

EXTRAORDINARY



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GOVERNMENT GAZETTE

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GOVERNMENT NOTICES.**DEPARTMENT OF COLOURED AFFAIRS.**

No. R.1809.]

[4th October, 1968

OLD AGE PENSIONS REGULATIONS

I, MARAIS VILJOEN, Minister of Coloured Affairs, under and by virtue of the powers vested in me by section 20 of the Aged Persons Act, 1967 (Act No. 81 of 1967), hereby—

- (i) make the following regulations in respect of Coloured persons;
- (ii) determine that the said regulations shall come into operation on 1 October 1968; and
- (iii) repeal the regulations published under Government Notice No. R.757, dated 22 May 1964, with effect from 1 October 1968.

MARAIS VILJOEN,
Minister of Coloured Affairs.

REGULATIONS**DEFINITIONS**

1. In these regulations, unless the context otherwise indicates—

- (i) "applicant" means any person claiming a pension;
- (ii) "attesting officer" means any officer in the service of the Department of Coloured Affairs or of Social Welfare and Pensions or of Justice, any postmaster or any member of any statutory police force;
- (iii) "the Act" means the Aged Persons Act, 1967 (Act No. 81 of 1967);
- (iv) "Minister" means the Minister of Coloured Affairs;
- (v) "pension" means an old age pension referred to in section 2 of the Act but does not include an additional, supplementary or attendant's allowance;
- (vi) "Secretary" means the Secretary for Coloured Affairs;

and any word to which a meaning has been assigned in the Act shall bear that meaning.

GOEWERMENSKENNISGEWINGS.**DEPARTEMENT VAN KLEURLINGSAKE.**

No. R.1809.]

[4 Oktober 1968.

OUDERDOMSPENSIOENREGULASIES

Ek, MARAIS VILJOEN, Minister van Kleurlingsake, handelende kragtens die bevoegdheid my verleen by artikel 20 van die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967)—

- (i) vaardig hierby onderstaande regulasies ten opsigte van Kleurlinge uit;
- (ii) bepaal dat genoemde regulasies op 1 Oktober 1968 in werking tree; en
- (iii) herroep hierby met ingang van 1 Oktober 1968 die regulasies afgekondig by Goewermentskennisgewing No. R.757 van 22 Mei 1964.

MARAIS VILJOEN,
Minister van Kleurlingsake.

REGULASIES**WOORDOMSKRYWING**

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

- (i) „applikant” ’n persoon wat op ’n pensioen aanspraak maak;
- (ii) „attesterende beampte” ’n beampte in die diens van die Departement van Kleurlingsake of van Volkswelsyn en Pensioene of van Justisie, ’n posmeester of ’n lid van ’n polisiemag wat by Wet ingestel is;
- (iii) „die Wet” die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967);
- (iv) „Minister” die Minister van Kleurlingsake;
- (v) „pensioen” ’n ouderdomspensioen in artikel 2 van die Wet bedoel, maar nie ook ’n bykomende, aanvullende of oppasserstoelae nie;
- (vi) „Sekretaris” die Sekretaris van Kleurlingsake;

en het ’n woord waaraan in die Wet ’n betekenis geheg is, daardie betekenis.

APPLICATION FOR A PENSION

2. (1) (a) Subject to the provisions of subregulation (2), any application for a pension shall, after the applicant has declared the information furnished therein to be true and correct to the best of his knowledge and belief, be signed by him in the presence of an attesting officer and submitted to the district pension officer for the area in which the applicant is permanently resident.

(b) The attesting officer in whose presence an application is so signed shall certify on such application that he has explained the information contained therein to the applicant and that the declaration referred to in subregulation (1) (a) was made and signed in his presence by such applicant.

(2) (a) If a district pension officer is of opinion that any applicant or any person on whose behalf a pension is claimed is unable owing to some physical or mental defect to comply with the provisions of subregulation (1) (a), he may at his discretion permit any other person to apply for such pension on behalf of such applicant or person, in which case the provisions of subregulation (1) shall apply *mutatis mutandis* to such other person.

(b) Whenever a district pension officer permits any person to apply for a pension on behalf of any other person he shall certify on the application that he authorizes the person named in the certificate to apply for a pension on behalf of the applicant.

3. Any application for a pension shall contain full particulars of and information on the income and assets of the applicant and his spouse and, if he or his spouse owns any immovable property, any mortgage bond registered against the title deed of such property.

4. When both a man and his wife apply for a pension, a separate application shall be submitted in respect of each of them.

5. Any application for a pension shall—

- (a) be accompanied by the applicant's birth or baptismal certificate or, if such applicant is unable to produce such birth or baptismal certificate, by such other documentary evidence of such applicant's date of birth or age as the Secretary may deem fit or by a certificate by a district pension officer to the effect that after an enquiry made by him personally he is satisfied that such applicant was born on a date mentioned in such certificate or has attained the age so mentioned;
- (b) if the applicant claims to be a South African citizen by registration or naturalization, be accompanied by the certificate of registration or naturalization as a South African citizen, as the case may be, or if he is unable to produce such certificate, by such other evidence of registration or naturalization as a South African citizen as the Secretary may deem fit;
- (c) if the applicant claims to be a South African citizen by descent, be accompanied by such evidence of South African citizenship as the Secretary may deem fit;
- (d) be accompanied by such evidence of residence in the Republic or South-West Africa as the Secretary may deem fit.

6. The date on which any application for a pension is signed in the presence of an attesting officer shall be deemed to be the date on which such application was made.

RECORD OF APPLICATIONS FOR A PENSION

7. The district pension officer shall keep a record of the name and address of each applicant from whom he receives an application for a pension, and of the date on which such application was attested in terms of regulation 2 (1).

AANSOEK OM 'N PENSIEN

2. (1) (a) Behoudens die bepalings van subregulasie (2), moet 'n aansoek om 'n pensioen, nadat die applikant verklaar het dat die inligting daarin verstrek na sy beste wete en oortuiging waar en juis is, deur hom voor 'n attesterende beampte onderteken en by die distriks-pensioenbeampte vir die gebied waarin die applikant permanent woonagtig is, ingedien word.

(b) Die attesterende beampte voor wie 'n aansoek aldus onderteken word, moet op die aansoek sertifiseer dat hy die inligting in die aansoek vervat, aan die applikant verduidelik het en dat die verklaring in subregulasie (1) (a) vermeld, deur die applikant voor hom gedoen en onderteken is.

(2) (a) Indien 'n distrikspensioenbeampte van oordeel is dat 'n applikant of 'n persoon namens wie op 'n pensioen aanspraak gemaak word, weens 'n liggaamlike of geestesgebrek nie in staat is om aan die bepalings van subregulasie (1) (a) te voldoen nie, kan hy na goëddunke 'n ander persoon toelaat om namens sodanige applikant of persoon aansoek om die pensioen te doen, en dan is die bepalings van subregulasie (1) *mutatis mutandis* ten opsigte van sodanige ander persoon van toepassing.

(b) Wanneer 'n distrikspensioenbeampte 'n persoon toelaat om namens 'n ander persoon aansoek om 'n pensioen te doen, moet hy op die aansoek sertifiseer dat hy die persoon in die sertifikaat vermeld, magtig om namens die applikant aansoek om 'n pensioen te doen.

3. 'n Aansoek om 'n pensioen moet volledige besonderhede en inligting bevat van die applikant en sy eggenote se inkomste en bates en, indien hy of sy eggenote enige onroerende eiendom besit, van enige verband wat teen die titelbewys van sodanige eiendom geregistreer is.

4. Wanneer sowel 'n man as sy vrou om 'n pensioen aansoek doen, moet 'n afsonderlike aansoek ten opsigte van elkeen van hulle gedoen word.

5. 'n Aansoek om 'n pensioen moet—

- (a) vergesel gaan van die applikant se geboortesertifikaat of doopseel of, indien die applikant nie in staat is om sodanige geboortesertifikaat of doopseel voor te lê nie, van die ander dokumentêre bewys van die applikant se geboortedatum of ouderdom wat die Sekretaris goedvind, of van 'n sertifikaat deur 'n distrikspensioenbeampte ten effekte dat hy, na ondersoek deur hom persoonlik ingestel, oortuig is dat die applikant op 'n datum in die sertifikaat vermeld, gebore is of die aldus vermelde ouderdom bereik het;
- (b) indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur registrasie of naturalisasie is, vergesel gaan van die sertifikaat van registrasie of naturalisasie as Suid-Afrikaanse burger, na gelang van die geval, of indien hy nie in staat is om sodanige sertifikaat voor te lê nie, van die ander bewys van registrasie of naturalisasie as Suid-Afrikaanse burger wat die Sekretaris goedvind.
- (c) indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur afkoms is, vergesel gaan van die bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;
- (d) vergesel gaan van die bewys van verblyf in die Republiek of Suidwes-Afrika wat die Sekretaris goedvind.

6. Die datum waarop 'n aansoek om 'n pensioen voor 'n attesterende beampte onderteken word, word geag die datum te wees waarop die aansoek gedoen is.

REKORD VAN AANSOEKE OM PENSIEN

7. Die distrikspensioenbeampte moet aantekening hou van die naam en adres van iedere applikant van wie hy 'n aansoek om 'n pensioen ontvang en van die datum waarop die aansoek ingevolge regulasie 2 (1) geattesteer is.

SECURING ATTENDANCE OF WITNESSES

8. Any subpoena issued under section 9 of the Act shall as far as practicable be in the form of Schedule A.

PERSONS WHO ARE NOT ELIGIBLE FOR AN OLD AGE PENSION

9. No person shall be eligible for an old age pension if he is in receipt of a pension under the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965) of South-West Africa, or the German War Veterans' Pensions Ordinance, 1965 (Ordinance No. 3 of 1965), of South-West Africa.

DETERMINATION OF AMOUNT OF PENSION

10. (1) In deciding whether a pension shall be granted, cancelled, reduced or increased, or when determining the amount of the pension, the Secretary shall take into account—

- (a) the ability and opportunities of an applicant or pensioner to support himself or contribute towards his support by his own exertions; and
- (b) the ability of the applicant's or pensioner's spouse to support him or to contribute towards his support.

(2) Subject to the provisions of the Act and of these regulations—

- (a) the pension granted to any aged person shall be of such an amount, not exceeding seventy-two rand per annum, as the Secretary may determine having regard to the circumstances, annual income and other means of such aged person and of his spouse;
- (b) no pension shall be granted to any aged person at such a rate as will make his annual income and other means together with the pension exceed the amount of one hundred and sixty-eight rand per annum;
- (c) the amount of the pension granted to any aged person shall be reduced by the amount of six rand per annum for every six rand by which the annual income and other means of such person exceed the amount of ninety-six rand;
- (d) the combined assets, including any usufruct, of a married applicant and his spouse shall be taken into account for the purpose of determining such applicant's other means;
- (e) the combined income of a married applicant and his spouse shall be deemed to be the income of such applicant.

(3) (a) In addition to the annual personal income of an applicant, the other means of such applicant and his spouse and half of the annual income of his spouse derived from sources other than remuneration for services rendered, only one-sixth of any remuneration received by his spouse for services rendered shall be taken into account in considering such applicant's application for a pension, provided he is unable to work owing to old age or for medical reasons.

(b) Except in a case where the provisions of sub-regulation (3) (a) apply, only half of a married applicant's annual income shall be taken into account in considering his application for a pension under section 10 (3) of the Act.

(c) In determining an applicant's other means, any assets donated by him or his spouse to any other person shall be taken into account, but the amount or value of such assets shall be reduced by an amount, calculated at the rate of two hundred and fifty rand per annum in the case of an unmarried applicant and at the rate of five

VERKRYGING VAN DIE AANWESIGHEID VAN GETUIES

8. 'n Dagvaarding wat ingevolge artikel 9 van die Wet uitgereik word, moet sover doenlik in die vorm van Bylae A wees.

PERSONE WAT NIE VIR 'N OUDERDOMSPENSIOEN IN AANMERKING KOM NIE

9. Niemand kom vir 'n ouderdomspensioen in aanmerking nie indien hy 'n pensioen ontvang kragtens die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965) van Suidwes-Afrika, of die Duitse Oudstryders Pensioen Ordonnansie, 1965 (Ordonnansie No. 3 van 1965) van Suidwes-Afrika.

VASSTELLING VAN BEDRAG VAN PENSIOEN

10. (1) By 'n beslissing oor die vraag of 'n pensioen toegeken, ingetrek, verminder of verhoog moet word of oor die bedrag van 'n pensioen, hou die Sekretaris rekening met—

- (a) die vermoë en geleenthede van 'n applikant of pensioentrekker om deur eie inspanning homself te onderhou of tot sy onderhoud by te dra; en
- (b) die vermoë van die applikant of pensioentrekker se eggenote om hom te onderhou of tot sy onderhoud by te dra.

(2) Behoudens die bepalings van die Wet en van hierdie regulasies—

- (a) beloop die pensioen wat aan 'n bejaarde persoon toegeken word die bedrag van hoogstens twee-en-sewentig rand per jaar wat die Sekretaris met inagneming van die omstandighede, jaarlikse inkomste en ander middele van die betrokke bejaarde persoon en van sy eggenote vasstel;
- (b) word 'n pensioen nie aan 'n bejaarde persoon toegeken teen so 'n skaal dat sy jaarlikse inkomste en ander middele tesame met die pensioen die bedrag van eenhonderd agt-en-sestig rand per jaar te bowe gaan nie;
- (c) word die bedrag van die pensioen wat aan 'n bejaarde persoon toegeken word met die bedrag van ses rand per jaar verminder vir iedere ses rand waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van ses-en-negentig rand te bowe gaan;
- (d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir die doeleindes van die bepaling van die applikant se ander middele in aanmerking geneem;
- (e) word die gesamentlike inkomste van 'n getroude applikant en sy eggenote geag die inkomste van die applikant te wees;

(3) (a) Benewens die jaarlikse persoonlike inkomste van 'n applikant, die ander middele van hom en sy eggenote en die helfte van die jaarlikse inkomste van sy eggenote verkry uit ander bronne as vergoeding vir dienste gelewer, word slegs een-sesde van enige vergoeding deur sy eggenote ontvang vir dienste gelewer, by die oorweging van die applikant se aansoek om 'n pensioen in aanmerking geneem, mits hy weens ouderdom of mediese ongeskiktheid nie kan werk nie.

(b) Behalwe in 'n geval waar die bepalings van subregulasie (3) (a) van toepassing is, word slegs die helfte van 'n getroude applikant se jaarlikse inkomste by die oorweging van sy aansoek om 'n pensioen ingevolge artikel 10 (3) van die Wet in aanmerking geneem.

(c) By die bepaling van 'n applikant se ander middele, word enige bates wat hy of sy eggenote aan iemand anders geskenk het, in aanmerking geneem, maar die bedrag of waarde van sodanige bates word met 'n bedrag, bereken teen die koers van tweehonderd-en-veftig rand per jaar in die geval van 'n ongetroude applikant en teen

hundred rand per annum in the case of a married applicant, in respect of every calendar year which has elapsed since the date of the donation.

(4) For the purposes of subregulations (2) and (3)—
“assets” shall mean any immovable property, cash investments, interest in the shares, share capital or assets of a company or other institution, capital invested in any business concern, and cash in hand or in a current account at any bank or other financial institution;

“income” shall mean

- (a) any remuneration, either in cash or otherwise, received for services rendered, but shall not include such remuneration received by any person after he has attained the age of seventy years;
- (b) any profits derived from a business concern of which an applicant or his spouse is the owner;
- (c) any benefits received under the statutory provisions or rules relating to any pension or provident fund or any scheme, but shall not include any benefits received under the Act, the Children's Act, 1960 (Act No. 33 of 1960), the Children's Ordinance, 1961 (Ordinance No. 31 of 1961) of South-West Africa, the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965) of South-West Africa, the Unemployment Insurance Act, 1966 (Act No. 30 of 1966), the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968), the Blind Persons Act, 1968 (Act No. 26 of 1968), the Disability Grants Act, 1968 (Act No. 27 of 1968), or under any regulation made under any of the said Acts or Ordinances;
- (d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of seventy-two rand per annum; provided the applicant is the owner of the property;
- (e) any income derived from any other source, but shall not include rentals, interest or dividends;

“other means” shall mean

- (a) the estimated yield of the assets of an applicant, including any usufruct, as determined by dividing the amount by which the unencumbered value of such assets exceeds the amount of one thousand eight hundred rand or, in the case of an applicant who has attained the age of seventy years, the amount of two thousand four hundred rand, by one hundred and by multiplying the result by six;
- (b) the annual profits derived by the applicant or his spouse from any immovable property rented for agricultural purposes: Provided that the minimum annual income so derived shall be deemed to be seventy-two rand.

(5) As soon as the Secretary has decided whether or not an applicant is entitled to a pension and if so, the amount thereof, he shall inform the applicant in writing of his decision.

DATE ON WHICH PENSION ACCRUES

11. A pension shall be granted with effect from the first day of the month in which such pension is applied for or, if a pension is applied for before the expiry of a period of sixty days from the date on which the applicant

vyfhonderd rand per jaar in die geval van 'n getroude applikant, verminder ten opsigte van iedere kalenderjaar wat sedert die datum van die skenking verloop het.

(4) By die toepassing van subregulasies (2) en (3) beteken—

„bates” enige onroerende eiendom, kontantbeleggings, belang in die aandele, aandeelkapitaal of bates van 'n maatskappy of ander instelling, kapitaal in 'n sake-onderneming belê, en kontant voorhande of in 'n lopende rekening by 'n bank of ander finansiële instelling;

„inkomste”

- (a) enige vergoeding, hetsy in kontant of andersins, ontvang vir dienste gelewer, maar nie ook sodanige vergoeding deur 'n persoon na die bereiking van die ouderdom van sewentig jaar ontvang nie;
- (b) enige winste verkry uit 'n sake-onderneming waarvan 'n applikant of sy eggenote die eienaar is;
- (c) enige voordele ingevolge die wetsbepalings of reëls met betrekking tot 'n pensioen- of voorsorgfonds of die een of ander skema ontvang, maar nie ook enige voordele ontvang ingevolge die Wet, die Kinderwet, 1960 (Wet No. 33 van 1960), die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961) van Suidwes-Afrika, die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965) van Suidwes-Afrika, die Duitse Oudstryders Pensioen Ordonnansie, 1965 (Ordonnansie No. 3 van 1965) van Suidwes-Afrika, die Wet op Werkloosheidversekering, 1966 (Wet No. 30 van 1966), die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968), die Wet op Blindes, 1968 (Wet No. 26 van 1968), die Wet op Ongeskiktheidstoelae, 1968 (Wet No. 27 van 1968), of ingevolge 'n regulasie kragtens enige van genoemde wette of ordonnansies uitgevaardig nie;
- (d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van twee-en-sewentig rand per jaar te beloop, mits die applikant die eienaar is van die eiendom;
- (e) enige inkomste uit 'n ander bron verkry, maar nie ook huurgelde, rente of diwidende nie;

„ander middele”

- (a) die beraamde jaarlikse opbrengs van die bates en van enige vruggebruik van 'n applikant, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van eenduisend agthonderd rand of, in die geval van 'n applikant wat die ouderdom van sewentig jaar bereik het, die bedrag van tweeduisend vierhonderd rand te bowe gaan, deur eenhonderd te deel en die resultaat met ses te vermenigvuldig;
- (b) die jaarlikse winste verkry uit enige onroerende eiendom deur die applikant of sy eggenote vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste aldus verkry, as twee-en-sewentig rand beskou word.

