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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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No. 11797

STATE PRESIDENT'S OFFICE

No. 588.

7 April 1989

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

No. 37 of 1989: Social Aid Act (House of Assembly), 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 588.

7 April 1989

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 37 van 1989: Wet op Maatskaplike Bystand (Volksraad), 1989.

ACT

To provide for the payment of social pensions and social grants; to regulate financial grants to national councils, welfare organizations and persons; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 20 March 1989.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—

- (i) "aged person" means any person who, in the case of a male, has attained the age of 65 years and, in the case of a female, has attained the age of 60 years; (ii) 5
- (ii) "allowance" means any allowance paid under section 3 (b) and (c) to or on behalf of a pensioner; (xxxii)
- (iii) "applicant" means any person who applies for a social pension or a social grant; (i) 10
- (iv) "blind person" means any person who has attained the age of 19 years and has been registered as a blind person under section 3 of the Blind Persons Act, 1968 (Act No. 26 of 1968); (iii)
- (v) "blind person's pension" means a pension paid under section 3 (a) to a blind person; (xxvi) 15
- (vi) "child" means any person under the age of 18 years; (xiii)
- (vii) "Department" means the Department of Health Services and Welfare; (iv)
- (viii) "disability pension" means a pension paid under section 3 (a) to a disabled person; (xxvii) 20
- (ix) "disabled person" means any person who has attained the age of 16 years and is, owing to his physical or mental disability, unfit to obtain from any service, employment or profession the means needed to enable him to provide for his maintenance; (xi)
- (x) "district surgeon" means any medical practitioner registered as such in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), and who is in the employment of— 25
 - (a) the State, including a provincial administration; or
 - (b) an institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961); (vi) 30
- (xi) "family grant" means a grant paid to the father of a family in which there are at least three children, in respect of each dependent child of that family for the benefit of the whole family; (x)
- (xii) "financial award" means the financial award referred to in section 6; (ix)
- (xiii) "foster child" means any child who has been placed in the custody of a foster parent in terms of Chapter 3 or 6 of the Child Care Act, 1983 (Act No. 74 of 1983), or section 290 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); (xxviii) 35
- (xiv) "foster child grant" means a grant paid to a foster parent under section 3 (d) (iii); (xxix) 40
- (xv) "foster parent" means any person, except a parent of the child concerned, in whose custody a foster child has been placed under Chapter 3 or 6 of the

WET

Om voorsiening te maak vir die betaling van maatskaplike pensioene en maatskaplike toelaes; finansiële toekennings aan nasionale rade, welsynorganisasies en persone te reël; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Maart 1989.)*

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) “aansoeker” iemand wat om ’n maatskaplike pensioen of maatskaplike toelae aansoek doen; (iii)
 - (ii) “bejaarde persoon” iemand wat, in die geval van ’n man, die leeftyd van 65 jaar bereik het en, in die geval van ’n vrou, die leeftyd van 60 jaar bereik het; (i)
 - 10 (iii) “blinde persoon” iemand wat die leeftyd van 19 jaar bereik het en wat kragtens artikel 3 van die Wet op Blinde Persone, 1968 (Wet No. 26 van 1968), as ’n blinde persoon geregistreer is; (iv)
 - (iv) “Departement” die Departement van Gesondheidsdienste en Welsyn; (vii)
 - (v) “Departementshoof” die beampte in die Departement wat deur die
 - 15 Minister as hoof van die Departement aangewys is; (xvi)
 - (vi) “distriksgeneesheer” ’n geneesheer wat as sodanig ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974 (Wet No. 56 van 1974), geregistreer is en wat in diens is van—
 - (a) die Staat, met inbegrip van ’n provinsiale administrasie; of
 - 20 (b) ’n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961); (x)
 - (vii) “enkele pasiënt” ’n enkele pasiënt beoog in artikel 10 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973); (xxviii)
 - (viii) “enkelsorgtoelae” ’n toelae wat kragtens artikel 3 (d) (iv) aan of ten
 - 25 behoefte van ’n enkele pasiënt betaal word; (xxvii)
 - (ix) “finansiële toekenning” die finansiële toekenning in artikel 6 bedoel; (xii)
 - (x) “gesinstoelae” ’n toelae wat betaal word aan die vader van ’n gesin waarin daar minstens drie kinders is, ten opsigte van elke afhanklike kind van so ’n gesin tot die voordeel van die hele gesin; (xi)
 - 30 (xi) “gestremde persoon” iemand wat die leeftyd van 16 jaar bereik het en weens sy liggaams- of geestesgebreke onbekwaam is om uit ’n diens, betrekking of beroep die middele te verkry wat nodig is om hom in staat te stel om in sy onderhoud te voorsien; (ix)
 - (xii) “hierdie Wet” ook die regulasies; (xxxi)
 - 35 (xiii) “kind” ’n persoon onder die leeftyd van 18 jaar; (vi)
 - (xiv) “maatskaplike pensioen” ’n ouderdomspensioen, ’n pensioen vir blindes, ’n pensioen vir gestremdes, ’n oudstryderspensioen of ’n toelae; (xxx)
 - (xv) “maatskaplike toelae” ’n onderhoudstoelae, gesinstoelae, pleegkindtoelae of enkelsorgtoelae; (xxix)
 - 40 (xvi) “Minister” die Minister belas met welsynsaangeleenthede in die Ministersraad van die Volksraad; (xviii)

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Child Care Act, 1983 (Act No. 74 of 1983), or section 290 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a tutor to whom a letter of tutorship has been issued in terms of Chapter IV of the Administration of Estates Act, 1965 (Act No. 66 of 1965); (xxx)

