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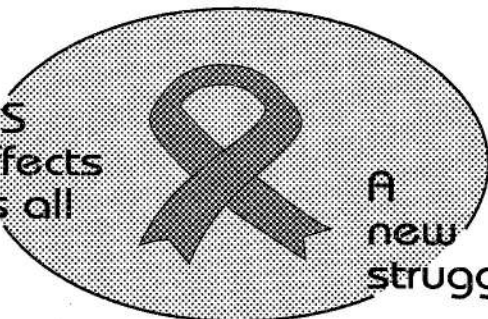
Vol. 421

PRETORIA, 28 JULY 2000
JULIE 2000

No. 21399

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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PROCLAMATION

by the

Acting President of the Republic of South Africa

No. R. 41, 2000

EXECUTIVE ETHICS CODE

In terms of section 2 (1) of the Executive Members' Ethics Act, 1998 (Act No. 82 of 1998), I hereby, after consultation with Parliament, publish the Executive Ethics Code with which Members of the Cabinet, Deputy Ministers and Members of Provincial Executive Councils must comply in performing their official responsibilities.

Given under my hand and the Seal of the Republic of South Africa at Pretoria on this Twentieth day of July, Two Thousand.

J. G. ZUMA

Acting President

By Order of the President-in-Cabinet:

A. K. ASMAL

Minister of the Cabinet

EXECUTIVE ETHICS CODE

1. Definitions

In this Code, any word or expression defined in the Act bears that meaning and, unless the context indicates otherwise –

'company or corporate entity' includes any public or private company, any close corporation and any trust, other than a charitable trust, but does not include a charitable organisation or an association not for gain (section 21 company);

'family member', in relation to a member, means the member's parent, spouse, companion or dependent child;

'member of the Executive' means a Cabinet member, a Deputy Minister or a Member of a Provincial Executive Committee, and **'member'** and **'Executive'** have corresponding meanings;

'permanent companion', in relation to a member, means a person who is cohabiting with the member and is publicly acknowledged by the member as the member's permanent companion;

'Secretary', in relation to members of the Cabinet, means the Secretary of the Cabinet and, in respect of members of an Executive Council, the Secretary of the Executive Council;

'the Act' means the Executive Members' Ethics Act, 1998 (Act No 82 of 1998).

2. General Standards

2.1 Members of the Executive must, to the satisfaction of the President or the Premier, as the case may be -

- (a) perform their duties and exercise their powers diligently and honestly;
- (b) fulfill all the obligations imposed upon them by the Constitution and law; and
- (c) act in good faith and in the best interest of good governance; and
- (d) act in all respects in a manner that is consistent with the integrity of their office or the government.

2.2 In deciding whether members of the Executive complied with the provisions of clause 2.1, the President or Premier, as the case may be, must take into account the promotion of an open, democratic and accountable government.

2.3 Members of the Executive may not-

- (a) wilfully mislead the legislature to which they are accountable;
- (b) wilfully mislead the President or Premier, as the case may be;
- (c) act in a way that is inconsistent with their position;
- (d) use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person;
- (e) use information received in confidence in the course of their duties otherwise than in connection with the discharge of their duties;
- (f) expose themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests;
- (g) receive remuneration for any work or service other than for the performance of their functions as members of the Executive; or
- (h) make improper use of any allowance or payment properly made to them, or disregard the administrative rules which apply to such allowances or payments.

3. Conflict of Interest

- 3.1 A member must declare any personal or private financial or business interest that the member may have in a matter –
- (a) that is before the Cabinet or an Executive Council;
 - (b) that is before a Cabinet Committee or Executive Council, on which the member serves; or
 - (c) in relation to which the member is required to take a decision as a member of the Executive.
- 3.2 A member must withdraw from the proceedings of any committee of the Cabinet or an Executive Council considering a matter in which the member has any personal or private financial or business interest, unless the President or the Premier, as the case may be, decides that the member's interest is trivial or not relevant.
- 3.3 If a member is required to adjudicate upon or decide a matter in which the member has a personal or private financial or business interest the member must declare that interest to the President or the Premier, as the case may be, and seek the permission of the President or Premier to adjudicate upon or decide the matter.
- 3.4 If a member makes representations to another member of the Executive with regard to a matter in which the member has a personal or private financial or business interest, the member must declare that interest to the other member.
- 3.5 For the purposes of the paragraphs 3.1, 3.2, 3.3 and 3.4 the personal or private financial or business interest of a member includes any financial or business interest which, to the member's knowledge, the member's spouse, permanent companion or family member has.
- 3.6 Where a member holds any financial or business interest in a company or corporate entity or profit-making enterprise which may give rise to a conflict of interest in the performance of that member's functions as a member of the Executive, the member must, within two months of the promulgation of this Code, or within two months of assuming office, or within two months of acquiring such interest, as the case may be, or within such longer period as the President or, if the member is a member on an Executive Council, the Premier determines –
- (a) dispose of such interest; or
 - (b) place the administration of the interest under the control of an independent and professional person or agency.