(5) So gou doenlik nadat die Sekretaris bepaal het of die applikant op 'n pensioen geregtig is al dan nie, en indien wel, die bedrag daarvan, moet hy die applikant skriftelik van sy beslissing in kennis stel.

DATUM WAAROP 'N PENSIOEN TOEVAL

11. 'n Pensioen word toegeken met ingang van die eerste dag van die maand waarin daarom aansoek gedoen word, of indien 'n aansoek om 'n pensioen gedoen word voor die verstryking van 'n tydperk van sestig dae vanaf

attained the age of sixty-five years in the case of a male applicant, or sixty years in the case of a female applicant, with effect from a date earlier than the first day of the month in which such applicant attained the appropriate age: Provided that the Secretary may in any case determine a later date if he is satisfied that circumstances justify the determination of such later date.

ADDITIONAL OR SUPPLEMENTARY ALLOWANCES

12. Any aged person granted a pension shall be paid, in addition to such pension, an allowance of one hundred and eight rand per annum.

ATTENDANT'S ALLOWANCE

13. (1) If in the opinion of the Secretary any person to whom a pension has been granted under the Act has attained the age of ninety years or is in such a physical or mental condition that he requires the regular attendance of any other person and if no subsidy is paid in respect of him under section 2 (b) of the Act, the Secretary may, on such conditions and with effect from such date as he may determine, in addition to such pension, grant such pensioner or any person on behalf of such pensioner an attendant's allowance not exceeding sixty rand per annum.

(2) Notwithstanding anything to the contrary contained in subregulation (1), no attendant's allowance shall be granted thereunder with effect from a date earlier than the first day of the month in which the pensioner attains the age of ninety years or in which the Secretary is satisfied that such pensioner is in such a physical or mental condition that he requires the regular attendance of any other person.

PAYMENT OF PENSIONS AND ALLOWANCES

14. Pensions, additional or supplementary allowances and attendants' allowances granted under the Act or these regulations shall be paid monthly by the Secretary or any person designated by him at such times and places as the Secretary may determine.

15. (1) Subject to the provisions of subregulation (2), every pensioner shall take receipt in person of the pension and allowances payable to him and furnish a receipt under his signature or mark in respect of the amount so received.

(2) When any pensioner is unable owing to some physical indisposition to take receipt in person of a pension or any allowances granted to him under the Act or these regulations, the Secretary or the person paying out such pension or allowances may on production to him of an authority, in writing, by such pensioner, duly signed in the presence of two witnesses, pay out such pension and allowances for a period not exceeding three months to any person named in such authority: Provided that such person shall whenever payment of such pension and allowances is made furnish a certificate to the effect that such pensioner is alive at the time of such payment.

(3) When any pensioner requests that some other person shall for an indefinite period take receipt on his behalf of any pension and allowances granted to him, the person paying out such pension and allowances may on production to him of an authority, in writing, by such pensioner, duly signed in the presence of two witnesses and approved by the Secretary, pay out such pension and allowances to the person named in such authority.

(4) The provisions of subregulation (1) shall apply *mutatis mutandis* to any person to whom a pension and allowances are paid out in accordance with an authority granted under subregulation (2) or (3).

die datum waarop die applikant die ouderdom van vyf-en-sestig jaar in die geval van 'n manlike applikant of sestig jaar in die geval van 'n vroulike applikant bereik het, met ingang van die eerste dag van die maand waarin die applikant die toepaslike ouderdom bereik het: Met dien verstande dat die Sekretaris in elke geval 'n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

BYKOMENDE OF AANVULLENDE TOELAES

12. 'n Bejaarde persoon aan wie 'n pensioen toegeken word, word, benewens sodanige pensioen, 'n toelae van honderd-en-agt rand per jaar betaal.

OPPASSERSTOELAE

13. (1) Indien 'n persoon aan wie 'n pensioen ingevolge die Wet toegeken is, na die oordeel van die Sekretaris, die ouderdom van negentig jaar bereik het of in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand anders opgepas moet word en geen subsidie deur die Staat aan enige ouetehuis of ander inrigting ten opsigte van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op die voorwaardes en met ingang van die datum wat hy bepaal, benewens sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens sestig rand per jaar toeken.

(2) Ondanks andersluidende bepalings van subregulasie (1), word geen oppasserstoelae daarkragtens toegeken met ingang van 'n datum wat vroeër is as die eerste dag van die maand waarin die pensioentrekker die ouderdom van negentig jaar bereik of waarin die Sekretaris bevind dat die pensioentrekker in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand anders opgepas moet word nie.

BETALING VAN PENSIOENE EN TOELAES

14. Pensioene, bykomende of aanvullende toelaes en oppasserstoelaes ingevolge die Wet of hierdie regulasies toegeken, word maandeliks deur die Sekretaris of 'n persoon deur hom aangewys, op die tye en plekke deur die Sekretaris bepaal, betaal.

15. (1) Behoudens die bepalings van subregulasie (2), moet iedere pensioentrekker die pensioen en toelaes aan hom betaalbaar, persoonlik in ontvangs neem en 'n kwitansie onder sy handtekening of merk ten opsigte van die bedrag aldus ontvang, verstrek.

(2) Wanneer 'n pensioentrekker weens liggaamlike ongesteldheid nie in staat is om 'n pensioen of enige toelaes wat ingevolge die Wet of hierdie regulasies aan hom toegeken is, persoonlik in ontvangs te neem nie, kan die Sekretaris of die persoon wat die pensioen of toelaes uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in die aanwesigheid van twee getuies onderteken, die pensioen en toelaes vir 'n tydperk van hoogstens drie maande aan 'n persoon in die magtiging vermeld, uitbetaal: Met dien verstande dat daardie persoon by iedere betaling van die pensioen en toelaes 'n sertifikaat moet verstrek ten effekte dat die pensioentrekker ten tye van die betaling in lewe is.

(3) Wanneer 'n pensioentrekker versoek dat enige pensioen en toelaes aan hom toegeken, vir 'n onbepaalde tydperk deur iemand anders ten behoeve van hom in ontvangs geneem moet word, kan die persoon wat die pensioen en toelaes uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in die aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelaes aan die persoon in die magtiging vermeld, uitbetaal.

(4) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing op 'n persoon aan wie 'n pensioen en toelaes ooreenkomstig 'n magtiging kragtens subregulasie (2) of (3) verleen, uitbetaal word.

PAYMENT OF PENSIONS AND ALLOWANCES TO AGED PERSONS MAINTAINED OR RECEIVING TREATMENT IN CERTAIN INSTITUTIONS

16. If at any time any pensioner is being maintained at public expense in a leper institution, a mental institution, institution for the feeble-minded or a prison or other State or State-aided institution, no pension or allowances shall be payable to him from the first day of the month immediately following the month in which he is admitted to such State or State-aided institution up to the last day of the month immediately before the month in which he is discharged from such institution.

CONVERSION OF CERTAIN PENSIONS AND GRANTS INTO AN OLD AGE PENSION

17. (1) If any person in receipt of a pension under the Blind Persons Act, 1968, or any grant under the Disability Grants Act, 1968, qualifies for an old age pension under the Act, such pension or grant may, provided it shall not be to the disadvantage of such person, be converted at his request or by the Secretary of his own accord into an old age pension under the Act with effect from such date as the Secretary may determine.

(2) The provisions of the Act, excluding section 10, and the provisions of these regulations, excluding regulations 2 and 11, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

LAPSING OF PENSION AND ALLOWANCES

18. (1) Any pension or allowance granted under the Act or these regulations shall lapse—

- (a) when a pensioner dies, and no such pension or allowance is payable to the estate of such pensioner;
 - (b) when a pensioner has not drawn such pension for six consecutive months.
- (2) Notwithstanding the provisions of subregulation (1)—
- (a) the Secretary may pay such pension and allowances calculated up to the last day of the month in which such pensioner dies to any person who has in the opinion of the Secretary incurred any expense on such pensioner's maintenance, care or funeral;
 - (b) the Secretary may, if he is satisfied that the failure to draw such pension was due to circumstances over which such pensioner had no control, direct that such pension and allowances shall continue from the date on which they were last drawn or from such other date as he may determine.

CANCELLATION OR VARIATION OF PENSION

19. (1) The Secretary may at any time review a pension, and if he is satisfied—

- (a) that a pension should be cancelled, reduced or increased, he may with due regard to the circumstances of each case—
 - (i) cancel such pension; or
 - (ii) reduce or increase such pension in conformity with the provisions of regulation 10, with effect from such date, including any date in the past, as he may determine;
- (b) that a pension which has been cancelled should be restored, he may restore such pension in conformity with the provisions of regulation 10 with effect from the first day of the month in which such pension should in his opinion be so restored or have been so restored.

BETALING VAN PENSIOENE EN TOELAES AAN BEJAARDES WAT IN SEKERE INRIGTINGS ONDERHOUD WORD OF BEHANDELING ONTVANG

16. Indien 'n pensioentrekker te eniger tyd op Staatskoste onderhou word in 'n gestig vir melaatses, swak-sinniges of kranksinniges of 'n gevangenis of ander Staats- of Staatsondersteunde inrigting, is vanaf die eerste dag van die maand onmiddellik na die maand waarin hy daarin opgeneem word, tot die laaste dag van die maand onmiddellik voor die maand waarin hy daaruit ontslaan word, geen pensioen of toelae aan hom betaalbaar nie.

OMSKEPPING VAN SEKERE PENSIOENE EN TOELAES IN 'N OUDERDOMSPENSIOEN

17. (1) Indien 'n persoon wat 'n pensioen ingevolge die Wet op Blindes, 1968, of 'n toelae ingevolge die Wet op Ongeskiktheidstoelae, 1968, ontvang, aan die vereistes vir 'n ouderdomspensioen ingevolge die Wet voldoen, kan sodanige pensioen of toelae, indien dit nie tot nadeel van so 'n persoon sal wees nie, op sy versoek of deur die Sekretaris uit eie beweging in 'n ouderdomspensioen ingevolge die Wet omskep word met ingang van 'n datum wat die Sekretaris bepaal.

(2) Die bepalings van die Wet, uitgesonderd artikel 10, en die bepalings van hierdie regulasies, uitgesonderd regulasies 2 en 11, is *mutatis mutandis* met betrekking tot die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

VERVAL VAN PENSIOEN EN TOELAES

18. (1) 'n Pensioen of toelae ingevolge die Wet of hierdie regulasies toegeken, verval—

- (a) wanneer 'n pensioentrekker te sterwe kom, en geen sodanige pensioen of toelae is aan die boedel van sodanige pensioentrekker betaalbaar nie;
 - (b) wanneer 'n pensioentrekker die pensioen vir ses agtereenvolgende maande nie getrek het nie.
- (2) Ondanks die bepalings van subregulasie (1)—
- (a) kan die Sekretaris die pensioen en toelae bereken tot op die laaste dag van die maand waarin die pensioentrekker te sterwe kom, aan enige persoon betaal wat na die oordeel van die Sekretaris koste aangegaan het ten opsigte van die pensioentrekker se lewensonderhoud, versorging of begrafnis;
 - (b) kan die Sekretaris, indien hy oortuig is dat die versuim om die pensioen te trek aan omstandighede buite die pensioentrekker se beheer te wyte was, gelas dat die pensioen en toelae voortbestaan vanaf die dag waarop dit die laaste keer getrek is of vanaf 'n ander datum wat hy bepaal.

INTREKKING OF VERANDERING VAN PENSIOEN

19. (1) Die Sekretaris kan 'n pensioen te eniger tyd hersien, en as hy oortuig is—

- (a) dat 'n pensioen ingetrek, verminder of verhoog behoort te word, kan hy, met behoorlike inagneming van die omstandighede van elke geval—
 - (i) die pensioen intrek; of
 - (ii) die pensioen in ooreenstemming met die bepalings van regulasie 10 verminder of verhoog,
 met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;
- (b) dat 'n pensioen wat ingetrek is, herstel behoort te word, kan hy die pensioen in ooreenstemming met die bepalings van regulasie 10 herstel met ingang van die eerste dag van die maand waarin die pensioen volgens sy oordeel aldus herstel behoort te word of moes gewees het.

(2) If application is made for the increase of a pension and the Secretary is satisfied that such pension should be increased, he may increase such pension in conformity with the provisions of regulation 10 with effect from the first day of the month in which such application is made: Provided that if such application is made within a period of sixty days of the date on which, in the opinion of the Secretary, the pensioner concerned became qualified to receive such increase, the Secretary may increase such pension with effect from the first day of the month in which the pensioner became so qualified.

APPEAL TO THE MINISTER

20. (1) Any applicant or a pensioner who in terms of section 13 of the Act appeals against any decision or action by the Secretary shall give notice of such appeal to the Secretary in writing within a period of ninety days of the date of such decision or such action.

(2) Such notice shall fully state the grounds of appeal against such decision or action.

(3) The Secretary shall submit such notice and all the documents to which it relates, together with such comments as he may wish to make, to the Minister.

SCHEDULE A

SUBPOENA UNDER SECTION 9 OF ACT NO. 81 OF 1967

Subpoena to appear before.....

To A.B.....

You are hereby summoned to appear in person on the.....
day of..... 19..... at..... o'clock,
before..... to give evidence
respecting, *and to
bring with you the books, records or documents and to produce
them to the said.....

Given under my hand this..... day of.....
19.....

.....

.....

.....

.....

* If the person summoned is required to produce any book, record or document, fill in a description thereof; otherwise strike out these words.

† Specify designation of issuing officer.

No. R.1810.1

[4th October, 1968.

WAR VETERANS' PENSIONS REGULATIONS

I, MARAIS VILJOEN, Minister of Coloured Affairs, under and by virtue of the powers vested in me by section 15 of the War Veterans' Pensions Act, 1968, hereby—

- (i) make the following regulations in respect of Coloured persons;
- (ii) determine that the said regulations shall come into operation on 1 October 1968; and
- (iii) repeal the regulations published under Government Notice No. R759, dated 22 May 1964, with effect from 1 October 1968.

MARAIS VILJOEN,
Minister of Coloured Affairs.

(2) Indien om verhoging van 'n pensioen aansoek gedoen word en die Sekretaris oortuig is dat die pensioen verhoog behoort te word, kan hy die pensioen in ooreenstemming met die bepalings van regulasie 10 verhoog met ingang van die eerste dag van die maand waarin aansoek gedoen word: Met dien verstande dat indien die aansoek gedoen word binne 'n tydperk van sestig dae vanaf die datum waarop die betrokke pensioentrekker volgens die Sekretaris se oordeel aan die vereistes vir die verhoging voldoen het, die Sekretaris die pensioen kan verhoog met ingang van die eerste dag van die maand waarin die pensioentrekker aldus voldoen het.

APPÈL BY DIE MINISTER

20. (1) 'n Applikant of pensioentrekker wat ingevolge artikel 13 van die Wet teen 'n beslissing of handeling van die Sekretaris appelleer, moet, binne 'n tydperk van negentig dae vanaf die datum waarop die beslissing gegee of die handeling plaasgevind het, 'n skriftelike kennisgewing van sodanige appèl by die Sekretaris indien.

(2) Sodanige kennisgeving moet die gronde waarop teen die betrokke beslissing of handeling geappelleer word, volledig uiteensit.

(3) Die Sekretaris moet die kennisgewing en al die stukke waarop dit betrekking het, tesame met sodanige opmerkings as wat hy wens te maak, aan die Minister voorlê.

BYLAE A

DAGVAARDING KRAGTENS ARTIKEL 9 VAN WET NO.
'81 VAN 1967

Dagvaarding om te verskyn voor.....

Aan A.B.

U word hierby gedagvaar om persoonlik op die..... dag
van..... 19..... om..... uur,
voor..... te verskyn om
getuienis af te lê aangaande..... en
die *boeke, aantekeninge of dokumente met u saam te bring en
aan genoemde..... voor te lê.

Gegee onder my hand op hede die..... dag van
..... 19.....

.....

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.....

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.....

* Indien die gedagvaarde 'n boek, aantekeninge of dokument moet voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde geskrap word.

† Meld hoedanigheid van uitreikende beampste.

No. R.1810.]

[4 Oktober 1968.

OUDSTRYDERSPENSIOENREGULASIES

Ek, Marais Viljoen, Minister van Kleurlingsake, handelende kragtens die bevoegdheid my verleen by artikel 15 van die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968)—

- (i) vaardig hierby onderstaande regulasies ten opsigte van Kleurlinge uit;
- (ii) bepaal dat genoemde regulasies op 1 Oktober 1968 in werking tree, en
- (iii) herroep hierby met ingang van 1 Oktober 1968 die regulasies afgekondig by Goewermentskennisgewing No. R.759 van 22 Mei 1964.

MARAIS VILJOEN,
Minister van Kleurlingsake.

REGULATIONS

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

- (i) "applicant" means any person claiming a pension;
- (ii) "attesting officer" means any officer in the service of the Department of Coloured Affairs or of Social Welfare and Pensions or of Justice, any postmaster or any member of any statutory police force;
- (iii) "the Act" means the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968);
- (iv) "Minister" means the Minister of Coloured Affairs;
- (v) "pension" means a war veterans' pension referred to in section 2 of the Act but does not include an additional, supplementary or attendant's allowance;
- (vi) "Secretary" means the Secretary for Coloured Affairs;

and any word to which a meaning has been assigned in the Act shall bear that meaning.

APPLICATION FOR A PENSION

2. (1) (a) Subject to the provisions of subregulation (2), any application for a pension shall, after the applicant has declared the information furnished therein to be true and correct to the best of his knowledge and belief, be signed by him in the presence of an attesting officer and submitted to the district pension officer for the area in which the applicant is permanently resident.

(b) The attesting officer in whose presence an application is so signed shall certify on such application that he has explained the information contained therein to the applicant and that the declaration referred to in subregulation (1) (a) was made and signed in his presence by such applicant.

(2) (a) If a district pension officer is of opinion that any applicant or any person on whose behalf a pension is claimed is unable owing to some physical or mental defect to comply with the provisions of subregulation (1) (a), he may at his discretion permit any other person to apply for such pension on behalf of such applicant or person, in which case the provisions of subregulation (1) shall apply *mutatis mutandis* to such other person.

(b) Whenever a district pension officer permits any person to apply for a pension on behalf of any other person he shall certify on the application that he authorizes the person named in the certificate to apply for a pension on behalf of the applicant.

3. Any application for a pension shall contain full particulars of and information on the income and assets of the applicant and his spouse and, if he or his spouse owns any immovable property, any mortgage bond registered against the title deed of such property.

4. When both a man and his wife apply for a pension, a separate application shall be submitted in respect of each of them.