- (xvi) "Head of the Department" means the officer of the Department designated by the Minister as the head of the Department; (v) 5
- (xvii) "maintenance grant" means a grant paid under section 3 (d) (i); (xviii)
- (xviii) "Minister" means the Minister entrusted with welfare matters in the Ministers' Council of the House of Assembly; (xvi)
- (xix) "national council" means a national council defined in section 1 of the National Welfare Act, 1978 (Act No. 100 of 1978); (xvii) 10
- (xx) "old age pension" means a pension paid under section 3 (a) to an aged person; (xx)
- (xxi) "parent" the legal parent of a child; (xxiii)
- (xxii) "patient" means a person who is mentally or psychiatrically disabled to such a degree that it is essential that he receive the necessary care, treatment and rehabilitation and that he be supervised, and includes any person who is presumably or allegedly mentally or psychiatrically disabled to that degree; (xxiv) 15
- (xxiii) "pensioner" means any person receiving a social pension; (xxv) 20
- (xxiv) "prescribed" means prescribed by regulation; (xxxiii)
- (xxv) "recipient" means any person who receives a social grant or a financial award; (xix)
- (xxvi) "regulation" means any regulation made under this Act; (xxxi)
- (xxvii) "single care grant" means a grant paid to or for the benefit of a single patient under section 3 (d) (iv); (viii) 25
- (xxviii) "single patient" means a single patient contemplated in section 10 of the Mental Health Act, 1973 (Act No. 18 of 1973); (vii)
- (xxix) "social grant" means a maintenance grant, family grant, foster child grant or single care grant; (xv) 30
- (xxx) "social pension" means an old age pension, a blind person's pension, a disability pension, a war veteran's pension or an allowance; (xiv)
- (xxxi) "this Act" includes the regulations; (xii)
- (xxxii) "war veteran" means any person who has attained the age of 60 years or who is, owing to any physical or mental disability, unable to provide for his maintenance, and— 35
 - (a) who performed any military or naval service in South Africa during the Anglo-Boer War, 1899–1902, in any British Force or any force of the former South African Republic or the former Republic of the Orange Free State; or 40
 - (b) who performed duties in connection with the Zulu rebellion in 1906 in Natal as a member of a permanent or voluntary military unit; or
 - (c) who performed any naval, military or air force service during the Great War of 1914–1920 as a member of any Union or British Force or who was a member of the protesting burgher forces during the period September 1914 to February 1915; or 45
 - (d) who performed any naval, military or air force service during the war which commenced on the sixth day of September 1939 as a member of the Union Defence Forces or, in the case of a Union National, as a member of any British or Dominion Force or any force of a government which was allied to the Government of the Union during that war; or 50
 - (e) who, while he was not a Union National, performed any naval, military or air force service during such last-mentioned war as a member of any British or Dominion Force and who is a South African citizen on the date on which he applies for a veteran's pension; or 55
 - (f) who, while he was a member of the Union Defence Forces, signed an undertaking to serve in connection with the hostilities in Korea and who during such hostilities performed any naval, military or air force service on or after the date on which he had been detailed for duty in connection therewith; (xxi) 60
- (xxxiii) "war veteran's pension" means a pension paid under section 3 (a) to a war veteran; (xxii) and

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- (xvii) "nasionale raad" 'n nasionale raad omskryf in artikel 1 van die Nasionale Wetsynswet, 1978 (Wet No. 100 van 1978); (xix)
- (xviii) "onderhoudstoelae" 'n toelae wat kragtens artikel 3 (d) (i) betaal word; (xvii)
- 5 (xix) "ontvanger" iemand wat 'n maatskaplike toelae of 'n finansiële toekenning ontvang; (xxv)
- (xx) "ouderdomspensioen" 'n pensioen wat kragtens artikel 3 (a) aan 'n bejaarde persoon betaal word; (xx)
- (xxi) "oudstryder" iemand wat die leeftyd van 60 jaar bereik het of wat, weens
10 liggaams- of geestesgebreke, nie in staat is om sy onderhoud te voorsien nie, en—
- (a) wat gedurende die Anglo-Boere-oorlog, 1899-1902, militêre of vlootdiens in Suid-Afrika verrig het in 'n Britse mag of in 'n mag van die
15 gewese Zuid-Afrikaanse Republiek of die gewese Republiek De Oranjevrijstaat; of
- (b) wat as lid van 'n permanente of vrywillige militêre eenheid in verband met die Zoeloe-opstand in 1906 in Natal pligte uitgevoer het; of
- (c) wat gedurende die Wêreldoorlog van 1914-1920 vloot-, militêre of
20 lugmagdiens as lid van 'n Unie- of Britse mag verrig het of wat gedurende die tydperk September 1914 tot Februarie 1915 lid van die protesterende burgermagte was; of
- (d) wat gedurende die oorlog wat op die sesde dag van September 1939 begin het, as lid van die verdedigingsmagte van die Unie of, in die
25 geval van 'n Unieburger, as lid van 'n Britse of Dominiale mag of 'n mag van 'n regering wat gedurende daardie oorlog 'n bondgenoot van die Unieregering was, vloot-, militêre of lugmagdiens verrig het; of
- (e) wat, terwyl hy nie 'n Unieburger was nie, gedurende laasbedoelde oorlog as lid van 'n Britse of Dominiale mag vloot-, militêre of
30 lugmagdiens verrig het en wat op die datum waarop hy om 'n oudstryderspensioen aansoek doen, 'n Suid-Afrikaanse burger is; of
- (f) wat, terwyl hy 'n lid van die verdedigingsmagte van die Unie was, 'n onderneming onderteken het om in verband met die vyandelikhede in Korea diens te verrig en wat gedurende bedoelde vyandelikhede op of
35 na die datum waarop hy vir diens in verband daarmee aangesê is, vloot-, militêre of lugmagdiens verrig het; (xxxii)
- (xxii) "oudstryderspensioen" 'n pensioen wat kragtens artikel 3 (a) aan 'n oudstryder betaal word; (xxxiii)
- (xxiii) "ouer" die wettige ouer van 'n kind; (xxi)
- (xxiv) "pasiënt" iemand wat in so 'n mate geestesgestremd of psigiatries gestremd
40 is dat dit noodsaaklik is dat hy die nodige sorg, behandeling en rehabilitasie moet ontvang en onder toesig gehou moet word, en ook iemand wat na vermoede of bewering in so 'n mate geestesgestremd of psigiatries gestremd is; (xxii)
- (xxv) "pensioentrekker" iemand wat 'n maatskaplike pensioen ontvang; (xxiii)
- 45 (xxvi) "pensioen vir blindes" 'n pensioen wat kragtens artikel 3 (a) aan 'n blinde persoon betaal word; (v)
- (xxvii) "pensioen vir gestremdes" 'n pensioen wat kragtens artikel 3 (a) aan 'n gestremde persoon betaal word; (viii)
- (xxviii) "pleegkind" 'n kind wat ingevolge Hoofstuk 3 of 6 van die Wet op
50 Kindersorg, 1983 (Wet No. 74 van 1983), of artikel 290 van die Strafproseswet, 1977 (Wet No. 51 van 1977), in die bewaring van 'n pleegouer geplaas is; (xiii)
- (xxix) "pleegkindtoelae" 'n toelae wat kragtens artikel 3 (d) (iii) aan 'n pleegouer betaal word; (xiv)
- 55 (xxx) "pleegouer" 'n persoon, behalwe die ouer van die betrokke kind, in wie se bewaring 'n pleegkind geplaas is kragtens Hoofstuk 3 of 6 van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), of artikel 290 van die Strafproseswet, 1977 (Wet No. 51 van 1977), of 'n voog aan wie 'n voogdybrief ingevolge Hoofstuk IV van die Boedelwet, 1965 (Wet No. 66 van 1965), uitgereik is; (xv)
- 60 (xxxi) "regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig; (xxvi)

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- (xxxiv) "welfare organization" means a welfare organization registered under section 13 (1) of the National Welfare Act, 1978 (Act No. 100 of 1978), or which is deemed to have been so registered under section 13 (4) of the said Act. (xxxiv)

Application of Act

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2. The provisions of this Act shall be applied subject to item 1 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), in respect of the payment of social pensions and social grants to White persons, and financial awards to national councils, welfare organizations and persons.