3.7 When the administration of a member's interest has been placed under the control of a person as contemplated in paragraph 3.6(b), the member may not, during the course of his or her term as member, have any communication with or give any instructions to that person regarding the interest or the administration or control thereof, save for purposes of complying with any legal requirement in respect of such interest, or to give instructions to sell such interest.

3.8 When a member is required to make arrangements to meet the conditions of paragraph 3.6, the professional costs occasioned thereby are recoverable from the state.

4. Gifts

4.1 A member may not solicit or accept a gift or benefit which –

- (a) is in return for any benefit received from the member in the member's official capacity;
- (b) constitutes improper influence on the member, or
- (c) constitutes an attempt to influence the member in the performance of the member's duties.

4.2 When a member, in the course of the member's duties, has received or has been offered a gift with a value of more than R1000, the member may request permission from the President or Premier, as the case may be, to retain or accept the gift. If the permission is granted the member may retain or accept the gift, but must disclose particulars thereof in terms of paragraph 6.5 of this Code. Where such permission has not been requested or granted the member must either –

- (a) return the gift or decline the offer; or
- (b) donate the gift to the state.

4.3 For the purposes of paragraph 4.2 'gift' does not include travel facilities or hospitality arising from attendance at meals, functions, meetings, cocktail parties, conventions, conferences or similar events attended by the member as part of the member's executive duties.

5. Disclosure of Financial Interests

- 5.1 Every member must disclose to the Secretary particulars of all the financial interests, as set out in paragraph 6, of –
- (a) the member; and
 - (b) the member's spouse, permanent companion or dependent children, to the extent that the member is aware of those interests.
- 5.2 The first disclosure must be made within 60 days after the promulgation of this Code or of a member's assumption of office, or of a member becoming aware of such interest, as the case may be.
- 5.3 After the first disclosure, members must annually disclose particulars of their financial interests on or before a date determined by the Secretary.
- 5.4 Cabinet members and Deputy Ministers who are members of the National Assembly and are required to disclose particulars of their financial interests in terms of the Rules of Parliament, comply with paragraph 5.1 –
- (a) by submitting to the Secretary a copy of those particulars on the same date as they are filed with the relevant parliamentary official; and
 - (b) in so far as those particulars do not meet the requirements of paragraph 6 of this Code, by filing with the Secretary a statement containing the necessary additional disclosure.
- 5.5 Where any doubt exists as to whether particular financial interests must be disclosed, the member must consult the Secretary.
- 5.6 When a member makes a disclosure in terms of paragraph 5.1, the member must confirm in writing to the Secretary that the member receives no remuneration other than as a member of the Executive.

6. Financial Interests to be Disclosed:

Members must disclose the following interests and details:

6.1 Shares and other financial interests in companies and other corporate entities by indicating:

- (a) The number, nature and nominal value of shares of any type in any public or private company;
- (b) the name of that company; and
- (c) the nature and value of any other financial interests held in any company or any other corporate entity.

6.2 Sponsorships:

- (a) The source and description of direct financial sponsorship or assistance from any source other than the member's party which benefits the member in his or her personal and private capacity; and
- (b) the amount or value of the sponsorship or assistance.

6.3 Gifts and hospitality other than that received from a spouse or permanent companion or family member:

A description, including the value and source of –

- (a) any gift with a value of more than R350;
- (b) gifts received from a single source which cumulatively exceed the value of R350 in any calendar year;
- (c) hospitality intended as a personal gift and with a value of more than R350; and
- (d) hospitality intended as a gift and received from a single source, and which cumulatively exceeds the value of R350 in any calendar year.

6.4 Benefits:

- (a) The nature and source of any other benefit of a material nature; and
- (b) the value of that benefit.

