwyssisteme wat deel uitmaak van verpligte skoolbywoning en wat toeganklik is vir kinders;

"gemeenskapsgroep" 'n groep persone met 'n beheerliggaam wat uit 'n minimum van vyf persone bestaan;

"lewensvaardighede" bedrewenheid in lewenstake;

"taakvaardighede" bedrewenheid in beroepsgerigte take;

"welsynsprogram" 'n welsynsprogram is 'n werksdokument wat 'n spesifieke plan van aksie bevat om 'n geïdentifiseerde nood of probleem aan te spreek en motiveer hoe om die verlangde resultate te verkry.

Wysiging van regulasie 2 van die Regulasies

3. Regulasie 2 van die Regulasies word hierby gewysig deur -

- (a) paragraaf (c) van subregulasie (1) te skrap en paragraaf (d) te hernoem as paragraaf (c);
- (c) subregulasie (2) te skrap.

Wysiging van regulasie 9 van die Regulasies

4. Regulasie 9 van die Regulasies word hierby gewysig deur -

- (a) paragraaf (c) van subregulasie (2) deur die volgende paragraaf te vervang:

"(c) (i) Die assistent van die kinderhof moet na ontvangs van die magtiging 'n lêer open met betrekking tot die betrokke kind.

(ii) Die persoon wat die magtiging uitgevaardig het moet die betrokke kind voor die kinderhof van die distrik waaruit die kind verwyder is bring op die eerste hofdag wat volg op die verwydering van die kind.

- (b) paragraaf (d) van subregulasie (2) deur die volgende paragraaf te vervang:

"(d) Tydens die verskyning van die betrokke kind voor die hof moet die kommissaris na oorweging van die redes vir die kind se aanhouding soos in die magtiging verstrekkend en die ander inligting wat hy of sy mag inwin of wat die ouer van die kind en die assistent van die kinderhof, of die maatskaplike werker, polisiebeampte of gemagtigde beampte, na gelang van die geval, aan hom of haar voorlê, die aanhouding van die kind bekragtig deur 'n aanhoudingsbevel in die vorm van Vorm 5 uit te reik, of die magtiging ter syde stel en gelas dat die kind herstel word in die sorg van sy of haar ouer."

Wysiging van regulasie 10 van die Regulasies

5. Regulasie 10 van die Regulasies word hierby gewysig deur die volgende subregulasies by te voeg:

- "(5) Kennisgewings met betrekking tot die besorging, verwydering, verandering van woonplek of afsterwe van 'n beskermde jong kind ingevolge artikel 10 van die Wet moet geskied in die vorm van Voms 22 tot 25.
- (6) Die toestemming van 'n kommissaris vir die ontvangs van 'n kind ingevolge artikel 10 van die Wet moet in die vorm van Vorm 27 wees.
- (7) 'n Kommissaris moet in die vorm van Vorm 28 'n register hou van alle kinders wat ingevolge artikel 10 van die Wet binne sy gebied onderhou word.
- (8) 'n Kommissaris moet op alle persone wat beheer het oor beskermde jong kinders ten opsigte van wie kennis aan hom gegee is ingevolge artikel 10 van die Wet, 'n afskrif van die kennisgewing laat dien.
- (9) (a) Die persoon onder wie se beheer 'n kraaminrigting staan moet aan die kommissaris van die distrik waarin die kraaminrigting geleë is kennis gee van die ontvangs of besorging van 'n beskermde jong kind deur of aan 'n ander persoon as die ouer van die kind of 'n persoon bedoel in artikel 10(1B)(a) van die Wet.

(b) Die persoon onder wie se beheer 'n kraaminrigting staan moet 'n register aanhou van elke geboorte of dood van 'n beskermde jong kind in daardie kraaminrigting en van die verwydering van elke beskermde jong kind uit sodanige kraaminrigting.

(c) Enige register wat deur 'n persoon onder wie se beheer 'n kraaminrigting staan gehou word ingevolge die bepalings van enige ander wet of regulasie anders as die bepalings van die Wet of 'n regulasie uitgevaardig ingevolge die Wet, en wat al die besonderhede bevat wat in die register bedoel in subregulasie (1) ingeskryf moet word, word geag so 'n register te wees

Wysiging van regulasie 14 van die Regulasies

6. Regulasie 14 van die Regulasies word hierby gewysig deur in subregulasie (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Verlof ingevolge artikel 35 van die Wet mag toegestaan word aan 'n leerling of pleegkind in die vorm van vorm 21 -"

Wysiging van regulasie 18 van die Regulasies

7. Regulasie 18 van die Regulasies word hierby gewysig deur paragraaf (c) van subregulasie (2) deur die volgende paragraaf te vervang:

"(c) 'n verslag deur die maatskaplike werker wat die omstandighede ondersoek het van die applikant/applikante en wat hulle beraad gegee het ten opsigte van die voorgename aanneming."

Wysiging van regulasie 19 van die Regulasies

8. Regulasie 19 van die Regulasies word hierby gewysig deur -

(a) paragraaf (b) van subregulasie (2) deur die volgende paragraaf te vervang:

"(b) van die inhoud van subartikels (18)(8)(a), (18)(8)(b) en (18)(8)(c) van die Wet; en";

(b) paragraaf (c) van subregulasie (2) te skrap;

(b) die volgende subregulasies by te voeg:

"(5) Die kommissaris van kindersorg voor wie 'n toestemming tot aanneming herroep is, moet die kommissaris van kindersorg van die distrik waar die betrokke toestemming gegee is onmiddellik van so 'n terugtrekking in kennis stel per telefoon of per faksimilee.

(6) As die betrokke kind geplaas is by aannemende ouers wat woon in 'n ander distrik moet die kommissaris van kindersorg voor wie die toestemming gegee was die kommissaris van kindersorg van daardie distrik in kennis stel van sodanige terugtrekking van die toestemming tot 'n aanneming per telefoon of per faksimilee."

Skrapping van regulasie 20 van die Regulasies

8. Regulasie 20 van die Regulasies word hierby geskrap.

Wysiging van regulasie 28 van die Regulasies

9. Regulasie 28 van die Regulasies word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Die registrateur moet vereis dat 'n aannemende ouer of 'n kind bedoel in subregulasie (1), beraad ontvang van 'n maatskaplike werker deur die registrateur aangewys, alvorens hy of sy daardie ouer of kind toelaat om die betrokke notule in te sien of 'n afskrif daarvan te verkry."

Wysiging van regulasie 31 van die Regulasies

10. Regulasie 31 van die Regulasies word hierby gewysig deur -

(a) die woord "en" aan die einde van paragraaf (b) te skrap;

(b) die volgende paragraaf by te voeg:

"(d) dat kinders wat nie in die formele onderwys geakkommodeer kan word nie opleiding in lewensvaardighede en werkverskaffing bywoon."

Wysiging van regulasie 37 van die Regulasies

11. Regulasie 37 van die Regulasies word hierby gewysig deur in paragraaf (a) van subregulasie 5 die volgende subparagraaf in te voeg:

"(iii) opleiding in lewens- en werkskeppingsvaardighede gereeld

bywoon indien hy of sy nie in die formele onderwys opgeneem kan word nie."

Wysiging van regulasie 38 van die Regulasies

Regulasie 38 van die Regulasies word hierby gewysig deur -

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

"(1) Die Minister kan, met die instemming van die Minister van Finansies, die betaling van 'n toelae aan 'n organisasie of 'n gemeenskapsgroep vir die versorging van kinders goedkeur.";

(b) paragraaf (a) van subregulasie (4) deur die volgende paragraaf te vervang:

"(a) Die vereiste aantal ure en dae van 'n versorgingsoord is onderhewig aan die vereistes soos gespesifiseer in 'n goedgekeurde welsynsprogram.";

(c) subregulasie (5) te skrap.

Wysiging van Aanhangsel

13. Die Aanhangsel tot die Regulasies word hierby gewysig deur -

(a) Vorm 12 in die Aanhangsel te vervang deur Vorm 12 soos uiteengesit in die Aanhangsel tot hierdie regulasies;

- (b) die byvoeging van Vorms 21 tot 28 soos uiteengesit in die
Aanhangsel tot hierdie regulasies.