Payment of social pensions and social grants

10

3. The Minister may, subject to the provisions of this Act, with the concurrence of the Minister of the Budget and Works, out of moneys appropriated by the House of Assembly for that purpose—

- (a) pay to aged, blind and disabled persons and war veterans old age pensions, blind persons' pensions, disability pensions and war veterans' pensions, 15 respectively;
- (b) pay to or on behalf of any person referred to in paragraph (a) who is in such a physical or mental condition that he requires regular attendance by any person, an attendant's allowance;
- (c) pay to persons referred to in paragraph (a) supplementary or additional 20 allowances;
- (d) make a contribution to the maintenance of—
 - (i) a child by his parent in whose custody that child is;
 - (ii) a family by the father;
 - (iii) a foster child by his foster parent; 25
 - (iv) a single patient,
 by means of the payment of a maintenance grant, family grant, foster child grant and single care grant, respectively.

Persons entitled to social pensions

4. Subject to the provisions of this Act, any person shall be entitled to the 30 appropriate social pension if he satisfies the Head of the Department—

- (a) that he is an aged, blind or disabled person or a war veteran; and
- (b) that he is resident in the Republic at the time of his application for a social pension; and
- (c) (i) that he is a South African citizen; or 35
 - (ii) that he has resided in the Republic for an interrupted or uninterrupted period of 10 years out of the 15 years immediately preceding the date of such application and that he is allowed by or in terms of any provision of the Aliens Act, 1937 (Act No. 1 of 1937), or the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 40 40 of 1972), to be in the Republic for the purpose of residing permanently therein or that he is exempted by or in terms of such a provision from the provisions of section 2 (a) of the Aliens Act, 1937, or section 13 (c) of the Admission of Persons to the Republic Regulation Act, 1972, and that his residence is not subject to an 45 undertaking contemplated in section 4 (3) (e) of the Aliens Act, 1937; or

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- (xxxii) "toelae" 'n toelae wat kragtens artikel 3 (b) en (c) aan of ten behoeve van 'n pensioentrekker betaal word; (ii)
- (xxxiii) "voorgeskrif" by regulasie voorgeskryf; (xxiv) en
- (xxxiv) "welsynsorganisasie" 'n welsynsorganisasie wat kragtens artikel 13 (1) van die Nasionale Welsynswet, 1978 (Wet No. 100 van 1978), geregistreer is of kragtens artikel 13 (4) van genoemde Wet geag word aldus geregistreer te wees. (xxxiv)

Toepassing van Wet

2. Die bepalings van hierdie Wet word toegepas behoudens item 1 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), in verband met die betaling van maatskaplike pensioene en maatskaplike toelaes aan Blanke persone, en finansiële toekennings aan nasionale rade, welsynsorganisasies en persone.

Betaling van maatskaplike pensioene en maatskaplike toelaes

3. Die Minister kan, behoudens die bepalings van hierdie Wet, met die instemming van die Minister van Begroting en Werke, uit geld wat deur die Volksraad vir dié doel bewillig is—
- (a) aan bejaarde, blinde en gestremde persone en oudstryders onderskeidelik ouderdomspensioene, pensioene vir blindes, pensioene vir gestremdes en oudstryderspensioene betaal;
 - (b) aan of ten behoeve van 'n persoon in paragraaf (a) bedoel wat in so 'n liggaams- of geestestoestand verkeer dat hy gereeld deur iemand opgepas moet word, 'n oppasserstoelae betaal;
 - (c) aan persone in paragraaf (a) bedoel bykomende of aanvullende toelaes betaal;
 - (d) 'n bydrae maak tot die onderhoud van—
 - (i) 'n kind deur sy ouer in wie se bewaring daardie kind is;
 - (ii) 'n gesin deur die vader;
 - (iii) 'n pleegkind deur sy pleegouer;
 - (iv) 'n enkele pasiënt,
- by wyse van die betaling van onderskeidelik 'n onderhoudstoelae, gesinstoelae, pleegkindtoelae en enkelsorgtoelae.

Persone wat op maatskaplike pensioene geregtig is

4. Behoudens die bepalings van hierdie Wet is iemand op die toepaslike maatskaplike pensioen geregtig indien hy die Departementshoof oortuig—
- (a) dat hy 'n bejaarde, blinde of gestremde persoon of 'n oudstryder is; en
 - (b) dat hy in die Republiek woon ten tyde van sy aansoek om 'n maatskaplike pensioen; en
 - (c) (i) dat hy 'n Suid-Afrikaanse burger is; of
 - (ii) dat hy vir 'n onderbroke of ononderbroke tydperk van 10 uit die 15 jaar wat die datum van sodanige aansoek onmiddellik voorafgaan in die Republiek woonagtig was en dat hy deur of ingevolge die een of ander bepaling van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), of die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972), toegelaat word om in die Republiek te wees met die doel om hom blywend daarin te vestig of dat hy deur of ingevolge so 'n bepaling van die bepalings van artikel 2 (a) van die Wet op Vreemdelinge, 1937, of artikel 13 (c) van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972, vrygestel is, en dat sy verblyf nie onderworpe is aan 'n onderneming bedoel in artikel 4 (3) (e) van die Wet op Vreemdelinge, 1937, nie; of

- (iii) that he has entered the Republic from any territory or country specified by the Minister and complies with the conditions prescribed by the Minister with the concurrence of the Minister of the Budget and Works.

Persons entitled to social grants

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5. Subject to the provisions of this Act, any person shall be entitled to the appropriate social grant if he satisfies the Head of the Department—

- (a) that he is the parent of a child whom he supports; or
- (b) that he is a foster parent; or
- (c) that he is responsible for the maintenance of a single patient; and 10
- (d) (i) that he and the child (excluding a foster child) or single patient, as the case may be—
 - (aa) are South African Citizens; or
 - (bb) have resided in the Republic for an interrupted or uninterrupted period of 10 years out of the 15 years immediately preceding the 15 date of such application, and that he and the child or the single patient are allowed by or in terms of any provision of the Aliens Act, 1937 (Act No. 1 of 1937), or the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972), to be in the Republic for the purpose of residing permanently therein, or that 20 he and the child or the single patient are exempted by or in terms of such a provision from the provisions of section 2 (a) of the Aliens Act, 1937, or section 13 (c) of the Admission of Persons to the Republic Regulation Act, 1972, and that his residence and that of the child or the single patient are not subject to an 25 undertaking contemplated in section 4 (3) (e) of the Aliens Act, 1937; or
- (ii) that he and the child or single patient, as the case may be, have entered the Republic from any other territory or country specified by the Minister and comply with the conditions prescribed by the Minister 30 with the concurrence of the Minister of the Budget and Works.