6.5 Foreign travel other than personal visits paid for by the member, or official travel paid for by the state, or travel paid for by the member's party:

- (a) A brief description of the journey abroad; and
- (b) particulars of the sponsor.

6.6 Land and immovable property, including land or property outside South Africa

- (a) A description of and the extent of the land or property;
- (b) area in which it is situated; and
- (c) nature and value of interest in the land or property.

6.7 Pensions:

- (a) The source of any pension; and
- (b) the value of the pension.

7. Register of Financial Interests

7.1 Each Secretary must keep a register of all financial interests disclosed by members. The register must have a confidential part and a public part.

7.2 The following financial interests must be recorded in the confidential part of a register:

- (a) The value of interests in a corporate entity other than a private or public company;
- (b) the details of foreign travel when the nature of a visit requires those details to be confidential;
- (c) the details, including the address, of any private residence;
- (d) the value of any pension;
- (e) details of the financial interests of a member's spouse, permanent companion or dependent child;
- (f) the member's liabilities.

- 7.3 Only the President or Premier, as the case may be, the Public Protector, the Secretary concerned and staff designated by the Secretary have access to the confidential part of a register.
- 7.4 No person who has access to the confidential part of a register may disclose particulars of any entry in that part to anyone other than the member concerned or another person who has such access, except when a court or the Public Protector so orders.
- 7.5 Any person has access to the public part of a register during office hours of the Secretary concerned.

8. General

- 8.1 A member must instruct a member of the staff of the member's office or Ministry to assist and monitor compliance with this Code. The information obtained by that staff member may not be disclosed to anyone, except in executing measures envisaged in this Code.
- 8.2 A member must assist the Public Protector in the performance of the Public Protector's functions under the Act.
- 8.3 This Code may be amended or replaced, and the amounts specified in the Code adjusted, from time to time by proclamation in the *Government Gazette*.
- 8.4 This Code is called the Executive Ethics Code, and comes into effect on the date of its promulgation in the *Government Gazette*.

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 755**28 July 2000**

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT No. 54 OF 1972)

REGULATIONS RELATING TO MILK AND DAIRY PRODUCTS: AMENDMENT

The Minister of Health has, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 1555 of 21 November 1997, as corrected by Government Notice No. R. 1278 of 29 October 1999 and amended by Government Notice No. R. 53 of 28 January 2000.

Amendment of Annexure C of the Regulations

2. The Regulations are hereby amended by the insertion in the correct alphabetical order of the following names of local authorities in Annexure C:

"Belfast
Benoni
Boksburg
Centurion
Clocolan
Colesberg
Ellisras/Marapong
Excelsior
Ficksburg
Greater Warmbaths
Hanover
Harrismith
Koster
Ladybrand
Marquard
Mashae-Fourie
Parys
Petrusville
Petrus Steyn/Mamafubedu
Phalaborwa
Phillipstown
Pietersburg/Polokwane
Nylstroom
Reddersburg
Senekal
Steynsrus/Matlwagtlwang
Strydenburg
Swartruggens
Volksrust
Wepener
Zeerust".

M. TSHABALALA-MSIMANG
Minister of Health

No. R. 755**28 Julie 2000**

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET No. 54 VAN 1972)

REGULASIES BETREFFENDE MELK EN SUIWELPRODUKTE: WYSIGING

Die Minister van Gesondheid het kragtens artikel 15 (1) van die Wet op voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), die regulasies in die Bylae uitgevaardig.

BYLAE

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 1555 van 21 November 1997 soos verbeter by Goewermentskennisgewing No. R. 1278 van 29 Oktober 1999 en gewysig by Goewermentskennisgewing No. R. 53 van 28 Januarie 2000.

Wysiging van Aanhangsel C van die Regulasies

2. Die Regulasies word hierby gewysig deur die invoeging in Aanhangsel C in die korrekte alfabetiese volgorde van die volgende name van plaaslike owerhede:

"Belfast
Benoni
Boksburg
Centurion
Clocolan
Colesberg
Ellisras/Marapong
Excelsior
Ficksburg
Groter Warmbad
Hanover
Harrismith
Koster
Ladybrand
Marquard
Mashae-Fourie
Nylstroom
Parys
Petrusville
Petrus Steyn/Mamafubedu
Pietersburg/Polokwane
Phalaborwa
Philipstown
Reddersburg
Senekal
Steynsrus/Matiwagtlwang
Strydensburg
Swartruggens
Volksrust
Wepener
Zeerust".