Inwerkingtreding

14. Hierdie regulasies tree in werking op die datum van die
inwerkingtreding van die Wysigingswet op Kindersorg, 1995.

AANHANGSEL

SAMEVATTING VAN VORMS

VORM NO.	OPSKRIF
12	Toestemming deur ouer of voog tot aanneming
21	Verlening van afwesigheidsverlof aan 'n pleegkind of 'n kind in 'n nywerheidskool of 'n kinderhuis of 'n plek van veiligheid
22	Kennisgewing van die besorging van 'n beskermde jong kind
23	Kennisgewing van verwydering van beskermde jong kind
24	Kennisgewing van verandering van adres van 'n persoon wat 'n beskermde jong kind onderhou
25	Kennisgewing van dood van beskermde jong kind
26	Kennisgewing van verwydering van 'n beskermde jong kind uit 'n kraaminrigting
27	Toestemming om 'n kind onder die ouderdom van sewe jaar te ontvang
28	Register van beskermde jong kinders wat deur 'n kommissaris van kindersorg gehou moet word.

No. 12 - TOESTEMMING DEUR OUER OF VOOG TOT AANNEMING VAN 'N KIND: REGULASIE 19

- Let Wel:
- (1) 'n Aparte vorm moet vir elke kind gebruik word.
 - (2) Waar toestemming van beide ouers vereis word moet 'n afsonderlike vorm deur elke ouer voltooi word.

Ek, _____, identiteitsnommer _____ en woonagtig te _____
synde die *vader/moeder/voog van _____ (kind se volle name) gee hierby vrywilliglik my toestemming tot die aanneming van genoemde kind deur -

- * (a) _____ (volle naam/name van die persoon of persone wat die kind wil aanneem); of
- * (b) 'n persoon of persone onbekend aan my.

Ek behoort tot die _____ geloof en ek is *'n Suid-Afrikaanse burger/nie 'n Suid-Afrikaanse burger nie. Ek is *getroud/geskei/nooit getroud/'n wewenaar/ 'n weduwee.

Handtekening van *vader/moeder/voog

Geteken voor my nadat ek aan die *ouer/voog die regsgevolge van die toestemming en die aanneming verduidelik is en nadat ek *hom/haar ingelig het dat -

- (a) *hy/sy voor die verstryking van 30 dae nadat hierdie toestemming verleen is, skriftelik sodanige toestemming voor die kommissaris van kindersorg kan terug trek;
- (b) indien sodanige toestemming nie teruggetrek word voor die verstryking van 30 dae nie word dit finaal en kan dit nie daarna teruggetrek word nie;
- (c) *hy/sy nie geregtig is om teenwoordig te wees wanneer die aansoek oorweeg word nie behalwe *sy/haar teenwoordigheid volgens die mening van die hof wat die aansoek oorweeg nodig is vir die verrigtinge van daardie hof en *hy/sy aangedui het dat *hy/sy dit verstaan.

Plek _____

Kommissaris van Kindersorg

Datum _____

Skrap wat nie van toepassing is nie _____

Die Direkteur-generaal

.....
.....
.....

*Kind/Leerling

*Kinderhuis/nywerheidskool/pleegouer/plek van veiligheid

U verwysigingsnommer

My verwysigingsnommer

Adres:
.....
.....

Verlof goedgekeur:.....(Handtekening van maatskaplike werker)

Afwesigheidsverlof word hierby verleen aan bogenoemde kind vanaf tot

Redes vir die verlening van sodanige verlof:

Verlof moet deurgebring word by:

Adres:
.....
.....

Datum:

.....
Handtekening van persoon wat verlof verleen
(*Prinsipaal van nywerheidskool;
Hoof van kinderhuis;
Pleegouer of Direkteur-generaal)

* Skrap wat nie van toepassing nie.

NO. 22 - KENNISGEWING VAN BESORGING VAN BESKERMDE JONG KIND: REGULASIE 10(5)

Aan die Kommissaris van Kindersorg,

Ek gee hierby kennis dat _____
(meld naam en geslag) in my bewaring, op _____ (meld datum)
aan _____
(meld volle naam en adres van persoon) besorg is.

Handtekening van persoon wat jong kind besorg.

Datum _____

Adres _____

NO. 23 - KENNISGEWING VAN VERWYDERING VAN BESKERMDE JONG KIND: REGULASIE 10(5)

Aan die Kommissaris van Kindersorg,

Ek gee hierby kennis dat

(meld naam en geslag) 'n beskermde jong kind in my bewaring; is op die

(meld datum) na

(meld naam en adres van persoon).

Handtekening

Datum

Adres

**NO. 24 - KENNISGEWING VAN VERANDERING VAN VERBLYFPLEK VAN PERSOON WAT 'N BESKERMDE JONG KIND
ONDERHOU: REGULASIE 10(5)**

Aan die Kommissaris van Kindersorg,

Ek gee hierby kennis dat ek my verblyfplek verander het na

(meld nuwe adres) op die

 (meld datum)Die jong kind se naam is

Handtekening

Datum

Vorige Adres

NO. 25 - KENNISGEWING VAN AFSTERWE VAN BESKERMDE JONG KIND: REGULASIE 10(5)

Aan die Kommissaris van Kindersorg,

Ek gee hierby kennis dat _____

(meld naam en geslag) 'n beskermde jong kind in my bewaring, geregistreer in die distrik _____

oorlede is op die _____ (meld datum) as gevolg van _____

Die name en datums van afsterwe van ander beskermde jong kinders wat in my bewaring oorlede is is:

Naam	Datum van afsterwe.	Oorsaak van dood (indien bekend).

Handtekening _____

Datum _____

Adres _____

NO. 26. - KENNISGEWING VAN VERWYDERING VAN BESKERMDE JONG KIND UIT 'N KRAAMINRICHTING: REGULASIE 10(5)

Aan die Kommissaris van Kindersorg,

Naam en adres van kraaminrigting _____

Ek gee hierby kennis dat _____
(meld naam en geslag van jong kind) verwyder is uit bogenoemde kraaminrigting op die _____
(meld datum) deur _____
(meld die naam en adres van die persoon).

Handtekening_____
Ampstitel

Datum _____

NO. 27. - TOESTEMMING OM KIND ONDER SEWE JAAR IN ONTVANGS TE NEEM: REël 10(6)

In die kinderhof vir die distrik _____ gehou te

Aan _____ van _____

Insake aansoek om jong kind *

(volle naam) gebore op _____ geslag _____
te ontvang.

2

Toestemming word hierby ingevolge artikel 10 van die Wet op Kindersorg, 1983, aan u verleen om genoemde jong kind wat u voornemens is om langer as 14 dae weg van sy/haar moeder te onderhou, in ontvangs te neem.

Neem kennis dat hierdie toestemming saam met u aansoek om die aanneming van die kind by die hof waar die aansoek sal dien, ingedien moet word.

Gegee te _____ op hede die _____ dag van _____ 19

Kommissaris van Kindersorg

* Indien die kind nie vernoem is nie, voeg die van van moeder in.

No. R. 984**30 June 1995****REGULATIONS RELATING TO THE RELEASE OF PUPILS ON LICENCE: CHILD CARE ACT, 1983**

The Minister for Welfare and Population Development intends, in terms of section 60 of the Child Care Act, 1983 (Act No. 74 of 1983), to make the regulations set out in the Schedule hereto.

Interested persons are invited to submit any substantiated comments on the proposed regulations or representations they wish to make in regard thereto to the Director-General, Department of Welfare, Private Bag X901, Pretoria, 0001 (for attention: The Director: Family and Community Care) not later than **31 July 1995**.

No. R. 984**30 Junie 1995****REGULASIES BETREFFENDE DIE VRYLATING MET VERGUNNING VAN LEERLINGE: WET OP KINDERSORG, 1983**

Die Minister vir Welsyn en Bevolkingsontwikkeling is van voorneme om ingevolge artikel 60 van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), die regulasies in die Bylae uit te vaardig.

Belanghebbende persone word versoek om nie later as **31 Julie 1995** enige gemotiveerde kommentaar of verhoë in verband met die voorgestelde regulasies in te dien by die Direkteur-generaal, Departement van Welsyn, Privaatsak X901, Pretoria, 0001 (vir aandag: Die Direkteur: Gesins- en Gemeenskapsorg.)

SCHEDULE**Definition**

1. In these regulations, unless the context otherwise indicates, "the Act" means the Child Care Act, 1983 (Act No. 74 of 1983), and any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and -

"Annexure" means the annexure to these regulations;

"Form" means a form referred to in the Annexure;

"responsible social worker" means the social worker charged with the supervision of a pupil in terms of section 52A(2) of the Act.

