



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE



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21 JANUARY

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GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 75 21 Januarie 1972
WET OP NYWERHEIDSVERSOENING, 1956

MOTORNWYWERHEID.—WYSIGING VAN NASIONALE GESONDHEIDSFONDSE-OOREENKOMS

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat die bepalinge van die ooreenkoms (hierna die Wysigingsooreenkoms genoem), wat in die Bylae hiervan verskyn en op die Motorwywerheid betrekking het, met ingang van 1 Februarie 1972 en vir die tydperk wat op 30 Junie 1975 eindig, indend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is.

1. VILJOEN, Minister van Arbeid.

BYLAE

DIE NASIONALE NYWERHEIDSVERSOENING VIR DIE MOTORNWYWERHEID

OOREENKOMS

gevolg die Wet op Nywerheidsversoening, 1956, soos gewysig, esluit en aangegaan deur

The South African Motor Industry Employers' Association
en

The South African Vehicle Builders' and Repairers' Association
an die een kant, en

The Motor Industry Employees' Union of South Africa
en

The Motor Industry Combined Workers' Union,
an die ander kant,

dat die partye is by die Nasionale Nywerheidsraad vir die Motornwywerheid om die Nasionale Gesondheidsfondse-ooreenkoms in die Motornwywerheid, gepubliseer by Goewermentskennisgewing R. 875 van 26 Mei 1971 en gewysig by Goewermentskennisgewing R. 1294 van 30 Julie 1971, soos volg te wysig:

HOOFSTUK II

KLOUSULE 6.—BYDRAES

Deur in subklausule (1) (a) van hierdie klausule die uitdrukking "R1,75" deur die uitdrukking "R2,00" te vervang.

A—71820

GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 75 21 January 1972
INDUSTRIAL CONCILIATION ACT, 1956

MOTOR INDUSTRY. — AMENDMENT OF NATIONAL HEALTH FUNDS AGREEMENT

I, Marais Viljoen, Minister of Labour, hereby, in terms of section 48 (1) (a) of the Industrial Conciliation Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement), which appears in the Schedule hereto and which relates to the Motor Industry, shall be binding, with effect from 1 February 1972 and for the period ending 30 June 1975, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions.

M. VILJOEN, Minister of Labour.

SCHEDULE

THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY

AGREEMENT

entered into in accordance with the provisions of the Industrial Conciliation Act, 1956, as amended, by and between

The South African Motor Industry Employers' Association
and

The South African Vehicle Builders' and Repairers' Association
of the one part, and

The Motor Industry Employees' Union of South Africa
and

The Motor Industry Combined Workers' Union
of the other part,

being parties to the National Industrial Council for the Motor Industry, to amend the Motor Industry National Health Funds Agreement, published under Government Notice R. 875 of 26 May 1971 and amended by Government Notice R. 1294 of 30 July 1971, as follows:

CHAPTER II

CLAUSE 6.—CONTRIBUTIONS

By the substitution in subclause (1) (a) of this clause for the expression "R1,75" of the expression "R2,00".

1—3367

Namens die partye op hede die 6de dag van Desember 1971 te Johannesburg onderteken.

F. J. HACKNEY, Voorsitter van die Raad.

Namens die partye op hede die 3de dag van Desember 1971 te Kaapstad onderteken.

F. C. PINNOCK, Ondervoorsitter van die Raad.

Namens die partye op hede die 6de dag van Desember 1971 te Johannesburg onderteken.

H. G. RINGROSE, Sekretaris van die Raad.

Signed at Johannesburg on behalf of the parties on this 6th of December 1971.

F. J. HACKNEY, President of the Council.

Signed at Cape Town on behalf of the parties on this 3rd of December 1971.

F. C. PINNOCK, Vice-President of the Council.

Signed at Johannesburg on behalf of the parties of this 6th of December 1971.

H. G. RINGROSE, Secretary of the Council.

No. R. 106

21 Januarie 1972

**WET OP NYWERHEIDSVERSOENING, 1956.—BOU-
NYWERHEID, QUEENSTOWN — VERLENGING
VAN OOREENKOMS**

Ek, Marais Viljoen, Minister van Arbeid, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Nywerheidsversoening, 1956, die tydperk vasgestel in Goewermenskennisgewing R. 66 van 13 Januarie 1967 met 'n verdere tydperk van ses maande wat op 22 Julie 1972 eindig.

M. VILJOEN, Minister van Arbeid.

No. R. 106

21 January 1972

**INDUSTRIAL CONCILIATION ACT, 1956.—BUILDING
INDUSTRY, QUEENSTOWN—EXTENSION C
AGREEMENT**

I, Marais Viljoen, Minister of Labour, hereby, in terms of section 48 (4) (a) (i) of the Industrial Conciliation Act, 1956, extend the period fixed in Government Notice R. 66 of 13 January 1967 by a further period of six months ending on 22 July 1972.

M. VILJOEN, Minister of Labour.

DEPARTEMENT VAN DOEANE EN AKSYNS

No. R. 86

21 Januarie 1972

**DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN
BYLAE 3 (No. 3/275)**

Ek, Nicolaas Diederichs, Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel 75 van die Doeane- en Aksynswet, 1964, wysig hierby Bylae 3 van genoemde Wet in die mate in die Bylae hiervan aangetoon.

N. DIEDERICHS, Minister van Finansies.

DEPARTMENT OF CUSTOMS AND EXCISE

No. R. 86

21 January 1972

**CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT
OF SCHEDULE 3 (No. 3/275)**

I, Nicolaas Diederichs, Minister of Finance, acting in terms of the powers vested in me by section 75 of the Customs and Excise Act, 1964, hereby amend Schedule 3 of the said Act to the extent set out in the Schedule hereto.

N. DIEDERICHS, Minister of Finance.

BYLAE

I	II	III
Item	Tariefpos en Beskrywing	Mate van Korting
305.01	Deur tariefpos No. 58.04 deur die volgende te vervang: „58.04 Koordferweel, vir goudwinning deur goudmyne	Hoogstens die M.B.N.-reg

OPMERKING.—Die voorsiening vir 'n korting op reg op koordferweel vir goudwinning word beperk tot goudwinning deur goudmyne.

SCHEDULE

I	II	III
Item	Tariff Heading and Description	Extent of Rebate
305.01	By the substitution for tariff heading No. 58.04 of the following: “58.04 Corduroy, for the recovery of gold by gold mines	Not exceeding the M.F.N. duty

NOTE.—The provision for a rebate of duty on corduroy for the recovery of gold is restricted to gold recovered by gold mines.

No. R. 87 21 Januarie 1972
DOEANE- EN AKSYNSWET, 1964.—WYSIGING
VAN BYLAE 3 (No. 3/276)

Ek, Nicolaas Diederichs, Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel 75 van die Doeane- en Aksynswet, 1964, wysig hierby Bylae 3 van genoemde Wet in die mate in die Bylae hiervan aangetoon.

N. DIEDERICHS, Minister van Finansies.

No. R. 87 21 January 1972
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT
OF SCHEDULE 3 (No. 3/276)

I, Nicolaas Diederichs, Minister of Finance, acting in terms of the powers vested in me by section 75 of the Customs and Excise Act, 1964, hereby amend Schedule 3 to the said Act to the extent set out in the Schedule hereto.