M. TSHABALALA-MSIMANG**Minister van Gesondheid**

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 751

28 July 2000

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/470)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

M. MPAHLWA

Deputy Minister of Finance

SCHEDULE

I				II		III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Annotations	
316.02				By the deletion of tariff heading No. 73.06.			
				By the deletion of tariff heading No. 85.01.			
316.03				By the deletion of rebate item 316.03.			
316.07				By the deletion of rebate item 316.07.			
316.16				By the deletion of rebate item 316.16.			
317.10				By the deletion of tariff heading No. 84.31.			
317.14				By the deletion of rebate item 317.14.			
318.02				By the deletion of tariff headings Nos. 83.02 and 85.36.			
320.03				By the deletion of tariff heading No. 54.05.			
320.05				By the deletion of tariff heading No. 54.01.			
				By the deletion of tariff headings Nos. 54.03 and 58.01.			
320.08				By the deletion of rebate item 320.08.			
320.10				By the deletion of tariff heading No. 39.19.			
				By the deletion of tariff heading No. 85.39.			

No. R. 751

28 Julie 2000

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/470)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

M. MPAHLWA

Adjunkminister van Finansies

BYLAE

I	II				III	
Korting= item	Tarief= pos	Korting= kode	C D	Beskrywing	Mate van Korting	Annota= sies
316.02				Deur tariefpos No. 73.06 te skrap.		
				Deur tariefpos No. 85.01 te skrap.		
316.03				Deur kortingitem 316.03 te skrap.		
316.07				Deur kortingitem 316.07 te skrap.		
316.16				Deur kortingitem 316.16 te skrap.		
317.10				Deur tariefpos No. 84.31 te skrap.		
317.14				Deur kortingitem 317.14 te skrap.		
318.02				Deur tariefposte Nos. 83.02 en 85.36 te skrap.		
320.03				Deur tariefpos No. 54.05 te skrap.		
320.05				Deur tariefpos No. 54.01 te skrap.		
				Deur tariefposte Nos. 54.03 en 58.01 te skrap.		
320.08				Deur kortingitem 320.08 te skrap.		
320.10				Deur tariefpos No. 39.19 te skrap.		
				Deur tariefpos No. 85.39 te skrap.		

No. R. 752

28 July 2000

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/1047)

Under section 48 of the Customs and Excise Act, 1964, Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

M. MPAHLWA

Deputy Minister of Finance

SCHEDULE

Head= ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
76.12	"7612.10	3	By the substitution for subheading No. 7612.10 of the following: - Collapsible tubular containers	kg	10%	free	free"
76.16		3	By the insertion after subheading No. 7616.99.20 of the following: - - - Slugs for impact extrusion	kg	10%	free	free"

No. R. 752

28 Julie 2000

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/1047)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

M. MPAHLWA

Adjunkminister van Finansies

BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statis= tiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
76.12	"7612.10	3	Deur subpos No. 7612.10 deur die volgende te vervang: - Voubare buisvormige houers	kg	10%	vry	vry"
76.16		3	Deur na subpos No. 7616.99.20 die volgende in te voeg: - - - Ru-stukke vir slagekstrusie	kg	10%	vry	vry"

DEPARTMENT OF WELFARE DEPARTEMENT VAN WELSYN

No. 746

28 July 2000

REGULATIONS UNDER AGED PERSONS AMENDMENT ACT, 1998

The national Minister for Welfare and Population Development has, under section 9 of the Aged Persons Amendment Act, 1998 (Act No. 100 of 1998) and after consultation with every competent authority referred to in the definition of "Minister" in section 1 of the Aged Persons Act, 1967 (Act No. 81 of 1967), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and unless the context otherwise indicates—

"management committee" means a management committee contemplated in section 3B of the Act;

"ombudsperson" means a person who investigates complaints and monitors the outcome of investigations regarding residents and monitors their wellbeing;

"organisation" means an organisation which owns a home for the aged;

"Principal Act" means the Aged Persons Act, 1967 (Act No. 81 of 1967);

"Resident" means an aged person and a debilitated person as defined in section 1 of the principal Act;

"the Act" means the Aged Persons Amendment Act, 1998.