Release of pupils on licence

2. (1) Before granting a licence to any pupil the management of an institution shall satisfy itself that the person in whose custody and the home or training institution in which the pupil is to be permitted to live, are suitable for that purpose and that no harm to the pupil is likely to result from the granting to him of a licence permitting him to live with that person and in that home or in that training institution.
- (2) If the management of an institution desires a report on a person, home or training institution in which a pupil will stay during his licence, the management shall request the social worker of the area in which the home or training institution is situated, to obtain the report and shall at the same time send to the responsible social worker a confidential report on the pupil.
3. A licence granted by the management to a pupil, shall be made out in quintuplicate in the form of Form No. 1 and the copy thereof shall be sent to the Director-General, the person or the managers of the training institution in whose care the pupil will be and the responsible social worker.

4. (1) When a pupil or the person or training institution in whose care he or she is, changes residence or when a pupil or the person in whose care he or she is, dies, the responsible social worker shall notify the management of the institution forthwith.
 - (2) The principal of an institution who receives notification of any change in a pupil's circumstances as referred to in subregulation (1), shall forthwith notify the responsible social worker if he or she does not already know of the change in circumstances, and the Director-General.
 - (3) If the change of residence of a pupil involves the removal of the pupil to the area and control of another social worker, the social worker of the area in which the pupil had been residing, shall notify the social worker of the area to which the pupil has moved and send him all the relevant documents in regard to the pupil.
5. (1) The responsible social worker shall visit the pupil as often as circumstances require and permit, and shall furnish every six months to the management of the institution a report on the conduct, progress and well-being of the pupil.
 - (2) The final report made on a pupil before the expiry of his or her period of licence shall contain a recommendation which will enable the management of the institution to take action in terms of section 35A(4) of the Act.

6. (1) (a) Notice of the cancellation of a licence by the management in accordance with the provisions of section 35A(3) shall be given in the form of Form No. 2 to the person or training institution having for the time being custody of the pupil by the principal or other officer generally or specially authorised thereto by the management, who shall send a copy of such notice to the responsible social worker and to the Director-General.
- (b) The copies sent to the responsible social worker and to the Director-General shall be accompanied by a report of the cancellation and of the reasons therefore.
- (2) (a) Notice of appeal against the cancellation of a licence may be given by letter addressed by the interested person to the Director-General or to the responsible social worker or to the management of the institution which has ordered the cancellation.
- (b) Acknowledgement of the receipt of such letter shall be sent to the person signing it and the original shall forthwith be sent to the Director-General and a copy thereof to the management of the institution which has ordered the cancellation.
- (c) On receipt by any such officer or body of a letter noting appeal against the cancellation of a licence, the order of cancellation shall be stayed pending decision of the appeal by the Minister, unless the Minister expressly directs that the cancellation shall have effect pending his decision.

7. (1) An application for the extension of a licence by the Minister or for the transfer or discharge of a pupil in terms of section 35A(4)(d) of the Act shall be addressed, in writing, to the responsible social worker, stating the grounds for the application, and the responsible social worker shall submit the application to the Minister with his or her recommendation.
- (2) After consideration of the application in terms of subregulation (1) and such further information as he or she may require, the Minister shall grant the application or reject it and direct the management of the institution as to how the pupil shall be further dealt with.
- (3) Consent to the extension of a licence in terms of subregulation (2) shall be granted in the form of Form No. 3.
- (4) The Director-General or the responsible social worker shall be informed of the decision in terms of subregulation (2).

Commencement

8. These regulations shall come into effect on the date of the commencement of the Child Care Amendment Act, 1995.

ANNEXURE

SUMMARY OF FORMS

FORM NO.	
1	Form of licence
2	Notice of cancellation of licence
3	Consent by Minister to extension of release on licence of a pupil

No. 1. - FORM OF LICENCE: REGULATION 3.

Whereas _____ (insert full name), born on _____
is a *male/female pupil in the _____ (name and address of institution);

And whereas, in terms of section 35 of the Child Care Act, 1983, the management of the said children's home may permit the pupil by licence to live in the custody of a suitable person or training institution;

Now, therefore, I, _____ chairman of the management of the said institution, do hereby permit the said pupil to live in the custody of _____

(full name and address), until *he/she attains the age of _____ year on _____ / for a period of _____ terminating on _____; and on condition that the said pupil be subject to the supervision of _____

The Minister may at any time, by order in writing, cancel this licence if he deems it necessary in the interests of the pupil.

The custodian or the management of the training institution is required to notify the principal of the children's home mentioned herein immediately of any change of his address and, where the pupil has left his custody, the pupil's new address, if known.

In the event of the death of the custodian or of the pupil notification should be given immediately to the principal.

This licence is subject to the following further conditions _____

Given under my hand this _____ day of _____ 19 _____

Chairman of the Board of Management.

* Delete whichever is not applicable.

No. 2. - CONSENT BY MINISTER TO EXTENSION OF RELEASE ON LICENCE OF A PUPIL: REGULATION: 5(3).

Acting in terms of powers delegated to me by the Minister for Welfare and Population Development under section 59 of the Child Care Act, 1983, I hereby give consent for _____ (name of pupil), to live in the custody of _____ (name of custodian or training institution) or such other custody or training institution to which *he/she may be transferred, until *he/she attains the age of _____ on _____/for a further period of _____ terminating on _____

Given at _____ on this the _____ day of _____ 19 _____

Official Designation.

* Delete whichever is not applicable.

No. 3. - NOTICE OF CANCELLATION OF LICENCE: REGULATION 7(1).

To _____

Notice is hereby given to you that the management of _____
(name of address of institution), by whom pupil _____
born on _____ has by licence dated _____
been permitted to live in your custody, hereby cancels the licence, and directs you to return the pupil immediately to the
above institution.

Chairman of the Board of Management.Date _____

For your information.

Chairman of the Board of Management.

Date _____

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Wet" die Wet op Kindersorg, 1983 (Wet No. 74 van 1983) en het enige uitdrukking waaraan in die Wet 'n betekenis geheg is, tensy uit die samehang anders blyk, daardie betekenis en beteken -

"Aanhangsel" die aanhangsel tot hierdie regulasies;

"Vorm" 'n vorm in die Aanhangsel bedoel;

"verantwoordelike maatskaplike werker" die maatskaplike werker verantwoordelik vir die supervisie van 'n leerling ingevolge artikel 52A(2) van die Wet.

Vrylating met vergunning van leerlinge

2. (1) Voordat die bestuur van 'n inrigting aan enige leerling 'n vergunning verleen moet hy daarvan oortuig wees dat die persoon onder wie se sorg en die huis of die opleidingsinrigting waarin die leerling toegelaat sal word om te verkeer, geskik is vir daardie doel en dat daar geen nadeel vir die leerling te digte is as gevolg van die vergunning aan hom verleen om by daardie persoon en in daardie huis of in daardie opleidingsinrigting te woon nie.
 - (2) Indien die bestuur van 'n inrigting 'n verslag verlang oor 'n huis, persoon of opleidingsinrigting waarin 'n leerling gedurende sy vergunning sal verkeer, moet die bestuur die maatskaplike werker van die gebied waarin die huis of opleidingsinrigting geleë is, versoek om die verslag te verkry en moet hy terselfdertyd aan die maatskaplike werker 'n vertroulike verslag oor die leerling stuur.
3. 'n Vergunning deur die bestuur aan 'n leerling verleen, moet in vyfvoud in die vorm van Vorm No. 1 opgestel word en 'n afskrif daarvan moet gestuur word aan die Direkteur-generaal, aan die persoon of die bestuurders van die opleidingsinrigting in wie se sorg die leerling sal verkeer, aan die persoon of vereniging van persone wat toesig oor die leerling sal uitoefen, en aan die verantwoordelike maatskaplike werker.

4. (1) Wanneer 'n leerling of die persoon of opleidingsinrigting in wie se bewaring hy of sy verkeer, van woonplek verander of wanneer 'n leerling of die persoon in wie se bewaring hy of sy verkeer, te sterwe kom, moet die verantwoordelike maatskaplike werker die bestuur van die inrigting onverwyld daarvan in kennis stel.
 - (2) Die prinsipaal van 'n inrigting wat kennis ontvang van enige verandering van 'n leerling se omstandighede soos bedoel in subregulasie (1), moet onverwyld kennis daarvan gee aan die verantwoordelike maatskaplike werker, indien hy of sy nie reeds kennis van die verandering dra nie, en aan die Direkteur-generaal.
 - (3) Indien die verandering van woonplek van 'n leerling, die verwydering van die leerling na 'n gebied onder die beheer van 'n ander maatskaplike werker meebring, moet die maatskaplike werker van die gebied waarin die leerling verkeer het, die maatskaplike werker van die gebied waarheen die leerling verhuis het, in kennis stel en alle stukke wat betrekking op die leerling het, aan die maatskaplike werker van daardie ander gebied stuur.
5. (1) Die verantwoordelike maatskaplike werker moet die leerling so dikwels as wat die omstandighede dit vereis of toelaat besoek, en moet elke ses maande aan die bestuur van die inrigting verslag doen oor die gedrag, vordering en welstand van die leerling.
 - (2) Die finale verslag wat oor 'n leerling uitgebring word voordat die tydperk van sy vergunning ten einde loop, moet 'n aanbeveling bevat wat die bestuur van die inrigting, in staat sal stel om ingevolge artikel 35A(4) van die Wet te handel.