N. DIEDERICHS, Minister of Finance.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Korting
306.04	Deur tariefpos No. 29.16 deur die volgende te vervang: „29.16 (1) Butiellaktaat (2) Beta-oksinaftoësuur, vir die vervaardiging van organiese kleurstowwe	Volle reg Volle reg”
	Deur tariefpos No. 29.22 deur die volgende te vervang: „29.22 P-chloor-o-nitroanilien, 3-nitro-p-toluidien, 2-chloorpara-toluidien-5-sulfoonsuur, orthochloorparanitroanilien en paratoluidienmetasulfoonsuur, vir die vervaardiging van organiese kleurstowwe	Volle reg”
310.03	Deur paragraaf (2) van tariefpos No. 48.01 deur die volgende te vervang: „(2) Gebleikte sulfietpapier	Volle reg”
317.06	Deur paragraaf (11) van tariefpos No. 87.06 deur die volgende te vervang: „(11) Voorasmontasies en agterasmontasies, volledig of onvolledig (hetsy afgewerk al dan nie), geheel en al ongemonteer (behalwe dat ewenaar- en ewenaardraermontasies gemonteer mag wees), vir die vervaardiging of voltooiing daarvan	Volle reg”

OPMERKINGS.—

1. Voorsiening word gemaak vir 'n volle korting op reg op beta-oksinaftoësuur, 2-chloorparatoluidien-5-sulfoonsuur, orthochloorparanitroanilien en paratoluidienmetasulfoonsuur, vir die vervaardiging van organiese kleurstowwe.

2. Voorsiening word gemaak vir 'n volle korting op reg op gebleikte sulfietpapier vir die vervaardiging van kreukel- of krinkelpapier of -papierbord.

3. Voorsiening word gemaak vir 'n volle korting op reg op voorasmontasies, volledig of onvolledig, vir die vervaardiging of voltooiing daarvan.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Rebate
306.04	By the substitution for tariff heading No. 29.16 of the following: “29.16 (1) Butyl lactate (2) Beta-oxynaphthoic acid, for the manufacture of organic dyestuffs	Full duty Full duty”
	By the substitution for tariff heading No. 29.22 of the following: “29.22 P-chloro-o-nitroaniline, 3-nitro-p-toluidine, 2-chloro-para-toluidine-5-sulphonic acid, ortho-chloro-para-nitroaniline and para-toluidine-metasulphonic acid, for the manufacture of organic dyestuffs	Full duty”
310.03	By the substitution for paragraph (2) of tariff heading No. 48.01 of the following: “(2) Bleached sulphite paper	Full duty”
317.06	By the substitution for paragraph (11) of tariff heading No. 87.06 of the following: “(11) Front-axle assemblies and rear-axle assemblies, complete or incomplete (whether or not finished), completely unassembled (except that differential and differential carrier assemblies may be assembled), for the manufacture or completion thereof	Full duty”

NOTES.—

1. Provision is made for a rebate of the full duty on beta-oxynaphthoic acid, 2-chloro-para-toluidine-5-sulphonic acid, ortho-chloro-para-nitroaniline and para-toluidine-meta-sulphonic acid, for the manufacture of organic dyestuffs.

2. Provision is made for a rebate of the full duty on bleached sulphite paper for the manufacture of creped or crinkled paper or paperboard.

3. Provision is made for a rebate of the full duty on front-axle assemblies, complete or incomplete, for the manufacture or completion thereof.

No. R. 88

21 Januarie 1972

DOEANE- EN AKSYNSWET, 1964.—WYSIGING
VAN BYLAE 3 (No. 3/277)

Ek, Nicolaas Diederichs, Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel 75 van die Doeane- en Aksynswet, 1964, wysig hierby Bylae 3 van genoemde Wet in die mate in die Bylae hiervan aangetoon.

N. DIEDERICHS, Minister van Finansies.

No. R. 88

21 January 1972

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT
OF SCHEDULE 3 (No. 3/277)

I, Nicolaas Diederichs, Minister of Finance, acting in terms of the powers vested in me by section 75 of the Customs and Excise Act, 1964, hereby amend Schedule 3 to the said Act to the extent set out in the Schedule hereto.

N. DIEDERICHS, Minister of Finance.

BYLAE

I	II	III
Item	Tariefpos en Beskrywing	Mate van Korting
315.06	Deur tariefpos No. 73.04 te skrap.	

OPMERKING.—Aangesien staalgrint vry van reg kragtens Bylae No. 1 ingevoer kan word, word die voorsiening vir 'n korting op reg daarop vir die vervaardiging van stowe, geskrap.

SCHEDULE

I	II	III
Item	Tariff Heading and Description	Extent of Rebate
315.06	By the deletion of tariff heading No. 73.04.	

NOTE.—As steel grit can be imported free of duty in terms of Schedule No. 1, the provision for a rebate of duty thereon for the manufacture of stoves, is deleted.

No. R. 89

21 Januarie 1972

DOEANE- EN AKSYNSWET, 1964.—WYSIGING
VAN BYLAE 3 (No. 3/278)

Ek, Nicolaas Diederichs, Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel 75 van die Doeane- en Aksynswet, 1964, wysig hierby Bylae 3 van genoemde Wet in die mate in die Bylae hiervan aangetoon.

N. DIEDERICHS, Minister van Finansies.

No. R. 89

21 January 1972

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT
OF SCHEDULE 3 (No. 3/278)

I, Nicolaas Diederichs, Minister of Finance, acting in terms of the powers vested in me by section 75 of the Customs and Excise Act, 1964, hereby amend Schedule 3 to the said Act to the extent set out in the Schedule hereto.

N. DIEDERICHS, Minister of Finance.

BYLAE

I	II	III
Item	Tariefpos en Beskrywing	Mate van Korting
316.10	Deur paragraaf (2) van tariefpos No. 85.00 deur die volgende te vervang: „(2) Luidsprekers (uitgesonderd dié in kabinette gemonteer) met 'n maksimum dwarsdeursneeafmeting van die keëlseksie van minder as 127 mm of met 'n waarde vir belastingdoeleindes van meer as 100c elk; onderdele van luidsprekers	Hoogstens die voorkeurreg

OPMERKING.—Dit word duidelik gestel dat slegs luidsprekers wat nie in kabinette gemonteer is nie, met korting op reg geklaar mag word.

SCHEDULE

I	II	III
Item	Tariff Heading and Description	Extent of Rebate
316.10	By the substitution for paragraph (2) of tariff heading No. 85.00 of the following: “(2) Loudspeakers (excluding those mounted in cabinets) with a maximum cross-sectional dimension of the cone section of less than 127 mm or of a value for duty purposes exceeding 100c each; parts of loudspeakers	Not exceeding the preferential duty

NOTE.—It is made clear that only loudspeakers which are not mounted in cabinets may be entered under rebate of duty.

No. R. 90 21 Januarie 1972
DOEANE- EN AKSYNSWET, 1964.—WYSIGING
VAN BYLAE 3 (No. 3/279)

Ek, Nicolaas Diederichs, Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel 75 van die Doeane- en Aksynswet, 1964, wysig hierby Bylae 3 van genoemde Wet in die mate in die Bylae hiervan aangetoon.

N. DIEDERICHS, Minister van Finansies.

No. R. 90 21 January 1972
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT
OF SCHEDULE 3 (No. 3/279)

I, Nicolaas Diederichs, Minister of Finance, acting in terms of the powers vested in me by section 75 of the Customs and Excise Act, 1964, hereby amend Schedule 3 to the said Act to the extent set out in the Schedule hereto.

N. DIEDERICHS, Minister of Finance.

BYLAE

I Item	II Tariefpos en Beskrywing	III Mate van Korting
316.13 317.03	Deur paragraaf (3) van tariefpos No. 84.06 te skrap. Deur in paragraaf (I), paragraaf (3) van tariefpos No. 84.06 deur die volgende te vervang: „(3) Afgewerkte in- en uitlaatkleppe, behalwe vir motorvoertuie met 'n bruto voertuigmassa van minder as 10 160 kg, vir die vervoer van goedere of materiale, maar nie enige motorvoertuig in paragraaf (III) van hierdie item vermeld nie	Volle reg min 20%”

OPMERKING.—Die voorsiening vir 'n korting op reg op afgewerkte in- en uitlaatkleppe vir die vervaardiging van binnebrandsuierenjins en sekere motorvoertuie, word ingetrek.