5. Any application for a pension shall—

- (a) be accompanied by the applicant's birth or baptismal certificate or, if such applicant is unable to produce such birth or baptismal certificate, by such other documentary evidence of such applicant's date of birth or age as the Secretary may deem fit or by a certificate by a district pension officer to the effect that after an enquiry made by him personally he is satisfied that such applicant was born on a date mentioned in such certificate or has attained the age so mentioned;
- (b) be accompanied by documentary evidence that the applicant is a war veteran as defined in section 1

REGULASIES

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

- (i) „applikant” ’n persoon wat op ’n pensioen aanspraak maak;
- (ii) „attesterende beampte” ’n beampte in die diens van die Departement van Kleurlingsake of van Volkswelsyn en Pensioene of van Justisie, ’n posmeester of ’n lid van ’n polisiemag wat by Wet ingestel is.
- (iii) „die Wet” die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968);
- (iv) „Minister” die Minister van Kleurlingsake;
- (v) „pensioen” ’n oudstryderspensioen in artikel 2 van die Wet bedoel, maar nie ook ’n bykomende, aanvullende of oppasserstoelae nie;
- (vi) „Sekretaris” die Sekretaris van Kleurlingsake; en het ’n woord waarin in die Wet ’n betekenis geheg is, daardie betekenis.

AANSOEK OM ’N PENSIOEN

2. (1) (a) Behoudens die bepalings van subregulasie (2), moet ’n aansoek om ’n pensioen, nadat die applikant verklaar het dat die inligting daarin verstrek na sy beste wete en oortuiging waar en juis is, deur hom voor ’n attesterende beampte onderteken en by die distrikspensioenbeampte vir die gebied waarin die applikant permanent woonagtig is, ingedien word.

(b) Die attesterende beampte voor wie ’n aansoek aldus onderteken word, moet op die aansoek sertifiseer dat hy die inligting in die aansoek vervat, aan die applikant verduidelik het en dat die verklaring in subregulasie (1) (a) vermeld, deur die applikant voor hom gedoen en onderteken is.

(2) (a) Indien ’n distrikspensioenbeampte van oordeel is dat ’n applikant of persoon namens wie op ’n pensioen aanspraak gemaak word, weens ’n liggaamlike of geestesgebrek nie in staat is om aan die bepalings van subregulasie (1) (a) te voldoen nie, kan hy na goeddunke ’n ander persoon toelaat om namens sodanige applikant of persoon aansoek om die pensioen te doen, en dan is die bepalings van subregulasie (1) *mutatis mutandis* ten opsigte van sodanige ander persoon van toepassing.

(b) Wanneer ’n distrikspensioenbeampte ’n persoon toelaat om namens ’n ander persoon aansoek om ’n pensioen te doen, moet hy op die aansoek sertifiseer dat hy die persoon in die sertifikaat vermeld, magtig om namens die applikant aansoek om ’n pensioen te doen.

3. ’n Aansoek om ’n pensioen moet volledige besonderhede en inligting bevat van die applikant en sy eggenote se inkomste en bates en, indien hy of sy eggenote enige onroerende eiendom besit, van enige verband wat teen die titelbewys van sodanige eiendom geregistreer is.

4. Wanneer sowel ’n man as sy vrou om ’n pensioen aansoek doen, moet ’n afsonderlike aansoek ten opsigte van elkeen van hulle gedoen word.

5. ’n Aansoek om ’n pensioen moet—

- (a) vergesel gaan van die applikant se geboortesertifikaat of doopseel of, indien die applikant nie in staat is om sodanige geboortesertifikaat of doopseel voor te lê nie, van die ander dokumentêre bewys van die applikant se geboortedatum of ouderdom wat die Sekretaris goedvind of van ’n sertifikaat deur ’n distrikspensioenbeampte ten effekte dat hy na ondersoek, deur hom persoonlik ingestel, oortuig is dat die applikant op ’n datum in die sertifikaat gemeld, gebore is of die aldus vermelde ouderdom bereik het;
- (b) vergesel gaan van dokumentêre bewys dat die applikant ’n oudstryder is soos omskryf in artikel

of the Act or, if he is unable to produce such documentary evidence, by such other evidence that he is a war veteran as the Secretary may deem fit;

- (c) if the applicant claims to be a South African citizen by registration or naturalization, be accompanied by the certificate of registration or naturalization as a South African citizen, as the case may be, or if he is unable to produce such certificate, by such other evidence of registration or naturalization as a South African citizen as the Secretary may deem fit;
- (d) if the applicant claims to be a South African citizen by descent, be accompanied by such evidence of South African citizenship as the Secretary may deem fit;
- (e) be accompanied by such evidence of residence in the Republic or South-West Africa as the Secretary may deem fit.

6. The date on which any application for a pension is signed in the presence of an attesting officer shall be deemed to be the date on which such application was made.

RECORD OF APPLICATIONS FOR A PENSION

7. The district pension officer shall keep a record of the name and address of each applicant from whom he receives an application for a pension, and of the date on which such application was attested in terms of regulation 2 (1).

SECURING ATTENDANCE OF WITNESSES

8. Any subpoena issued under section 5 of the Act shall as far as practicable be in the form of Schedule A.

PERSONS WHO ARE NOT ELIGIBLE FOR A WAR VETERAN'S PENSION

9. No person shall be eligible for a war veteran's pension if he is in receipt of a pension under the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965) of South-West Africa, the German War Veterans' Pensions Ordinance, 1965 (Ordinance No. 3 of 1965), of South-West Africa, the Aged Persons Act, 1967 (Act No. 81 of 1967), or the Blind Persons Act, 1968 (Act No. 26 of 1968), or is in receipt of a grant under the Disability Grants Act, 1968 (Act No. 27 of 1968).

DETERMINATION OF AMOUNT OF PENSION

10. (1) In deciding whether a pension shall be granted, cancelled, reduced or increased, or when determining the amount of the pension, the Secretary shall take into account—

- (a) the ability and opportunities of an applicant or pensioner to support himself or contribute towards his support by his own exertions; and
 - (b) the ability of the applicant's or pensioner's spouse to support him or contribute towards his support.
- (2) Subject to the provisions of the Act and of these regulations—
- (a) the pension granted to any war veteran shall be of such an amount, not exceeding seventy-two rand per annum, as the Secretary may determine having regard to the circumstances, annual income and other means of such war veteran and of his spouse;
 - (b) no pension shall be granted to any war veteran at such a rate as will make his annual income and

1 van die Wet of, indien hy nie in staat is om sodanige dokumentêre bewys voor te lê nie, van die ander bewys dat hy 'n oudstryder is wat die Sekretaris goedvind;

- (c) Indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur registrasie of naturalisasie is, vergesel gaan van die sertifikaat van registrasie of naturalisasie as Suid-Afrikaanse burger, na gelang van die geval, of indien hy nie in staat is om sodanige sertifikaat voor te lê nie, van die ander bewys van registrasie of naturalisasie as Suid-Afrikaanse burger wat die Sekretaris goedvind;
- (d) indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur afkoms is, vergesel gaan van die bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;
- (e) vergesel gaan van die bewys van verblyf in die Republiek of Suidwes-Afrika wat die Sekretaris goedvind.

6. Die datum waarop 'n aansoek om 'n pensioen voor 'n atterende beampte onderteken word, word geag die datum te wees waarop die aansoek gedoen is.

REKORD VAN AANSOEKE OM PENSIOEN

7. Die distrikspensioenbeampte moet aantekening hou van die naam en adres van iedere applikant van wie hy 'n aansoek om 'n pensioen ontvang en van die datum waarop die aansoek ingevolge regulasie 2 (1) geattesteer is.

VERKRYGING VAN DIE AANWESIGHEID VAN GETUIES

8. 'n Dagvaarding wat ingevolge artikel 5 van die Wet uitgereik word, moet sover doenlik in die vorm van Bylae A wees.

PERSONE WAT NIE VIR 'N OUDSTRYDESPENSIOEN IN AANMERKING KOM NIE

9. Niemand kom vir 'n oudstryderspensioen in aanmerking nie indien hy 'n pensioen ontvang kragtens die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965) van Suidwes-Afrika, die Duitse Oudstryderspensioen Ordonnansie 1965 (Ordonnansie No. 3 van 1965) van Suidwes-Afrika, die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), of die Wet op Blindes, 1968 (Wet No. 26 van 1968), of 'n toelae ontvang kragtens die Wet op Ongeskiktheidstoelae, 1968 (Wet No. 27 van 1968) nie.

VASSTELLING VAN DIE BEDRAG VAN PENSIOEN

10. (1) By 'n beslissing oor die vraag of 'n pensioen toegeken, ingetrek, verminder of verhoog moet word of oor die bedrag van 'n pensioen, hou die Sekretaris rekening met—

- (a) die vermoë en geleenthede van 'n applikant of pensioentrekker om deur eie inspanning homself te onderhou of tot sy onderhoud by te dra; en
 - (b) die vermoë van die applikant of pensioentrekker se eggenote om hom te onderhou of tot sy onderhoud by te dra.
- (2) Behoudens die bepalinge van die Wet en van hierdie regulasies—
- (a) beloop die pensioen wat aan 'n oudstryder toegeken word, die bedrag van hoogstens twee-en-sewentig rand per jaar wat die Sekretaris met inagneming van die omstandighede, jaarlikse inkomste en ander middele van die betrokke oudstryder en van sy eggenote vasstel;
 - (b) word 'n pensioen nie aan 'n oudstryder toegeken teen so 'n skaal dat sy jaarlikse inkomste en ander

other means together with the pension exceed the amount of one hundred and sixty-eight rand per annum in the case of a war veteran under the age of seventy years;

- (c) the amount of the pension granted to any war veteran shall be reduced by the amount of six rand per annum for every six rand by which the annual income and other means of such war veteran exceed the amount of ninety-six rand;
- (d) the combined assets, including any usufruct, of a married applicant and his spouse shall be taken into account for the purpose of determining such applicant's other means;
- (e) the combined income of a married applicant and his spouse shall be deemed to be the income of such applicant.

(3) (a) In addition to the annual personal income of an applicant, the other means of such applicant and his spouse and half of the annual income of his spouse derived from sources other than remuneration for services rendered, only one-sixth of any remuneration received by his spouse for services rendered shall be taken into account in considering such applicant's application for a pension, provided he is unable to work owing to old age or for medical reasons.

(b) Except in a case where the provisions of subregulation (3) (a) apply, only half of a married applicant's annual income shall be taken into account in considering his application for a pension under section 4 (1) of the Act.

(c) In determining an applicant's other means, any assets donated by him or his spouse to any other person shall be taken into account, but the amount or value of such assets shall be reduced by an amount, calculated at the rate of two hundred and fifty rand per annum in the case of an unmarried applicant and at the rate of five hundred rand per annum in the case of a married applicant, in respect of every calendar year which has lapsed since the date of the donation.

(4) Notwithstanding the provisions of these regulations, the income and other means of a war veteran, as defined in section 1 (xii) (a) of the Act, shall not be taken into account in determining under section 4 (3) of the Act the amount of the pension to which he is entitled.

(5) For the purposes of subregulations (2), (3) and (4)—

“assets” shall mean any immovable property, cash investments, interest in the shares, share capital or assets of a company or other institution, capital invested in any business concern, and cash in hand or in a current account at any bank or other financial institution;

“income” shall mean

- (a) any remuneration, either in cash or otherwise, received for services rendered, but shall not include such remuneration received by any person after he has attained the age of seventy years;
- (b) any profits derived from a business concern of which an applicant or his spouse is the owner;
- (c) any benefits received under the statutory provisions or rules relating to any pension or provident fund or any scheme, but shall not include any benefits received under the Act, the Children's Act, 1960 (Act No. 33 of 1960) the Children's Ordinance, 1961 (Ordinance No. 31 of 1961) of South-West Africa, the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965) of South-West Africa, the German War Veterans' Pensions Ordinance, 1965 (Ordinance No. 3 of 1965), of

middele tesame met die pensioen, in die geval van 'n oudstryder onder die ouderdom van sewentig jaar, die bedrag van eenhonderd agt-en-sestig rand per jaar te bowe gaan nie;

- (c) word die bedrag van die pensioen wat aan 'n oudstryder toegeken word met die bedrag van ses rand per jaar verminder vir iedere ses rand waarmee die jaarlikse inkomste en ander middele van sodanige oudstryder die bedrag van ses-en-negentig rand te bowe gaan;
- (d) word die gesamentlike bates, met inbegrip van enige vruggebruik van 'n getroude applikant en sy eggenote vir die doeleindes van die bepaling van die applikant se ander middele in aanmerking geneem;
- (e) word die gesamentlike inkomste van 'n getroude applikant en sy eggenote geag die inkomste van die applikant te wees.

(3) (a) Benewens die jaarlikse persoonlike inkomste van 'n applikant, die ander middele van hom en sy eggenote en die helfte van die jaarlikse inkomste van sy eggenote verkry uit ander bronne as vergoeding vir dienste gelewer, word slegs een-sesde van enige vergoeding deur sy eggenote ontvang vir dienste gelewer, by die oorweging van die applikant se aansoek om 'n pensioen in aanmerking geneem, mits hy weens ouderdom of mediese ongeskiktheid nie kan werk nie.

(b) Behalwe in die geval waar die bepalings van subregulasie (3) (a) van toepassing is, word slegs die helfte van 'n getroude applikant se jaarlikse inkomste by die oorweging van sy aansoek om 'n pensioen ingevolge artikel 4 (1) van die Wet in aanmerking geneem.

(c) By die bepaling van 'n applikant se ander middele, word enige bates wat hy of sy eggenote aan iemand anders geskenk het, in aanmerking geneem, maar die bedrag of waarde van sodanige bates word met 'n bedrag, bereken ten die koers van tweehonderd-en-veertig rand per jaar in die geval van 'n ongetroude applikant en teen vyfhonderd rand per jaar in die geval van 'n getroude applikant, verminder ten opsigte van iedere kalenderjaar wat sedert die datum van die skenking verloop het.

(4) Ondanks die bepalings van hierdie regulasies, word die inkomste en ander middele van 'n oudstryder soos omskryf in artikel 1 (vi) (a) van die Wet buite rekening gelaat by die vasstelling ingevolge artikel 4 (3) van die Wet, van die bedrag van die pensioen waarop hy geregtig is.

(5) By die toepassing van subregulasies (2), (3) en (4) beteken—

„bates” enige onroerende eiendom, kontantbeleggings, belang in die aandele, aandele-kapitaal of bates van 'n maatskappy of ander instelling, kapitaal in 'n sake-onderneming belê en kontant voor hande of in 'n lopende rekening by 'n bank of ander finansiële instelling;

„inkomste”

- (a) enige vergoeding, hetsy in kontant of andersins, ontvang vir dienste gelewer, maar nie ook sodanige vergoeding deur 'n persoon na die bereiking van die ouderdom van sewentig jaar ontvang nie;
- (b) enige winste verkry uit 'n sake-onderneming waarvan 'n applikant of sy eggenote die eienaar is;
- (c) enige voordele ingevolge die wetsbepalings of reëls met betrekking tot 'n pensioen- of voorsorgfonds of die een of ander skema ontvang, maar nie ook voordele ontvang ingevolge die Wet, die Kinderwet, 1960 (Wet No. 33 van 1960) die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961) van Suidwes-Afrika, die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965) van Suidwes-Afrika, die Duitse Oudstryders Pensioen Ordonnansie 1965 (Ordonnansie No. 3 van

South-West Africa, the Unemployment Insurance Act, 1966 (Act No. 30 of 1966), the Aged Persons Act, 1967 (Act No. 81 of 1967), the Blind Persons Act, 1968 (Act No. 26 of 1968), the Disability Grants Act, 1968 (Act No. 27 of 1968), or under any regulation made under any of the said Acts or Ordinances;

- (d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of seventy-two rand per annum: Provided the applicant is the owner of the property;
- (e) any income derived from any other source, but shall not include rentals, interest or dividends;

"other means" shall mean

- (a) the estimated annual yield of the assets of an applicant, including any usufruct, as determined by dividing the amount by which the unencumbered value of such assets exceeds the amount of one thousand eight hundred rand or, in the case of an applicant who has attained the age of seventy years, the amount of two thousand four hundred rand, by one hundred and by multiplying the result by six;
- (b) the annual profits derived by the applicant or his spouse from any immovable property rented for agricultural purposes: Provided that the minimum annual income so derived shall be deemed to be seventy-two rand.

(6) As soon as the Secretary has decided whether or not an applicant is entitled to a pension and, if so, the amount thereof, he shall inform the applicant in writing of his decision.

DATE ON WHICH PENSION ACCRUES

11. A pension shall be granted with effect from the first day of the month in which such pension is applied for or, if a pension is applied for before the expiry of a period of sixty days from the date on which the applicant attained the age of sixty years, with effect from the first day of the month in which such applicant attained such age: Provided that the Secretary may in any case determine a later date if he is satisfied that circumstances justify the determination of such later date.

ADDITIONAL OR SUPPLEMENTARY ALLOWANCES

12. (1) Any war veteran granted a pension shall be paid, in addition to such pension an amount of sixty rand per annum.

(2) Apart from the additional amount provided for in subregulation (1), an amount of one hundred and eight rand per annum is payable.

ATTENDANT'S ALLOWANCE

13. (1) If in the opinion of the Secretary any person to whom a pension has been granted under the Act has attained the age of ninety years or is in such a physical or mental condition that he requires the regular attendance of any other person and if no subsidy is paid by the State to any home for the aged or other institution in respect of his accommodation and care, the Secretary may, on such conditions and with effect from such date as he may determine, in addition to such pension, grant such pensioner or any person on behalf of such pensioner an attendant's allowance not exceeding sixty rand per annum.

1965), van Suidwes-Afrika, die Wet op Werkloosheidsversekering, 1966 (Wet No. 30 van 1966), die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Blindes, 1968 (Wet No. 26 van 1968), die Wet op Ongeskiktheidstoelae, 1968 (Wet No. 27 van 1968), of ingevolge 'n regulasie kragtens enige van genoemde wette of ordonnansies uitgevaardig nie;

- (d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van twee-en-sewentig rand per jaar te beloop, mits die applikant die eienaar van die eiendom is;
- (e) enige inkomste uit 'n ander bron verkry, maar nie ook huurgelde, rente of diwidende nie;

„ander middele”

- (a) die beraamde jaarlikse opbrengs van die bates en van enige vruggebruik van 'n applikant, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van eenduisend agthonderd rand, of, in die geval van 'n applikant wat die ouderdom van sewentig jaar bereik het, die bedrag van tweeduisend vierhonderd rand te bowe gaan, deur eenhonderd te deel en die resultaat met ses te vermenigvuldig;
- (b) die jaarlikse winste verkry uit enige onroerende eiendom deur die applikant of sy eggenoot vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste so verkry, as twee-en-sewentig rand beskou word.

(6) So gou doenlik nadat die Sekretaris bepaal het of die applikant op 'n pensioen geregtig is al dan nie, en indien wel, die bedrag daarvan, moet hy die applikant skriftelik in kennis stel van sy beslissing.

