Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

Provincial Gazette Extraordinary

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PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

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Maandag, 9 Desember 2019

IPHONDO LENTSHONA KOLONI

Tsongezelelo kwiGazethi yePhondo

8184

Mvulo, 9 Disemba 2019

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*(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)*

PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Western Cape Laws Repeal Bill [B 5–2019]

P.N. 122/2019 9 December 2019

Any person or organisation wishing to submit comment on the said Bill may submit it to the standing committee to which the Bill has been referred—

(a) comments on the Bill in writing, for the attention of that committee, or

(b) an application for that committee's leave to address it on the Bill.

Any communication regarding (a) or (b) above must be submitted before or on 24 January 2020—

(i) by post to—
The Standing Committee on
Social Development
Western Cape Provincial Parliament
(Attention: Ms N Jamce)
P O Box 648
Cape Town 8000

(ii) by email to—
njamce@wcpp.gov.za

(iii) by fax to—
021 487 1685

R Adams
Secretary to Parliament

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

*(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)*

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hiermee vir algemene inligting gepubliseer:

Wes-Kaapse Wetsontwerp op die Herroeping van Wette [W 5—2019]

P.K. 122/2019 9 Desember 2019

Enige persoon of organisasie wat kommentaar oor die bogenoemde Wetsontwerp wil indien, mag dit by die staande komitee indien na wie die Wetsontwerp verwys is—

(a) skriftelike kommentaar oor die Wetsontwerp vir die aandag van daardie komitee; of

(b) 'n aansoek om verlof van daardie komitee om dit oor die Wetsontwerp toe te spreek.

Enige kommunikasie oor (a) en (b) hier bo moet voor of op 24 Januarie 2020 ingedien word—

(i) per pos aan—
Die Staande Komitee oor
Maatskaplike Ontwikkeling
Wes-Kaapse Provinsiale Parlement
(Aandag: Me N Jamce)
Posbus 648
Kaapstad 8000

(ii) per e-pos aan—
njamce@wcpp.gov.za

(iii) per faks aan—
021 487 1685

R Adams
Sekretaris van die Parlement

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

*(*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e7 Wale Street, eKapa 8001.)*

ISAZISO SEPHONDO

Lo Mthetho uSayilwayo ulandelayo upapashwa apha ukunika ulwazi ngokubanzi:

UMthetho oSayilwayo woTshitshiso lweMithetho weNtshona Koloni [B 5–2019]

P.N. 122/2019 9 Disemba 2019

Nawuphi na umntu okanye umbutho onqwenela ukungenisa uphawulo kulo Mthetho uSayilwayo angalungenisa kwikomiti esisigxina apho loMthetho uSayilwayo uthunyelwe khona—

(a) iintetha ngoMthetho oSayilwayo ngembalelwano, ziye ngqo kula komiti, okanye

(b) isicelo sekhefu lalo komiti ukuba ihoyane naso kuMthetho oSayilwayo.

Naluphi na unxibelwano malunga no (a) okanye u (b) ngentla apha malungeniswe phambi okanye ngowe-24 Januwari 2020—

(i) ngeposi luye—
kwiKomiti eSisigxina kuPhuhliso
lweNtlalo
IPalamente yePhondo leNtshona Koloni
(Luye ngqo ku: Nksz N Jamce)
P O Box 648
eKapa 8000

(ii) nge-imeyile ku—
njamce@wcpp.gov.za

(iii) ngefeksi ku—
021 487 1685

R Adams
UNobhala wePalamente

BILL

To repeal certain obsolete laws; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Repeal of laws

1. The laws specified in the second column of the Schedule, in so far as they apply in or have been assigned to the Province of the Western Cape, are repealed to the extent indicated in the third column of the Schedule.

Short title

2. This Act is called the Western Cape Laws Repeal Act, 2019.

SCHEDULE

Number and year of law	Short title	Extent of repeal
Act 81 of 1967	Aged Persons Act, 1967	The whole, excluding sections 5, 6 and 16
Act 100 of 1978	National Welfare Act, 1978	The whole, excluding— *(a)* sections 2, 3, 4, 20 and 22A(1) and (2)*(a)* and *(b)*; and *(b)* sections 1, 18 and 21(1)*(d)* and *(g)* in so far as they apply or relate to the sections listed in paragraph *(a)*.