SCHEDULE

I Item	II Tariff Heading and Description	III Extent of Rebate
316.13 317.03	By the deletion of paragraph (3) of tariff heading No. 84.06. By the substitution in paragraph (I) for paragraph (3) of tariff heading No. 84.06 of the following: “(3) Finished inlet and exhaust valves, except for motor vehicles of a gross vehicle mass of less than 10 160 kg, for the transport of goods or materials not being any motor vehicle specified in paragraph (III) of this item	Full duty less 20%”

NOTE.—The provision for a rebate of duty on inlet and exhaust valves for the manufacture of internal combustion piston engines and certain motor vehicles, is withdrawn.

No. R. 91 21 Januarie 1972
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN
BYLAE 6 (No. 6/41)

Ek, Nicolaas Diederichs, Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel 75 van die Doeane- en Aksynswet, 1964, wysig hierby Bylae 6 van genoemde Wet in die mate in die Bylae hiervan aangetoon.

N. DIEDERICHS, Minister van Finansies.

No. R. 91 21 January 1972
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT
OF SCHEDULE 6 (No. 6/41)

I, Nicolaas Diederichs, Minister of Finance, acting in terms of the powers vested in me by section 75 of the Customs and Excise Act, 1964, hereby amend Schedule 6 to the said Act to the extent set out in the Schedule hereto.

N. DIEDERICHS, Minister of Finance.

BYLAE

I Item	II Tariefitem en Beskrywing	III Mate van Korting	IV Mate van Terug-betaling
609.04.05	Deur paragraaf (2) van tariefitem 104.05 deur die volgende te vervang: „(2) Nie-alkoholiese drankie (onverduim of met water verdun, met inbegrip van karbonaatwater), wat, per volume, minstens 5 persent sap van sitrus, pynappels, koejawels, duiwe, grenadellas, appels of tamaties bevat hetsy apart of tesame geneem: Met dien verstande dat sodanige sap van 'n gehalte en graad Brix is soos deur die Sekretaris van Landbou-ekonomie en -bemarking bepaal	Volle reg”	

OPMERKING.—Die item word gewysig om dit duidelik te stel dat nie-alkoholiese drankie minstens 5 persent, per volume, gespesifiseerde vrugte- of groentesappe van 'n gehalte en graad Brix soos deur die Sekretaris van Landbou-ekonomie en -bemarking bepaal word, moet bevat om vir 'n korting op reg te kwalifiseer.

SCHEDULE

I Item	II Tariff Item and Description	III Extent of Rebate	IV Extent of Refund
609.04.05	By the substitution for paragraph (2) of tariff item 104.05 of the following: “(2) Non-alcoholic beverages (undiluted or diluted with water, including carbonated water), containing, by volume, at least 5 per cent juice of citrus, pineapples, guavas, grapes, granadillas, apples or tomatoes, whether taken separately or together: Provided that such juice is of a quality and degree Brix as determined by the Secretary for Agricultural Economics and Marketing	Full duty”	

NOTE.—The item is amended to make it clear that, in order to qualify for a rebate of duty, non-alcoholic beverages must contain at least 5 per cent, by volume, of specified fruit or vegetable juices of a quality and degree Brix as determined by the Secretary for Agricultural Economics and Marketing.

No. R. 92

21 Januarie 1972

DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN
REGULASIES (No. MR/36)

Ek, Nicolaas Diederichs, Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel 120 van die Doeane- en Aksynswet, 1964, wysig hierby die regulasies by Goewermmentskennigswing R. 555 van 13 April 1966 uitgevaardig, deur voor regulasie 609.04.10 die volgende nuwe regulasie in te voeg:

„609.04.05 Die toestaan van enige korting kragtens die bepaling van item 609.04.05 is onderworpe aan die voorwaardes wat die Sekretaris in elke geval ople.”

N. DIEDERICHS, Minister van Finansies.

Opmerking.—’n Nuwe regulasie word ingevoeg om voorsiening te maak vir die Sekretaris om voorwaardes te stel waarkragtens ’n korting op reg geëis mag word.

DEPARTEMENT VAN HANDEL

No. R. 93

21 Januarie 1972

PRYSBEHEER

MAKSIMUM PRYSE VAN VUURWAPENS EN
AMMUNISIE

Ek, Hendrik Johannes Philippus Lubbe Kruger, Adjunk-pryskontroleur, handelende kragtens die bevoegdheid my deur die Pryscontroleur verleen by artikel 3 van die Wet op Prysbeheer, 1964 (Wet 25 van 1964), wysig hierby ingevolge artikel 4 van genoemde Wet Goewermmentskennigswing R. 2276 van 17 Desember 1971 met betrekking tot die maksimum pryse van vuurwapens en ammunisie deur paragraaf (b) van regulasie 2 deur die volgende paragraaf te vervang:

“(b) aan ’n ander persoon as ’n handelaar, is die in paragraaf (a) bedoelde maksimum prys—

(i) plus 33½ persent in die geval van vuurwapens en haefgeweerpatrone;

(ii) plus 40 persent in die geval van senterslagpatrone; en

(iii) plus 50 persent in die geval van rewolwer- of pistoolpatrone, en .22-randontstekingspatrone.”

H. J. P. L. KRUGER, Adjunk-pryskontroleur.

No. R. 92

21 January 1972

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT
OF REGULATIONS (No. MR/36)

I, Nicolaas Diederichs, Minister of Finance, acting in terms of the powers vested in me by section 120 of the Customs and Excise Act, 1964, hereby amend the regulations promulgated in Government Notice R. 555 of 13 April 1966, by the insertion before regulation 609.04.10 of the following new regulation:

“609.04.05 The granting of any rebate under the provisions of item 609.04.05 shall be subject to such conditions as the Secretary may impose in each case.”

N. DIEDERICHS, Minister of Finance.

Note.—A new regulation is inserted to provide for the Secretary to stipulate conditions under which a rebate may be claimed.

DEPARTMENT OF COMMERCE

No. R. 93

21 January 1972

PRICE CONTROL

MAXIMUM PRICES OF FIRE-ARMS AND
AMMUNITION

I, Hendrik Johannes Philippus Lubbe Kruger, Deputy Price Controller, acting under the powers conferred on me by the Price Controller in terms of section 3 of the Price Control Act, 1964 (Act 25 of 1964), do hereby under section 4 of the said Act, amend Government Notice R. 2276 of 17 December 1971 in respect of the maximum prices of fire-arms and ammunition by the substitution for paragraph (b) of regulation 2 of the following paragraph:

“(b) to any person other than a dealer, is the maximum price referred to in paragraph (a)—

(i) plus 33½ per cent in the case of fire-arms and shotgun cartridges;

(ii) plus 40 per cent in the case of centre fire cartridges; and

(iii) plus 50 per cent in the case of revolver or pistol cartridges and .22 rimfire cartridges.”

H. J. P. L. KRUGER, Deputy Price Controller.

DEPARTEMENT VAN JUSTISIE

No. R. 107

21 Januarie 1972

VERBETERINGSKENNISGEWING

Die volgende verbeterings moet in Goewermementskennisgewing R. 15 gepubliseer op bladsy 16 van *Staatskoerant* 3355 van 7 Januarie 1972 aangebring word:

- (a) Vervang die woord "any" in die Engelse teks van regulasie 2 (1) deur die woord "and";
- (b) vervang die woord "accoring" in die Engelse teks van regulasie 4 deur die woord "according";
- (c) in die Afrikaanse teks hernoem die regulasies na regulasie 3 (3), wat deur "(4)" en "(5)" aangedui word, sodat hulle onderskeidelik "4." en "5." lui;
- (d) vervang die woord "his" in die laaste reël van regulasie 4 in die Engelse teks deur die woord "him";
- (e) in die Engelse teks van regulasie 8 voeg 'n komma in na die syfer 4 en skrap die woord "as" in die tweede reël.