DATUM WAAROP 'N PENSIOEN TOEVAL

11. 'n Pensioen word toegeken met ingang van die eerste dag van die maand waarin daarom aansoek gedoen word, of, indien 'n aansoek om 'n pensioen gedoen word voor die verstryking van 'n tydperk van sestig dae vanaf die datum waarop die applikant die ouderdom van sestig jaar bereik het, met ingang van die eerste dag van die maand waarin die applikant daardie ouderdom bereik het: Met dien verstande dat die Sekretaris in elke geval 'n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

BYKOMENDE OF AANVULLENDE TOELAE

12. (1) 'n Oudstryder aan wie 'n pensioen toegeken word, word, benewens sodanige pensioen, 'n bykomende bedrag van sestig rand per jaar betaal.

(2) Benewens die bykomende bedrag waarvoor in subregulasie (1) voorsiening gemaak word, is 'n toelae van eenhonderd-en-agt rand per jaar betaalbaar.

OPPASSERSTOELAE

13. (1) Indien 'n persoon aan wie 'n pensioen ingevolge die Wet toegeken is, na die oordeel van die Sekretaris die ouderdom van negentig jaar bereik het of in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand anders opgepas moet word en geen subsidie deur die Staat aan enige ouetehuis of ander inrigting ten opsigte van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op die voorwaardes en met ingang van die datum wat hy bepaal, benewens sodanige pensioen, aan 'n pensioentrekker of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens sestig rand per jaar toeken.

(2) Notwithstanding anything to the contrary contained in subregulation (1), no attendant's allowance shall be granted thereunder with effect from a date earlier than the first day of the month in which the pensioner attains the age of ninety years or in which the Secretary is satisfied that such pensioner is in such a physical or mental condition that he requires the regular attendance of any other person.

PAYMENT OF PENSIONS AND ALLOWANCES

14. Pensions, additional or supplementary allowances and attendants' allowances granted under the Act or these regulations shall be paid monthly by the Secretary or any person designated by him at such times and places as the Secretary may determine.

15. (1) Subject to the provisions of subregulation (2), every pensioner shall take receipt in person of the pension and allowances payable to him and furnish a receipt under his signature or mark in respect of the amount so received.

(2) When any pensioner is unable owing to some physical indisposition to take receipt in person of a pension or any allowances granted to him under the Act or these regulations, the Secretary or the person paying out such pension or allowances may on production to him of an authority, in writing, by such pensioner, duly signed in the presence of two witnesses, pay out such pension and allowances for a period not exceeding three months to any person named in such authority: Provided that such person shall whenever payment of such pension and allowances is made furnish a certificate to the effect that such pensioner is alive at the time of such payment.

(3) When any pensioner request that some other person shall for an indefinite period take receipt on his behalf of any pension and allowances granted to him, the person paying out such pension and allowances may on production to him of an authority, in writing, by such pensioner, duly signed in the presence of two witnesses and approved by the Secretary, pay out such pension and allowances to the person named in such authority.

(4) The provisions of subregulation (1) shall apply *mutatis mutandis* to any person to whom a pension and allowances are paid out in accordance with an authority granted under subregulation (2) or (3).

PAYMENT OF PENSIONS AND ALLOWANCES TO WAR VETERANS MAINTAINED OR RECEIVING TREATMENT IN CERTAIN INSTITUTIONS

16. If at any time any pensioner is being maintained at public expense in a leper institution, a mental institution, institution for the feeble-minded or a prison or other State or State-aided institution, no pension or allowances shall be payable to him from the first day of the month immediately following the month in which he is admitted to such State or State-aided institution up to the last day of the month immediately before the month in which he is discharged from such institution.

CONVERSION OF CERTAIN PENSIONS AND GRANTS INTO A WAR VETERAN'S PENSION

17. (1) If any person in receipt of a pension under the Aged Persons Act, 1967, or the Blind Persons Act, 1968, or any grant under the Disability Grants Act, 1968, qualifies for a war veteran's pension under the Act, such pension or grant may, provided it shall not be to the disadvantage of such person, be converted at his request or by the Secretary of his own accord into a war veteran's pension under the Act with effect from such date as the Secretary may determine.

(2) Ondanks andersluidende bepalings van subregulasie (1), word geen oppasserstoelae daarkragtens toegeken met ingang van 'n datum wat vroeër is as die eerste dag van die maand waarin die pensioentrekker die ouderdom van negentig jaar bereik of waarin die Sekretaris bevind dat die pensioentrekker in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand anders opgepas moet word nie.

BETALING VAN PENSIOENE EN TOELAES

14. Pensioene, bykomende of aanvullende toelaes en oppasserstoelaes ingevolge die Wet op hierdie regulasies toegeken, word maandeliks deur die Sekretaris of 'n persoon deur hom aangewys, op die tye en plekke deur die Sekretaris bepaal, betaal.

15. (1) Behoudens die bepalings van subregulasie (2), moet iedere pensioentrekker die pensioen en toelaes aan hom betaalbaar, persoonlik in ontvangs neem en 'n kwitansie onder sy handtekening of merk ten opsigte van die bedrag aldus ontvang, verstrek.

(2) Wanneer 'n pensioentrekker weens liggaamlike ongesteldheid nie in staat is om 'n pensioen of enige toelaes wat ingevolge die Wet of hierdie regulasies aan hom toegeken is, persoonlik in ontvangs te neem nie, kan die Sekretaris of die persoon wat die pensioen of toelaes uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in die aanwesigheid van twee getuies onderteken, die pensioen en toelaes vir 'n tydperk van hoogstens drie maande aan 'n persoon in die magtiging vermeld, uitbetaal: Met dien verstande dat daardie persoon by iedere betaling van die pensioen en toelaes 'n sertifikaat moet verstrek ten effekte dat die pensioentrekker ten tye van die betaling in lewe is.

(3) Wanneer 'n pensioentrekker versoek dat enige pensioen en toelaes aan hom toegeken vir 'n onbepaalde tydperk deur iemand anders ten behoeve van hom in ontvangs geneem moet word, kan die persoon wat die pensioen en toelaes uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in die aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelaes aan die persoon in die magtiging vermeld, uitbetaal.

(4) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing op 'n persoon aan wie 'n pensioen en toelaes ooreenkomstig 'n magtiging kragtens subregulasie (2) of (3) verleen, uitbetaal word.

BETALING VAN PENSIOENE EN TOELAES AAN OUDSTRYDERS WAT IN SEKERE INRIGTINGS ONDERHOU WORD OF BEHANDELING ONTVANG

16. Indien 'n pensioentrekker te eniger tyd op Staats-koste onderhou word in 'n gestig vir melaatses, swak-sinniges of kranksinniges of 'n gevangenis of ander Staats- of Staatsondersteunde inrigting, is vanaf die eerste dag van die maand onmiddellik na die maand waarin hy daarin opgeneem word, tot die laaste dag van die maand onmiddellik voor die maand waarin hy daaruit ontslaan word, geen pensioen of toelae aan hom betaalbaar nie.

OMSKEPPING VAN SEKERE PENSIOENE EN TOELAES IN 'N OUDSTRYDERSPENSIOEN

17. (1) Indien 'n persoon wat 'n pensioen ingevolge die Wet op Bejaarde Persone, 1967, of die Wet op Blindes, 1968, of 'n toelae ingevolge die Wet op Ongeskiktheids-toelaes, 1968, ontvang aan die vereistes vir 'n oudstryders-pensioen ingevolge die Wet voldoen, kan sodanige pensioen of toelae, indien dit nie tot nadeel van so 'n persoon sal wees nie, op sy versoek of deur die Sekretaris uit eie beweging in 'n oudstryderspensioen ingevolge die Wet omskep word met ingang van 'n datum wat die Sekretaris bepaal.

(2) The provisions of the Act, excluding section 4, and the provisions of these regulations, excluding regulations 2 and 11, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

LAPSING OF PENSION AND ALLOWANCES

18. (1) Any pension or allowance granted under the Act or these regulations shall lapse—

- (a) when a pensioner dies, and no such pension or allowance is payable to the estate of such pensioner;
- (b) when a pensioner has not drawn such pension for six consecutive months;

(2) Notwithstanding the provisions of subregulation (1)—

- (a) the Secretary may pay such pension and allowances calculated up to the last day of the month in which such pensioner dies to any person who has in the opinion of the Secretary incurred any expense on such pensioner's maintenance, care or funeral;
- (b) the Secretary may, if he is satisfied that the failure to draw such pension was due to circumstances over which such pensioner had no control, direct that such pension and allowances shall continue from the date on which they were last drawn or from such other date as he may determine.

CANCELLATION OR VARIATION OF PENSION

19. (1) The Secretary may at any time review a pension, and if he is satisfied—

- (a) that a pension should be cancelled, reduced or increased, he may with due regard to the circumstances of each case—

(i) cancel such pension; or

(ii) reduce or increase such pension in conformity with the provisions of regulation 10, with effect from such date, including any date in the past, as he may determine;

- (b) that a pension which has been cancelled should be restored he may restore such pension in conformity with the provisions of regulation 10 with effect from the first day of the month in which such pension should be so restored or have been so restored.

(2) If application is made for the increase of a pension and the Secretary is satisfied that such pension should be increased, he may increase such pension in conformity with the provisions of regulation 10 with effect from the first day of the month in which such application is made within a period of sixty days of the date on which, in the opinion of the Secretary, the pensioner concerned became qualified to receive such increase, the Secretary may increase such pension with effect from the first day of the month in which the pensioner became so qualified.

APPEAL TO THE MINISTER

21. (1) Any applicant or pensioner who in terms of section 8 of the Act appeals against any decision or action by the Secretary shall give notice of such appeal to the Secretary in writing within a period of ninety days of the date of such decision or such action.

(2) Such notice shall fully state the grounds of appeal against such decision or action.

(2) Die bepalings van die Wet, uitgesonderd artikel 4, en die bepalings van hierdie regulasies, uitgesonderd regulasies 2 en 11, is *mutatis mutandis* met betrekking tot die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

VERVAL VAN PENSIOEN EN TOELAE

18. (1) 'n Pensioen of toelae ingevolge die Wet of hierdie regulasies toegeken, verval—

- (a) wanneer 'n pensioentrekker te sterwe kom, en geen sodanige pensioen of toelae is aan die boedel van sodanige pensioentrekker betaalbaar nie;

- (b) wanneer 'n pensioentrekker die pensioen vir ses agtereenvolgende maande nie getrek het nie.

(2) Ondanks die bepalings van subregulasie (1)—

- (a) kan die Sekretaris die pensioen en toelae, bereken tot op die laaste dag van die maand waarin die pensioentrekker te sterwe kom, aan enige persoon betaal wat na die oordeel van die Sekretaris koste aangegaan het ten opsigte van die pensioentrekker se lewensonderhoud, versorging of begrafnis;

- (b) kan die Sekretaris, indien hy oortuig is dat die versuim om die pensioen te trek aan omstandighede buite die pensioentrekker se beheer te wyte was, gelas dat die pensioen en toelae voortbestaan vanaf die dag waarop dit die laaste keer getrek is of vanaf 'n ander datum wat hy bepaal.

INTREKKING OF VERANDERING VAN PENSIOEN

19. (1) Die Sekretaris kan 'n pensioen te eniger tyd hersien, en as hy oortuig is—

- (a) dat 'n pensioen ingetrek, verminder of verhoog behoort te word, kan hy, met behoorlike inagneming van elke geval—

(i) die pensioen intrek; of

(ii) die pensioen in ooreenstemming met die bepalings van regulasie 10 verminder of verhoog, met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;

- (b) dat 'n pensioen wat ingetrek is, herstel behoort te word, kan hy die pensioen in ooreenstemming met die bepalings van regulasie 10 herstel met ingang van die eerste dag van die maand waarin die pensioen volgens sy oordeel aldus herstel behoort te word of moes gewees het.

(2) Indien om verhoging van 'n pensioen aansoek gedoen word en die Sekretaris oortuig is dat die pensioen verhoog behoort te word, kan hy die pensioen in ooreenstemming met die bepalings van regulasie 10 verhoog met ingang van die eerste dag van die maand waarin aansoek gedoen word: Met dien verstande dat indien die aansoek gedoen word binne 'n tydperk van sestig dae vanaf die datum waarop die betrokke pensioentrekker volgens die Sekretaris se oordeel aan die vereistes vir die verhoging voldoen het, die Sekretaris die pensioen kan verhoog met ingang van die eerste dag van die maand waarin die pensioentrekker aldus voldoen het.

APPEL BY DIE MINISTER

20. (1) 'n Applikant of 'n pensioentrekker wat ingevolge artikel 8 van die Wet teen 'n beslissing of handeling van die Sekretaris appelleer, moet, binne 'n tydperk van negentig dae vanaf die datum waarop die beslissing gegee of die handeling plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

(2) Sodanige kennisgewing moet die gronde waarop teen die betrokke beslissing of handeling geappelleer word, volledig uiteensit.

(3) Die Sekretaris moet die kennisgewing en al die stukke waarop dit betrekking het, tesame met sodanige opmerkings as wat hy wens te maak, aan die Minister voorlê.

BYLAE A

DAGVAARDING KRAGTENS ARTIKEL 5 VAN WET NO.
25 VAN 1968

Dagvaarding om te verskyn voor.....

Aan A.B.....

U word hierby gedagvaar om persoonlik op die..... dag
van..... 19..... om..... uur,
voor..... te verskyn om
getuienis af te lê aangaande....., en
die *boeke, aantekeninge of dokumente met u saam te bring en
aan genoeemde..... voor te lê.

Gegee onder my hand op hede die..... dag van
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* Indien die gedagvaarde 'n boek, aantekening of dokument moet voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde geskrap word.

† Meld hoedanigheid van uitreikende beamppte.

[4th October, 1968.

[4 Oktober 1968.

REGULASIES OOR PENSIOENE VIR BLINDE PERSONE

Ek, MARAIS VILJOEN, Minister van Kleurlingsake, handelende kragtens die bevoegdheid my verleen by artikel 17 van die Wet op Blinde Persone, 1968 (Wet No. 26 van 1968)—

- (i) vaardig hierby onderstaande regulasies ten opsigte van Kleurlinge uit;
- (ii) bepaal dat genoemde regulasies op 1 Oktober 1968 in werking tree; en
- (iii) herroep hierby met ingang van 1 Oktober 1968 die regulasies afgekondig by Goewermmentskennisgewing No. R758 van 22 Mei 1964.

MARAIS VILJOEN,
Minister van Kleurlingsake.

REGULASIES

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

- (i) „applikant” ’n persoon wat op ’n pensioen aanspraak maak;
- (ii) „attesterende beamppte” ’n beamppte in die diens van die Departement van Kleurlingsake of van Volkswelsyn en Pensioene of van Justisie, ’n posmeester of ’n lid van ’n polisiemag wat by wet ingestel is;
- (iii) „die Wet” die Wet op Blindes, 1968 (Wet No. 26 van 1968);
- (iv) „Minister” die Minister van Kleurlingsake;
- (v) „Sekretaris” die Sekretaris van Kleurlingsake;

en het 'n woord waaraan in die Wet 'n betekenis geheg is, daardie betekenis.

REGISTRATION OF BLIND PERSONS

2. An application for registration as a blind person in terms of section 3 of the Act shall be submitted to the Secretary on the proper form and shall be accompanied by a certificate by a medical practitioner to the effect that the applicant is blind.

CRITERIA OF BLINDNESS

3. In determining whether an applicant is blind for the purposes of registration under section 3 of the Act—

- (1) the medical practitioner who examines him shall—
 - (a) determine the acuity of vision of the applicant by means of the test known as Snellen's test with focus properly corrected, and in case of doubt, by further tests including testing by the ophthalmoscope and of reflex actions;
 - (b) carry out all tests to determine the applicant's visual acuity in light of not less than ten foot-candles;
 - (c) determine the best direct vision obtainable with each eye separately as well as with both eyes together according to the tests referred to in subregulation (1) (a);
- (2) an applicant shall be deemed to be blind—
 - (a) if his acuity of vision is so restricted that he is unable to perform work for which eyesight is essential;
 - (b) if his acuity of vision is below 3/60/Snellen;
 - (c) if his acuity of vision is 3/60/Snellen but below 6/60/Snellen and his field of vision is reduced to fifty per cent of the normal field of vision, and the central portion of the field of vision is unimpaired: Provided that the applicant shall be deemed not to be blind if any visual defect which he may have is of long standing and is unaccompanied by any material contraction of the field of vision, for example, in cases of congenital nystagmus, albinism, myopia, etc.;
 - (d) if his acuity of vision is 6/60/Snellen or better and his field of vision is contracted to twenty-five per cent of the normal field of vision and the lower part of his field of vision has been contracted to fifty per cent of its normal dimensions: Provided that, if an applicant is suffering from homonymous or bitemporal hemianopia while retaining visual central acuity of 6/18/Snellen or better, he shall be deemed not to be blind.

EXPENSES OF PERSONS WHO HAVE TO BE MEDICALLY EXAMINED

4. When the Secretary requires any person to be examined under section 3 of the Act, he may pay from public funds any expenses necessarily incurred in connection with the transportation and subsistence of such person and, if necessary, of his attendant, to and from the centre where the examination has to take place.

APPLICATION FOR A PENSION

5. (1) (a) Subject to the provisions of subregulation (2), any application for a pension shall, after the applicant has declared the information furnished therein to be true and correct to the best of his knowledge and belief, be signed by him in the presence of an attesting officer and submitted to the district pension officer for the area in which the applicant is permanently resident.

(b) The attesting officer in whose presence an application is so signed shall certify on such application that he has explained the information contained therein to the

REGISTRASIE VAN BLINDE PERSONE

2. 'n Aansoek om registrasie as 'n blinde kragtens artikel 3 van die Wet moet op die toepaslike vorm by die Sekretaris ingedien word en moet vergeselsaam van 'n sertifikaat van 'n geneesheer dat die applikant blind is.

MAATSTAWWE VIR DIE BEPALING VAN BLINDHEID

3. By die bepaling of 'n applikant vir doeleindes van registrasie ingevolge artikel 3 van die Wet blind is—

- (1) moet die geneesheer wat hom ondersoek—
 - (a) die gesigskerpte van die applikant deur middel van die toets bekend as Snellen se toets met fokus behoorlik gekorrigeer en in geval van twyfel, deur verdere toetse, met inbegrip van toetse van reflekswerkings en deur die oogspieël, bepaal;
 - (b) alle toetse om die applikant se gesigskerpte te bepaal in lig van minstens tien voet-kerse uitvoer;
 - (c) die beste regstreekse gesigskerpte van elke oog van die applikant afsonderlik sowel as van albei sy oë gesamentlik volgens die toets in subregulasie (1) (a) vermeld, bepaal;
- (2) word 'n applikant geag blind te wees—
 - (a) indien sy gesigskerpte so beperk is dat hy nie in staat is om werk te verrig waarby gesig 'n vereiste is nie;
 - (b) indien sy gesigskerpte onder 3/60/Snellen is;
 - (c) indien sy gesigskerpte 3/60/Snellen maar swakker as 6/60/Snellen is en sy gesigsveld verminder is tot vyftig persent van die normale gesigsveld en die sentrale deel van sy gesigsveld onaangetas is: Met dien verstande dat die applikant geag word nie blind te wees nie as enige gesigsgebrek wat hy mag hê, lank gelede ingetree het en nie met aansienlike inkrimping van sy gesigsveld, soos byvoorbeeld in die geval van aangebore nistagmus, albinisme bysiendheid, ensovoorts, gepaard gaan nie;
 - (d) indien sy gesigskerpte 6/60/Snellen of beter is en sy gesigsveld ingekrimp het tot vyf-en-twintig persent van die normale gesigsveld en die onderste deel van sy gesigsveld ingekrimp het tot vyftig persent van die normale grootte: Met dien verstande dat indien 'n applikant aan homonieme of bitemporale hemianopie ly terwyl sy sentrale gesigskerpte 6/18/Snellen of beter is, hy geag word nie blind te wees nie.