MEMORANDUM ON THE OBJECTS OF THE WESTERN CAPE LAWS REPEAL BILL

1. BACKGROUND

1.1 The Aged Persons Act, 1967 (Act 81 of 1967) (the Aged Persons Act), was assigned to the Western Cape Province (the Province), excluding certain sections, by Proclamation R.7 of 1996, published in *Government Gazette* 16992 dated 23 February 1996. The Aged Persons Act provides for the protection and welfare of certain older and debilitated persons, for the care of their interests, for the establishment and registration of certain institutions, for the accommodation and care of persons in such institutions, for the payment of old-age pensions and certain allowances and for incidental matters.

1.2 The Older Persons Act, 2006 (Act 13 of 2006), currently regulates the position of older persons in South Africa. The Aged Persons Act is, as a consequence, redundant legislation. The Western Cape Laws Repeal Bill, 2019 (the Bill) seeks to repeal it to the extent of its assignment to the Province.

1.3 The National Welfare Act, 1978 (Act 100 of 1978) (the National Welfare Act), was assigned to the Province by the above-mentioned Proclamation R.7 of 1996, excluding certain sections.

1.4 The National Welfare Act seeks to provide for the establishment and constitution of a South African Welfare Council, regional welfare boards and certain committees, to define their powers and functions, to provide for welfare programmes and the registration of welfare organisations and to provide for incidental matters.

1.5 The National Welfare Act no longer has any practical utility for the Province because the contemplated regional welfare boards do not exist, and matters concerning the registration and funding of welfare organisations are currently regulated by more recent legislation, including the Nonprofit Organisations Act, 1997 (Act 71 of 1997). The Bill seeks to repeal the National Welfare Act to the extent of its assignment to the Province.

2. OBJECT OF BILL

2.1 The object of the Bill is to repeal the Aged Persons Act and the National Welfare Act in so far as they apply in or have been assigned to the Province. These laws are obsolete and are of no application in the Province.

3. CONTENTS OF BILL

3.1 **Clause 1**

Clause 1 provides for the repeal of the legislation and the extent of the repeal, as indicated in the second and third columns of the Schedule, respectively.

3.2 **Clause 2**

Clause 2 provides for the short title.

4. CONSULTATION

Department of the Premier: Legal Services

5. FINANCIAL IMPLICATIONS

None

6. PERSONNEL IMPLICATIONS

None

7. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for social development is satisfied that the provisions in the Bill fall within the legislative competence of the Province.

WETSONTWERP

Om sekere verouderde wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Herroeping van wette

1. Die wette vermeld in die tweede kolom van die Bylae, vir sover hulle van toepassing is in of opgedra is aan die Provinsie Wes-Kaap, word herroep in die mate aangedui in die derde kolom van die Bylae.

Kort titel

2. Hierdie Wet heet die Wes-Kaapse Wet op die Herroeping van Wette, 2019.

BYLAE

Nommer en jaar van Wet	**Kort titel**	**Omvang van herroeping**
Wet 81 van 1967	Wet op Bejaarde Persone, 1967	Die geheel, uitgesonderd artikels 5, 6 en 16
Wet 100 van 1978	Nasionale Welsynswet, 1978	Die geheel, uitgesonderd— *(a)* artikels 2, 3, 4, 20 en 22A(1) en (2)*(a)* en *(b)*; en *(b)* artikels 1, 18 en 21*(d)* en *(g)* vir sover dit van toepassing is of betrekking het op die artikels vermeld in paragraaf *(a)*.

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE WETSONTWERP OP DIE HERROEPING VAN WETTE

1. AGTERGROND

1.1 Die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967) (die Wet op Bejaarde Persone), is, met die uitsondering van sekere artikels, by Proklamasie R.7 van 1996, gepubliseer in *Staatskoerant* 16992 van 23 Februarie 1996, aan die Provinsie opgedra. Die Wet op Bejaarde Persone maak voorsiening vir die beskerming en welsyn van sekere ouer en verswakte persone, vir die omsien na hul belange, vir die instelling en registrasie van sekere instellings, vir die akkommodasie en sorg van persone in sulke instellings, vir die betaling van ouderdomspensioene en sekere toelaes en vir verbandhoudende aangeleenthede.