Conditions of use of subsidy paid in terms of section 2 of the principal Act

2. (1) A subsidy paid in terms of section 2 of the principal Act may only be used on condition that—

- (a) it be used for the care of residents of a home for the aged or any other place, as contemplated in section 4 (1) (a) of the principal Act, and who meet the requirements as determined by the Minister in the *Gazette* from time to time;
- (b) the manager allows an official of the State, designated by the Director-General thereto in writing, to inspect a home for the aged at any time and provide that official with all documentation and information which may be required by that official;
- (c) the manager or the management committee immediately reports any financial irregularities or abuse of the South African Police Service or the designated official referred to in paragraph (b); and
- (d) the management committee complies with the accounting procedures set out in subregulation (2).

(2) Despite any other law, a management committee or, in the case where a registered home for the aged is owned by an organisation, the organisation, must—

- (a) keep proper books and records in relation to receipts and payments;
- (b) prepare a report of all the activities of the management committee or organisation, as the case may be, including financial statements, in respect of each financial year;
- (c) annually, within nine months after the end of each financial year, submit the report and financial statements referred to in paragraph (b) to the Director-General of the National Department.

(3) In subregulation (2) "financial year" means—

- (a) the period from the date on which the management committee is appointed for the first time to the last day of March in the following year; and
- (b) each period of 12 months thereafter ending on the last day of March.

(4) The financial statements must comply with generally accepted accounting principles and any other directions that may be given by the Minister or the Minister of Finance as to the information to be contained in such statements, the manner in which such information is to be presented or the methods and principles according to which such statements are to be prepared.

(5) The management committee or organisation, as the case may be, must preserve the documents referred to in subregulation (2), as well as all supporting vouchers and receipts, whether original or reproduced, for a period of five years.

Management committee

3. (1) The management committee or organisation, as the case may be, must within 60 days from the coming into operation of these regulations, in not less than two newspapers circulating in the area where a home for the aged is situated, invite members of the community to nominate persons to serve on the management committee.

(2) The management committee or organisation, as the case may be, must consider those nominations and appoint suitable persons to the management committee, which must consist of—

- (a) a minimum of five and a maximum of nine persons representing the local community in general of which one will serve as an ombudsperson: Provided that such representation must have regard to the demographic composition of the population, gender and race equity and a fair geographic spread;

- (b) the manager of the home for the aged representing the staff;
 - (c) where the home for the aged is owned by an organisation, a representative designated by that organisation; and
 - (d) a representative of the residents of the home for the aged elected or designated by the majority of the residents.
- (3) A member of the management committee, except the manager, holds office for a period specified in the letter of appointment but not exceeding three years and may be reappointed upon expiry of that term of office: Provided that such member does not hold the same office for two consecutive terms.
- (4) At the expiration of the management committee's term of office, the provisions of regulation 3 (1) and (2) apply with the necessary changes.
- (5) If a member dies or vacates office, the management committee or organisation, as the case may be, may appoint another suitable person as member and that person serves for the unexpired portion of the predecessor's term of office.
- (6) Members of the management committee, excluding the manager, only receive reimbursement for travel and subsistence expenditure on pre-approved official business for the home for the aged or organisation, as the case may be.
- (7) No member of the management committee may use any of the assets, resources or staff of a home for the aged for personal purposes.
- (8) Before a member is appointed to the management committee, he or she must in writing indicate whether he or she has, directly or indirectly, and financial or other interest in the relevant home for the aged or organisation, as the case may be.
- (9) A person is disqualified from being a member of a management committee if he or she is—
- (a) not a South African citizen;
 - (b) declared insolvent;
 - (c) convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (d) convicted of any offence of which dishonesty or violence is an element;
 - (e) a relative of a member of the staff of the home for the aged; or
 - (f) in contravention of subregulation 3 (8).

Vacation of members of management committee

4. (1) The management committee may at any time, by resolution, discharge a member of the management committee—
- (a) if the member has repeatedly failed to perform his or her functions efficiently;
 - (b) if, because of any physical or mental illness or disability, a member has become incapable of performing his or her functions or performing them efficiently; or
 - (c) for misconduct.
- (2) A member of the management committee vacates office when—
- (a) he or she is disqualified in terms of regulation 3 (9);
 - (b) he or she is discharged in terms of subregulation (1);
 - (c) he or she is absent from three consecutive meetings of the management committee without the chairperson's permission, unless the management committee has condoned the absence on good reasons advanced by the member; or
 - (d) the member's resignation takes effect.