UITGAWES VAN PERSONE WAT GENEESKUNDIGE ONDERSOEK MOET WORD

4. Wanneer die Sekretaris gelas dat 'n persoon kragtens artikel 3 van die Wet ondersoek moet word, kan hy die noodsaaklike onkoste in verband met die vervoer en onderhoud van sodanige persoon en, indien nodig, van sy oppasser na en van die plek waar die ondersoek moet plaasvind uit Staatsfondse betaal.

AANSOEK OM 'N PENSIEN

5. (1) (a) Behoudens die bepalings van subregulasie (2), moet 'n aansoek om 'n pensioen, nadat die applikant verklaar het dat die inligting daarin verstrekkend na sy beste wete en oortuiging waar en juis is, deur hom voor 'n attesterende beamppte onderteken en by die distriks-pensioenbeamppte vir die gebied waarin die applikant permanent woonagtig is, ingedien word.

(b) Die attesterende beamppte voor wie 'n aansoek aldus onderteken word, moet op die aansoek sertifiseer dat hy die inligting in die aansoek vervat, aan die applikant ver-

applicant and that the declaration referred to in subregulation (1) (a) was made and signed in his presence by such applicant.

(2) (a) If a district pension officer is of opinion that any applicant or any person on whose behalf a pension is claimed is unable owing to some physical or mental defect to comply with the provisions of subregulation (1) (a), he may at his discretion permit any other person to apply for such pension on behalf of such applicant or person, in which case the provisions of subregulation (1) shall apply *mutatis mutandis* to such other person.

(b) Whenever a district pension officer permits any person to apply for a pension on behalf of any other person, he shall certify on the application that he authorizes the person named in the certificate to apply for a pension on behalf of the applicant.

6. Any application for a pension shall contain full particulars of and information on the income and assets of the applicant and his spouse and, if he or his spouse owns any immovable property, of any mortgage bond registered against the title deed of such property.

7. When both a man and his wife apply for a pension, a separate application shall be submitted in respect of each of them.

8. Any application for a pension shall—

(a) be accompanied by the applicant's birth or baptismal certificate or, if such applicant is unable to produce such birth or baptismal certificate, by such other documentary evidence of such applicant's date of birth or age as the Secretary may deem fit or by a certificate by a district pension officer to the effect that after an enquiry made by him personally he is satisfied that such applicant was born on a date mentioned in such certificate or has attained the age so mentioned;

(b) if the applicant claims to be a South African citizen by registration or naturalization, be accompanied by the certificate of registration or naturalization as a South African citizen, as the case may be, or if he is unable to produce such certificate, by such other evidence of registration or naturalization as a South African citizen as the Secretary may deem fit;

(c) if the applicant claims to be a South African citizen by descent, be accompanied by such evidence of South African citizenship as the Secretary may deem fit;

(d) be accompanied by such evidence of residence in the Republic or South-West Africa as the Secretary may deem fit.

9. The date on which any application for a pension is signed in the presence of an attesting officer shall be deemed to be the date on which such application was made.

RECORD OF APPLICATIONS FOR A PENSION

10. The district pension officer shall keep a record of the name and address of each applicant from whom he receives an application for a pension, and of the date on which such application was attested in terms of regulation 5 (1).

SECURING ATTENDANCE OF WITNESSES

11. Any subpoena issued under section 7 of the Act shall as far as practicable be in the form of Schedule A.

PERSONS NOT ENTITLED TO A PENSION

12. (1) No person shall be entitled to a pension—

(a) if he is in receipt of a pension or a grant in terms of the Social Pensions Ordinance, 1965 (Ordinance

duidelik het en dat die verklaring in subregulasie (1) (a) vermeld, deur die applikant voor hom gedoen en onderteken is.

(2) (a) Indien 'n distrikspensioenbeampte van oordeel is dat 'n applikant of 'n persoon namens wie op 'n pensioen aanspraak gemaak word, weens 'n liggaamlike of geestesgebrek nie in staat is om aan die bepaling van subregulasie (1) (a) te voldoen nie, kan hy na goeddunke 'n ander persoon toelaat om namens sodanige applikant of persoon aansoek om die pensioen te doen en dan is die bepaling van subregulasie (1) *mutatis mutandis* ten opsigte van sodanige ander persoon van toepassing.

(b) Wanneer 'n distrikspensioenbeampte 'n persoon toelaat om namens 'n ander persoon aansoek om 'n pensioen te doen, moet hy op die aansoek sertifiseer dat hy die persoon in die sertifikaat vermeld, magtig om namens die applikant aansoek om 'n pensioen te doen.

6. 'n Aansoek om 'n pensioen moet volledige besonderhede en inligting bevat van die applikant en sy eggenote se inkomste en bates en, indien hy of sy eggenote enige onroerende eiendom besit, van enige verband wat teen die titelbewys van sodanige eiendom geregistreer is.

7. Wanneer sowel 'n man as sy vrou om 'n pensioen aansoek doen, moet 'n afsonderlike aansoek ten opsigte van elkeen van hulle gedoen word.

8. 'n Aansoek om 'n pensioen moet—

(a) vergesel gaan van die applikant se geboortesertifikaat of doopseel of, indien die applikant nie in staat is om sodanige geboortesertifikaat of doopseel voor te lê nie, van die ander dokumentêre bewys van die applikant se geboortedatum of ouderdom wat die Sekretaris goedvind, of van 'n sertifikaat deur 'n distrikspensioenbeampte ten effekte dat hy, na ondersoek deur hom persoonlik ingestel, oortuig is dat die applikant op 'n datum in die sertifikaat vermeld, gebore is of die aldus vermelde ouderdom bereik het;

(b) indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur registrasie of naturalisasie is, vergesel gaan van die sertifikaat van registrasie of naturalisasie as Suid-Afrikaanse burger, na gelang van die geval, of indien hy nie in staat is om sodanige sertifikaat voor te lê nie, van die ander bewys van registrasie of naturalisasie as Suid-Afrikaanse burger wat die Sekretaris goedvind;

(c) indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur afkoms is, vergesel gaan van die bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;

(d) vergesel gaan van die bewys van verblyf in die Republiek of Suidwes-Afrika wat die Sekretaris goedvind.

9. Die datum waarop 'n aansoek om 'n pensioen voor 'n attesterende beampte onderteken word, word geag die datum te wees waarop die aansoek gedoen is.

REKORD VAN AANSOEKE OM PENSIOEN

10. Die distrikspensioenbeampte moet aantekening hou van die naam en adres van iedere applikant van wie hy 'n aansoek om 'n pensioen ontvang en van die datum waarop die aansoek ingevolge regulasies 5 (1) geattesteer is.

VERKRYGING VAN DIE AANWESIGHEID VAN GETUIES

11. 'n Dagvaarding wat ingevolge artikel 7 van die Wet uitgereik word, moet sover doenlik in die vorm van Bylae A wees.

PERSONE WAT NIE OP 'N PENSIOEN GERECHTIG IS NIE

12. (1) Niemand is op 'n pensioen geregtig nie—

(a) indien hy 'n pensioen of toelae ontvang kragtens die Ordonnansie op Maatskaplike Pensioene, 1965

No. 2 of 1965) of South-West Africa, the German War Veterans' Pensions Ordinance, 1965 (Ordinance No. 3 of 1965), of South-West Africa, the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968), or the Disability Grants Act, 1968 (Act No. 27 of 1968);

- (b) if an allowance is being paid in respect of him under the Children's Act, 1960 (Act No. 33 of 1960), or a regulation made under that Act, or if he is being maintained in an institution as defined in section 1 of that Act;
- (c) if he is attending a special school for the blind, established in terms of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), or a special school for the blind which is in receipt of grants-in-aid or loans from the Department in terms of the said Act;
- (d) if he is under the age of twenty-one years and is eligible for admission to a school referred to in subregulation (1) (c), but is not attending such school;
- (e) if he refuses on grounds the Secretary deems to be inadequate to submit himself to any medical treatment which may be recommended by a medical practitioner referred to in section 3 of the Act.

(2) The provisions of subregulation (1) (d) shall not apply to any person certified by the head of a department, as defined in the Coloured Persons Education Act, 1963, (Act No. 47 of 1963), to be incapable, owing to his physical or mental condition, of taking or completing the prescribed course of study at a school referred to in subregulation (1) (c).

DETERMINATION OF AMOUNT OF PENSION

13. (1) In deciding whether a pension shall be granted, cancelled, reduced or increased, or when determining the amount of the pension, the Secretary shall take into account—

- (a) the ability and opportunities of an applicant or pensioner to support himself or contribute towards his support by his own exertions; and
- (b) the ability of the applicant's or pensioner's spouse to support him or contribute towards his support.

(2) Subject to the provisions of the Act and of these regulations—

- (a) the pension granted to any blind person shall be of such an amount, not exceeding seventy-two rand per annum, as the Secretary may determine having regard to the circumstances, annual income and other means of such blind person and of his spouse;
- (b) no pension shall be granted to any blind person at such a rate as will make his annual income and other means together with the pension exceed the amount of one hundred and sixty-eight rand per annum;
- (c) the amount of the pension granted to any blind person shall be reduced by the amount of six rand per annum for every six rand by which the annual income and other means of such person exceeds the amount of ninety-six rand;
- (d) the combined assets, including any usufruct, of a married applicant and his spouse shall be taken into account for the purpose of determining such applicant's other means;
- (e) the combined income of a married applicant and his spouse shall be deemed to be the income of such applicant.

(Ordonnansie No. 2 van 1965) van Suidwes-Afrika, die Duitse Oudstryders Pensioen Ordonnansie 1965 (Ordonnansie No. 3 van 1965), van Suidwes-Afrika, die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968), of die Wet op Ongeskiktheidstoelaes, 1968 (Wet No. 27 van 1968);

- (b) indien 'n toelae kragtens die Kinderwet, 1960 (Wet No. 33 van 1960), of 'n daarkragtens uitgevaardigde regulasie ten opsigte van hom betaal word of hy in 'n inrigting soos omskryf in artikel 1 van daardie Wet onderhou word;
- (c) indien hy 'n spesiale skool vir blindes wat kragtens die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963) opgerig is, of 'n spesiale skool vir blindes wat kragtens die bedoelde Wet hulp-toelaes of lenings van die Departement ontvang, bywoon;
- (d) indien hy onder die ouderdom van een-en-twintig jaar en bevoeg is om tot 'n skool in subregulasie (1) (c) vermeld, toegelaat te word, maar nie so 'n skool bywoon nie;
- (e) indien hy, om redes wat die Sekretaris onvoldoende ag, weier om hom aan geneeskundige behandeling te onderwerp wat deur 'n geneesheer in artikel 3 van die Wet vermeld, aanbeveel mag word.

(2) Die bepalings van subregulasie (1) (d) is nie van toepassing nie op 'n persoon ten opsigte van wie 'n departementshoof in die Wet op Onderwys vir Kleurlinge, 1963 (Wet No. 47 van 1963) omskryf, sertifiseer dat sodanige persoon weens sy liggaamlike of geestestoestand nie in staat is om die voorgeskrewe leerkursus aan 'n skool in subregulasie (1) (c) vermeld, te volg of te voltooi nie.

VASTELLING VAN BEDRAG VAN PENSIOEN

13. (1) By 'n beslissing oor die vraag of 'n pensioen toegeken, ingetrek, verminder of verhoog moet word of oor die bedrag van 'n pensioen, hou die Sekretaris rekening met—

- (a) die vermoë en geleenthede van 'n applikant of pensioentrekker om deur eie inspanning homself te onderhou of tot sy onderhoud by te dra; en
- (b) die vermoë van die applikant of pensioentrekker se eggenote om hom te onderhou of tot sy onderhoud by te dra.

(2) Behoudens die bepalings van die Wet en van hierdie regulasies—

- (a) beloop die pensioen wat aan 'n blinde persoon toegeken word, die bedrag van hoogstens twee-en-sewentig rand per jaar wat die Sekretaris met inagneming van die omstandighede, jaarlikse inkomste en ander middele van die betrokke blinde persoon en van sy eggenote vasstel;
- (b) word 'n pensioen nie aan 'n blinde persoon toegeken teen so 'n skaal dat sy jaarlikse inkomste en ander middele tesame met die pensioen die bedrag van eenhonderd agt-en-sestig rand per jaar te bowegaan nie;
- (c) word die bedrag van die pensioen wat aan 'n blinde persoon toegeken word met die bedrag van ses rand per jaar verminder vir iedere ses rand waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van ses-en-negentig rand te bowegaan;
- (d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir die doeleindes van die bepaling van die applikant se ander middele in aanmerking geneem;
- (e) word die gesamentlike inkomste van 'n getroude applikant en sy eggenote geag die inkomste van die applikant te wees.

(3) (a) Only half of the annual income received by an applicant for services rendered by him personally shall be taken into account in considering his application for a pension.

(b) Only half of a married applicant's annual income, including any remuneration to be taken into account in terms of subregulation (3) (a), shall be taken into account in considering his application for a pension.

(c) In determining an applicant's other means, any assets donated by him or his spouse to any other person shall be taken into account, but the amount or value of such assets shall be reduced by an amount, calculated at the rate of two hundred and fifty rand per annum in the case of an unmarried applicant and at the rate of five hundred rand per annum in the case of a married applicant, in respect of every calendar year which has elapsed since the date of the donation.

(4) For the purposes of subregulations (2) and (3)—
“assets” shall mean any immovable property, cash investments, interest in the shares, share capital or assets of a company or other institution, capital invested in any business concern, and cash in hand or in a current account at any bank or other financial institution;

“income” shall mean

- (a) any remuneration, either in cash or otherwise, received for services rendered, but shall not include such remuneration received by any person after he has attained the age of seventy years;
- (b) any profits derived from a business concern of which an applicant or his spouse is the owner;
- (c) any benefits received under the statutory provisions or rules relating to any pension or provident fund or any scheme, but shall not include any benefits received under the Act, the Children's Act, 1960 (Act No. 33 of 1960), the Children's Ordinance, 1961 (Ordinance No. 31 of 1961) of South-West Africa, the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965) of South-West Africa, the German War Veterans Pensions Ordinance, 1965 (Ordinance No. 3 of 1965) of South-West Africa, the Unemployment Insurance Act, 1966 (Act No. 30 of 1966), the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968), or the Disability Grants Act, 1968 (Act No. 27 of 1968), or under any regulation made under any of the said Acts or Ordinances;
- (d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of seventy-two rand per annum, provided the applicant is the owner of the property;
- (e) any income derived from any other source, but shall not include rentals, interest or dividends;

“other means” shall mean

- (a) the estimated annual yield of the assets of an applicant, including any usufruct, as determined by dividing the amount by which the unencumbered value of such assets exceeds the amount of one thousand eight hundred rand or, in the case of an applicant who has attained the age of seventy years, the amount of two thousand four hundred rand, by one hundred and by multiplying the result by six;

(3) (a) Slegs die helfte van die jaarlikse inkomste ontvang deur 'n applikant vir dienste deur hom persoonlik gelewer, word by die oorweging van sy aansoek om 'n pensioen in aanmerking geneem.

(b) Slegs die helfte van 'n getroude applikant se jaarlikse inkomste met inbegrip van enige vergoeding wat ingevolge subregulasie (3) (a) in aanmerking geneem moet word, word by die oorweging van sy aansoek om 'n pensioen in aanmerking geneem.

(c) By die bepaling van 'n applikant se ander middele, word enige bates wat hy of sy eggenote aan iemand anders geskenk het, in aanmerking geneem, maar die bedrag of waarde van sodanige bates word met 'n bedrag, bereken teen die koers van tweehonderd-en-vyftig rand per jaar in die geval van 'n ongetroude applikant en teen vyfhonderd rand per jaar in die geval van 'n getroude applikant, verminder ten opsigte van iedere kalenderjaar wat sedert die datum van die skenking verloop het.

(4) By die toepassing van subregulasies (2) en (3) beteken—

„bates” enige onroerende eiendom, kontantbeleggings, belang in die aandele, aandeelkapitaal of bates van 'n maatskappy of ander instelling, kapitaal in 'n sake-onderneming belê, en kontant voorhande of in 'n lopende rekening by 'n bank of ander finansiële instelling;

„inkomste”

- (a) enige vergoeding, hetsy in kontant of andersins, ontvang vir dienste gelewer, maar nie ook sodanige vergoeding deur 'n persoon na die bereiking van die ouderdom van sewentig jaar ontvang nie;
- (b) enige winste verkry uit 'n sakeonderneming waarvan 'n applikant of sy eggenote die eienaar is;
- (c) enige voordele ingevolge die wetsbepalings of reëls met betrekking tot 'n pensioen- of voorsorgfonds of die een of ander skema ontvang, maar nie ook enige voordele ontvang ingevolge die Wet, die Kinderwet, 1960 (Wet No. 33 van 1960), die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961) van Suidwes-Afrika, die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965) van Suidwes-Afrika, die Duitse Oudstryders Pensioen Ordonnansie, 1965 (Ordonnansie No. 3 van 1965) van Suidwes-Afrika, die Wet op Werkloosheidsversekering, 1966 (Wet No. 30 van 1966), die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968), of die Wet op Ongeskiktheidstoelae, 1968 (Wet No. 27 van 1968), of ingevolge 'n regulasie kragtens enige van genoemde wette of ordonnansies uitgevaardig nie;
- (d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van twee-en-sewentig rand per jaar te beloop, mits die applikant die eienaar van die eiendom is;
- (e) enige winste uit 'n ander bron verkry, maar nie ook huurgelde, rente of diwidende nie;

„ander middele”

- (a) die beraamde jaarlikse opbrengs van die bates en van enige vruggebruik van 'n applikant, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van eenduisend agthonderd rand of, in die geval van 'n applikant wat die ouderdom van sewentig jaar bereik het, die bedrag van tweeduisend vierhonderd rand te bowe gaan, deur eenhonderd te deel en die resultaat met ses te vermenigvuldig;

(b) the annual profits derived by the applicant or his spouse from any immovable property rented for agricultural purposes: Provided that the minimum annual income so derived shall be deemed to be seventy-two rand.