Financial awards to national councils, welfare organizations and persons

6. (1) The Minister may, subject to the provisions of this Act, with the concurrence of the Minister of the Budget and Works, out of moneys appropriated by the House of Assembly for that purpose, grant financial awards to— 35

- (a) national councils of welfare organizations or welfare organizations which undertake or co-ordinate organized activities, measures or social welfare programmes in respect of—
 - (i) married life or family and child welfare; 40
 - (ii) the welfare of the aged; 40
 - (iii) the welfare of physically or mentally handicapped persons;
 - (iv) the prevention of alcoholism or dependence on dependence-producing substances or the treatment of persons who are dependent on alcohol or any other dependence-producing substance; 45
 - (v) blind persons; 45
 - (vi) corrective services;
 - (vii) social relief;
 - (viii) the prevention and treatment of any other social-pathological conditions;
- (b) organizations registered under section 4 of the Fund-raising Act, 1978 (Act 50 No. 107 of 1978), as fund-raising organizations and which endeavour to care for mentally or psychiatrically disabled persons; 50
- (c) places of safety defined in section 1 of the Child Care Act, 1983 (Act No. 74 of 1983).

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- (iii) dat hy die Republiek binnegekom het uit 'n ander gebied of land deur die Minister aangewys, en voldoen aan die voorwaardes deur die Minister met die instemming van die Minister van Begroting en Werke voorgeskryf.

5 Persone wat op maatskaplike toelaes geregtig is

5. Behoudens die bepalings van hierdie Wet is iemand op die toepaslike maatskaplike toelae geregtig indien hy die Departementshoof oortuig—

- (a) dat hy 'n ouer is van die kind wat hy onderhou;
- (b) dat hy 'n pleegouer is; of
- 10 (c) dat hy verantwoordelik is vir die onderhoud van 'n enkele pasiënt; en
- (d) (i) dat hy en die kind (uitgesonderd 'n pleegkind) of enkele pasiënt, na gelang van die geval—
- (aa) Suid-Afrikaanse burgers is; of
- (bb) vir 'n onderbroke of ononderbroke tydperk van 10 jaar uit die 15 jaar wat die datum van sodanige aansoek onmiddellik voorafgaan in die Republiek woonagtig was, en dat hy en die kind of die enkele pasiënt deur of ingevolge die een of ander bepaling van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), of die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972), toegelaat word om in die Republiek te wees met die doel om hom blywend daarin te vestig, of dat hy en die kind of die enkele pasiënt deur of ingevolge so 'n bepaling van die bepalings van artikel 2 (a) van die Wet op Vreemdelinge, 1937, of artikel 13 (c) van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972, vrygestel is, en dat hy en die kind of die enkele pasiënt se verblyf nie onderworpe is aan 'n onderneming bedoel in artikel 4 (3) (e) van die Wet op Vreemdelinge, 1937, nie; of
- 25 (ii) dat hy en die kind of enkele pasiënt, na gelang van die geval, die Republiek binnegekom het uit 'n ander gebied of land deur die Minister aangewys, en voldoen aan die voorwaardes deur die Minister met die instemming van die Minister van Begroting en Werke voorgeskryf.

Finansiële toekennings aan nasionale rade, welsynsorganisasies en persone

- 35 6. (1) Die Minister kan, behoudens die bepalings van hierdie Wet, met die instemming van die Minister van Begroting en Werke, uit geld wat deur die Volksraad vir dié doel bewillig is, finansiële toekennings doen aan—
- (a) nasionale rade van welsynsorganisasies of welsynsorganisasies wat georganiseerde werksaamhede, maatreëls of maatskaplike welsynsprogramme
- 40 onderneem of koördineer met betrekking tot—
- (i) die huweliksewe of gesins- en kindersorg;
- (ii) die welsyn van bejaardes;
- (iii) die welsyn van liggaamlik of verstandelik gestremde persone;
- 45 (iv) die voorkoming van alkoholisme of afhanklikheid van afhanklikheidsvormende stowwe of die behandeling van persone wat van alkohol of enige ander afhanklikheidsvormende stof afhanklik is;
- (v) blinde persone;
- (vi) korrektiewe dienste;
- (vii) maatskaplike noodleniging;
- 50 (viii) die voorkoming en behandeling van enige ander sosiaal-patologiese toestande;
- (b) organisasies wat kragtens artikel 4 van die Wet op Fondsinsameling, 1978 (Wet No. 107 van 1978), as fondsinsamelingsorganisasies geregistreer is en wat hulle beywer vir die versorging van verstandelik- of psigiatris
- 55 gestremde persone;
- (c) veiligheidsplekke in artikel 1 van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), omskryf.

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(2) If a person in the opinion of the Head of the Department is in need of social relief, he may grant a financial award to that person.

Application for social pensions and social grants

7. (1) Any person who claims a social pension or social grant shall apply to the Head of the Department on the prescribed form, and shall furnish in support of his application— 5

- (a) the prescribed particulars and information and any additional information which the Head of the Department may require; and
- (b) in the case of any person who applies for a social pension on the ground that he is a disabled person, a prescribed report from a district surgeon who has 10 examined that person.

(2) The Head of the Department shall, after such enquiry as he may consider necessary, consider the application together with such particulars and information and, in the case of an application referred to in subsection (1) (b), the report so referred to, and shall, if he is satisfied that that person is entitled to a social pension 15 or social grant, authorize the payment of the pension or grant.

Stopping of payment of social pensions and social grants

8. The payment of a social pension or a social grant to any person who is absent from the Republic for a continuous period exceeding six months shall be stopped as from the first day of the seventh month following upon the month in which he last 20 left the Republic: Provided that if the Head of the Department is, for reasons advanced by such person, of the opinion that it is just that payment of the pension or grant be continued or resumed, the Head of the Department may permit payment of the pension or grant to be continued or resumed for such period or periods and 25 subject to such conditions as he may determine.

Suspension and administration of social pensions and social grants

9. (1) If in the opinion of the Head of the Department a pensioner or recipient misuses his social pension or social grant, the Head of the Department may suspend payment thereof or order that it be administered subject to such conditions as he may determine. 30

(2) If in the opinion of the Head of the Department it is for any reason inadvisable to pay a social pension or social grant directly to a pensioner or recipient, he may order such pension or grant to be paid to some other person on behalf of that pensioner or recipient subject to such conditions as to its administration as the Head of the Department may determine. 35

Repayment of sums overpaid

10. (1) If any person in terms of this Act received any sum of money which was paid to him by virtue of the fact that he was a pensioner or recipient or was regarded as a pensioner or recipient and to which he was not entitled he, or if he dies his estate, shall be liable to repay that sum to the Minister, unless the Minister is satisfied 40 that he received it without knowing that he was not entitled thereto.

(2) Such sum may, in the discretion of the Head of the Department and without prejudice to any other remedy, be recovered by means of deductions from any social pension or social grant due to the person liable to repay such sum.