6. (1) (a) Kennis van die intrekking van 'n vergunning deur die bestuur ooreenkomstig die bepalings van artikel 35A(3) van die Wet moet in die vorm van Vorm No. 2 deur die prinsipaal of 'n ander beampte in die algemeen of spesiaal deur die bestuur daartoe gemagtig, aan die persoon of opleidingsinrigting waar die leerling op daardie tydstip verkeer, gegee word en die prinsipaal moet 'n afskrif van sodanige kennisgewing stuur aan die verantwoordelike maatskaplike werker en die Direkteur-generaal.

(b) Die afskrifte wat aan die verantwoordelike maatskaplike werker en die Direkteur-generaal gestuur word, moet vergesel wees van 'n verslag van die intrekking en die redes daarvoor.

(2) (a) Kennis van appèl teen die intrekking van 'n vergunning kan deur die belanghebbende persoon gegee word per brief geadresseer aan die Direkteur-generaal of aan die verantwoordelike maatskaplike werker of aan die bestuur van die inrigting wat die intrekking gelas het.

(b) Erkenning van die ontvangs van sodanige brief moet gestuur word aan die persoon wat dit onderteken het en die oorspronklike moet onverwyld aan die Direkteur-generaal gestuur word en 'n afskrif aan die bestuur van die inrigting wat die intrekking gelas het.

(c) By ontvangs deur enige sodanige beampte of liggaam as wat genoem is, van 'n brief wat appèl aanteken teen die

intrekking van 'n vergunning, moet die intrekingsbevel geskors word hangende die Minister se beslissing oor die appèl, tensy die Minister uitdruklik beveel dat die intrekking van krag moet wees hangende sy beslissing.

7. (1) 'n Aansoek om die verlenging van 'n vergunning deur die Minister of om die oorplasing of ontslag van 'n leerling ingevolge artikel 35A(4)(d), moet skriftelik, met vermelding van die gronde vir die aansoek aan die verantwoordelike maatskaplike werker gerig word en die verantwoordelike maatskaplike werker moet die aansoek met sy aanbeveling aan die Minister voorlê.

(2) Na die oorweging van die aansoek ingevolge subregulasie (1), en verdere inligting wat hy of sy mag verlang, staan die Minister die aansoek toe of wys hy of sy dit van die hand en beveel die bestuur van die inrigting hoe verder met die leerling gehandel moet word.

(3) Toestemming tot die verlenging van 'n vergunning ingevolge subregulasie (2) word verleen in die vorm van Vorm No. 3.

(4) Die Direkteur-generaal of die verantwoordelike maatskaplike werker moet in kennis gestel word van die beslissing ingevolge subregulasie (2).

Inwerkingtreding

8. Hierdie regulasies tree in werking op die datum van die inwerkingtreding van die Wysigingswet op Kindersorg, 1995.

AANHANGSEL

SAMEVATTING VAN VORMS

VORM NO.	OPSKRIF
1	Vorm van vergunning
2	Kennisgewing van intrekking van vergunning
3	Toestemming deur Minister tot verlenging van vrylating met vergunning van 'n leerling

NO. 1 - VORM VAN VERGUNNING: REGULASIE 3

Nademaal _____ (volle naam); gebore op _____
'n *manlike/vroulike leerling is in die _____ (naam en adres van inrigting);

En nademaal, ooreenkomstig artikel 35A van die Wet op Kindersorg, 1983, die bestuur van die genoemde inrigting die leerling met vergunning kan vrylaat om in die bewaring van 'n geskikte persoon of opleidingsinrigting te gaan woon;

So is dit dat ek _____ voorsitter van die bestuur van genoemde inrigting hierby die genoemde leerling toelaat om te gaan woon in die bewaring van _____ (volle naam en adres), totdat *hy/sy die ouderdom van _____ jaar, op _____ bereik/vir 'n tydperk van _____ eindigende op _____; en op voorwaarde dat die genoemde leerling onder die toesig sal staan van _____

Die bestuur van die inrigting kan te eniger tyd na raadpleging met die toesighouer hierdie vergunning intrek deur middel van skriftelike kennisgewing en die leerling gelas om na die inrigting terug te keer.

Die Minister kan te eniger tyd, by skriftelike bevel, hierdie vergunning intrek as hy of sy dit nodig as in die belang van die leerling.

Die bewaarder of die bestuur van die opleidingsinrigting moet die prinsipaal van die inrigting hierin genoem onmiddellik verwittig van enige verandering van sy adres en, waar die leerling sy bewaring verlaat het, van die leerling se nuwe adres, indien bekend.

In die geval van die afsterwe van die bewaarder of van die leerling moet die prinsipaal onmiddellik daarvan verwittig word.

Hierdie vergunning is onderworpe aan die volgende verdere voorwaardes _____

Gegee onder my hand, op hede die _____ dag van _____ 19 _____

Voorsitter van Bestuur

* Skrap wat nie van toepassing is nie.

**NO. 2 - TOESTEMMING VAN MINISTER TOT VERLENGING VAN VRYLATING VAN 'N LEERLING MET VERGUNNING:
REGULASIE 5(3)**

Handelende kragtens die bevoegheid aan my gedelegeer deur die Minister vir Welsyn en Bevolkingsontwikkeling
ingevolge artikel 59 van die Wet op Kindersorg, 1983, verleen ek hierby toestemming vir

_____ (naam van leerling) om totdat *hy/sy die ouderdom van _____ op
_____ bereik/om vir 'n verdere tydperk van _____ eindigende op _____
in bewaring te woon van _____
(naam van bewaarder of opleidingsinrigting), of sodanige ander bewaring op opleidingsinrigting as waarna *hy/sy oorgeplaas
mag word.

Gegee te _____ op hede die _____ dag van _____ 19 _____

Ampstitel

* Skrap wat nie van toepassing is nie.

NO. 3 - KENNISGEWING VAN INTREKKING VAN VERGUNNING: REGULASIE 7(1)

Aan _____

Hierby word u in kennis gestel dat die bestuur van _____
(naam en adres van inrigting), deur wie leerling _____
gebore op _____ met vergunning gedateer _____
toegelaat is om in u bewaring te woon, hierby die vergunning herroep en u gelas om die leerling onmiddellik na die
bogenoemde inrigting terug te stuur.

Voorsitter van Bestuur

Datum _____

Vir u inligting

Voorsitter van Bestuur

Datum _____

No. R. 985**30 June 1995****REGULATIONS REGARDING THE EMPLOYMENT
OF CHILDREN: CHILD CARE ACT, 1983**

The Minister for Welfare and Population Development intends, in terms of section 52A read with section 60 of the Child Care Act, 1983 (Act No. 74 of 1983), to make the regulations set out in the Schedule hereto.

Interested persons are invited to submit any substantiated comments on the proposed regulations or representations they wish to make in regard thereto to the Director-General, Department of Welfare, Private Bag X901, Pretoria, 0001 (for attention: The Director: Family and Community Care) not later than **31 July 1995**.

No. R. 985**30 Junie 1995****REGULASIES BETREFFENDE DIE INDIENSNE-
MING VAN KINDERS: WET OP KINDERSORG, 1983**

Die Minister vir Welsyn en Bevolkingsontwikkeling is van voornemens om kragtens artikel 52A gelees met artikel 60 van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), die regulasies in die Bylae hiervan uiteengesit, uit te vaardig.

Belanghebbende persone word versoek om nie later nie as **31 Julie 1995** enige gemotiveerde kommentaar of vertoë in verband met die voorgestelde regulasies in te dien by die Direkteur-generaal, Departement van Welsyn, Privaatsak X901, Pretoria, 0001 (vir aandag: Die Direkteur: Gesins- en Gemeenskapsorg).