DEPARTEMENT VAN KLEURLINGBETREKKINGE EN REHOBOTH-AANGELEENTHEDE

No. R. 76

21 Januarie 1972

REGULASIES BETREFFENDE OUDERDOMSPENSIOENE TEN OPSIGTE VAN KLEURLINGE

Kragtens artikel 20 van die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), vaardig ek, Jan Jurie Loots, Minister van Kleurlingsake, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Kleurlinge in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Kleurlingsake.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Kleurlinge in die gebied Suidwes-Afrika woonagtig.
- (2) Vir die toepassing van subregulasie (1) beteken "Kleurlinge" persone wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), as lede van die Kaapse Kleurling-, Maleier- of Grikwagroep of die Groep Ander Gekleurdes geklassifiseer is en ook persone wat waarskynlik aldus geklassifiseer sou word indien die bepalinge van genoemde Wet op hulle van toepassing was.

Woordskrywing

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

- (i) "applikant" 'n persoon wat op 'n ouderdomspensioen aanspraak maak;
 - (ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkinge en Rehoboth-aangeleenthede of van Bantoeadministrasie en -ontwikkeling 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 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 of oppassers-toelae nie;
 - (vi) "Sekretaris" die Sekretaris van Kleurlingbetrekkinge en Rehobothaangeleenthede;
- en het 'n ander woord of uitdrukking waaraan in die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

DEPARTMENT OF JUSTICE

No. R. 107

21 January 1972

CORRECTION NOTICE

The following corrections should be made to Government Notice R. 15 published on page 16 of *Government Gazette* 3355, dated 7 January 1972:

- (a) Substitute the word "and" in regulation 2 (1) for the word "any";
- (b) substitute the word "according" in regulation 4 for the word "accoring";
- (c) in the Afrikaans text, renumber the regulations following regulation 3 (3) and indicated as "(4)" and "(5)" to read "4." and "5." respectively;
- (d) substitute the word "him" in the last line of regulation 4 for the word "his";
- (e) in the English text, insert a comma after the figure 4 in regulation 8, and delete the word "as" in the second line.

DEPARTMENT OF COLOURED RELATIONS AND REHOBOTH AFFAIRS

No. R. 76

21 January 1972

REGULATIONS RELATING TO OLD AGE PENSIONS IN RESPECT OF COLOURED PERSONS

Under section 20 of the Aged Persons Act, 1967 (Act 81 of 1967), I, Jan Jurie Loots, Minister of Coloured Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Coloured persons resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Coloured Affairs.

REGULATIONS

Application of Regulations

1. (1) These regulations shall apply to Coloured persons resident in the Territory of South-West Africa.
- (2) For the purposes of subregulation (1) "Coloured persons" shall mean persons classified as members of the Cape Coloured, Malay, Griqua or the Other Coloured Group in terms of the Population Registration Act, 1950 (Act 30 of 1950), and shall include persons who would probably be so classified if the provisions of said Act were applicable to them.

Definitions

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

- (i) "applicant" means any person claiming an old age pension;
 - (ii) "attesting officer" means any officer in the service of the Department of Coloured Relations and Rehoboth Affairs or of Bantu Administration and Development or of Justice, any postmaster or any member of any statutory police force;
 - (iii) "the Act" means the Aged Persons Act, 1967 (Act 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 or attendant's allowance;
 - (vi) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;
- and any other word or expression to which a meaning has been assigned in the Aged Persons Act, 1967 (Act 81 of 1967), bears the meaning so assigned thereto.

Aansoek om 'n Pensioen

3. (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 '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 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.

4. '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.

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

6. '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 dié 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 dié 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 dié bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;

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

7. 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.

Application for a Pension

3. (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 authorises the person named in the certificate to apply for a pension on behalf of the applicant.

4. 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.

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

6. 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 enquire 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 naturalisation, be accompanied by the certificate of registration or naturalisation 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 naturalisation 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 the Territory of South-West Africa as the Secretary may deem fit.

7. 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.

Rekord van Aansoeke om 'n Pensioen

8. 'n Distrikspensioenbeambte moet aantekening hou aan 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 3 (1) geattesteer is.

Verkryging van die Aanwesigheid van Getuies

9. 'n Dagvaarding wat ingevolge artikel 9 van die Wet itgereik word, moet sover doenlik in die vorm van die lylae wees.

Vasstelling van Bedrag van Pensioen

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

(a) die vermoë en geleenthede van 'n applikant of pensioentrekker om deur eie inspanning hom self 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 R216 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 R312 per jaar te bowe gaan nie;

(c) word die bedrag van die pensioen wat aan 'n bejaarde persoon toegeken word met die bedrag van R6 per jaar verminder vir iedere R6 waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van R96 te bowe gaan;

(d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir 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, voor 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, indien hy 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 R250 per jaar in die geval van 'n onge troude applikant, en teen R500 per jaar in die geval van 'n getroude applikant, verminder ten opsigte van iedere kalenderjaar wat sedert die datum van die skenking verloop het.

Record of Applications for a Pension

8. A 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 3 (1).

Securing Attendance of Witnesses

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

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 R260 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 R312 per annum;

(c) the amount of the pension granted to any aged person shall be reduced by the amount of R6 per annum for every R6 by which the annual income and other means of such person exceed the amount of R96;

(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, if he is unable to work.

(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 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 R250 per annum in the case of an unmarried applicant and at the rate of R500 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) Vir die toepassing van subregulasies (2) en (3) beteken—

“bates” enige onroerende eiendom, kontantbeleggings, belang in die aandele, aandelekapitaal 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 70 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 Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, die Werkloosheidsversekeringswet, 1966 (Wet 30 van 1966), die Wet op Blindes, 1968 (Wet 26 van 1968), die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968), of ingevolge ’n regulasie kragtens enige van genoemde Wette of genoemde Ordonnansie uitgevaardig nie;

(d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van R72 per jaar te beloop, mits die applikant die eienaar is van die betrokke eiendom;

(e) enige inkomste uit ’n ander bron verkry, maar nie ook huurgelde, rente of diwidende nie;

“ander middele”—

(i) die beraamde jaarlikse opbrengs van die bates van ’n applikant, met inbegrip van enige vruggebruik, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van R1 800 of, in die geval van ’n applikant wat die ouderdom van 70 jaar bereik het, die bedrag van R2 400 te bowe gaan, deur 100 te deel en die resultaat met ses te vermenigvuldig;

(ii) die jaarlikse winste deur die applikant of sy eggenote verkry uit enige onroerende eiendom vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste aldus verkry, geag word R72 te wees.

(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 vasgestel het, moet hy die applikant skriftelik van sy beslissing in kennis stel.

Datum waarop 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 60 dae vanaf die datum waarop die applikant die leeftyd van 65 jaar in die geval van ’n manlike applikant, of 60 jaar in die geval van ’n vroulike applikant, bereik het, met ingang van die eerste dag van die maand waarin die applikant die toepaslike leeftyd bereik het: Met dien verstande dat die Sekretaris in enige geval ’n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

Bykomende Toelae

12. ’n Bejaarde persoon aan wie ’n pensioen toegeken word, word, benewens sodanige pensioen, ’n toelae van R12 per jaar betaal.