(3) The provisions of this section shall *mutatis mutandis* apply in the case of a 45 person to whom such a sum of money was paid for or for the benefit of any other person.

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(2) Indien 'n persoon na die oordeel van die Departementshoof maatskaplike noodleniging nodig het, kan hy aan daardie persoon 'n finansiële toekenning doen.

Aansoek om maatskaplike pensioene en maatskaplike toelaes

7. (1) Iemand wat op 'n maatskaplike pensioen of maatskaplike toelae aanspraak maak, doen by die Departementshoof aansoek op die voorgeskrewe vorm, en verstrekk ter staving van sy aansoek—

- (a) die voorgeskrewe besonderhede en inligting en enige bykomende inligting wat die Departementshoof vereis; en
- (b) in die geval van iemand wat om 'n maatskaplike pensioen aansoek doen op grond daarvan dat hy 'n gestremde persoon is, 'n voorgeskrewe verslag van 'n distriksgeneesheer wat daardie persoon ondersoek het.

(2) Die Departementshoof moet, na die ondersoek wat hy nodig ag, die aansoek tesame met bedoelde besonderhede en inligting en, in die geval van 'n aansoek in subartikel (1) (b) bedoel, die aldus bedoelde verslag, oorweeg en, indien hy van oordeel is dat daardie persoon op 'n maatskaplike pensioen of maatskaplike toelae geregtig is, die betaling van die pensioen of toelae magtig.

Staking van betaling van maatskaplike pensioene en maatskaplike toelaes

8. Die betaling van 'n maatskaplike pensioen of 'n maatskaplike toelae aan iemand wat vir 'n ononderbroke tydperk van meer as ses maande uit die Republiek afwesig is, word gestaak vanaf die eerste dag van die sewende maand wat volg op die maand waarin hy die Republiek laas verlaat het: Met dien verstande dat indien die Departementshoof op grond van redes deur so iemand aangevoer, van oordeel is dat dit billik is dat die betaling van daardie pensioen of toelae voortgesit of hervat word, die Departementshoof toestemming kan verleen dat die betaling van daardie pensioen of toelae voortgesit of hervat word vir die tydperk of tydperke en onderworpe aan die voorwaardes wat hy bepaal.

Opskorting van en beheer oor maatskaplike pensioene en maatskaplike toelaes

9. (1) Indien 'n pensioentrekker of ontvanger volgens die Departementshoof se oordeel misbruik maak van sy maatskaplike pensioen of maatskaplike toelae, kan die Departementshoof betaling daarvan opskort of gelas dat beheer oor die gebruik daarvan uitgeoefen word onderworpe aan die voorwaardes wat hy bepaal.

(2) Indien dit volgens die oordeel van die Departementshoof om enige rede nie raadsaam is om 'n maatskaplike pensioen of maatskaplike toelae regstreeks aan 'n pensioentrekker of ontvanger te betaal nie, kan hy gelas dat dié pensioen of toelae aan iemand anders ten behoeve van daardie pensioentrekker of ontvanger betaal moet word onderworpe aan die voorwaardes oor die beheer daarvan wat die Departementshoof bepaal.

Terugbetaling van oorbetalings

10. (1) Indien iemand ingevolge hierdie Wet 'n som geld ontvang het wat aan hom betaal is uit hoofde van die feit dat hy 'n pensioentrekker of ontvanger was of as pensioentrekker of ontvanger beskou is en waarop hy nie geregtig was nie, is hy, of indien hy te sterwe kom sy boedel, aanspreeklik om daardie som aan die Minister terug te betaal, tensy die Minister oortuig is dat hy dit ontvang het sonder die wete dat hy nie daarop geregtig was nie.

(2) So 'n som kan, na goeddunke van die Departementshoof en sonder afbreuk aan 'n ander regsmiddel, verhaal word deur middel van aftrekkings van 'n maatskaplike pensioen of maatskaplike toelae verskuldig aan die persoon wat so 'n som moet terugbetaal.

(3) Die bepaling van hierdie artikel geld *mutatis mutandis* in die geval van iemand aan wie so 'n som geld vir of ten voordele van iemand anders betaal is.

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(4) The Treasury referred to in paragraph (b) of the definition of "Treasury" in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or any person authorized thereto by the Treasury may at its or his discretion write off the whole or any portion of any sum repayable in terms of this section, if the Treasury or that person is satisfied that it would be uneconomical to recover the sum or that recovery thereof would cause undue hardship. 5

Appeal to Minister

11. (1) If an applicant is aggrieved by a decision of the Head of the Department in the administration of this Act, that applicant may within 30 days after the date on which he has been notified of the decision, appeal in writing against such a decision 10 to the Minister, who may confirm, vary or set aside that decision.

(2) The decision of the Minister shall be final: Provided that the Minister may at any time reconsider and vary or set aside his decision.

Social pensions and social grants not assignable or executable

12. (1) No social pension or social grant or a right to such a pension or grant shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated, nor shall it be liable to attachment or any form of execution under a judgment or order of a court of law, and if a pensioner or recipient attempts to assign, transfer or otherwise cede, or to pledge or hypothecate his social pension or social grant or right thereto, payment of that pension or grant may by order of the 20 Minister be withheld, suspended or stopped.

(2) If the estate of any pensioner or recipient is sequestrated, any sum payable to him in terms of this Act by virtue of the fact that he is a pensioner or recipient shall not form part of the assets in his insolvent estate.

(3) If a pensioner or recipient dies, any sum payable in terms of this Act by virtue 25 of the fact that he was a pensioner or recipient shall not form part of the assets of his estate.

False statements and improper receipt of social pensions, social grants and financial awards

13. Any person who, for the purpose of obtaining or retaining a social pension, 30 social grant or financial award whether for himself or for any other person, or for the purpose of obtaining such a pension, grant or award for himself or for any other person at a higher rate than that appropriate to the case, makes any statement or representation which he knows to be false, and any person who receives in respect of any such pension, grant or award payment of any sum which he is to his knowledge 35 not entitled to receive, shall be guilty of an offence.

Exemption from stamp duty

14. No stamp duty shall be payable in respect of any power of attorney given by an applicant to any person to apply for a social pension or social grant on his behalf or any power of attorney given by a pensioner or recipient to any person to receive 40 payment of such a pension or grant on his behalf.

Powers of Head of Department in respect of investigation

15. (1) For the purpose of inquiring into any matter relating to social pensions, social grants or financial awards in terms of this Act, and which falls within the functions of the Head of the Department, the Head of the Department may— 45

- (a) subpoena any person who in his opinion may furnish information of material importance concerning the matter under investigation, or who is suspected of having in his possession or care or under his control a book, document or thing that may have a bearing on the investigation;

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(4) Die Tesourie bedoel in paragraaf (b) van die omskrywing van "Tesourie" in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of iemand deur die Tesourie daartoe gemagtig, kan na goeë dunks 'n som wat ingevolge hierdie artikel terugbetaal moet word, geheel en al of ten dele afskryf, indien die Tesourie 5 of daardie persoon oortuig is dat dit onekonomies sou wees om so 'n som te verhaal of dat verhaal daarvan buitensporige ontbering sou veroorsaak.