Meetings of management committee

5. (1) The first meeting of the management committee is held at the time and place determined by the manager, at which meeting a chairperson and a vice-chairperson must be appointed by all the members present. Thereafter meetings will be held monthly at such times and places as the management committee determines.
- (2) The chairperson may at any time call a special meeting of the management committee to be held at the time of the place determined by him or her.
- (3) All members must be notified in writing of every meeting of the management committee.
- (4) A majority of the members forms a quorum at any meeting of the management committee.
- (5) Subject to subregulation (4), a decision of the majority of the members present at a meeting of the management committee constitutes a decision of the management committee and, in the event of an equality of votes on any matter, the person chairing the relevant meeting has a casting vote in addition to a deliberative vote.
- (6) No decision taken by the management committee or an act performed under its authority, is invalid merely by reason of—
- (a) a vacancy on the management committee; or
 - (b) the fact that any person not entitled to do so, sat as a member of the management committee at the time that decision was taken if that decision was taken or that act was authorised by the required majority of members present at the meeting who were entitled to sit as members.

(7) If the chairperson is for any reason unable to act, the management committee must designate any other member to act as chairperson.

Minutes of management committee's meetings

6. (1) A management committee must cause minutes of its meetings to be kept and copies of the minutes to be circulated to its members.

(2) Such minutes, when signed at a next meeting by the person who chairs that meeting, are, in the absence of proof of error therein, regarded as a true and correct record of the proceedings and are *prima facie* evidence of those proceedings before a court of law, any tribunal or a commission of enquiry.

Delegation and assignment by management committee

7. (1) Subject to subregulations (2), (3), (4) and (5), a management committee may, by resolution, delegate any power, and assign any duty, conferred or imposed on it by these regulations or the Act, to a member of that committee.

(2) A management committee is not divested of any power or relieved of any function it so delegated or assigned.

(3) Such delegation or assignment—

(a) may be made subject to conditions determined by the management committee; and

(b) must be communicated to the delegatee or assignee in writing.

(4) The written communication in terms of subregulation (3) (b) must contain full particulars of the matters delegated or assigned.

(5) A management committee may, by resolution—

(a) amend or revoke a delegation or assignment made in terms of subregulation (1);

(b) withdraw any decision, other than a decision which confers a right on any third party, made by the delegatee or assignee with regard to a delegated or assigned matter, and decide the matter itself.

Admission of persons to homes for the aged

8. Any person who wishes to be admitted to a home for the aged must in writing apply to the manager of that home for admission.

Warrant for removal of aged and debilitated persons

9. The warrant referred to in section 6A (2) of the Act must substantially correspond with Form 1 to these Regulations.

National register on abuse of aged and debilitated persons

10. (1) The national Minister shall cause to be kept a National register on the abuse of aged and debilitated persons for the sole purpose of protecting such persons as provided for in this regulation in which the following must be entered:

(a) Identifying details of the person concerned;

(b) particulars of the nearest family members;

(c) the nature and extent of the abuse of the person concerned;

(d) identifying details and address of the convicted perpetrator;

(e) details of the relationship between the persons concerned and the perpetrator;

(f) details of the court, case number, conviction and sentence in respect of such perpetrator; and

(g) details of homes for the aged or any other place contemplated in section 4 (1) (a) of the Act where the perpetrator was employed.

(2) For the purpose of subregulation (1), the management committee must in the form of Form 2 to these regulations, inform the Director-General of the National Department of any conviction resulting from the abuse of an aged and debilitated person.

(3) The national Minister may, subject to the conditions he or she determines generally or in a particular case, approve that the register may be examined or inspected for official and *bona fide* research purposes such as the following:

(a) collecting of information on the occurrence, distribution and prevalence of cases of abuse;

(b) collecting of information on cases of abuse and of the various interventions made in such cases; and

(c) collecting of information for employment and registration purposes.

(4) The national Minister may, subject to the conditions he or she determines generally or in a particular case, disclose information contained in the register to a person with the sole purpose of serving the interest, safety and welfare of aged and debilitated persons.

(5) No person shall be liable in respect of any information provided for entry in the register and given in good faith in accordance with these regulations.

Minimum service standards

11. Every home for the aged must comply with the minimum service standards as the Minister may from time to time determine by notice in the *Gazette*.

Measures to prevent and combat abuse of residents

12. (1) No person shall in any manner restrain or administer drugs to a resident in order to restrain the resident, unless it is required to treat a medical condition or to ensure the safety of the resident, other residents or staff members.