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

“assets” shall mean any immovable property, cash investments, interest in the shares, share capital or asset 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 70 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 benefit received under the Act, the Children’s Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa, the Unemployment Insurance Act, 1966 (Act 34 of 1966), the Blind Persons Act, 1968 (Act 26 of 1968), the Disability Grants Act, 1968 (Act 27 of 1968), or under any regulation made under any of the said Act or the said Ordinance;

(d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of R72 per annum, provided the applicant is the owner of the property concerned;

(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 R1 800 or, in the case of an applicant who has attained the age of 70 years the amount of R2 400, by 100 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 R72

(5) As soon as the Secretary has decided whether or not an applicant is entitled to a pension and if so, has determined 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 60 days from the date on which the applicant attained the age of 65 years in the case of a male applicant, or 60 years in the case of a female applicant, with effect from 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 Allowance

12. Any aged person granted a pension shall be paid in addition to such pension, an allowance of R12 per annum.

Oppasserstoelae

13. (1) Indien 'n persoon aan wie 'n pensioen ingevolge hierdie regulasies toegeken is, na die oordeel van die Sekretaris die leeftyd van 90 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 dié voorwaardes en met ingang van dié datum wat hy bepaal, benewens sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens R60 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 leeftyd van 90 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 toelaes en oppasserstoelaes ingevolge 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 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 aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelaes aan die persoon in die magtiging vermeld, uitbetaal.

(3) 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) verleen, uitbetaal word.

Betaling van Pensioene en Toelaes aan Bejaardes wat in Sekere Inrigtings Onderhou word of Behandeling Ontvang

16. Indien 'n pensioentrekker te eniger tyd op staatskoste onderhou word in 'n inrigting vir leproses, swak-sinniges of sielsiektes 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 toelaes aan hom betaalbaar nie.

Omskepping van Sekere Pensioene of 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 Ongeskiktheidstoelaes, 1968, ontvang, aan die vereistes vir 'n ouderdomspensioen ingevolge die Wet voldoen, kan sodanige pensioen of toelae, mits dit nie tot nadeel van sodanige 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.

Attendant's Allowance

13. (1) If in the opinion of the Secretary any person to whom a pension has been granted under these regulations has attained the age of 90 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 any 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 on behalf of such pensioner an attendant's allowance not exceeding R60 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 90 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 allowances and attendants' allowances granted under 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 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.

(3) 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).

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 Government expense in a leper institution, a mental institution, an 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 or 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) Die bepalings van die Wet, uitgesonderd artikel 10, en die bepalings van hierdie regulasies, uitgesonderd regulasies 3, 4, 5, 6, 7 en 11, is *mutatis mutandis* op die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

Verval van Pensioen en Toelaes

18. (1) 'n Pensioen of toelae ingevolge 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 ses agtereenvolgende maande nie getrek het nie.

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

(a) kan die Sekretaris sodanige 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 sodanige 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

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 dié 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 60 dae na 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 na die Minister

20. (1) 'n Applikant of 'n pensioentrekker wat ingevolge artikel 13 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet, binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

(2) The provisions of the Act, excluding section 10, and the provisions of these regulations, excluding regulations 3, 4, 5, 6, 7 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 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.

(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 60 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 90 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) Die Sekretaris moet sodanige kennisgewing en al die stukke waarop dit betrekking het, tesame met sodanige opmerkings as wat hy wens te maak, aan die Minister voorlê.

BYLAE

DAGVAARDING KRAGTENS ARTIKEL 9 VAN WET 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 _____

* _____

† _____

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

† Meld hoedanigheid van uitreikingsbeampte.

No. R. 77

21 January 1972

REGULASIES BETREFFENDE PENSIOENE
VIR BLINDES WAT KLEURLINGE IS

Kragtens artikel 17 van die Wet op Blindes, 1868 (Wet 26 van 1968), vaardig ek, Jan Jurie Loots, Minister van Kleurlingsake, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Kleurlinge in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Kleurlingsake.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Kleurlinge in die gebied Suidwes-Afrika woonagtig.

(2) Vir die toepassing van subregulasie (1) beteken "Kleurlinge" persone wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), as lede van die Kaapse Kleurling-, Maleier- of Griekwagroep of die Groep Ander Gekleurdes geklassifiseer is, en ook persone wat waarskynlik aldus geklassifiseer sou word indien die bepalinge van genoemde Wet op hulle van toepassing was.

Woordomskriving

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

(i) "applikant" 'n persoon wat op 'n pensioen vir blindes aanspraak maak;

(ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkings en Rehoboth-aangeleenthede of van Bantoe-administrasie en -ontwikkeling 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 26 van 1968);

(iv) "Minister" die Minister van Kleurlingsake;

(v) "Sekretaris" die Sekretaris van Kleurlingbetrekkings en Rehoboth-aangeleenthede;

en het 'n ander woord of uitdrukking waaraan in die Wet op Blindes, 1968 (Wet 26 van 1968), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

(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

SUBPOENA UNDER SECTION 9 OF ACT 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. 77

21 January 1972

REGULATIONS RELATING TO BLIND PERSONS'
PENSIONS IN RESPECT OF COLOURED PERSONS

Under section 17 of the Blind Persons Act, 1968 (Act 26 of 1968), I, Jan Jurie Loots, Minister of Coloured Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Coloured persons resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Coloured Affairs.

REGULATIONS

Application of Regulations

1. (1) These regulations shall apply to Coloured persons resident in the Territory of South-West Africa.

(2) For the purposes of subregulation (1) "Coloured persons" shall mean persons classified as members of the Cape Coloured, Malay, Griqua or the Other Coloured Group in terms of the Population Registration Act, 1950 (Act 30 of 1950), and shall include persons who would probably be so classified if the provisions of the said Act were applicable to them.

Definitions

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

(i) "applicant" means any person claiming a blind person's pension;

(ii) "attesting officer" means any officer in the service of the Department of Coloured Relations and Rehoboth Affairs or of Bantu Administration and Development or of Justice, any postmaster or any member of any statutory police force;

(iii) "the Act" means the Blind Persons Act, 1968 (Act 26 of 1968);

(iv) "Minister" means the Minister of Coloured Affairs;

(v) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;

and any other word or expression to which a meaning has been assigned in the Blind Persons Act, 1968 (Act 26 of 1968), bears the meaning so assigned thereto.

Registrasie van Blindes

3. '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 vergesel gaan van 'n sertifikaat van 'n geneesheer dat die applikant blind is.

Maatstawwe vir die Bepaling van Blindheid

4. 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 gesigskerpthe 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 gesigskerpthe te bepaal in lig van minstens 10 voet-kerse uitvoer;

(c) die beste regstreekse gesigskerpthe 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 gesigskerpthe so beperk is dat hy nie in staat is om werk te verrig waarby gesig 'n vereiste is nie;

(b) indien sy gesigskerpthe onder 3/60/Snellen is;

(c) indien sy gesigskerpthe 3/60/Snellen maar swakker as 6/60/Snellen is en sy gesigsveld verminder is tot 50 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 gesigskerpthe 6/60/Snellen of beter is en sy gesigsveld ingekrimp het tot 25 persent van die normale gesigsveld en die onderste deel van sy gesigsveld ingekrimp het tot 50 persent van die normale grootte: Met dien verstande dat indien 'n applikant aan homonieme of bitemporale hemianopie ly terwyl sy sentrale gesigskerpthe 6/18/Snellen of beter is, hy geag word nie blind te wees nie.

Uitgawes van Persone van Geneeskundig Onderzoek moet word

5. 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 staatsgelde betaal.

Aansoek om 'n Pensioen

6. (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 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.

Registration of Blind Persons

3. 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

4. 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 10 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 50 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 25 per cent of the normal field of vision and the lower part of his field of vision has been contracted to 50 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

5. 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 or such person and, if necessary, of his attendant, to and from the centre where the examination has to take place.

Application for a Pension

6. (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) Indien 'n distrikspensioenbeampste 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 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 distrikspensioenbeampste '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.

7. '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.

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

9. 'n Aansoek om 'n pensioen moet—

(a) vergesel gaan van die applikant se geboortesertifikaat of doopseël of, indien die applikant nie in staat is om sodanige geboortesertifikaat of doopseël voor te lê, nie van dié ander dokumentêre bewys van die applikant se geboortedatum of ouderdom wat die Sekretaris goedvind, of van 'n sertifikaat deur 'n distrikspensioenbeampste 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 dié 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 dié bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;

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

10. Die datum waarop 'n aansoek om 'n pensioen voor 'n attesterendebeampste onderteken word, word geag die datum te wees waarop die aansoek gedoen is.