Appel na Minister

11. (1) Indien 'n aansoeker veronreg voel deur 'n beslissing van die Departements-
hoof by die uitvoering van hierdie Wet, kan daardie aansoeker binne 30 dae na die
10 datum waarop hy van die beslissing verwittig is, skriftelik teen so 'n beslissing na die
Minister appelleer, wat so 'n beslissing kan bekragtig, wysig of tersyde stel.

(2) Die Minister se beslissing is afdoende: Met dien verstande dat die Minister sy
beslissing te eniger tyd kan heroorweeg en wysig of tersyde stel.

**Maatskaplike pensioene en maatskaplike toelaes kan nie gesedeer word en is nie vir
15 beslaglegging vatbaar nie**

12. (1) 'n Maatskaplike pensioen of maatskaplike toelae of reg op so 'n pensioen
of toelae kan nie oorgedra of andersins gesedeer of verpand of verhipotekeer word
nie, en is ook nie vir beslaglegging of enige vorm van eksekusie kragtens 'n vonnis
of bevel van 'n gereghof vatbaar nie, en indien 'n pensioentrekker of ontvanger
20 poog om sy maatskaplike pensioen of maatskaplike toelae of reg daarop oor te
maak, oor te dra of andersins te sedgeer, of te verpand of verhipotekeer, kan betaling
van daardie pensioen of toelae op las van die Minister weerhou, opgeskort of gestaak
word.

(2) Indien die boedel van 'n pensioentrekker of ontvanger gesekwestreer word,
25 maak 'n som ingevolge hierdie Wet aan hom betaalbaar uit hoofde van die feit dat
hy 'n pensioentrekker of ontvanger is, nie deel van die bates in sy insolvente boedel
uit nie.

(3) Indien 'n pensioentrekker of ontvanger te sterwe kom, maak 'n som ingevolge
hierdie Wet aan hom betaalbaar uit hoofde van die feit dat hy 'n pensioentrekker of
30 ontvanger was, nie deel van die bates van sy boedel uit nie.

**Valse verklarings en onbehoorlike ontvangs van maatskaplike pensioene, maatskap-
like toelaes en finansiële toekennings**

13. Iemand wat ten einde 'n maatskaplike pensioen, maatskaplike toelae of
finansiële toekenning te verkry of te behou, hetsy vir homself of vir iemand anders,
35 of ten einde vir homself of vir iemand anders so 'n pensioen, toelae of toekenning te
verkry teen 'n hoër koers as wat op die geval toepaslik is, 'n verklaring aflê of iets
voorgee wat na sy wete vals is, en iemand wat ten opsigte van so 'n pensioen, toelae
of toekenning betaling ontvang van 'n bedrag wat hy na sy wete nie geregtig is om
te ontvang nie, is aan 'n misdryf skuldig.

40 Vrystelling van seëlreg

14. Geen seëlreg is betaalbaar nie ten opsigte van 'n volmag deur 'n aansoeker aan
iemand verleen om namens hom om 'n maatskaplike pensioen of maatskaplike
toelae aansoek te doen of 'n volmag deur 'n pensioentrekker of ontvanger aan
iemand verleen om betaling van so 'n pensioen of toelae namens hom te ontvang.

45 Bevoegdhede van Departementshoof ten opsigte van ondersoek

15. (1) Ten einde 'n aangeleentheid met betrekking tot maatskaplike pensioene,
maatskaplike toelaes of finansiële toekennings ingevolge hierdie Wet te ondersoek,
en wat binne die werksaamhede van die Departementshoof val, kan die Departe-
mentshoof—

50 (a) iemand dagvaar wat na sy oordeel inligting van wesentlike belang kan
verstrek omtrent die aangeleentheid wat ondersoek word, of wat vermoed
word 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer te hê
wat op daardie ondersoek betrekking kan hê;

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- (b) administer an oath to or take an affirmation from any person who is present at the investigation and who was or could have been subpoenaed in terms of paragraph (a);
- (c) examine any person referred to in paragraph (b), or require that he produce at the investigation any book, document or thing referred to in paragraph (a).

(2) A subpoena to appear before the Head of the Department shall be in the prescribed form and shall be served on the person by registered post or in the same manner in which it would have been served if it was a subpoena issued by a magistrate's court.

(3) The legal rules with regard to privilege which are applicable in the case of a person who has been subpoenaed to give evidence or to produce a book, document or thing before a court of law, shall apply in respect of the examination of, or the production of a book, document or thing by, a person referred to in subsection (1) (c).

Information to be furnished to Head of the Department

16. Notwithstanding anything to the contrary in any law contained any registrar of births and deaths, any registrar of deeds or any officer in the service of the State shall upon application by the Head of the Department furnish him with such information relating to any applicant as may be prescribed or as may in any particular case be determined by the Head of the Department.

Delegation of powers

17. (1) The Minister may, subject to such conditions as he may determine, delegate any of the powers conferred upon him by this Act, except the powers referred to in sections 11 or 20, and assign any of the duties assigned to him by this Act to the Head of the Department or any other officer in the service of the State.

(2) The Head of the Department may, subject to such conditions as he may determine, delegate any of the powers conferred upon him by this Act or delegated to him under subsection (1), and assign any of the duties assigned to him by this Act or under subsection (1), to an officer in the service of the State.

(3) Any delegation under subsection (1) or (2) shall not prevent the Minister or the Head of the Department, as the case may be, from exercising such power or performing such duty, as the case may be, himself.

Offences relating to functions of Head of Department

18. Any person who—

- (a) hinders or obstructs the Head of the Department in the performance of his functions under this Act;
- (b) refuses or fails to comply to the best of his ability with a requirement or request which the Head of the Department has, in the performance of his functions under this Act, put to him;
- (c) intentionally furnishes the Head of the Department with false or misleading information;
- (d) having been duly subpoenaed under section 15 (1) (a), without sufficient cause fails to—
 - (i) appear at the time and place specified in the subpoena; or
 - (ii) remain in attendance after he has so appeared until he is excused by the Head of the Department from further attendance;
- (e) has been called under section 15 (1) (b) and refuses to be sworn or to make an affirmation as a witness,

shall be guilty of an offence.