1.2 Die ''Older Persons Act, 2006'' (Wet 13 van 2006), reguleer tans die posisie van ouer persone in Suid-Afrika. Gevolglik is die Wet op Bejaarde Persone oorbodige wetgewing. Die Wes-Kaapse Wetsontwerp op die Herroeping van Wette, 2019 (die Wetsontwerp), beoog om die Wet op Bejaarde Persone te herroep in die mate van die opdrag daarvan aan die Provinsie.

1.3 Die Nasionale Welsynswet, 1978 (Wet 100 van 1978) (die Nasionale Welsynswet), is aan die Provinsie opgedra by die bogenoemde Proklamasie R.7 van 1996, met die uitsondering van sekere artikels.

1.4 Die Nasionale Welsynswet het ten doel om voorsiening te maak vir die instelling en samestelling van 'n Suid-Afrikaanse Welsynsraad, streekswelsynsrade en sekere komitees, om hul bevoegdhede en funksies te omskryf, om voorsiening te maak vir welsynsprogramme en die registrasie van welsynsorganisasies en om voorsiening te maak vir verbandhoudende aangeleenthede.

1.5 Die Nasionale Welsynswet het nie meer enige praktiese nut vir die Provinsie nie omdat die beoogde streekswelsynsrade nie bestaan nie, en aangeleenthede rakende die registrasie en befondsing van welsynsorganisasies word tans deur meer onlangse wetgewing gereguleer, waaronder die Wet op Organisasies Sonder Winsoogmerk, 1997 (Wet 71 van 1997). Die Wetsontwerp beoog om die Nasionale Welsynswet te herroep in die mate waarin dit aan die Provinsie opgedra is.

2. OOGMERK VAN WETSONTWERP

2.1 Die oogmerk van die Wetsontwerp is om die Wet op Bejaarde Persone en die Nasionale Welsynswet te herroep vir sover dit van toepassing is in of opgedra is aan die Provinsie. Hierdie wette is verouderd en word nie toegepas in die Provinsie nie.

3. INHOUD VAN WETSONTWERP

3.1 Klousule 1

Klousule 1 maak voorsiening vir die herroeping van die wetgewing en die omvang van die herroeping, soos aangedui in onderskeidelik die tweede en derde kolomme van die Bylae.

3.2 Klousule 2

Klousule 2 maak voorsiening vir die kort titel.

4. OORLEGPLEGING

Departement van die Premier: Regsdienste

5. FINANSIËLE IMPLIKASIES

Geen

6. PERSONEELIMPLIKASIES

Geen

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir maatskaplike ontwikkeling is oortuig dat die bepalings in die Wetsontwerp binne die wetgewende bevoegdheid van die Provinsie ressorteer.

UMTHETHO OSAYILWAYO

Ukutshitshisa imithetho ethile engasasetyenziswayo; nokubonelela ngemiba ehambelana naleyo.

MAWUIMISELWE yiPalamente yePhondo leNtshona Koloni ngolu hlobo lulandelayo:—

Ukutshitshiswa kwemithetho

1. Imithetho exelwe kwikholam yesibini yeShedyuli, njengoko isebenza okanye ilungiselelwe iPhondo leNtshona Koloni iyatshitshiswa ngolu hlobo kuchazwe ngalo kwikholam yesithathu yeShedyuli.

Isihloko esifutshane

2. Lo mthetho ubizwa ngokuba nguMthetho woTshitshiso lweMithetho weNtshona Koloni, ka-2019.

ISHEDYULI

Inombolo nonyaka womthetho	**Isihloko esifutshane**	**Iindawo ezitshitshiswayo kumthetho**
UMthetho 81 ka-1967	Aged Persons Act, 1967	Wonke, ngaphandle kwamacandelo 5, 6 no-16
UMthetho 100 ka-1978	National Welfare Act, 1978	Wonke, ngaphandle— *(a)* kwamacandelo 2, 3, 4, 20 no-22A(1) no- (2)*(a)* no-*(b)*; kunye *(b)* namacandelo 1, 18 no-21(1)*(d)* no-*(g)* kwiindawo asebenza kuzo kumacandelo adweliswe kumhlathi *(a)*.