Rekord van Aansoeke om 'n Pensioen

11. 'n Distrikspensioenbeampste 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 6 (1) geattesteer is.

Verkryging van die Aanwesigheid van Getuies

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

Persone wat nie vir 'n Pensioen in Aanmerking kom nie

13. Geen persoon kom vir 'n pensioen in aanmerking nie—

(a) indien hy 'n pensioen of toelae ontvang kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968);

(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.

7. 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.

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

9. 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 or 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 the Territory of South-West Africa as the Secretary may deem fit.

10. 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

11. A 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 6 (1).

Securing Attendance of Witnesses

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

Persons who are not Eligible for a Pension

13. No person shall be eligible for a pension—

(a) if he is in receipt of a pension or a grant in terms of the Aged Persons Act, 1967 (Act 81 of 1967), or the Disability Grants Act, 1968 (Act 27 of 1968);

(b) indien 'n toelae kragtens die Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, regulasie daarkragtens uitgevaardig ten opsigte van hom betaal word;

(c) 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 word.

Vasstelling van Bedrag van Pensioen

14. (1) By 'n beslissing oor die vraag of 'n pensioen toegeken, ingetrek, verminder of verhoog moet word of by die vasstelling van die bedrag van die 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 blinde toegeken word, die bedrag van hoogstens R216 per jaar wat die Sekretaris, met inagneming van die omstandighede, jaarlikse inkomste en ander middele van die betrokke blinde en van sy eggenote, vasstel;

(b) word 'n pensioen nie aan 'n blinde toegeken teen so 'n skaal dat sy jaarlikse inkomste en ander middele tesame met die pensioen die bedrag van R312 te bowe gaan nie;

(c) word die bedrag van die pensioen wat aan 'n blinde toegeken word met die bedrag van R6 per jaar verminder vir iedere R6 waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van R96 te bowe gaan;

(d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir 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 vir blindes in aanmerking geneem indien hy nie kan werk nie.

(b) 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.

(c) 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 pensioen vir blindes ingevolge artikel 6 (3) van die Wet in aanmerking geneem.

(d) 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 R250 per jaar in die geval van 'n ongetroude applikant, en teen R500 in die geval van 'n getroude applikant, verminder ten opsigte van iedere kalenderjaar wat sedert die datum van die skenking verloop het.

(b) if an allowance is being paid in respect of him under the Children's Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa or a regulation made thereunder;

(c) 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.

Determination of Amount of Pension

14. (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 R216 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 R312 per annum;

(c) the amount of the pension granted to any blind person shall be reduced by the amount of R6 per annum for every R6 by which the annual income and other means of such person exceed the amount of R96;

(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 blind person's pension, if he is unable to work.

(b) 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.

(c) 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 blind person's pension under section 6 (3) of the Act.

(d) 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 R250 per annum in the case of an unmarried applicant and at the rate of R500 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) Vir 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 sakeonderneming belê, en kontant voorhande, of ’n in 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 leeftyd van 70 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 Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, die Werkloosheidsversekeringswet, 1966 (Wet 30 van 1966), die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968), of ingevolge ’n regulasie kragtens enige van genoemde Wette of genoemde Ordonnansie uitgevaardig nie;

(d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van R72 per jaar te beloop, mits die applikant die eienaar van die betrokke 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 van ’n applikant, met inbegrip van enige vruggebruik, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van R1,800 of, in die geval van ’n applikant wat die leeftyd van 70 jaar bereik het, die bedrag van R2,400 te bowe gaan, deur 100 te deel en die resultaat met ses te vermenigvuldig;

(b) die jaarlikse winste deur die applikant of sy eggenote verkry uit enige onroerende eiendom vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste so verkry, geag word R72 te wees.

(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 bepaal het, moet hy die applikant skriftelik in kennis stel van sy beslissing.

Datum waarop ’n Pensioen Toeval

15. ’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 enige geval ’n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

Bykomende Toelae en Oppasserstoelae

16. ’n Blinde aan wie ’n pensioen toegeken word, word, benewens sodanige pensioen, ’n toelae van R12 per jaar betaal.

17. Indien ’n persoon aan wie ’n pensioen ingevolge hierdie regulasies toegeken is na die oordeel van die 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 dié voorwaardes en met ingang van dié datum wat hy bepaal, benewens

(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 70 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 Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa, the Unemployment Insurance Act, 1966 (Act 30 of 1966), the Aged Persons Act, 1967 (Act 81 of 1967), or the Disability Grants Act, 1968 (Act 27 of 1968), or under any regulation made under any of the said Acts or the said Ordinance;

(d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of R72 per annum, provided the applicant is the owner of the property concerned;

(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 R1 800 or, in the case of an applicant who has attained the age of 70 years, the amount of R2 400, by 100 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 R72.

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

Date on which Pension Accrues

15. 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 Allowance and Attendant’s Allowance

16. Any blind person granted a pension shall be paid, in addition to such pension, an allowance of R12 per annum.

17. If in the opinion of the Secretary any person to whom a pension has been granted under these regulations 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

sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens R60 per jaar betaal.

Betaling van Pensioene en Toelaes

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

19. (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 merk ten opsigte van die bedrag aldus ontvang, verstrekk.

(2) 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 aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelaes aan die persoon in die magtiging vermeld, uitbetaal.

(3) 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) verleen, uitbetaal word.

Betaling van Pensioene en Toelaes aan Blindes wat in Sekere Inrigtings Onderhou word of Behandeling Ontvang

20. Indien 'n pensioentrekker te eniger tyd op staats-onkoste onderhou word in 'n inrigting vir leproses, swak-sinniges of sielsiekes 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 toelaes aan hom betaalbaar nie.

Omskepping van Sekere Pensioene of Toelaes in 'n Pensioen vir Blindes

21. (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, mits dit nie tot nadeel van sodanige 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 6, 7, 8, 9, 10 en 15, is *mutatis mutandis* op die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

Verval van Pensioen en Toelae

22. (1) 'n Pensioen of toelae ingevolge 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 ses agtereenvolgende maande nie getrek het nie.

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

(a) kan die Sekretaris sodanige 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;

to such pension, grant such pensioner or any other person for the benefit of such pensioner an attendant's allowance not exceeding R60 per annum.

Payment of Pensions and Allowances

18. Pensions, additional allowances and attendant's allowances granted under 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.

19. (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 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.

(3) 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).

Payment of Pensions and Allowances to Blind Persons Maintained or Receiving Treatment in Certain Institutions

20. If at any time any pensioner is being maintained at Government expense in a leper institution, a mental institution, an 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 or Grants into a Blind Person's Pension

21. (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 regulations 6, 7, 8, 9, 10 and 15, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

Lapsing of Pension and Allowances

22. (1) Any pension or allowance granted under 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) kan die Sekretaris, indien hy oortuig is dat die versuim om sodanige 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

23. (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 14 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 14 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 14 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 60 dae na 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 na die Minister

24. (1) 'n Applikant of 'n pensioentrekker wat ingevolge artikel 10 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet, binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

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

BYLAE

DAGVAARDING KRAGTENS ARTIKEL 7 VAN WET 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 dokument moet voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde geskrap word.

† Meld hoedanigheid van uitreikingsbeampte.

(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

23. (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 14;

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 14 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 14 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 60 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

24. (1) Any applicant or a 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 90 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

SUBPOENA UNDER SECTION 7 OF ACT 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

*

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†

* 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. 78

21 Januarie 1972

REGULASIES BETREFFENDE ONGESKIKTHEIDS-TOELAES TEN OPSIGTE VAN KLEURLINGE

Kragtens artikel 15 van die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968), vaardig ek, Jan Jurie Loots, Minister van Kleurlingsake, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Kleurlinge in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Kleurlingsake.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Kleurlinge in die gebied Suidwes-Afrika woonagtig.