SCHEDULE**Definitions**

1. In this schedule "the Act" means the Child Care Act, 1983 (Act No. 74 of 1983), and any word or expression to which a meaning has been assigned in the Act, unless the context otherwise indicates, shall have the meaning so assigned, and -

"child" means a person under the age of 15 years;

"commission" means the commission appointed in terms of section 52A(4B) of the Act;

"inspector" means an inspector appointed in terms of section 52A(4D) of the Act.

General conditions whereby a child may perform a work or service

2. A child may only perform a work or service under the following conditions:
- (a) Reasonable time for rest and recreation shall be allowed.
 - (b) The work or service shall not interfere with the education or training and extra-mural activities of the child.
 - (c) The nature, intensity and duration of the work shall not be harmful to the child.
 - (d) The child and the parent or legal guardian shall, where applicable, consent to the performance of the work or service.
 - (e) In the event of a work or service referred to in section 52A(2) of the Act, the parent or legal guardian shall sign a written contract on behalf of the child.
 - (f) The work shall not endanger the child's health or physical, psychological, spiritual, moral or social development or well-being.
 - (g) In the case of an institution, place of safety, a foster home or a boarding school, it shall not be work for which an adult should generally have been employed.
 - (h) In the case of an institution, place of safety, a foster home or a boarding school the work shall not be discriminating in that children of the person providing the work would not be expected to do similar work.

Conditions for the employment of children in the entertainment industry

3. An employer of children in the entertainment industry is subject to the following conditions:
- (1) (a) The working conditions shall not be detrimental to the child's health, safety, education and human dignity.

(b) The work shall with due consideration to the child's physical and psychological capacity, be suitable for him or her.

(c) (i) A child-minder must be appointed to look after the child's well-being.

(ii) When more than one child is involved in a performance, their ages and sexes shall be taken into account in the appointment of a child-minder.

(iii) A maximum of 12 children may be entrusted to the care of any one child-minder: Provided that depending on the age and gender of the children and the circumstances of the production additional child-minders shall be appointed as necessary.

(iv) The child-minder shall:

(aa) at all times be in the visible vicinity of the child or children under his or her care during production, in so far as it does not interfere with the performance;

(bb) keep record of the duration of rehearsals and performances and shall make it available to the commission, if requested to do so;

(cc) supervise the children when they are not taking part in a performance.

(d) A separate adequately equipped room where the children can eat, shall be provided.

(e) Nutritional food and refreshments, in accordance with the ages of the children, shall be available at appropriate hours on working days.

(f) Entertainment and toys, in accordance with the age and the stage of development of the children, shall be made available on working days when the children are not being used for production purposes.

- (g) The parents of the child shall, in so far as it does not interfere with the production, have free access to their child.
- (h) The child's wardrobe shall be accessible only to the parents, child-minder and wardrobe mistress.
- (i) Appropriate insurance shall be taken out in respect of every child.
- (j) A doctor shall be on call for the duration of the production and shall be called in immediately in the instance of illness or injury of a child.
- (k) The parents of the child in question shall be notified if he or she becomes ill or is injured during a production or if any other circumstances should arise making it necessary.
- (l) Provision shall be made for private education approved by the relevant educational authority if the child can not attend his or her usual school.
- (m) A child shall only be permitted to spend a night away from his or her home during production if provision is accordingly made in the relevant certificate of exemption and the relevant contract of employment.
- (n) Corporal punishment shall not be applied to a child under any circumstances

(2) If a child is required to spend a night away from home during production -

- (a) full details of the housing that is being used shall be provided to the parents;
- (b) the housing shall be clean, comfortable and suitable for children;
- (c) separate bedrooms shall be available and no adult, except for the parent, legal guardian or child-minder shall use the same bedroom as the child;
- (d) adequate bedclothes, toilet and washing accommodation shall be available;

- (e) the parent shall accompany the child, if possible.

Conditions for the employment of children in the advertising industry

4. The employment of a child in the advertising industry is, subject to the provisions of regulation 2 and 3, subject to the following further conditions:

- (a) A child shall be on the set for a maximum of eight hours per working day and shall not be used for production purposes for longer than two hours at a time.
- (b) No child shall stay longer than 30 minutes on the set, after completion of his role in the production.
- (c) At least eight hours shall elapse between performances.
- (d) No child shall perform before 5h00 or after 22h00 in a production.
- (e) No child shall be allowed to work over-time.

Conditions for the employment of children in the film and television industry

5. The employment of a child in the film and television industry is, subject to the provisions of regulation 2 and 3, subject to the following further conditions:

- (a)
 - (i) A child older than 13 years shall work a maximum of 12 hours per performance and shall not be involved for longer than three hours at a time in a performance.
 - (ii) A child between the age of 10 and 13 years shall work a maximum of eight hours per performance and shall not be involved for longer than two hours at a time with a performance.
 - (iii) A child between the age of six and nine years shall work a maximum of seven and half hours per performance and shall not be involved for longer than 45 minutes at a time in a performance.

(iv) A child younger than five years shall work a maximum of five hours per performance and shall not be involved for longer than 30 minutes at a time in a performance.

(b) (i) A child shall not be involved in more than three consecutive night performances in a ten day period.

(ii) The reasons why recordings cannot be done during the day shall be provided to the commission when application for exemption is made.

Constitution of commission

7. (1) The commission shall consist of so many members, but not exceeding 18, as the Minister may deem necessary.

(2) The members of the commission shall be appointed by the Minister.

(3) At least one person of each of the following bodies, namely -

- (a) the Department of Education;
- (b) the Department of Labour;
- (c) the Department of Health;
- (e) the Department of Agriculture;
- (f) the Network Against Child Labour;
- (g) the Performing Arts Worker's Equity;
- (h) the South African Agricultural Union; and

two officers from the Department of Welfare shall be appointed by the Minister as members of the commission: Provided that provincial representation shall be taken into account in the appointment of the members.

- (4) (a) A member of the commission shall be appointed for a period not exceeding three years on such conditions as the Minister may deem necessary.
- (b) A member of the commission whose period of office has expired shall be eligible for re-appointment.
- (c) The period of office of a member of the commission may be terminated by the Minister at any time if in the opinion of the Minister there are good reasons for doing so.
- (d) If a member of the commission dies or vacates his or her office before the termination of the period for which he or she has been appointed, the Minister shall, subject to the provisions of subregulation (3), appoint any other person to hold office for the unexpired portion for which such member was appointed.
- (5) (a) The Minister shall designate one of the members of the commission as chairperson of the commission.
- (b) The commission shall meet at such times and places as its chairperson may determine.

Powers of commission

8. The commission shall -

- (a) consider all applications for exemption from the provisions of section 52A(1) of the Act;
- (b) instruct an inspector to conduct the investigations which are deemed necessary when considering an application for exemption and to consultate where appropriate with appropriate local organizations and/or community groups;

- (c) advise the Minister on the desirability or not of the granting of an exemption;
- (d) advise the Minister in the prescribing of conditions subject to which an exemption shall be granted, as regards remuneration, conditions of service, rest periods, safety provisions and the determining of a time limit for an exemption;
- (e) make recommendations to the Minister in the prescribing of the conditions and circumstances subject to which children may be employed;
- (f) conduct an inquiry or have one conducted to determine whether the requirements set out in regulations 2, 3, 4, 5 and 6 are met;
- (g) request the inspection or monitoring by the inspectors where -
 - (i) an employer has engaged the services of a child after exemption has been granted;
 - (ii) there is reason to believe that children are being employed or are working in contravention with the Act;
- (h) undertake information campaigns to promote public awareness of the harmful consequences of and the legal prohibition of the employment of children;
- (i) advise the Minister in the appointment of inspectors.

Powers and duties of inspectors

9. (1) Any inspector may in the exercise of his or her powers or the performance of his duties or functions under this regulations -
- (a) without previous notice at any time enter a premise where children are employed after exemption of the provisions of section 52A(1) of the Act has been granted or where there is reason to believe that children are employed in contravention with the Act;

(b) require from the employer of the children the production of the certificate of exemption.

(2) An inspector shall perform the duties as requested by the commission in terms of regulation 8.