(5) As soon as the Secretary has decided whether or not an applicant is entitled to a pension and, if so, the amount thereof, he shall inform the applicant in writing of his decision.

DATE ON WHICH PENSION ACCRUES

14. A pension shall be granted with effect from the first day of the month in which such pension is applied for: Provided that the Secretary may in any case determine a later date if he is satisfied that circumstances justify the determination of such later date.

ADDITIONAL OR SUPPLEMENTARY ALLOWANCES AND ATTENDANT'S ALLOWANCE

15. Any blind person granted a pension shall be paid, in addition to such pension, an allowance of one hundred and eight rand per annum.

16. If in the opinion of the Secretary any person to whom a pension has been granted under the Act has attained the age of ninety years or is in such a physical or mental condition that he requires the regular attendance of any other person and if no subsidy is paid by the State to any home for the aged or other institution in respect of his accommodation and care, the Secretary may, on such conditions and with effect from such date as he may determine, in addition to such pension, grant such pensioner or any other person for the benefit of such pensioner an attendant's allowance not exceeding sixty rand per annum.

PAYMENT OF PENSIONS AND ALLOWANCES

17. Pensions, additional or supplementary allowances and attendant's allowances granted under the Act or these regulations shall be paid monthly by the Secretary or any person designated by him at such times and places as the Secretary may determine.

18. (1) Subject to the provisions of subregulation (2) every pensioner shall take receipt in person of the pension and allowances payable to him and furnish a receipt under his signature or mark in respect of the amount so received.

(2) When any pensioner is unable owing to some physical indisposition to take receipt in person of a pension or any allowances granted to him under the Act or these regulations, the Secretary or the person paying out such pension or allowances may on production to him of an authority, in writing, by such pensioner, duly signed in the presence of two witnesses, pay out such pension and allowances for a period not exceeding three months to any person named in such authority: Provided that such person shall whenever payment of such pension and allowances is made furnish a certificate to the effect that such pensioner is alive at the time of such payment.

(3) When any pensioner requests that some other person shall for an indefinite period take receipt on his behalf of any pension and allowances granted to him, the person paying out such pension and allowances may on production to him of an authority, in writing, by such pensioner, duly signed in the presence of two witnesses and approved by the Secretary, pay out such pension and allowances to the person named in such authority.

(b) die jaarlikse winste verkry uit enige onroerende eiendom deur die applikant of sy eggenote vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste so verkry, as twee-en-sewentig rand beskou word.

(5) So gou doenlik nadat die Sekretaris bepaal het of die applikant op 'n pensioen geregtig is al dan nie, en indien wel, die bedrag daarvan, moet hy die applikant skriftelik in kennis stel van sy beslissing.

DATUM WAAROP 'N PENSIOEN TOEVAL

14. 'n Pensioen word toegeken met ingang van die eerste dag van die maand waarin daarom aansoek gedoen word: Met dien verstande dat die Sekretaris in elk geval 'n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

BYKOMENDE OF AANVULLENDE TOELAES EN OPASSERSTOELAE

15. 'n Blinde persoon aan wie 'n pensioen toegeken word, word, benewens sodanige pensioen, 'n toelae van eenhonderd-en-agt rand per jaar betaal.

16. Indien 'n persoon aan wie 'n pensioen ingevolge die Wet toegeken is, na die oordeel van die Sekretaris die ouderdom van negentig jaar bereik het of in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand anders opgepas moet word en geen subsidie deur die Staat aan enige ouetehuis of ander inrigting ten opsigte van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op die voorwaardes en met ingang van die datum wat hy bepaal, benewens sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens sestig rand per jaar betaal.

BETALING VAN PENSIOENE EN TOELAES

17. Pensioene, bykomende of aanvullende toelae en oppasserstoelae ingevolge die Wet of hierdie regulasies toegeken, word maandeliks deur die Sekretaris of 'n persoon deur hom aangewys, op die tye en plekke deur die Sekretaris bepaal, betaal.

18. (1) Behoudens die bepalinge van subregulasie (2), moet iedere pensioentrekker die pensioen en toelae aan hom betaalbaar, persoonlik in ontvangs neem en 'n kwitansie onder sy handtekening of merk ten opsigte van die bedrag aldus ontvang, verstrek.

(2) Wanneer 'n pensioentrekker weens liggaamlike ongesteldheid nie in staat is om 'n pensioen of enige toelae wat ingevolge die Wet of hierdie regulasies aan hom toegeken is, persoonlik in ontvangs te neem nie, kan die Sekretaris of die persoon wat die pensioen of toelae uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in die aanwesigheid van twee getuies onderteken, die pensioen en toelae vir 'n tydperk van hoogstens drie maande aan 'n persoon in die magtiging vermeld, uitbetaal: Met dien verstande dat daardie persoon by iedere betaling van die pensioen en toelae 'n sertifikaat moet verstrek ten effekte dat die pensioentrekker ten tye van die betaling in lewe is.

(3) Wanneer 'n pensioentrekker versoek dat enige pensioen en toelae aan hom toegeken, vir die onbepaalde tydperk deur iemand anders ten behoeve van hom in ontvangs geneem moet word, kan die persoon wat die pensioen en toelae uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in die aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelae aan die persoon in die magtiging vermeld, uitbetaal.

(4) The provisions of subregulation (1) shall apply *mutatis mutandis* to any person to whom a pension and allowances are paid out in accordance with an authority granted under subregulation (2) or (3).

PAYMENT OF PENSIONS AND ALLOWANCES TO BLIND PERSONS MAINTAINED OR RECEIVING TREATMENT IN CERTAIN INSTITUTIONS

19. If at any time any pensioner is being maintained at public expense in a leper institution, a mental institution, institution for the feeble-minded or a prison or other State or State-aided institution, no pension or allowances shall be payable to him from the first day of the month immediately following the month in which he is admitted to such State or State-aided institution up to the last day of the month immediately before the month in which he is discharged from such institution.

CONVERSION OF CERTAIN PENSIONS AND GRANTS INTO A BLIND PERSON'S PENSION

20. (1) If any person in receipt of a pension under the Aged Persons Act, 1967, or any grant under the Disability Grants Act, 1968, qualifies for a blind person's pension under the Act, such pension or grant may, provided it shall not be to the disadvantage of such person, be converted at his request or by the Secretary of his own accord into a blind person's pension under the Act with effect from such date as the Secretary may determine.

(2) The provisions of the Act, excluding section 6, and the provisions of these regulations, excluding regulation 5, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

LAPSING OF PENSION AND ALLOWANCES

21. (1) Any pension or allowance granted under the Act or these regulations shall lapse—

- (a) when a pensioner dies, and no such pension or allowance is payable to the estate of such pensioner;
 - (b) when a pensioner has not drawn such pension for six consecutive months.
- (2) Notwithstanding the provisions of subregulation (1)—
- (a) the Secretary may pay such pension and allowances, calculated up to the last day of the month in which such pensioner dies, to any person who has in the opinion of the Secretary incurred any expense on such pensioner's maintenance, care or funeral;
 - (b) the Secretary may, if he is satisfied that the failure to draw such pension was due to circumstances over which such pensioner had no control, direct that such pension and allowances shall continue from the date on which they were last drawn or from such other date as he may determine.

CANCELLATION OR VARIATION OF PENSION

22. (1) The Secretary may at any time review a pension, and if he is satisfied—

- (a) that a pension should be cancelled, reduced or increased, he may with due regard to the circumstances of each case—
 - (i) cancel such pension; or
 - (ii) reduce or increase such pension in conformity with the provisions of regulation 13, with effect from such date, including any date in the past, as he may determine;
- (b) that a pension which has been cancelled should be restored, he may restore such pension in con-

(4) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing op 'n persoon aan wie 'n pensioen en toelaes ooreenkomstig 'n magtiging kragtens subregulasie (2) of (3) verleen, uitbetaal word.

BETALING VAN PENSIOENE EN TOELAES AAN BLINDE PERSONE WAT IN SEKERE INRIGTINGS ONDERHOUD WORD OF BEHANDELING ONTVANG

19. Indien 'n pensioentrekker te eniger tyd op Staats-koste onderhou word in 'n gestig vir melaatses, swak-sinniges of kranksinniges of 'n gevangenis of ander Staats-of Staatsondersteunde inrigting, is vanaf die eerste dag van die maand onmiddellik na die maand waarin hy daarin opgeneem word, tot die laaste dag van die maand onmiddellik voor die maand waarin hy daaruit ontslaan word, geen pensioen of toelae aan hom betaalbaar nie.

OMSKEPPING VAN SEKERE PENSIOENE OF TOELAES IN 'N PENSIOEN VIR BLINDES

20. (1) Indien 'n persoon wat 'n pensioen ingevolge die Wet op Bejaarde Persone, 1967, of 'n toelae ingevolge die Wet op Ongeskiktheidstoelaes, 1968, ontvang, aan die vereistes vir 'n pensioen vir blindes ingevolge die Wet voldoen, kan sodanige pensioen of toelae, indien dit nie tot nadeel van so 'n persoon sal wees nie, op sy versoek of deur die Sekretaris uit eie beweging in 'n pensioen vir blindes ingevolge die Wet omskep word met ingang van 'n datum wat die Sekretaris bepaal.

(2) Die bepalings van die Wet, uitgesonderd artikel 6 en die bepalings van hierdie regulasies, uitgesonderd regulasies 5 en 14, is *mutatis mutandis* met betrekking tot die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

VERVAL VAN PENSIOEN EN TOELAES

21. (1) 'n Pensioen of toelae ingevolge die Wet of hierdie regulasies toegeken, verval—

- (a) wanneer 'n pensioentrekker te sterwe kom, en geen sodanige pensioen of toelae is aan die boedel van sodanige pensioentrekker betaalbaar nie;
 - (b) wanneer 'n pensioentrekker die pensioen vir ses agtereenvolgende maande nie getrek het nie.
- (2) Ondanks die bepalings van subregulasie (1)—
- (a) kan die Sekretaris die pensioen en toelaes, bereken tot op die laaste dag van die maand waarin die pensioentrekker te sterwe kom, aan enige persoon betaal wat na die oordeel van die Sekretaris koste aangegaan het ten opsigte van die pensioentrekker se lewensonderhoud, versorging of begrafnis;
 - (b) kan die Sekretaris, indien hy oortuig is dat die versuim om die pensioen te trek aan omstandighede buite die pensioentrekker se beheer te wyte was, gelas dat die pensioen en toelaes voortbestaan vanaf die dag waarop dit die laaste keer getrek is of vanaf 'n ander datum wat hy bepaal.

INTREKKING OF VERANDERING VAN PENSIOEN

22. (1) Die Sekretaris kan 'n pensioen te eniger tyd hersien, en indien hy oortuig is—

- (a) dat 'n pensioen ingetrek, verminder of verhoog behoort te word, kan hy, met behoorlike inagneming van die omstandighede van elke geval—
 - (i) die pensioen intrek; of
 - (ii) die pensioen in ooreenstemming met die bepalings van regulasie 13 verminder of verhoog;
 met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;
- (b) dat 'n pensioen wat ingetrek is, herstel behoort te word, kan hy die pensioen in ooreenstemming met

formity with the provisions of regulation 13 with effect from the first day of the month in which such pension should in his opinion be so restored or have been so restored.

(2) If application is made for the increase of a pension and the Secretary is satisfied that such pension should be increased, he may increase such pension in conformity with the provisions of regulation 13 with effect from the first day of the month in which such application is made: Provided that if such application is made within a period of sixty days of the date on which, in the opinion of the Secretary, the pensioner concerned became qualified to receive such increase, the Secretary may increase such pension with effect from the first day of the month in which the pensioner became so qualified.

APPEAL TO THE MINISTER

23. (1) Any applicant or pensioner who in terms of section 10 of the Act appeals against any decision or action by the Secretary shall give notice of such appeal to the Secretary in writing within a period of ninety days of the date of such decision or such action.

(2) Such notice shall fully state the grounds of appeal against such decision or action.

(3) the Secretary shall submit such notice and all the documents to which it relates, together with such comments as he may wish to make, to the Minister.

MAKING OF CONTRIBUTIONS

24. (1) Any welfare organization which desires to obtain a contribution in terms of section 2 of the Act, shall submit an application setting out the following:

- (a) the purpose for which the contribution is desired;
- (b) the nature of any facilities already provided for the promotion of the welfare of blind persons in the area concerned;
- (c) the number of blind persons for whom such welfare organization has already made provision and intends to make further provision;
- (d) (i) a statement of the welfare organization's assets and liabilities and its revenue and expenditure during the immediately preceding financial year;
- (ii) a statement of the estimated revenue and expenditure for the financial year in which the project or service in respect of which the contribution is applied for will be undertaken.

(2) A welfare organization applying for a contribution in terms of section 2 (1) (d) of the Act shall furnish full particulars of the contribution it is making towards the board and lodging of persons referred to in that section.

(3) An application under subregulation (1) or (2) shall be submitted to the body known as the National Council for the Blind, which shall forward such application together with its comments to the Secretary.

(4) No contribution shall be made—

- (a) in terms of section 2 (1) (b) of the Act in excess of fifty per cent of the difference between the revenue and expenditure in respect of a subsidised project or service during the financial year concerned, excluding salaries and wages of instructors, in which case a maximum of sixty-six and two-thirds per cent is payable: Provided that any contribution made towards the maintenance of the grounds of a project shall not exceed the amount of fifty rand per annum;

die bepalings van regulasie 13 herstel met ingang van die eerste dag van die maand waarin die pensioen volgens sy oordeel aldus herstel behoort te word of moes gewees het.

(2) Indien om verhoging van 'n pensioen aansoek gedoen word en die Sekretaris oortuig is dat die pensioen verhoog behoort te word, kan hy die pensioen in ooreenstemming met die bepalings van regulasie 13 verhoog met ingang van die eerste dag van die maand waarin aansoek gedoen word: Met dien verstande dat indien die aansoek gedoen word binne 'n tydperk van sestig dae vanaf die datum waarop die betrokke pensioentrekker volgens die Sekretaris se oordeel aan die vereistes vir die verhoging voldoen het, die Sekretaris die pensioen kan verhoog met ingang van die eerste dag van die maand waarin die pensioentrekker aldus voldoen het.

APPÈL BY DIE MINISTER

23. (1) 'n Applikant of pensioentrekker wat ingevolge artikel 10 van die Wet teen 'n beslissing of handeling van die Sekretaris appelleer, moet, binne 'n tydperk van negentig dae vanaf die datum waarop die beslissing gegee of die handeling plaasgevind het, 'n skriftelike kennisgewing van sodanige appèl by die Sekretaris indien.

(2) Sodanige kennisgewing moet die gronde waarop teen die betrokke beslissing of handeling geappelleer word, volledig uiteensit.

(3) Die Sekretaris moet die kennisgewing en al die stukke waarop dit betrekking het, tesame met sodanige opmerkings as wat hy wens te maak, aan die Minister voorlê.

SKENKING VAN BYDRAES

24. (1) 'n Welsynsorganisasie wat 'n bydrae kragtens artikel 2 van die Wet verlang, moet 'n aansoek, waarin die volgende uiteengesit word, daarom indien:

- (a) die doel waarvoor die bydrae verlang word;
- (b) die aard van enige fasiliteite wat reeds vir die bevordering van die welsyn van blindes in die betrokke gebied verskaf word;
- (c) die getal blindes vir wie sodanige welsynsorganisasie reeds voorsiening gemaak het en voornemens is om nog voorsiening te maak;
- (d) (i) 'n staat van die welsynsorganisasie se bates en laste en van sy inkomste en uitgawes gedurende die onmiddellik voorafgaande boekjaar;
- (ii) 'n staat van die beraamde inkomste en uitgawes vir die boekjaar waarin die projek of diens waarvoor die bydrae aangevra word, onderneem sal word;

(2) 'n Welsynsorganisasie wat om 'n bydrae ingevolge artikel 2 (1) (d) van die Wet aansoek doen, moet volledige besonderhede verstrek van die bydrae wat hy maak ten opsigte van die losies en huisvesting van die persone in daardie artikel vermeld.

(3) 'n Aansoek ingevolge subregulasie (1) of (2) moet by die liggaam wat bekend staan as die Nasionale Raad vir Blindes ingedien word wat dit tesame met sy opmerkings daaroor aan die Sekretaris moet stuur.

(4) Geen bydrae word—

- (a) ingevolge artikel 2 (1) (b) van die Wet geskenk wat vyftig persent van die verskil tussen die inkomste en uitgawes ten opsigte van 'n gesubsidieerde projek of diens gedurende die betrokke boekjaar te bowe gaan nie, met die uitsondering van salarisse en lone van instruksors, in welke geval 'n maksimum van ses-en-sestig en twee-derdes persent betaalbaar is: Met dien verstande dat enige bydrae wat ten opsigte van die instandhouding van die gronde van 'n projek geskenk word die bedrag van vyftig rand per jaar nie te bowe mag gaan nie;

- (b) in terms of section 2 (1) (b) of the Act in excess of sixty-six and two-thirds per cent in respect of the capital expenditure involved in the purchase, erection, renovation, extension or alteration of buildings; and
- (c) in terms of section 2 (1) (d) of the Act in excess of fifty per cent of the contribution made in the month concerned towards the board and lodging of blind persons by a welfare organization: Provided that no contribution made under the said section shall exceed the amount of two rand and fifty cents per month per blind person.

SCHEDULE A

SUBPOENA UNDER SECTION 7 OF ACT NO. 26 OF 1968

Subpoena to appear before.

To A.B.

You are hereby summoned to appear in person on the.....
day of..... 19..... at..... o'clock,
before..... to give evidence
respecting, *and to
bring with you the books, records or documents and to produce
them to the said.....

Given under my hand this..... day of.....
19.....

*

* If the person summoned is required to produce any book, record or document, fill in a description thereof; otherwise strike out these words.

† Specify designation of issuing officer.

No. R.1812.]

[4th October, 1968.

DISABILITY GRANTS REGULATIONS

I, MARAIS VILJOEN, Minister of Coloured Affairs, under and by virtue of the powers vested in me by section 15 of the Disability Grants Act, 1968 (Act No. 27 of 1968), hereby—

- (i) make the following regulations in respect of Coloured persons;
- (ii) determine that the said regulations shall come into operation on 1 October 1968; and
- (iii) repeal the regulations published under Government Notice No. R.760, dated 22 May 1964, with effect from 1 October 1968.

MARAIS VILJOEN,
Minister of Coloured Affairs.

REGULATIONS

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

- (i) "applicant" means any person claiming a disability grant;
- (ii) "attesting officer" means any officer in the service of the Department of Coloured Affairs or of Social Welfare and Pensions or of Justice, any postmaster or any member of any statutory police force;

- (b) ingevolge artikel 2 (1) (b) van die Wet geskenk wat ses-en-sestig en twee-derdes persent ten opsigte van die kapitaalkoste verbonde aan die aankoop, oprigting, opknapping, vergroting of verandering van geboue te bowe gaan nie;
- (c) ingevolge artikel 2 (1) (d) van die Wet geskenk wat vyftig persent van die bydrae wat 'n welsyns-organisasie gedurende die betrokke maand ten opsigte van blindes se losies en huisvesting geskenk het, te bowe gaan nie: Met dien verstande dat geen bydrae ingevolge genoemde artikel geskenk die bedrag van twee rand en vyftig sent per maand per blinde persoon te bowe mag gaan nie.