(2) Vir die toepassing van subregulasie (1) beteken "Kleurlinge" persone wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), as lede van die Kaapse Kleurling-, Maleier- of Griekwagroep of die Groep Ander Gekleurdes geklassifiseer is, en ook persone wat waarskynlik aldus geklassifiseer sou word indien die bepalings van genoemde Wet op hulle van toepassing was.

Woordomskrywing

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

(i) "applikant" 'n persoon wat op 'n ongeskiktheidstoelaes aanspraak maak;

(ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkings en Rehoboth-aangeleenthede of van Bantoadministrasie en -ontwikkeling of van Justisie, 'n posmeester of 'n lid van 'n polisie-mag wat by wet ingestel is;

(iii) "die Wet" die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968);

(iv) "Minister" die Minister van Kleurlingsake;

(v) "Sekretaris" die Sekretaris van Kleurlingbetrekkings en Rehoboth-aangeleenthede;

en het 'n ander woord of uitdrukking waaraan in die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

Aansoek om 'n Ongeskiktheidstoelaes

3. (1) (a) Behoudens die bepalings van subregulasie (2), moet 'n aansoek om 'n ongeskiktheidstoelaes, 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 distrikspensionbeampte 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 distrikspensionbeampte van oordeel is dat 'n applikant of 'n persoon namens wie op 'n ongeskiktheidstoelaes 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 goeë dunnke 'n ander persoon toelaat om namens sodanige applikant of persoon aansoek om die ongeskiktheidstoelaes te doen, en dan is die bepalings van subregulasie (1) *mutatis mutandis* ten opsigte van sodanige ander persoon van toepassing.

No. R. 78

21 January 1972

REGULATIONS RELATING TO DISABILITY GRANTS IN RESPECT OF COLOURED PERSONS

Under section 15 of the Disability Grants Act, 1968 (Act 27 of 1968), I, Jan Jurie Loots, Minister of Coloured Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Coloured persons resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Coloured Affairs.

REGULATIONS

Application of Regulations

1. (1) These regulations shall apply to Coloured persons resident in the Territory of South-West Africa.

(2) For the purposes of subregulation (1) "Coloured persons" shall mean persons classified as members of the Cape Coloured, Malay, Griqua or the Other Coloured Group in terms of the Population Registration Act, 1950 (Act 30 of 1950), and shall include persons who would probably be so classified if the provisions of the said Act were applicable to them.

Definitions

2. 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 Relations and Rehoboth Affairs or of Bantu Administration and Development or of Justice, any postmaster or any member of any statutory police force;

(iii) "the Act" means the Disability Grants Act, 1968 (Act 27 of 1968);

(iv) "Minister" means the Minister of Coloured Affairs;

(v) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;

and any other word or expression to which a meaning has been assigned in the Disability Grants Act, 1968, (Act 27 of 1968), bears the meaning so assigned thereto.

Application for a Disability Grant

3. (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) 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.

4. '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.

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

6. 'n Aansoek om 'n ongeskiktheidstoelae moet—

(a) vergesel gaan van die applikant se geboortsertifikaat of doopseel of, indien die applikant nie in staat is om sodanige geboortsertifikaat 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 distrikspensioenbeamppte 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) vergesel gaan van die geneeskundige verslag in regulasie 9 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 dié 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 dié bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;

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

7. Die datum waarop 'n aansoek om 'n ongeskiktheidstoelae voor 'n attesterende beamppte onderteken word, word gegag die datum te wees waarop die aansoek gedoen is.

Rekord van Aansoeke om 'n Ongeskiktheidstoelae

8. 'n Distrikspensioenbeamppte 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 3 (1) geattesteer is.

Geneeskundige Verslag oor 'n Applikant vir 'n Ongeskiktheidstoelae

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

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

Verkryging van die Aanwesigheid van Getuies

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

(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.

4. 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.

5. When both a man and his wife apply for a disability grant a separate application shall be submitted in respect of each of them.

6. 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 inquiry 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 report referred to in regulation 9;

(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 the Territory of South-West Africa as the Secretary may deem fit.

7. 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

8. A 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 3 (a).

Medical Report on an Applicant for a Disability Grant

9. (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

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

Persone wat nie vir 'n Ongeskiktheidstoelae in Aanmerking kom nie

11. (1) Geen persoon kom vir 'n ongeskiktheidstoelae in aanmerking nie—

(a) indien hy 'n pensioen ontvang kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Blindes, 1968 (Wet 26 van 1968);

(b) indien 'n toelae kragtens die Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika of 'n regulasie daarkragtens uitgevaardig ten opsigte van hom betaal word;

(c) indien hy by 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 haar 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 geesteswakheid 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 sodanige 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) indien sy ouers, as hy nie getroud is en nie die leeftyd van 21 jaar bereik het nie, oor die vermoë beskik om hom te onderhou of tot sy onderhoud by te dra.

(2) Vir die toepassing van subregulasie (1) beteken—

(a) "pensioentrekker" 'n persoon wat 'n pensioen in subregulasie (1) (a) vermeld, of 'n ongeskiktheidstoelae ingevolge hierdie regulasies 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

12. (1) By 'n beslissing oor die vraag of 'n ongeskiktheidstoelae toegeken, ingetrek, verminder of verhoog moet word of by die vasstelling van die bedrag van die toelae, hou die Sekretaris rekening met—

(a) die vermoë en geleenthede van 'n applikant of begiftigde om deur eie inspanning hom self 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 R260 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 R312 per jaar te bowe gaan nie;

Persons who are not Eligible for a Disability Grant

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

(a) if he is in receipt of a pension under the Aged Persons Act, 1967 (Act 81 of 1967), or the Blind Persons Act, 1968 (Act 26 of 1968);

(b) if an allowance is being paid in respect of him under the Children's Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa or a regulation made thereunder;

(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;

(g) if his parents, if he is unmarried and has not yet attained the age of 21 years, are in a position to support him or contribute towards his support.

(2) For the purposes of subregulation (1)—

(a) "pensioner" shall mean any person in receipt of a pension referred to in subregulation (1) (a) or a disability grant under these regulations;

(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

12. (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 R216 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 R312 per annum;

(c) word die bedrag van die ongeskiktheidstoelae wat aan 'n persoon toegeken word met R6 per jaar verminder vir iedere R6 waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van R96 te bowe gaan;

(d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir 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 indien hy 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 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 R250 per jaar in die geval van 'n ongetroude applikant, en teen R500 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) Vir 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 sakeonderneming 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 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 Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, of die Werkloosheidsversekeringswet, 1966 (Wet 30 van 1966), die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), die Wet op Blindes, 1968 (Wet 26 van 1968), of ingevolge 'n regulasie kragtens enige van genoemde Wette of genoemde Ordonnansie uitgevaardig nie;

(d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van R72 per jaar te beloop, mits die applikant die eienaar van die betrokke eiendom is;

(e) enige inkomste uit 'n ander bron verkry, maar nie ook huurgede, rente of diwidende nie;

“ander middele”—

(a) die beraamde jaarlikse opbrengs van die bates van 'n applikant, met inbegrip van enige vruggebruik, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van R1 800 te bowe gaan, deur 100 te deel en die resultaat met ses te vermenigvuldig;

(c) the amount of the disability grant granted to any person shall be reduced by the amount of R6 per annum for every R6, by which the annual income and other means of such person exceed the amount of R96;

(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, if he is unable to work.