IMEMORANDAM YEENJONGO ZOMTHETHO OSAYILWAYO WOTSHITSHISO LWEMITHETHO WENTSHONA KOLONI

1. INTSUKAPHI

1.1 Umthetho i*Aged Persons Act, 1967* (uMthetho 81 ka-1967) (i*Aged Persons Act*), waphunyezwa ukuba usebenze kwiPhondo leNtshona Koloni, (iPhondo) ngaphandle kwamacandelo athile, ngoMpoposho R.7 ka-1996, owapapashwa kwi*Gazethi yePhondo* 16992 womhla we-23 Februwari 1996. Umthetho i*Aged Persons Act* ubonelela ngokhuselo nentlalontle yabantu abathile abadala nabayimilwelwe, ukukhathalela izidingo zabo, ukumisela nokubhalisa amaziko athile, ukuhlalisa nokukhathalela abantu kuloo maziko, ukuba yindawo yokuhlawulela indodla yabantu abadala neemali ezithile zezinto ezithile.

1.2 Umthetho i*Older Persons Act, 2006* (uMthetho 13 ka-2006), nguwo ngoku obeka imiqathango yokulawula iimeko zabantu abadala eMzantsi Afrika. Umthetho i*Aged Persons Act* ngenxa yoko, awusasebenzi, uMthetho oSayilwayo woTshitshiso lweMithetho weNtshona Koloni, 2019 (uMthetho oSayilwayo) kukuwutshitshisa kuzo zonke iindawo apho ubhekisa kwiPhondo.

1.3 Umthetho i*National Welfare Act, 1978* (uMthetho 100 ka-1978) (iNational Welfare Act), waphunyezwa ukuba usebenze kwiPhondo ngoMpoposho okhakhanywe apha ngentla onguR.7 ka-1996, ngaphandle kwamacandelo athile.

1.4 Injongo yoMthetho i*National Welfare Act* kukubonelela ngomiselo nobulungu beebhodi neekomiti ezithile zeSouth African Welfare Council, iibhodi zentlalontle zemimandla neekomiti ezithile, ukuchaza amagunya azo nemisebenzi yazo, ukubonelela ngeenkqubo zentlalontle nobhaliso lwemibutho yezentlalontle kunye nemiba ehambelana naleyo.

1.5 Umthetho i*National Welfare Act* awuselolutho kwiPhondo ngoba ezo bhodi zentlalontle zemimandla azisekho yaye imiba emalunga nobhaliso kunye nenkxasomali yemibutho yezentlalontle ilawulwa yimithetho emitsha ekhoyo ngoku, kubandakanywa umthetho i*Nonprofit Organisations Act, 1997* (uMthetho 71 ka-1997). Injongo yoMthetho oSayilwayo ke ngoko kukutshitshisa iNational Welfare Act kwiindawo apho ubhekisa kwiPhondo.

2. INJONGO YOMTHETHO OSAYILWAYO

2.1 Injongo yoMthetho oSayilwayo kukutshitshisa, uMthetho oyi*Aged Persons Act* ne*National Welfare Act* kwiindawo apho usebenza okanye ubhekisa kwiPhondo. Le mithetho yeyakudala yaye ayisasebenzi kwiPhondo.

3. IZIQULATHO ZOMTHETHO USAYILWAYO

3.1 **Isolotya 1**

Isolotya 1 libonelela ngotshitshiso lomthetho neendawo ezitshitshiswayo kuwo njengoko kuxeliwe kwikholam yesibini nakweyesithathu yeShedyuli ngokulandelelana.

3.2 **Isolotya 2**

Isolotya 2 libonelela ngesihloko esifutshane.

4. UKUBONISANA

ISebe leNkulumbuso: IiNkonzo zoMthetho

5. UCHAPHAZELEKO LWEZIMALI

Alukho

6. UCHAPHAZELEKO LWABASEBENZI

Alukho

7. UTHOBELO LWEMITHETHO

UMphathiswa wePhondo ojongene nophuhliso lwezentlalo wanelisekile ukuba imiqathango yoMthetho oSayilwayo iyilandele yonke imithetho yePhondo.

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