Commencement

10. These regulations shall come into effect on the date of the commencement of the Child Care Amendment Act, 1995.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Wet" die Wet op Kindersorg, 1983 (Wet No. 74 van 1983) en het enige uitdrukking waaraan in die Wet 'n betekenis geheg is, tensy uit die samehang anders blyk, daardie betekenis en beteken -

"inspekteur" 'n inspekteur aangestel ingevolge artikel 52A(4D) van die Wet;

"kind" 'n persoon onder die ouderdom van 15 jaar;

"kommissie" die kommissie aangestel ingevolge artikel 52A(4B) van die Wet;

Algemene voorwaardes waarop 'n kind 'n werk of diens kan verrig

2. 'n Kind mag slegs op die volgende voorwaardes 'n werk of diens verrig:
- (a) Voldoende geleentheid moet vir rus en ontspanning toegelaat word.
 - (b) Die werk of diens moet nie inmeng met die onderrig of opleiding en buitemuurse aktiwiteite van die kind nie.
 - (c) Die aard, intensiteit en tydsduur van die werk moet nie vir die kind skadelik wees nie.
 - (d) Die kind en die ouer of wettige voog moet, waar toepaslik, toestemming tot die verrigting van die werk of diens gee.
 - (e) In die geval van 'n diens of werk bedoel in artikel 52A(2) van die Wet moet die ouer of wettige voog 'n skriftelike kontrak namens die kind onderteken.
 - (f) Die werk moet nie skadelik wees vir die kind se gesondheid, fisiese, psigiese, geestelike, morele of sosiale ontwikkeling of welsyn nie.
 - (g) In die geval van 'n kindershuis, 'n veiligheidsplek, 'n pleeghuis of 'n koshuis moet dit nie werk wees waarvoor 'n volwassene normaalweg in diens geneem behoort te word nie.
 - (h) In die geval van 'n kindershuis, 'n veiligheidsplek, 'n pleeghuis of 'n koshuis moet die nie werk diskriminerend wees deurdat daar nie van die kinders van die persoon wat die werk verskaf verwag word om soortgelyke werk te verrig nie.

Voorwaardes vir die indiensneming van kinders in die vermaaklikheidsbedryf

3. Die indiensneming van kinders in die vermaaklikheidsbedryf is aan die volgende voorwaardes onderworpe:
- (1) (a) Die werksomstandighede moet nie nadelig wees vir die kind se gesondheid, veiligheid, skoolonderrig en menswaardigheid nie.

(b) Die werk moet, met inagneming van die kind se fisiese en psigiese vermoë, geskik wees vir hom of haar.

(c) (i) 'n Kinderoppasser moet aangestel word om na die welstand van die kind om te sien.

(ii) Indien meer as een kind betrokke is by 'n vertoning moet hulle ouderdomme en geslagte in ag geneem word by die aanstelling van 'n kinderoppasser.

(iii) 'n Maksimum van 12 kinders mag aan die sorg van een kinderoppasser toevertrou word. Met dien verstande dat, afhangende van die ouderdom en geslag van die kinders en die omstandighede van 'n produksie, addisionele kinderoppassers aangestel moet word soos nodig.

(iv) Die kinderoppasser moet -

(aa) te alle tye, in soverre dit nie inbreek maak op die vertoning nie, tydens produksie in die sigbare nabyheid van die kind of kinders onder sy of haar sorg wees;

(bb) rekord hou van die duur van kleedrepetisies en vertonings en moet, indien daartoe versoek, dit aan die kommissie beskikbaar stel;

(cc) toesig hou oor die kinders wanneer hulle nie aan 'n vertoning deelneem nie;

(d) 'n Aparte voldoende toegeruste lokaal waar die kinders maaltye kan nuttig, moet voorsien word.

(e) Voedsame etes en verversings moet op geskikte tye, in ooreenstemming met die ouderdom van die kinders, gedurende werksdae beskikbaar wees.

(f) Vermaak en speelgoed moet aan die kinders, in ooreenstemming met hulle ouderdom en graad van ontwikkeling, beskikbaar gestel word wanneer hulle nie vir produksiedoeleindes op werksdae benut word nie.

- (g) Die ouers van die kind het, in soverre dit nie inmeng met die produksie nie, vrye toegang tot hulle kind.
 - (h) Die kind se garderobe is slegs vir die ouers, kinderoppasser en kostumier toeganklik.
 - (i) Toepaslike versekering moet ten opsigte van elke kind uitgeneem word.
 - (j) 'n Geneesheer moet vir die duur van die produksie beskikbaar wees en onmiddellik ingeroep word ingeval van ongesteldheid of besering van 'n kind.
 - (k) Die ouers van die betrokke kind moet in kennis gestel word indien 'n kind ongesteld raak of beseer is gedurende 'n vertoning of indien enige ander omstandighede ontstaan wat dit nodig maak.
 - (l) Voorsiening moet gemaak word vir privaat skoolonderrig, goedgekeur deur die betrokke onderwysowerheid, indien die kind nie sy of haar gewone skool kan bywoon nie.
 - (m) 'n Kind mag slegs gedurende produksies weg van sy of haar ouerhuis oornag indien voorsiening dienooreenkomstig in die betrokke vrystellingsertifikaat en werksooreenkoms gemaak is.
 - (n) Lyfstraf mag onder geen omstandighede aan 'n kind toegedien word nie.
- (2) Indien 'n kind tydens produksie weg van sy of haar ouerhuis moet oornag moet -
- (a) volle besonderhede van die huisvesting wat gebruik word aan die ouers verstrekkend word;
 - (b) die huisvesting sinlik, gemaklik en geskik vir kinders wees;
 - (c) aparte slaapkamers beskikbaar wees en geen volwassene behalwe die ouer, wettige voog of kinderoppasser mag dieselfde slaapkamer as die kind gebruik nie;
 - (d) voldoende beddegoed, toilet- en wasgeriewe beskikbaar wees;
 - (e) die ouer, indien moontlik, die kind vergesel.

Voorwaardes vir die indiensneming van kinders in die advertensiebedryf

4. Die indiensneming van 'n kind in die advertensiebedryf is, behoudens die bepalings van regulasie 2 en 3, onderworpe aan die volgende verdere voorwaardes:

- (a) 'n Kind mag 'n maksimum van agt uur per werksdag op die stel wees en mag nie langer as twee uur op 'n keer by produksie betrek word nie.
- (b) Geen kind mag langer as 30 minute na voltooiing van sy of haar rol in die produksie op die produksieterrein bly nie.
- (c) Daar moet ten minste agt ure verloop tussen optredes.
- (d) Geen kind mag voor 5h00 of na 22h00 in 'n produksie optree nie.
- (e) Geen kind word toegelaat om oortyd te werk nie.

Voorwaardes vir die indiensneming van kinders in die film- en televisiebedryf

5. Die indiensneming van 'n kind in die film- en televisiebedryf is, behoudens die bepalings van regulasie 2 en 3, aan die volgende verdere voorwaardes onderworpe:

- (a) (i) 'n Kind ouer as 13 jaar mag 'n maksimum van 12 uur per optrede werk en mag nie langer as drie ure op 'n keer by 'n optrede betrokke wees nie.
- (ii) 'n Kind tussen die ouderdomme van 10 en 13 jaar mag 'n maksimum van agt uur per optrede werk en mag nie langer as twee ure op 'n keer by 'n optrede betrokke wees nie.
- (iii) 'n Kind tussen die ouderdomme van ses en nege jaar mag 'n maksimum van sewe-en-'n-halwe ure per optrede en mag nie langer as 45 minute op 'n keer by 'n optrede betrokke wees nie.
- (iv) 'n Kind jonger as vyf jaar mag 'n maksimum van vyf ure by 'n optrede betrokke wees en mag nie langer as 30 minute op 'n keer by 'n optrede betrokke wees nie.

- (b) (i) 'n Kind mag nie by meer as drie opeenvolgende nag optredes in 'n tydperk van 10 dae betrokke wees nie.
- (ii) Die redes waarom die opnames nie bedags gedoen kan word nie, moet aan die kommissie verstrek word wanneer aansoek om vrystelling gedoen word.

Samestelling van die kommissie

- 7. (1) Die kommissie bestaan uit die aantal lede, maar hoogstens 18, wat die Minister nodig ag.
- (2) Die lede van die kommissie word deur die Minister aangestel.
- (3) Minstens een persoon van die volgende instansies naamlik -
 - (a) die Departement van Onderwys;
 - (b) die Departement van Arbeid;
 - (c) die Departement van Gesondheid;
 - (d) die Departement van Landbou;
 - (e) die Network Against Child Labour;
 - (f) die Performing Arts Worker's Equity;
 - (g) die Suid Afrikaanse Landbou Unie; enminstens twee beamptes van die Departement van Welsyn, moet deur die Minister as lede van die kommissie aangestel word. Met dien verstande dat provinsiale verteenwoordiging in ag geneem moet word by die aanstelling van die lede.
- (4) (a) 'n Lid van die kommissie word aangestel vir 'n termyn van hoogstens drie jaar op die voorwaardes wat die Minister bepaal.
- (b) 'n Lid van die kommissie wie se ampstermyn verstryk het, kan weer aangestel word.