BYLAE A

DAGVAARDING KRAGTENS ARTIKEL 7 VAN WET NO.
26 VAN 1968

Dagvaarding om te verskyn voor.....

Aan A.B.

U word hierby gedagvaar om persoonlik op die..... dag
van..... 19..... om..... uur,
voor..... te verskyn om
getuienis af te lê aangaande..... en
die *boeke, aantekeninge of dokumente met u saam te bring en
aan genoemde..... voor te lê

Gegee onder my hand op hede die..... dag van
..... 19.....

*

†

* Indien die gedagvaarde 'n boek, aantekening of dokumente moet voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde geskrap word.

† Meld hoedanigheid van uitreikende beamppte.

No. R.1812.]

[4 Oktober 1968.

ONGESKIKTHEIDSTOELAEREGULASIES

Ek, Marais Viljoen, Minister van Kleurlingsake, handelende kragtens die bevoegdheid my verleen by artikel 15 van die Wet op Ongeskiktheidstoelaes, 1968 (Wet No. 27 van 1968)—

- (i) vaardig hierby onderstaande regulasies ten opsigte van Kleurlinge uit;
- (ii) bepaal dat genoemde regulasies op 1 Oktober 1968 in werking tree; en
- (iii) herroep hierby met ingang van 1 Oktober 1968 die regulasies afgekondig by Goewermenskennisgewing No. R.760 van 22 Mei 1964.

MARAIS VILJOEN,
Minister van Kleurlingsake.

REGULASIES

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

- (i) „applikant” ’n persoon wat op ’n ongeskiktheids-toelae aanspraak maak;
- (ii) „attesterende beampte” ’n beampte in die diens van die Departement van Kleurlingsake of van Volkswelsyn en Pensioene of van Justisie, ’n posmeester of ’n lid van ’n polisiemag wat by wet ingestel is;

- (iii) "the Act" means the Disability Grants Act, 1968 (Act No. 27 of 1968);
- (iv) "Minister" means the Minister of Coloured Affairs;
- (v) "Secretary" means the Secretary for Coloured Affairs;

and any word to which a meaning has been assigned in the Act shall bear that meaning.

APPLICATION FOR A DISABILITY GRANT

2. (1) (a) Subject to the provisions of subregulation (2), any application for a disability grant shall, after the applicant has declared the information furnished therein to be true and correct to the best of his knowledge and belief, be signed by him in the presence of an attesting officer and submitted to the district pension officer for the area in which the applicant is permanently resident.

(b) The attesting officer in whose presence an application is so signed shall certify on such application that he has explained the information contained therein to the applicant and that the declaration referred to in subregulation (1) (a) was made and signed in his presence by such applicant.

(2) (a) If a district pension officer is of opinion that any applicant or any person on whose behalf a disability grant is claimed is unable owing to some physical or mental defect to comply with the provisions of subregulation (1) (a), he may at his discretion permit any other person to apply for such disability grant on behalf of such applicant or person, in which case the provisions of subregulation (1) shall apply *mutatis mutandis* to such other person.

(b) whenever a district pension officer permits any person to apply for a disability grant on behalf of any other person he shall certify on the application that he authorises the person named in the certificate to apply for a disability grant on behalf of the applicant.

3. Any application for a disability grant shall contain full particulars of and information on the income and assets of the applicant and his spouse and if he or his spouse owns any immovable property, any mortgage bond registered against the title deed of such property.

4. When both a man and his wife apply for a pension, a separate application shall be submitted in respect of each of them.

5. Any application for a disability grant shall—

- (a) be accompanied by the applicant's birth or baptismal certificate or, if such applicant is unable to produce such birth or baptismal certificate, by such other documentary evidence of such applicant's date of birth or age as the Secretary may deem fit or by a certificate by a district pension officer to the effect that after an enquiry made by him personally he is satisfied that such applicant was born on a date mentioned in such certificate or has attained the age so mentioned;
- (b) be accompanied by the medical certificate referred to in regulation 8;
- (c) if the applicant claims to be a South African citizen by registration or naturalization, be accompanied by the certificate of registration or naturalization as a South African citizen, as the case may be, or if he is unable to produce such certificate, by such other evidence of registration or naturalization as a South African citizen as the Secretary may deem fit;
- (d) if the applicant claims to be a South African citizen by descent, be accompanied by such evidence of South African citizenship as the Secretary may deem fit;

- (iii) „die Wet" die Wet op Ongeskiktheidstoelae, 1968 (Wet No. 27 van 1968);
 - (iv) „Minister" die Minister van Kleurlingsake;
 - (v) „Sekretaris" die Sekretaris van Kleurlingsake;
- en het 'n woord waaraan in die Wet 'n betekenis geheg is, daardie betekenis.

AANSOEK OM 'N ONGESKIKTHEIDSTOELAE

2. (1) (a) Behoudens die bepalings van subregulasie (2), moet 'n aansoek om 'n ongeskiktheidstoelae, nadat die applikant verklaar het dat die inligting daarin verstrekt na sy beste wete en oortuiging waar en juis is, deur hom voor 'n attesterende beamppte onderteken en by die distrikspensioenbeamppte vir die gebied waarin die applikant permanent woonagtig is, ingedien word.

(b) Die attesterende beamppte voor wie 'n aansoek aldus onderteken word, moet op die aansoek sertifiseer dat hy die inligting in die aansoek vervat, aan die applikant verduidelik het en dat die verklaring in subregulasie (1) (a) vermeld, deur die applikant voor hom gedoen en onderteken is.

(2) (a) Indien 'n distrikspensioenbeamppte van oordeel is dat 'n applikant of 'n persoon namens wie op 'n ongeskiktheidstoelae aanspraak gemaak word, weens 'n liggaamlike of geestesgebrek nie in staat is om aan die bepalings van subregulasie (1) (a) te voldoen nie, kan hy na goedgevoel 'n ander persoon toelaat om namens sodanige applikant of persoon aansoek om die ongeskiktheidstoelae te doen, en dan is die bepalings van subregulasie (1) *mutatis mutandis* ten opsigte van sodanige ander persoon van toepassing.

(b) Wanneer 'n distrikspensioenbeamppte 'n persoon toelaat om namens 'n ander persoon aansoek om 'n ongeskiktheidstoelae te doen, moet hy op die aansoek sertifiseer dat hy die persoon in die sertifikaat vermeld, magtig om namens die applikant aansoek om 'n ongeskiktheidstoelae te doen.

3. 'n Aansoek om 'n ongeskiktheidstoelae moet volledige besonderhede en inligting bevat van die applikant en sy eggenote se inkomste en bates en, indien hy of sy eggenote enige onroerende eiendom besit, van enige verband wat teen die titelbewys van sodanige eiendom geregistreer is.

4. Wanneer sowel 'n man as sy vrou om 'n ongeskiktheidstoelae aansoek doen, moet 'n afsonderlike aansoek ten opsigte van elkeen van hulle ingedien word.

5. 'n Aansoek om 'n ongeskiktheidstoelae moet—

- (a) vergesel gaan van die applikant se geboortesertifikaat of doopseel of, indien die applikant nie in staat is om sodanige geboortesertifikaat of doopseel voor te lê nie, van die ander dokumentêre bewys van die applikant se geboortedatum of ouderdom wat die Sekretaris goedgevind of van 'n sertifikaat deur 'n distrikspensioenbeamppte ten effekte dat hy 'n ondersoek, deur hom persoonlik ingestel, oortuig is dat die applikant op 'n datum in die sertifikaat vermeld, gebore is of die aldus vermelde ouderdom bereik het;
- (b) vergesel gaan van die geneeskundige sertifikaat in regulasie 8 bedoel;
- (c) indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur registrasie of naturalisasie is, vergesel gaan van die sertifikaat van registrasie of naturalisasie as Suid-Afrikaanse burger, na gelang van die geval, of indien hy nie in staat is om sodanige sertifikaat voor te lê nie, van die ander bewys van registrasie of naturalisasie as Suid-Afrikaanse burger wat die Sekretaris goedgevind;
- (d) indien die applikant daarop aanspraak maak dat hy 'n Suid-Afrikaanse burger deur afkoms is, vergesel gaan van die bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedgevind;

- (e) be accompanied by such evidence of residence in the Republic or South-West Africa as the Secretary may deem fit.

6. The date on which any application for a disability grant is signed in the presence of an attesting officer shall be deemed to be the date on which such application was made.

RECORD OF APPLICATIONS FOR A DISABILITY GRANT

7. The district pension officer shall keep a record of the name and address of each applicant from whom he receives an application for a disability grant, and of the date on which such application was attested in terms of regulation 2 (1).

MEDICAL REPORT ON AN APPLICANT FOR A DISABILITY GRANT

8. (a) At the request of the Secretary or a district pension officer an applicant shall submit himself to a medical examination by a district surgeon.

(b) The district surgeon who medically examines an applicant at the request of the Secretary or a district pension officer shall furnish the Secretary or such district pension officer, as the case may be, with a report on the proper form.

SECURING ATTENDANCE OF WITNESSES

9. Any subpoena issued under section 5 of the Act shall as far as practicable be in the form of Schedule A.

PERSONS WHO ARE NOT ELIGIBLE FOR A DISABILITY GRANT

10. (1) No person shall be eligible for a disability grant—

- (a) if he is in receipt of a pension under the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965) of South-West Africa, the German War Veterans' Pensions Ordinance, 1965 (Ordinance No. 3 of 1965) of South-West Africa, the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans' Pensions Act 1968 (Act No. 25 of 1968), or the Blind Persons Act, 1968 (Act No. 26 of 1968);
- (b) if an allowance is being paid in respect of him under the Children's Act, 1960 (Act No. 33 of 1960), or a regulation made thereunder, or if he is being maintained in an institution as defined in section 1 of that Act;
- (c) if he is required by law to attend school;
- (d) in the case of a married woman, if she is in the opinion of the Secretary properly supported by her husband, if he is not a pensioner, whether or not she usually lives with him;
- (e) if on grounds deemed by the Secretary to be inadequate he refuses to submit himself to medical examination or treatment deemed necessary by a district surgeon with a view to determining the degree of his alleged disability;
- (f) if, although he suffers from some physical or mental infirmity, he is nevertheless in the opinion of the Secretary capable of doing some work and he refuses or neglects to register himself at a labour bureau and to remain in communication with such labour bureau for a period of not less than three months, at the request of the Secretary or the district pension officer, or for reasons regarded by the Secretary as inadequate refuses to accept employment within his capacity and suitable to his circumstances from which he could obtain the means to support himself properly;

- (e) vergesel gaan van die bewys van verblyf in die Republiek of Suidwes-Afrika wat die Sekretaris goedvind.

6. Die datum waarop 'n aansoek om 'n ongeskiktheids-toelae voor 'n attesterende beampte onderteken word, word geag die datum te wees waarop die aansoek gedoen is.

REKORD VAN AANSOEKE OM ONGESKIKTHEIDSTOELAE

7. Die distrikspensioenbeampte moet aantekening hou van die naam en adres van iedere applikant van wie hy 'n aansoek om 'n ongeskiktheidstoelae ontvang en van die datum waarop die aansoek ingevolge regulasie 2 (1) geattesteer is.

GENEESKUNDIGE VERSLAG OOR 'N APPLIKANT VIR 'N ONGESKIKTHEIDSTOELAE

8. (a) 'n Applikant moet hom op versoek van die Sekretaris of 'n distrikspensioenbeampte aan geneeskundige ondersoek deur 'n distriksgeneesheer onderwerp.

(b) Die distriksgeneesheer wat 'n applikant op versoek van die Sekretaris of 'n distrikspensioenbeampte geneeskundig ondersoek, moet die Sekretaris of daardie distrikspensioenbeampte, na gelang van die geval, van 'n verslag op die toepaslike vorm voorsien.

VERKRYGING VAN DIE AANWESIGHEID VAN GETUIES

9. 'n Dagvaarding wat ingevolge artikel 5 van die Wet uitgereik word, moet sover doenlik in die vorm van Bylae A wees.

PERSONE WAT NIE VIR 'N ONGESKIKTHEIDSTOELAE IN AANMERKING KOM NIE

10. (1) Niemand kom vir 'n ongeskiktheidstoelae in aanmerking nie—

- (a) indien hy 'n pensioen ontvang kragtens die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965) van Suidwes-Afrika, die Duitse Oudstryders Pensioen Ordonnansie, 1965 (Ordonnansie No. 3 van 1965) van Suidwes-Afrika, die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968), of die Wet op Blindes, 1968 (Wet No. 26 van 1968);
- (b) indien 'n toelae kragtens die Kinderwet, 1960 (Wet No. 33 van 1960) of 'n daarkragtens uitgevaardigde regulasie ten opsigte van hom betaal word of hy in 'n inrigting soos omskryf in artikel 1 van daardie Wet onderhou word;
- (c) indien hy volgens wet verplig is om 'n skool by te woon;
- (d) indien sy 'n getroude vrou is wat na die oordeel van die Sekretaris behoorlik deur daar man, as hy nie 'n pensioentrekker is nie, onderhou word, hetsy sy gewoonlik met hom saamwoon al dan nie;
- (e) indien hy op gronde wat die Sekretaris onvoldoende ag, weier om hom te onderwerp aan geneeskundige ondersoek of behandeling wat 'n distriksgeneesheer nodig ag ten einde die mate van sy beweerde ongeskiktheid vas te stel;
- (f) indien hy, hoewel hy aan 'n liggaamlike of geesteswaktheid ly, na die oordeel van die Sekretaris nogtans in staat is om die een of ander werk te onderneem en weier of versuim om hom op versoek van die Sekretaris of die distrikspensioenbeampte by 'n arbeidsburo te laat registreer en vir 'n tydperk van minstens drie maande met daardie arbeidsburo in verbinding te bly of, om redes wat die Sekretaris onvoldoende ag, weier om werk te aanvaar wat binne sy vermoë is en by sy omstandighede pas en waaruit hy die middele kan verkry wat nodig is om behoorlik in sy eie onderhoud te voorsien;

- (g) if his parents, if he is unmarried and has not yet attained the age of twenty-one years, are in a position to support him or contribute towards his support.
- (2) For the purposes of subregulation (1)—
 - (a) "pensioner" means any person in receipt of a pension referred to in subregulation (1) (a) or a disability grant under the Act;
 - (b) refusal to undergo medical treatment that is dangerous to life or that may endanger life shall not be deemed to be refusal on inadequate grounds.

DETERMINATION OF AMOUNT OF DISABILITY GRANT

11. (1) In deciding whether a disability grant shall be made, cancelled, reduced or increased, or when determining the amount of the grant, the Secretary shall take into account—

- (a) the ability and opportunities of an applicant or grantee to support himself or contribute towards his support by his own exertions; and
- (b) the ability of the applicant's or grantee's spouse to support him or to contribute towards his support.
- (2) Subject to the provisions of the Act and of these regulations—
 - (a) the disability grant granted to any person shall be of such an amount, not exceeding seventy-two rand per annum, as the Secretary may determine having regard to the circumstances, annual income and other means of the applicant and of his spouse;
 - (b) no disability grant shall be granted to any person at such a rate as will make his annual income and other means together with the disability grant exceed the amount of one hundred and sixty-eight rand per annum;
 - (c) the amount of the disability grant granted to any person shall be reduced by the amount of six rand per annum for every six rand by which the annual income and other means of such person exceed the amount of ninety-six rand;
 - (d) the combined assets, including any usufruct, of a married applicant and his spouse shall be taken into account for the purpose of determining such applicant's other means;
 - (e) the combined income of a married applicant and his spouse shall be deemed to be the income of such applicant.

(3) (a) In addition to the annual personal income of an applicant, the other means of such applicant and his spouse and half of the annual income of his spouse derived from sources other than remuneration for services rendered, only one sixth of any remuneration received by his spouse for services rendered shall be taken into account in considering such applicant's application for a disability grant, provided he is unable to work owing to old age or for medical reasons.

(b) Except in a case where the provisions of subregulation (3) (a) apply, only half of a married applicant's annual income shall be taken into account in considering his application for a disability grant under section 4 (3) of the Act.

(c) In determining an applicant's other means any assets donated by him or his spouse to any other person shall be taken into account, but the amount or value of such assets shall be reduced by an amount, calculated at the rate of two hundred and fifty rand per annum in the case of an unmarried applicant, and at the rate of five hundred rand per annum in the case of a married applicant, in respect of every calendar year which has elapsed since the date of the donation.

- (g) indien sy ouers, as hy nie getroud is en nie die ouderdom van een-en-twintig jaar bereik het nie, oor die vermoë beskik om hom te onderhou of tot sy onderhoud by te dra.
- (2) By die toepassing van subregulasie (1) beteken—
 - (a) „pensioentrekker” ’n persoon wat ’n pensioen in subregulasie (1) (a) vermeld, of ’n ongeskiktheids-toelae ingevolge die Wet ontvang;
 - (b) word ’n weiering om geneeskundige behandeling te ondergaan wat lewensgevaarlik is of mag wees, nie geag op onvoldoende gronde te berus nie.

VASSTELLING VAN BEDRAG VAN ONGESKIKTHEIDSTOELAE

11. (1) By ’n beslissing oor die vraag of ’n toelae toegeken, ingetrek, verminder of verhoog moet word of oor die bedrag van ’n toelae, hou die Sekretaris rekening met—

- (a) die vermoë en geleenthede van ’n applikant of begiftigde om deur eie inspanning homself te onderhou of tot sy onderhoud by te dra;
- (b) die vermoë van die applikant of begiftigde se eggenote om hom te onderhou of tot sy onderhoud by te dra.
- (2) Behoudens die bepalinge van die Wet en van hierdie regulasies—
 - (a) beloop die ongeskiktheidstoelae wat aan ’n persoon toegeken word, die bedrag van hoogstens twee-en-sewentig rand per jaar wat die Sekretaris met inagneming van die omstandighede, jaarlikse inkomste en ander middele van die applikant en van sy eggenote vasstel;
 - (b) word ’n ongeskiktheidstoelae nie aan ’n persoon toegeken teen so ’n skaal dat sy jaarlikse inkomste en ander middele tesame met die ongeskiktheidstoelae die bedrag van eenhonderd agt-en-sestig rand per jaar te bowe gaan nie;
 - (c) word die bedrag van die ongeskiktheidstoelae wat aan ’n persoon toegeken word met ses rand per jaar verminder vir iedere ses rand waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van ses-en-negentig rand te bowe gaan;
 - (d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van ’n getroude applikant en sy eggenote vir die doeleindes van die bepaling van die applikant se ander middele in aanmerking geneem;
 - (e) word die gesamentlike inkomste van ’n getroude applikant en sy eggenote geag die inkomste van die applikant te wees.