Penalties

19. Any person convicted of any offence in terms of this Act, shall, except where this Act provides otherwise, be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

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- (b) iemand wat by die ondersoek teenwoordig is en wat kragtens paragraaf (a) gedagvaar is of kon gewees het, 'n eed oplê of van hom 'n bevestiging afneem;
- (c) iemand bedoel in paragraaf (b) ondervra of vereis dat hy 'n boek, stuk of saak bedoel in paragraaf (a) by die ondersoek oorlê.
- 5 (2) 'n Dagvaarding om voor die Departementshoof te verskyn, moet in die voorgeskrewe vorm wees en moet aan die persoon beteken word per aangetekende pos of op dieselfde wyse waarop dit beteken sou gewees het as dit 'n getuiedagvaarding was wat deur 'n landdroshof uitgereik is.
- 10 (3) Die regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuie af te lê of 'n boek, stuk of saak oor te lê, is van toepassing ten opsigte van die ondervraging van, of die oorlegging van 'n boek, stuk of saak, deur iemand in subartikel (1) (c) bedoel.

Inligting wat aan Departementshoof verstrek moet word

- 15 16. Ondanks andersluidende bepalings van die een of ander wet moet 'n registrateur van geboortes en sterfgevalle, 'n registrateur van aktes of 'n beamppte in diens van die Staat op aansoek deur die Departementshoof aan hom die inligting met betrekking tot 'n aansoeker verstrek wat voorgeskryf word of wat die Departementshoof in 'n besondere geval bepaal.

20 Delegering van bevoegdhede

17. (1) Die Minister kan, behoudens die voorwaardes wat hy bepaal, enige van die bevoegdhede by hierdie Wet aan hom verleen, uitgesonderd die bevoegdheid bedoel in artikels 11 en 20, deleger, en enige van die pligte by hierdie Wet aan hom opgedra, aan die Departementshoof of 'n beamppte in diens van die Staat opdra.
- 25 (2) Die Departementshoof kan, behoudens die voorwaardes wat hy bepaal, enige van die bevoegdhede by hierdie Wet of kragtens subartikel (1) aan hom verleen, deleger, en enige van die pligte by hierdie Wet of kragtens subartikel (1) aan hom opgedra, aan 'n beamppte in diens van die Staat opdra.
- (3) 'n Delegering kragtens subartikel (1) of (2) belet nie die Minister of die Departementshoof, na gelang van die geval, om die betrokke bevoegdheid of plig, na gelang van die geval, self uit te oefen of te verrig nie.
- 30

Misdrywe met betrekking tot werksaamhede van Departementshoof

18. Iemand wat—
- (a) die Departementshoof by die verrigting van sy werksaamhede kragtens hierdie Wet hinder of belemmer;
- 35 (b) weier of versuim om na sy beste vermoë te voldoen aan 'n vereiste of versoek wat die Departementshoof by die verrigting van sy werksaamhede kragtens hierdie Wet aan hom gestel het;
- (c) opsetlik aan die Departementshoof inligting verstrek wat vals of misleidend is;
- 40 (d) behoorlik kragtens artikel 15 (1) (a) gedagvaar is en sonder voldoende gronde in gebreke bly om—
- (i) op die tyd en plek in die dagvaarding vermeld, te verskyn; of
- (ii) nadat hy aldus verskyn het, teenwoordig te bly totdat hy deur die Departementshoof van verdere bywoning verskoon word;
- 45 (e) kragtens artikel 15 (1) (b) opgeroep is en weier om as getuie beëdig te word of 'n bevestiging te doen,
- is aan 'n misdryf skuldig.

Strawwe

- 50 19. Behalwe waar hierdie Wet anders bepaal, is iemand wat weens 'n misdryf ingevolge hierdie Wet skuldig bevind word, strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

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Regulations

20. (1) The Minister may make regulations as to—

- (a) the form of any application; authority, certificate, consent, notice, order, register, process or subpoena which is to or may be made, granted, given, issued or kept in terms of this Act, and any other form required in administering the provisions of this Act; 5
- (b) the payment of social pensions and social grants, including the maximum amount to be paid, the determination of the amount to be paid in any particular case, the method of payment, the payment to persons other than the pensioner or recipient himself, and the stopping of payment; 10
- (c) the requirements or conditions, in addition to those specified elsewhere in this Act, to be complied with by a person in order to be entitled to a social pension, social grant or financial award, and the circumstances in which a person shall not be so entitled;
- (d) applications for social pensions or social grants, including the particulars and information to be furnished by applicants or any category of applicants; 15
- (e) applications for financial awards, including the particulars and information to be furnished by applicants, and the method of payment of financial awards;
- (f) the consideration, granting or refusal of any application for a social pension or social grant; 20
- (g) the income and assets of an applicant to be taken into account in determining the amount of a social pension or social grant;
- (h) the circumstances in which social pensions or social grants may be paid to persons maintained or receiving treatment in State or State-aided institutions; 25
- (i) the date of accrual of any social pension or social grant;
- (j) the method of payment of social pensions and social grants;
- (k) the cancellation, lapsing or suspension of any social pension, social grant or financial award and the variation of the amount thereof; 30
- (l) the procedure to be adopted at any enquiry under section 15;
- (m) the exercise of control over the payment of social pensions, social grants and financial awards;
- (n) information which may from time to time be required of any pensioner or recipient, or the recipient of a financial award; 35
- (o) the repayment of sums overpaid;
- (p) information to be furnished in terms of section 16;
- (q) any matter which shall or may be prescribed by regulation in terms of this Act; and
- (r) in general, any matter which in the opinion of the Minister is necessary or expedient for achieving the objects of this Act, and the generality of this paragraph is not restricted by the preceding paragraphs. 40

(2) The Minister shall not make any regulation under subsection (1), except a regulation referred to in paragraphs (a), (d), (f), (i), (j), (k), (l), (n), (p), (q) and (r) of that subsection, without the concurrence of the Minister of the Budget and Works. 45

(3) No regulation by virtue of which the aggregate amount of a social pension referred to in section 3 and to which any applicant whose income and assets have not increased, has at any time been entitled, will be reduced, shall be made without the approval, by resolution, of the House of Assembly. 50

(4) A regulation made under subsection (1) may for a contravention thereof or a failure to comply therewith prescribe a penalty not exceeding a fine of R4 000 or imprisonment for a period of two years.