(2) A resident may only be restrained with the consent of a registered medical practitioner.

(3) The management committee must keep a register in the form of Form 3 to these regulations in which full details of the restraining of any resident must immediately be recorded.

(4) The register referred to in subregulation (3) must be submitted to the management committee at each of its meetings.

(5) When a resident is restrained, the manager must within 24 hours or as soon as possible inform the relatives of that resident of that fact.

(6) Any complaints from staff, residents or their representatives, must be reported to the manager or the ombudsperson and must be recorded in a Complaints Register and dealt with immediately by neither the manager or the ombudsperson. The management committee must be informed of all complaints and the outcome thereof at each of their committee meetings.

(7) Where grievances, complaints and abuse are discussed during a management committee meeting, the discussion and outcome of the investigation must be noted in the official minutes, which shall be treated as confidential.

Form and content of service level agreement between resident and management committee

13. A service level agreement entered into between a resident and a management committee must contain the following information:

(a) Accommodation:

- (i) Date of occupation;
- (ii) type of accommodation.

(b) Services:

- (i) Board and lodging which includes at least three nutritionally balanced meals per day, taking into account the health status of the resident;
- (ii) nursing and medical care;
- (iii) bed and bath linen; and
- (iv) laundry services.

(c) Financial provisions:

- (i) The residents must pay a monthly amount for services rendered to be determined by the home for the aged or organisation.
- (ii) Residents must be timeously informed of any changes in the fees.
- (iii) In determining the amount mentioned in subparagraph (i) regard shall be given to the type and quality of the accommodation and services provided and also the resident's children's financial position and ability to pay.
- (iv) The amount payable and the manner of payment must be indicated.
- (v) The resident must provide the home for the aged with full details of his or her assets, liabilities, income and expenditure.
- (vi) Arrangements with the home for the aged if the resident is in receipt of a social grant.
- (vii) Financial details of residents and their families must be made available to the Department on request.

(d) General:

- (i) Procedures during termination of agreement;
- (ii) the home for the aged may from time to time make rules regulating the running of the establishment;
- (iii) procedures when a resident dies;
- (iv) responsibility of the resident and his/her family during the termination of the agreement;
- (v) confidentiality;
- (vi) signing of the agreement;
- (vii) funeral costs;
- (viii) damage costs;
- (ix) a clause which provides that no resident shall be discharged due to disruptive behaviour; and
- (x) no resident shall be discharged if there is no alternative care.

Commencement

14. These regulations shall come into effect on 1 August 2000.

FORM 1**WARRANT TO REMOVE AN AGED PERSON TO A HOSPITAL OR SUCH OTHER PLACE AS AGREED UPON:
REGULATION 9**

To.....

(name of registered dentist, medical practitioner, nurse, social worker, authorised person)

In terms of section 6A (2) (a) of the Aged Persons Amendment Act, 1998 (Act No. 100 of 1998), you are hereby authorised and ordered to remove

(name of aged person)

and to take him/her/them to a hospital or other place as agreed for safe care/support and the necessary treatment.

Given at this day of

Director-General/Official

DETAILS OF EXECUTION

I certify that the aged person(s)

was/were removed by me on
and placed inRegistered Dentist, Medical Practitioner, Nurse, Social
Worker, Authorised Person**FORM 2****NOTICE OF CONVICTION: REGULATION 10 (2)****1. Personal details:**

Name

ID Number

2. On a charge of**3. Conviction****4. During the time of the offence employed at Home for the Aged** ☐ **Service Centre** ☐

Other:

Physical address

Telephone

5. Type of employment.....**6. Court details:**

Case number

Telephone number

Address

Signed on this day of 20 at

Signature

Capacity

Organisation (stamp)

Organisation: Name

Address

Tel.....

FORM 3

REGISTER FOR THE RECORDING OF RESTRAINING OF RESIDENTS: REGULATION 12 (3)

Record Number

Date

1. Name of resident
2. Reason for the restraining of the resident
3. The method of restraining used
4. Duration of the restraining
5. Restraining applied by
6. Restraining authorised by
7. Previous restraining incidents:
Reason(s) for restraining
- Date(s) of restraining
- Record number
8. Family/representative notified: Yes ☐ No ☐
If not, why not?
9. Minuted by Management Committee on:
10. Action taken by Management Committee:

Signature of Manager

Date:

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Department of Environmental Affairs and Tourism



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