(3) (a) Benewens die jaarlikse persoonlike inkomste van ’n applikant, die ander middele van hom en sy eggenote en die helfte van die jaarlikse inkomste van sy eggenote verkry uit ander bronne as vergoeding vir dienste gelewer, word slegs een sesde van enige vergoeding deur sy eggenote ontvang vir dienste gelewer, by die oorweging van die applikant se aansoek om ’n ongeskiktheidstoelae in aanmerking geneem mits hy weens ouderdom of mediese ongeskiktheid nie kan werk nie.

(b) Behalwe in ’n geval waar die bepalinge van subregulasie (3) (a) van toepassing is, word slegs die helfte van ’n getroude applikant se jaarlikse inkomste by die oorweging van sy aansoek om ’n ongeskiktheidstoelae ingevolge artikel 4 (3) van die Wet in aanmerking geneem.

(c) By die bepaling van ’n applikant se ander middele, word enige bates wat hy of sy eggenote aan iemand anders geskenk het, in aanmerking geneem, maar die bedrag of waarde van sodanige bates word met ’n bedrag, bereken teen die koers van tweehonderd-en-vyftig rand per jaar in die geval van ’n ongetroude applikant en teen vyfhonderd rand per jaar in die geval van ’n getroude applikant, verminder ten opsigte van iedere kalenderjaar wat sedert die datum van die skenking verloop het.

(4) For the purposes of subregulations (2) and (3)—

“assets” shall mean any immovable property, cash investments, interest in the shares, share capital or assets of a company or other institution, capital invested in any business concern, and cash in hand or in a current account at any bank or other financial institution;

“income” shall mean

- (a) any remuneration, either in cash or otherwise, received for services rendered;
- (b) any profits derived from a business concern of which an applicant or his spouse is the owner;
- (c) any benefits received under the statutory provisions or rules relating to any pension or provident fund or any scheme, but shall not include any benefits received under the Act, the Children's Act, 1960 (Act No. 33 of 1960), the Children's Ordinance, 1961 (Ordinance No. 31 of 1961) of South-West Africa, the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965) of South-West Africa, or the Unemployment Insurance Act, 1966 (Act No. 30 of 1966), the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968), the Blind Persons Act, 1968 (Act No. 26 of 1968), or under any regulation made under any of the said Acts or Ordinances;
- (d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of seventy-two rand per annum, provided the applicant is the owner of the property;
- (e) any income derived from any other source, but shall not include rentals, interest or dividends;

“other means” shall mean

- (a) the estimated annual yield of the assets of an applicant, including any usufruct, as determined by dividing the amount by which the unencumbered value of such assets exceeds the amount of one thousand eight hundred rand by one hundred and by multiplying the result by six;
- (b) the annual profits derived by the applicant or his spouse from any immovable property rented for agricultural purposes: Provided that the minimum annual income so derived shall be deemed to be seventy-two rand.

(5) As soon as the Secretary has determined whether or not an applicant is entitled to a disability grant and, if so, the amount thereof, he shall inform the applicant in writing of his decision.

DATE ON WHICH DISABILITY GRANT ACCRUES

12. A disability grant shall be granted with effect from the first day of the month in which such disability grant is applied for: Provided that the Secretary may in any case determine a later date if he is satisfied that circumstances justify the determination of such later date.

ADDITIONAL OR SUPPLEMENTARY ALLOWANCES

13. Any person granted a disability grant shall be paid, in addition to such disability grant, an allowance of one hundred and eight rand per annum.

ATTENDANT'S ALLOWANCE

14. If in the opinion of the Secretary any person to whom a disability grant has been granted under the Act

(4) By die toepassing van subregulasies (2) en (3) beteken—

„bates” enige onroerende eiendom, kontantbeleggings, belang in die aandele, aandeelkapitaal of bates van 'n maatskappy of ander instelling, kapitaal in 'n sake-onderneming belê, en kontant voorhande of in 'n lopende rekening by 'n bank of ander finansiële instelling;

„inkomste”

- (a) enige vergoeding, hetsy in kontant of andersins, ontvang vir dienste gelewer;
- (b) enige winste verkry uit 'n sake-onderneming waarvan 'n applikant of sy eggenote die eienaar is;
- (c) enige voordele ingevolge die wetsbepalings of reëls met betrekking tot 'n pensioen- of voorsorgfonds of die een of ander skema ontvang, maar nie ook enige voordele ontvang ingevolge die Wet, die Kinderwet, 1960 (Wet No. 33 van 1960), die Kinderordonnansie, 1961 (Ordonnansie No. 31 van 1961) van Suidwes-Afrika, die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965) van Suidwes-Afrika, die Duitse Oudstryders Pensioen Ordonnansie, 1965 (Ordonnansie No. 3 van 1965) van Suidwes-Afrika, of die Wet op Werkloosheidsversekering, 1966 (Wet No. 30 van 1966), die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968), die Wet op Blindes, 1968 (Wet No. 26 van 1968), of ingevolge 'n regulasie kragtens enige van genoemde wette of ordonnansies uitgevaardig nie;
- (d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van twee-en-sewentig rand per jaar te beloop, mits die applikant die eienaar van die eiendom is;
- (e) enige inkomste uit 'n ander bron verkry, maar nie ook huurgelde, rente of diwidende nie;

„ander middele”

- (a) die beraamde jaarlikse opbrengs van die bates en van enige vruggebruik van 'n applikant, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van eenduisend agthonderd rand te bowe gaan, deur eenhonderd te deel en die resultaat met ses te vermenigvuldig;
- (b) die jaarlikse winste verkry uit enige onroerende eiendom deur die applikant of sy eggenote vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste so verkry, as twee-en-sewentig rand beskou word.

(5) So gou doenlik nadat die Sekretaris bepaal het of die applikant op 'n pensioen geregtig is al dan nie, en indien wel, die bedrag daarvan, moet hy die applikant skriftelik in kennis stel van sy beslissing.

DATUM WAAROP 'N ONGESKIKTHEIDSTOELAE TOEVAL

12. 'n Ongeskiktheidstoelae word toegeken met ingang van die eerste dag van die maand waarin daarom aansoek gedoen word: Met dien verstande dat die Sekretaris in elk geval 'n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum geregtig.

BYKOMENDE OF AANVULLENDE TOELAE

13. 'n Persoon aan wie 'n ongeskiktheidstoelae toegeken word, word, benewens sodanige ongeskiktheidstoelae, 'n toelae van eenhonderd-en-agt rand per jaar betaal.

OPPASSERSTOELAE

14. Indien 'n persoon aan wie 'n ongeskiktheidstoelae ingevolge die Wet toegeken is, na die oordeel van die

is in such a physical or mental condition that he requires the regular attendance of any other person, and if no subsidy is paid by the State to any home for the aged or other institution in respect of his accommodation and care, the Secretary may, on such conditions and with effect from such date as he may determine, in addition to such disability grant, grant the grantee or any person on behalf of such grantee an attendant's allowance not exceeding sixty rand per annum.

PAYMENT OF DISABILITY GRANTS AND ALLOWANCES

15. Disability grants, additional allowances and attendant's allowances granted under the Act or these regulations shall be paid monthly by the Secretary or any person designated by him at such times and places as the Secretary may determine.

16. (1) Subject to the provisions of subregulation (2), every grantee shall take receipt in person of the disability grant and any allowances payable to him and furnish a receipt under his signature or mark in respect of the amount so received.

(2) When any grantee is unable owing to some physical indisposition to take receipt in person of a disability grant or any allowances granted to him under the Act or these regulations, the Secretary or the person paying out such disability grant or allowances may on production to him of an authority, in writing, by such grantee, duly signed in the presence of two witnesses, pay out such disability grant and allowances for a period not exceeding three months to any person named in such authority: Provided that such person shall whenever payment of such disability grant and allowances is made furnish a certificate to the effect that such grantee is alive at the time of such payment.

(3) When any grantee requests that some other person shall for an indefinite period, take receipt on his behalf of any disability grant and allowances granted to him, the person paying out such disability grant and allowances may on production to him of an authority, in writing, by such grantee, duly signed in the presence of two witnesses and approved by the Secretary, pay out such disability grant and allowances to the person named in such authority.

(4) The provisions of subregulation (1) shall apply *mutatis mutandis* to any person to whom a disability grant and allowances are paid out in accordance with an authority granted under subregulation (2) or (3).

PAYMENT OF DISABILITY GRANTS AND OTHER ALLOWANCES TO PERSONS MAINTAINED OR RECEIVING TREATMENT IN CERTAIN INSTITUTIONS

17. If at any time any grantee is being maintained at public expence in a leper institution, a mental institution, institution for the feeble-minded or a prison or other State or State-aided institution, no disability grant or other allowances shall be payable to him from the first day of the month immediately following the month in which he is admitted to such State or State-aided institution up to the last day of the month immediately before the month in which he is discharged from such institution.

LAPSING OF DISABILITY GRANT AND ALLOWANCES

18 (1) Any disability grant or allowance granted under the Act or these regulations shall lapse—

(a) when a grantee dies, and no such disability grant or allowance is payable to the estate of such grantee;

Sekretaris in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand anders opgepas moet word, en geen subsidie deur die Staat aan enige ouetehuis of ander inrigting ten opsigte van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op die voorwaardes en met ingang van die datum wat hy bepaal, benewens sodanige ongeskiktheidstoelae, aan die begiftigde of aan 'n ander persoon ten behoeve van hom 'n oppasserstoelae van hoogstens sestig rand per jaar toeken.

BETALING VAN ONGESKIKTHEIDSTOELAES EN ANDER TOELAES

15. Ongeskiktheidstoelae, bykomende toelae en oppasserstoelae ingevolge die Wet of hierdie regulasies toegeken, word maandeliks deur die Sekretaris of 'n persoon deur hom aangewys, op die tye en plekke deur die Sekretaris bepaal, betaal.

16. (1) Behoudens die bepalings van subregulasie (2), moet iedere begiftigde die ongeskiktheidstoelae en ander toelae aan hom betaalbaar, persoonlik in ontvangs neem en 'n kwitansie onder sy handtekening of merk ten opsigte van die bedrag aldus ontvang, verstrek.

(2) Wanneer 'n begiftigde weens liggaamlike ongesteldheid nie in staat is om 'n ongeskiktheidstoelae of enige toelae wat ingevolge die Wet of hierdie regulasies aan hom toegeken is, persoonlik in ontvangs te neem nie, kan die Sekretaris of die persoon wat die ongeskiktheidstoelae of ander toelae uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die begiftigde, behoorlik in die aanwesigheid van twee getuies onderteken, die ongeskiktheidstoelae en ander toelae vir 'n tydperk van hoogstens drie maande aan 'n persoon in die magtiging vermeld, uitbetaal: Met dien verstande dat daardie persoon by iedere betaling van die ongeskiktheidstoelae en ander toelae 'n sertifikaat moet verstrek ten effekte dat die begiftigde ten tye van die betaling in lewe is.

(3) Wanneer 'n begiftigde versoek dat enige ongeskiktheidstoelae en ander toelae aan hom toegeken, vir 'n onbepaalde tydperk deur iemand anders ten behoeve van hom in ontvangs geneem moet word, kan die persoon wat die ongeskiktheidstoelae en ander toelae uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die begiftigde, behoorlik in die aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die ongeskiktheidstoelae en ander toelae aan die persoon in die magtiging vermeld, uitbetaal.

(4) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing op 'n persoon aan wie 'n ongeskiktheidstoelae en ander toelae ooreenkomstig 'n magtiging kragtens subregulasie (2) of (3) verleen, uitbetaal word.

BETALING VAN ONGESKIKTHEIDSTOELAES EN ANDER TOELAES AAN PERSONE WAT IN SEKERE INRIGTINGS ONDERHOU WORD OF BEHANDELING ONTVANG

17. Indien 'n begiftigde te eniger tyd op Staatskoste onderhou word in 'n gestig vir melaatses, swaksinniges of kranksinniges of 'n gevangenis of ander Staats- of Staats-ondersteunde inrigting, is vanaf die eerste dag van die maand onmiddellik na die maand waarin hy daarin opgeneem word, tot die laaste dag van die maand waarin hy daaruit ontslaan word, geen ongeskiktheidstoelae of ander toelae aan hom betaalbaar nie.

VERVAL VAN ONGESKIKTHEIDSTOELAE EN ANDER TOELAES

18. (1) 'n Ongeskiktheidstoelae of ander toelae ingevolge die Wet of hierdie regulasies toegeken, verval—

(a) wanneer 'n begiftigde te sterwe kom, en geen sodanige ongeskiktheidstoelae of ander toelae is aan die boedel van sodanige begiftigde betaalbaar nie;

- (b) when a grantee has not drawn such disability grant for six consecutive months.
- (2) Notwithstanding the provisions of subregulation (1)—
- (a) the Secretary may pay such disability grant and allowances, calculated up to the last day of the month in which such grantee dies, to any person who has in the opinion of the Secretary incurred any expense on such grantee's maintenance, care or funeral;
- (b) the Secretary may, if he is satisfied that the failure to draw such disability grant was due to circumstances over which such grantee had no control, direct that such disability grant and allowances shall continue from the date on which they were last drawn or from such other date as he may determine.

CANCELLATION OR VARIATION OF DISABILITY GRANT

- 19 (1) The Secretary may at any time review a disability grant, and if he is satisfied—
- (a) that a disability grant should be cancelled, reduced or increased, he may with due regard to the circumstances of each case—
- (i) cancel such disability grant; or
- (ii) reduce or increase such disability grant in conformity with the provisions of regulation 11,
- with effect from such date, including any date in the past, as he may determine;
- (b) that a disability grant which has been cancelled should be restored, he may restore such disability grant in conformity with the provisions of regulation 11 with effect from the first day of the month in which such disability grant should in his opinion be so restored or have been so restored.
- (2) If application is made for the increase of a disability grant and the Secretary is satisfied that such disability grant should be increased, he may increase such disability grant in conformity with the provisions of regulation 11 with effect from the first day of the month in which such application is made: Provided that if such application is made within a period of sixty days of the date on which in the opinion of the Secretary, the grantee concerned became qualified to receive such increase the Secretary may increase such disability grant with effect from the first day of the month in which the grantee became so qualified.

APPEAL TO THE MINISTER

20. (1) The applicant or grantee who in terms of section 8 of the Act appeals against any decision or action by the Secretary shall give notice of such appeal to the Secretary in writing within a period of ninety days of the date of such decision or such action.
- (2) Such notice shall fully state the grounds of appeal against such decision or action.
- (3) The Secretary shall submit such notice and all the documents to which it relates, together with such comments as he may wish to make, to the Minister.

- (b) wanneer 'n begiftigde die ongeskiktheidstoelae vir ses agtereenvolgende maande nie getrek het nie.
- (2) Ondanks die bepalings van subregulasie (1)—
- (a) kan die Sekretaris die ongeskiktheidstoelae en ander toelae, bereken tot op die laaste dag van die maand waarin die begiftigde te sterwe kom, aan enige persoon betaal wat na die oordeel van die Sekretaris koste aangegaan het ten opsigte van die begiftigde se lewensonderhoud, versorging of begrafnis;
- (b) kan die Sekretaris, indien hy oortuig is dat die versuim om die ongeskiktheidstoelae te trek aan omstandighede buite die begiftigde se beheer te wyte was, gelas dat die ongeskiktheidstoelae en ander toelae voortbestaan vanaf die dag waarop dit die laaste keer getrek is of vanaf 'n ander datum wat hy bepaal.

INTREKKING OF VERANDERING VAN ONGESKIKTHEIDSTOELAE

19. (1) Die Sekretaris kan 'n ongeskiktheidstoelae te eniger tyd hersien, en as hy oortuig is —
- (a) dat 'n ongeskiktheidstoelae ingetrek, verminder of verhoog behoort te word, kan hy, met behoorlike inagneming van die omstandighede van elke geval—
- (i) die ongeskiktheidstoelae intrek; of
- (ii) die ongeskiktheidstoelae in ooreenstemming met die bepalings van regulasie 11 verminder of verhoog,
- met ingang van die datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;
- (b) dat 'n ongeskiktheidstoelae wat ingetrek is, herstel behoort te word, kan hy die ongeskiktheidstoelae in ooreenstemming met die bepalings van regulasie 11 herstel met ingang van die eerste dag van die maand waarin die ongeskiktheidstoelae volgens sy oordeel aldus herstel behoort te word of moes gewees het.
- (2) Indien om verhoging van 'n ongeskiktheidstoelae aansoek gedoen word en die Sekretaris oortuig is dat die ongeskiktheidstoelae verhoog behoort te word, kan hy die ongeskiktheidstoelae in ooreenstemming met die bepalings van regulasie 11 verhoog met ingang van die eerste dag van die maand waarin aansoek gedoen word: Met dien verstande dat indien die aansoek gedoen word binne 'n tydperk van sestig dae vanaf die datum waarop die betrokke begiftigde volgens die Sekretaris se oordeel aan die vereistes vir die verhoging voldoen het, die Sekretaris die ongeskiktheidstoelae kan verhoog met ingang van die eerste dag van die maand waarin die begiftigde aldus voldoen het.

APPÈL BY DIE MINISTER

20. (1) 'n Applikant of begiftigde wat ingevolge artikel 8 van die Wet teen 'n beslissing of handeling van die Sekretaris appelleer, moet, binne 'n tydperk van negentig dae vanaf die datum waarop die beslissing gegee of die handeling plaasgevind het, 'n skriftelike kennisgewing van sodanige appèl by die Sekretaris indien.
- (2) Sodanige kennisgewing moet die gronde waarop teen die betrokke beslissing of handeling geappelleer word, volledig uiteensit.
- (3) Die Sekretaris moet die kennisgewing en al die stukke waarop dit betrekking het, tesame met sodanige opmerkings as wat hy wens te maak, aan die Minister voorlê.

SCHEDULE A

SUBPOENA UNDER SECTION 5 OF ACT NO. 27 OF 1968

Subpoena to appear before.....

To A.B.....

You are hereby summoned to appear in person on the..... day of..... 19..... at..... o'clock, before..... to give evidence respecting....., *and to bring with you the books, records or documents and to produce them to the said.....

Given under my hand this..... day of..... 19.....

*.....
.....
.....

†.....

* If the person summoned is required to produce any book, record or document, fill in a description thereof; otherwise strike out these words.

† Specify designation of issuing officer.

BYLAE A

DAGVAARDING KRAGTENS ARTIKEL 5 VAN WET NO. 27 VAN 1968

Dagvaarding om te verskyn voor.....

Aan A.B.....

U word hierby gedagvaar om persoonlik op die..... dag van..... 19..... om..... uur, voor..... te verskyn om getuienis af te lê aangaande....., *en die boeke, aantekeninge of dokumente met u saam te bring en aan genoemde..... voor te lê.

Gegee onder my hand op hede die..... dag van..... 19.....

*.....
.....
.....

†.....

* Indien die gedagvaarde 'n boek, aantekeninge of dokument moet voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde geskrap word.

† Meld hoedanigheid van uitreikende beampte.

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INHOUD.

Departement van Kleurlingsake.

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