(5) Regulations made under subsection (1) may be made with retrospective effect. 55

Regulasies

20. (1) Die Minister kan regulasies uitvaardig met betrekking tot—
- (a) die vorm van 'n aansoek, magtiging, sertifikaat, toestemming, kennisgewing, bevel, register, prosesstuk of dagvaarding wat ingevolge hierdie Wet gedoen, verleen, gegee, uitgereik of gehou moet of kan word, en 'n ander vorm wat by die uitvoering van die bepalings van hierdie Wet nodig is;
 - (b) die betaling van maatskaplike pensioene en maatskaplike toelaes, met inbegrip van die maksimum bedrag wat betaal moet word, die bepaling van die bedrag wat in 'n bepaalde geval betaal moet word, die wyse van betaling, betaling aan ander persone as die pensioentrekker of ontvanger self, en die staking van betaling;
 - (c) die vereistes of voorwaardes, benewens dié wat elders in hierdie Wet vermeld word, waaraan iemand moet voldoen om op 'n maatskaplike pensioen, maatskaplike toelae of finansiële toekenning geregtig te wees en die omstandighede waaronder iemand nie aldus geregtig is nie;
 - (d) aansoeke om maatskaplike pensioene of maatskaplike toelaes, met inbegrip van die besonderhede en inligting wat deur aansoekers of 'n kategorie aansoekers verstrek moet word;
 - (e) aansoeke om finansiële toekennings, met inbegrip van die besonderhede en inligting wat deur aansoekers verstrek moet word, en die wyse van betaling van finansiële toekennings;
 - (f) die oorweging, toestaan of afwysing van 'n aansoek om 'n maatskaplike pensioen of maatskaplike toelae;
 - (g) die inkomste en bates van 'n aansoeker wat in aanmerking geneem moet word by die bepaling van die bedrag van 'n maatskaplike pensioen of maatskaplike toelae;
 - (h) die omstandighede waaronder maatskaplike pensioene of maatskaplike toelaes betaal kan word aan persone wat in Staats- of Staatsondersteunde inrigtings onderhou word of daarin behandeling ontvang;
 - (i) die datum waarop 'n maatskaplike pensioen of maatskaplike toelae iemand toeval;
 - (j) die wyse van betaling van maatskaplike pensioene en maatskaplike toelaes;
 - (k) die intrekking, verval of opskorting van 'n maatskaplike pensioen, maatskaplike toelae of finansiële toekenning en die wysiging van die bedrag daarvan;
 - (l) die prosedure wat by 'n ondersoek kragtens artikel 15 gevolg moet word;
 - (m) die uitoefening van beheer oor die betaling van maatskaplike pensioene, maatskaplike toelaes en finansiële toekennings;
 - (n) inligting wat van tyd tot tyd van 'n pensioentrekker of ontvanger, of die ontvanger van 'n finansiële toekenning, vereis kan word;
 - (o) die terugbetaling van oorbetalings;
 - (p) inligting wat ingevolge artikel 16 verstrek moet word;
 - (q) 'n aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word; en
 - (r) in die algemeen, 'n aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik, en die algemeenheid van hierdie paragraaf word nie deur die voorafgaande paragrafe beperk nie.
- (2) Die Minister vaardig geen regulasie kragtens subartikel (1), uitgesonderd 'n regulasie in paragrawe (a), (d), (f), (i), (j), (k), (l), (n), (p), (q) en (r) van daardie subartikel bedoel, uit nie, behalwe met die instemming van die Minister van Begroting en Werke.
- (3) Geen regulasie uit hoofde waarvan die gesamentlike bedrag van 'n maatskaplike pensioen in artikel 3 bedoel en waarop 'n aansoeker wie se inkomste en bates nie vermeerder het nie, te eniger tyd geregtig was, verminder sal word, word sonder goedkeuring, by besluit, van die Volksraad uitgevaardig nie.
- (4) 'n Regulasie uitgevaardig kragtens subartikel (1) kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen 'n straf voorskryf wat 'n boete van R4 000 of gevangenisstraf vir 'n tydperk van twee jaar nie te bowe gaan nie.
- (5) Regulasies kragtens subartikel (1) uitgevaardig, kan met terugwerkende krag uitgevaardig word.

Act No. 37, 1989

SOCIAL AID ACT (HOUSE OF ASSEMBLY), 1989

Savings**21. (1) The provisions of—**

- (a) section 28 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), the Social Pensions Act, 1973 (Act No. 37 of 1973), the Children's Act, 1960 (Act No. 33 of 1960), section 20 of the National Welfare Act, 1978 (Act No. 100 of 1978), and section 2 (b) of the Aged Persons Act, 1967 (Act No. 81 of 1967), in so far as those provisions have assigned powers, duties and functions to the Minister of National Health and Population Development which powers, duties and functions have been assigned to the Minister of Health Services and Welfare: Administration: House of Assembly with effect from 17 September 1984 in terms of section 26 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983);
- (b) section 71 of the Mental Health Act, 1973 (Act No. 18 of 1973), read with Proclamation No. R.634 of 1988 dated 31 March 1988; and
- (c) section 56 (1) of the Child Care Act, 1983 (Act No. 74 of 1983), read with Proclamation No. R.16 of 1987 dated 30 January 1987,

shall, subject to subsection (2), cease to apply in respect of the White population group at the commencement of this Act.

(2) Anything done under any provision of a law that has so ceased to be applicable, and which may be done under any provision of this Act, shall be deemed to have been done under the corresponding provision of this Act, and if this Act does not contain any such corresponding provision, such matter shall be proceeded with, disposed of and given effect to as if the provision concerned has not so ceased to be applicable, in so far as the Minister has not provided otherwise.

Short title and commencement

22. This Act shall be called the Social Aid Act (House of Assembly), 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Voorbehoude**21. (1) Die bepalings van—**

- 5 (a) artikel 28 van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), die Wet op Maatskaplike Pensioene, 1973 (Wet No. 37 van 1973), die Kinderwet, 1960 (Wet No. 33 van 1960), artikel 20 van die Nasionale Welsynswet, 1978 (Wet No. 100 van 1978), en artikel 2 (b) van die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), vir sover daardie bepalings aan die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling bevoegdhede, pligte en werksaamhede toegewys het, welke bevoegdhede, pligte en werksaamhede met ingang van 17 September 1984 kragtens artikel 26 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), aan die Minister van Gesondheidsdienste en Welsyn: Administrasie: Volksraad opgedra is;
- 10 (b) artikel 71 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), saamgelees met Proklamasie No. R.634 van 1988 gedateer 31 Maart 1988; en
- 15 (c) artikel 56 (1) van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), saamgelees met Proklamasie No. R.16 van 1987 gedateer 30 Januarie 1987, 20 hou, behoudens subartikel (2), by die inwerkingtreding van hierdie Wet op om van toepassing te wees ten opsigte van die Blanke bevolkingsgroep.
- (2) Enigiets wat kragtens 'n bepaling van 'n wet wat aldus ophou om van toepassing te wees, gedoen is, en wat kragtens 'n bepaling van hierdie Wet gedoen kan word, word geag kragtens die ooreenstemmende bepaling van hierdie Wet 25 gedoen te gewees het, en indien hierdie Wet nie so 'n ooreenstemmende bepaling bevat nie, word met daardie aangeleentheid voortgegaan en word dit afgehandel en daaraan gevolg gegee asof die betrokke bepaling nie aldus opgehou het om van toepassing te wees nie, vir sover die Minister nie anders bepaal nie.

Kort titel en inwerkingtreding

- 30 **22.** Hierdie Wet heet die Wet op Maatskaplike Bystand (Volksraad), 1989, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