- (c) Die ampstermyn van 'n lid van die kommissie kan te eniger tyd deur die Minister beëindig word indien na die oordeel van die Minister goeie redes daarvoor bestaan.
- (d) Indien 'n lid van die kommissie te sterwe kom of sy of haar amp ontruim voor die verstryking van die termyn waarvoor hy of sy aangestel is, moet die Minister, behoudens die bepalings van subregulasie (3), 'n ander persoon aanstel om die amp te beklee vir die onverstreke gedeelte van die termyn waarvoor so 'n lid aangestel was.
- (5) (a) Die Minister moet een van die lede van die kommissie as voorsitter van die kommissie aanwys.
- (b) Die kommissie kom byeen op die tye en plekke wat sy voorsitter bepaal.

Bevoegdhede van die kommissie

8. (1) Die kommissie moet -
- (a) alle aansoeke om uitsluiting van die bepalings van artikel 52A(1) van die Wet oorweeg;
- (b) 'n inspekteur opdrag gee om die ondersoek, wat nodig geag word in die oorweging van 'n aansoek om uitsluiting, te doen en waar toepaslik te konsulteer met die betrokke plaaslike organisasies en/ of gemeenskapsgroepe;
- (c) die Minister adviseer aangaande die wenslikheid om 'n uitsluiting te verleen al dan nie;

- (d) die Minister adviseer aangaande die voorskryf van voorwaardes onderworpe waaraan 'n uitsluiting verleen moet word wat betref vergoeding, voorwaardes van diens, rustye, veiligheidsvoorwaardes en die bepaling van 'n tydsbeperking vir 'n uitsluiting;
- (e) aanbevelings aan die Minister doen betreffende die voorwaardes en omstandighede onderworpe waaraan kinders in diens geneem mag word;
- (f) ondersoek instel of laat instel om te bepaal of die vereistes soos uiteengesit in regulasies 2, 3, 4, 5 en 6 nagekom word;
- (g) die inspeksie en monitering deur inspekteurs versoek waar -
 - (i) 'n werkgewer 'n kind in diens neem nadat vrystelling verleen is;
 - (ii) daar rede is om te glo dat kinders in diens geneem is of werk in stryd met die Wet;
- (h) inligtingsveldtogte onderneem om openbare bewustheid van die nadelige gevolge van en die wetlike verbod op die indiensneming van kinders te bevorder;
- (i) die Minister adviseer by die aanstelling van inspekteurs.

Bevoegdhede en pligte van inspekteurs

9. (1) 'n Inspekteur kan by die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar pligte of werksaamhede ingevolge hierdie regulasies -
- (a) sonder kennisgewing vooraf te eniger tyd 'n perseel betree waar kinders in diens geneem is nadat 'n uitsluiting van die bepalings van artikel 52A(1) van die Wet verleen is of waar daar rede is om te glo dat kinders in diens geneem is in stryd met die Wet;
 - (b) van die werkgewer van die kinders die oorlegging van die vrystellingsertifikaat eis.

- (2) 'n Inspekteur verrig die pligte soos versoek deur die kommissie ingevolge regulasie 8.

Inwerkingtreding

10. Hierdie regulasies tree in werking op die datum van die inwerkingtreding van die Wysigingswet op Kindersorg, 1995.
-

IMPORTANT ANNOUNCEMENT

*Closing times **PRIOR TO PUBLIC HOLIDAYS** for*

LEGAL NOTICES
GOVERNMENT NOTICES **1995**

*The closing time is **15:00** sharp on the following days:*

- ▶ **3 August**, Thursday, for the issue of Friday **11 August**
- ▶ **21 September**, Thursday, for the issue of Friday **29 September**
- ▶ **20 December**, Wednesday, for the issue of Friday **29 December**
- ▶ **28 December**, Thursday, for the issue of Friday **5 January 1996**

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GOEWERMENSKENNISGEWINGS **1995**

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- ▶ **3 Augustus**, Donderdag, vir die uitgawe van Vrydag **11 Augustus**
- ▶ **21 September**, Donderdag, vir die uitgawe van Vrydag **29 September**
- ▶ **20 Desember**, Woensdag, vir die uitgawe van Vrydag **29 Desember**
- ▶ **28 Desember**, Donderdag, vir die uitgawe van Vrydag **5 Januarie 1996**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word.

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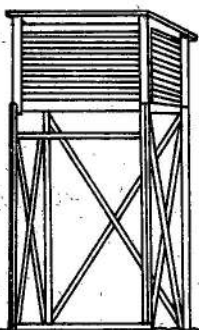
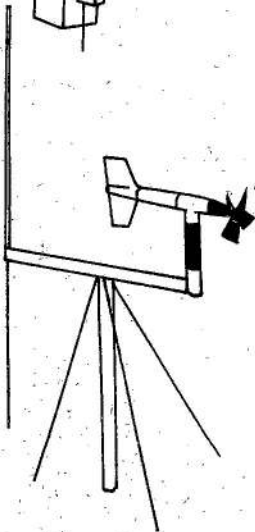
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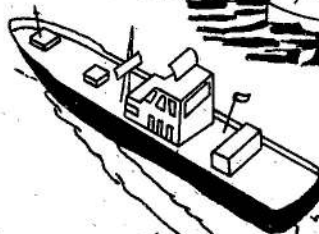
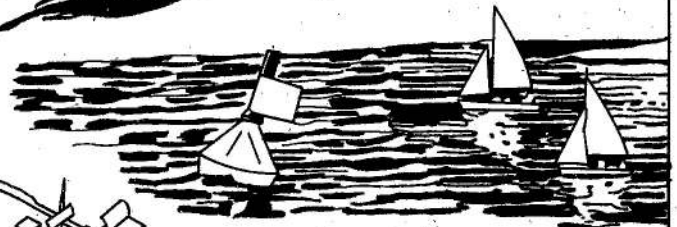
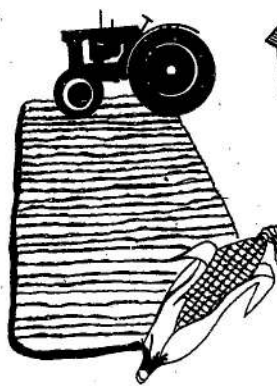
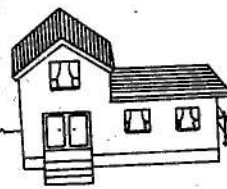
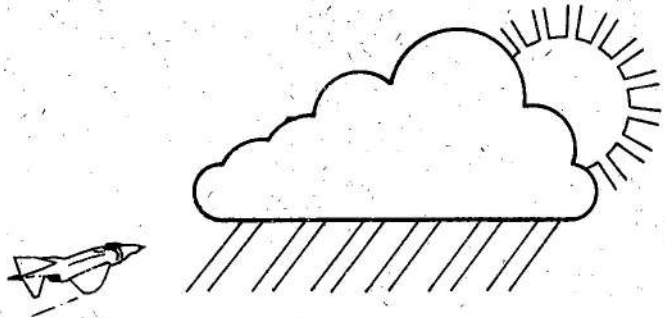
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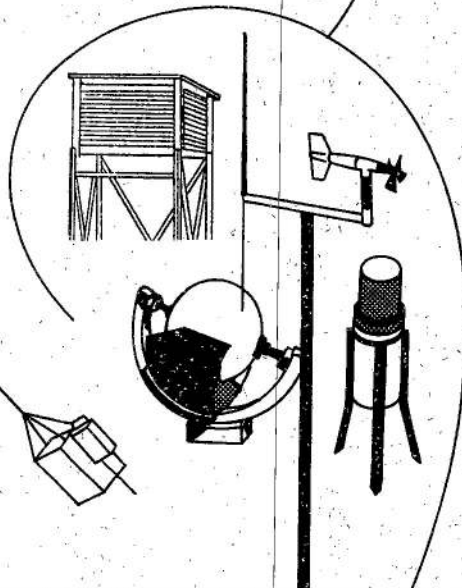
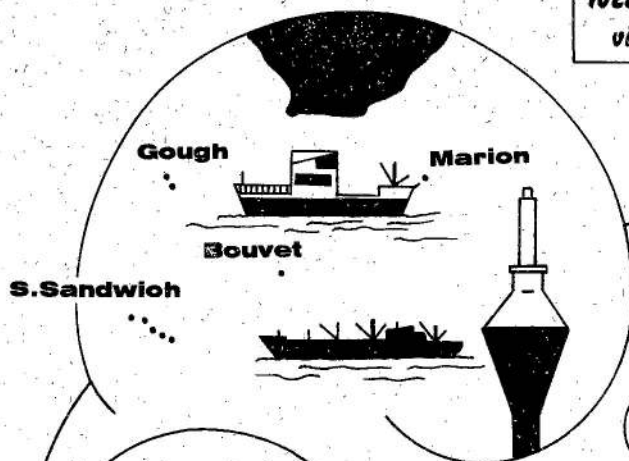
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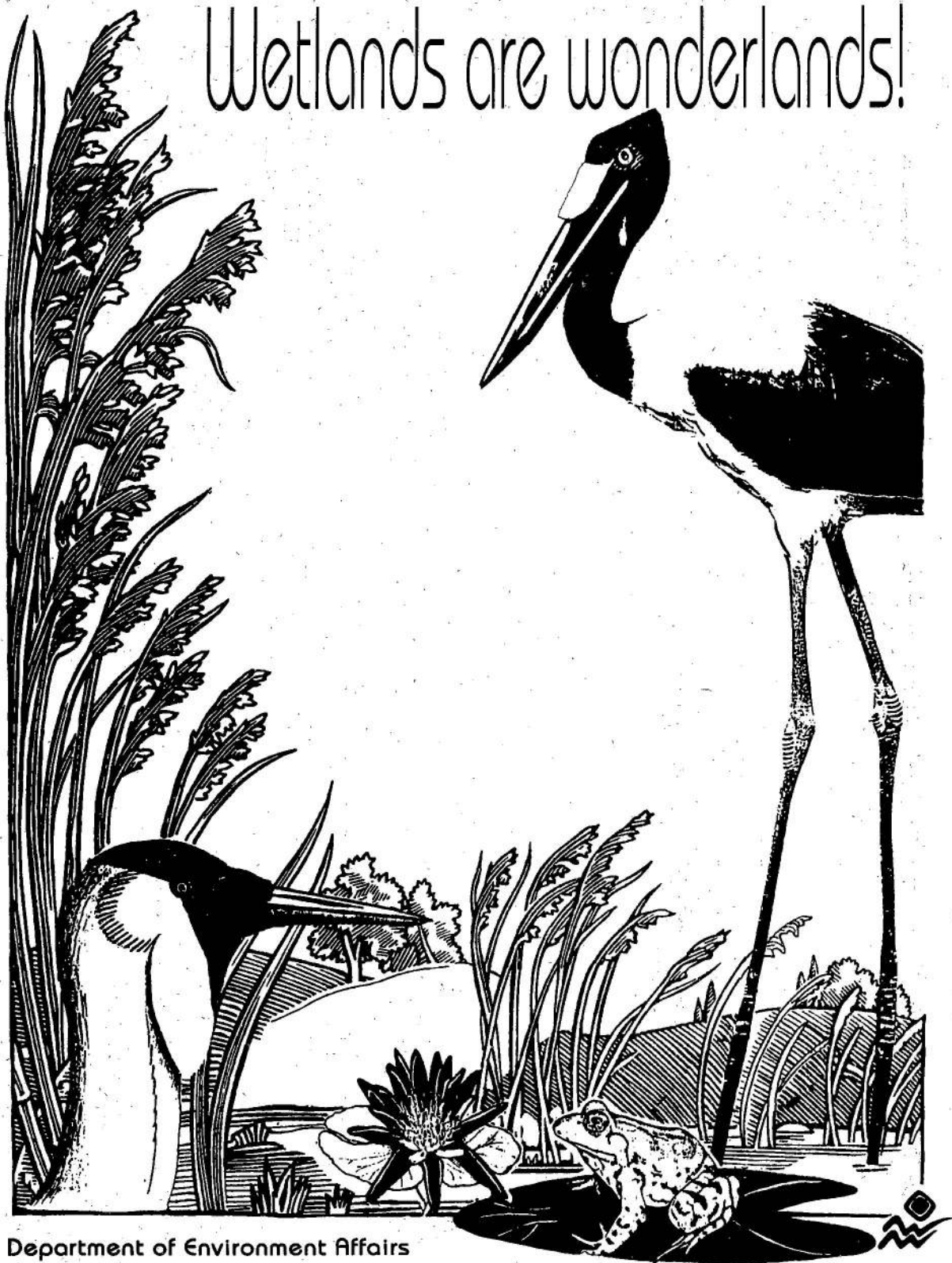
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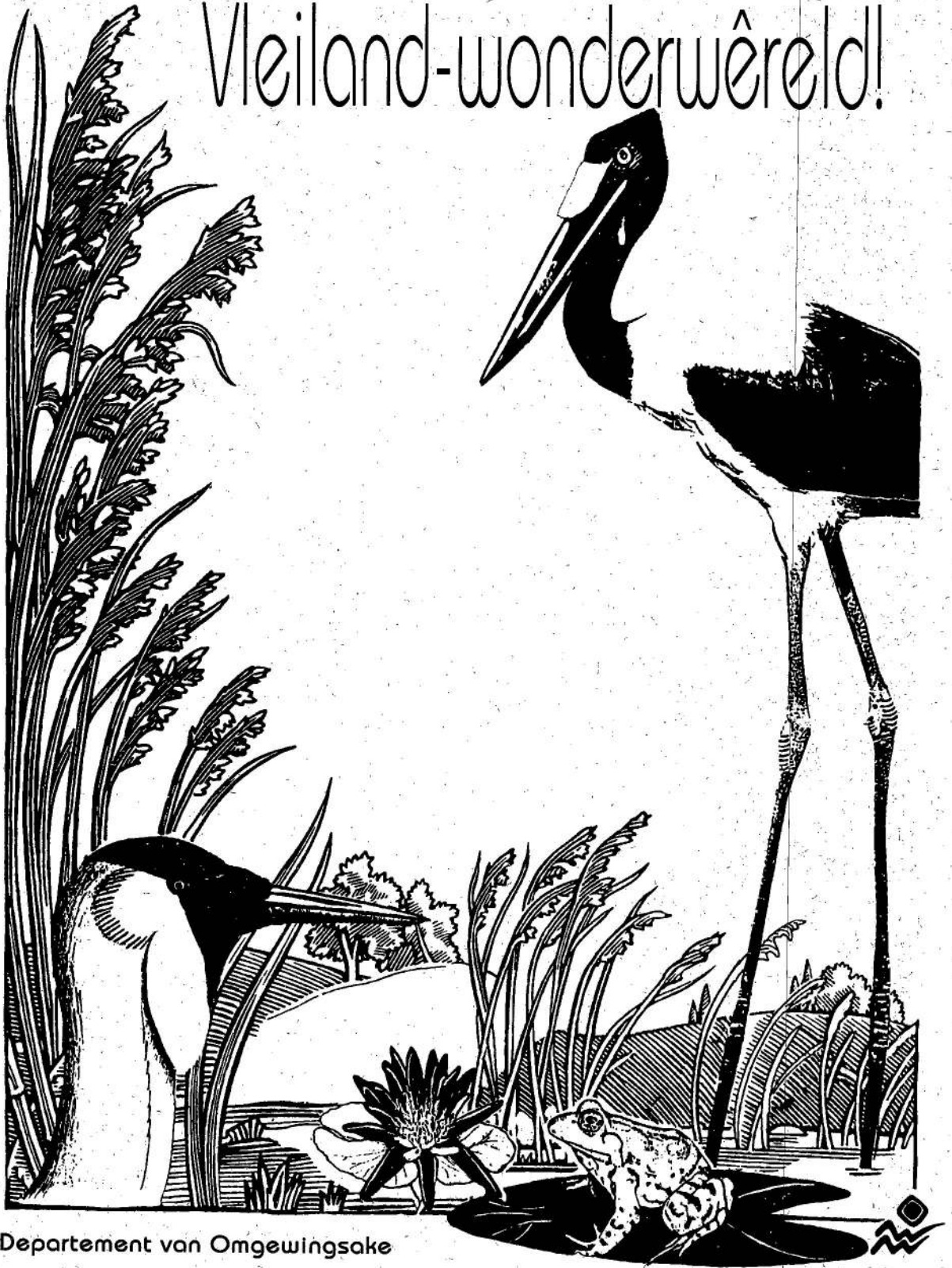
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