(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 R250 per annum in the case of an unmarried applicant, and at the rate of R500 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;

(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 Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa, or the Unemployment Insurance Act, 1966 (Act 30 of 1966), the Aged Persons Act, 1967 (Act 81 of 1967), the Blind Persons Act, 1968 (Act 26 of 1968), or under any regulation made under any of the said Acts or the said Ordinance;

(d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of R72 per annum, provided the applicant is the owner of the property concerned;

(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 R1 800 by 100 and by multiplying the result by six;

(b) die jaarlikse winste deur die applikant of sy eggenote verkry uit enige onroerende eiendom vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste so verkry, geag word R72 te wees.

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

Datum waarop Ongeskiktheidstoelae Toeval

13. '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 enige geval 'n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

Bykomende Toelae

14. 'n Persoon aan wie 'n ongeskiktheidstoelae toegeken word, word, benewens sodanige ongeskiktheidstoelae, 'n toelae van R12 per jaar betaal.

Oppasserstoelae

15. Indien 'n persoon aan wie 'n ongeskiktheidstoelae ngevolge hierdie regulasies toegeken is na die oordeel van die Sekretaris in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand anders opeggas 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 dié voorwaardes en met ingang van dié datum wat hy bepaal, benewens sodanige ongeskiktheidstoelae, aan die begiftigde of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens R60 per jaar toeken.

Betaling van Ongeskiktheidstoelae en ander Toelaes

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

17. (1) Behoudens die bepalings van subregulasie (2), moet iedere begiftigde die ongeskiktheidstoelae en ander 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 begiftigde versoek dat enige ongeskiktheidstoelae en ander 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 ongeskiktheidstoelae en ander toelaes uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die begiftigde, behoorlik in aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die ongeskiktheidstoelaes aan die persoon in die magtiging vermeld, uitbetaal.

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

Betaling van Ongeskiktheidstoelaes en ander toelaes aan Persone wat in sekere Inrigtings onderhou word of Behandeling ontvang

18. Indien 'n begiftigde te eniger tyd op staatskoste onderhou word in 'n inrigting vir leproses, swaksinniges of sielsiekes 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

(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 R72.

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

Date on which Disability Grant Accrues

13. 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 Allowance

14. Any person granted a disability grant shall be paid, in addition to such disability grant, an allowance of R12 per annum.

Attendant's Allowance

15. If in the opinion of the Secretary any person to whom a disability grant has been granted under these regulations 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 other person on behalf of such grantee an attendant's allowance not exceeding R60 per annum.

Payment of Disability Grants and Allowances

16. Disability grants, additional allowances and attendant's allowances granted under 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.

17. (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 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.

(3) 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).

Payment of Disability Grants and Allowances to Persons Maintained or Receiving Treatment in Certain Institutions

18. If at any time any grantee is being maintained at Government expense in a leper institution, a mental institution, an institution for the feeble-minded or a prison or other State or State-aided institution, no disability grant or allowances shall be payable to him from the first day of the month immediately following the month in

word tot die laaste dag van die maand onmiddellik voor die maand waarin hy daaruit ontslaan word, geen ongeskiktheidstoelae of ander toelaes aan hom betaalbaar nie.

Verval van Ongeskiktheidstoelae en ander Toelaes

19. (1) 'n Ongeskiktheidstoelae of ander toelae ingevolge 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) wanneer 'n begiftigde die ongeskiktheidstoelae ses agtereenvolgende maande nie getrek het nie.

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

(a) kan die Sekretaris die ongeskiktheidstoelae en ander toelaes, 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 toelaes voortbestaan vanaf die dag waarop dit die laast keer getrek is of vanaf 'n ander datum wat hy bepaal.

Intrekking of Verandering van Ongeskiktheidstoelae

20. (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 12 verminder of verhoog; met ingang van dié 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 12 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 12 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 60 dae na 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.

Appel na die Minister

21. (1) 'n Applikant of 'n begiftigde wat ingevolge artikel 8 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

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

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

19. (1) Any disability grant or allowance granted under these regulations shall lapse—

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

(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

20. (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 12;

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 12 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 12 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 60 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

21. (1) Any applicant or a 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 90 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.

BYLAE

DAGVAARDING KRAGTENS ARTIKEL 5 VAN WET 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, aantekening of dokument moet
voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde
geskrap word.

† Meld hoedanigheid van uitreikingsbeampte.

No. R. 79

21 Januarie 1972

REGULASIES BETREFFENDE OUDERDOMS-
PENSIOENE TEN OPSIGTE VAN NAMASKragtens artikel 20 van die Wet op Bejaarde Persone,
1967 (Wet 81 van 1967), vaardig ek, Jan Jurie Loots,
Minister van Kleurlingsake, hierby, met ingang van
1 Januarie 1972, onderstaande regulasies uit ten opsigte
van Namas in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Kleurlingsake.

REGULASIES

*Toepassing van Regulasies*1. (1) Hierdie regulasies is van toepassing op Namas
in die gebied Suidwes-Afrika woonagtig.(2) Vir die toepassing van subregulasie (1) beteken
"Namas" persone wat volgens voorkoms klaarblyklik lede
is van die bevolkingsgroep wat as die Namas bekend
staan of wat gewoonlik vir lede van daardie bevolkings-
groep deurgaen, maar nie ook persone wat, hoewel hulle
volgens voorkoms klaarblyklik lede van daardie bevol-
kingsgroep is, gewoonlik vir Blankes of Kleurlinge of
Burgers of Bantoes of Naturelle deurgaen nie.

(3) In subregulasie (2) beteken—

"Bantoes" persone wat ingevolge die Bevolkingsregi-
strasiewet, 1950 (Wet 30 van 1950), as Bantoes geklassi-
fiseer is;"Blankes" persone wat ingevolge die Bevolkingsregi-
strasiewet, 1950 (Wet 30 van 1950), as Blankes geklassi-
fiseer is, en ook persone wat volgens voorkoms
klaarblyklik Blankes is of wat gewoonlik daarvoor deur-
gaan, maar nie persone wat, hoewel hulle volgens voor-
koms klaarblyklik Blankes is, gewoonlik vir Kleurlinge,
soos in hierdie subregulasie omskryf, deurgaen nie;"Burgers" lede van die Rehobothgemeente in Prokla-
masie 28 van 1923 van die Administrateur van die gebied
Suidwes-Afrika bedoel;"Kleurlinge" persone wat ingevolge die Bevolkings-
registrasiewet, 1950 (Wet 30 van 1950), as lede van
die Kaapse Kleurling-, Maleier- of Griekwagroup of die
Groep Ander Gekleurdes geklassifiseer is, en ook persone
wat waarskynlik aldus geklassifiseer sou word indien die
bepalings van genoemde Wet op hulle van toepassing
was; en

SCHEDULE

SUBPOENA UNDER SECTION 5 OF ACT 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.

No. R. 79

21 January 1972

REGULATIONS RELATING TO OLD AGE
PENSIONS IN RESPECT OF NAMASUnder section 20 of the Aged Persons Act, 1967 (Act
81 of 1967), I, Jan Jurie Loots, Minister of Coloured
Affairs, hereby make, with effect from 1 January 1972,
the following regulations in respect of Namas resident in
the Territory of South-West Africa.

J. J. LOOTS, Minister of Coloured Affairs.

REGULATIONS

*Application of Regulations*1. (1) These regulations shall apply to Namas resident
in the Territory of South-West Africa.(2) For the purposes of subregulation (1) "Namas"
shall mean persons, who in appearance obviously are
members of the population group known as the Namas
or who are normally accepted as members of such popu-
lation group, but shall not include persons, who, although
in appearance obviously are members of such population
group, are normally accepted as White persons or
Coloured persons or Burghers or Bantu or Natives.

(3) In subregulation (2)—

"Bantu" shall mean persons classified as Bantu in
terms of the Population Registration Act, 1950 (Act 30
of 1950);"White persons" shall mean persons classified as White
persons in terms of the Population Registration Act, 1950
(Act 30 of 1950), and shall include persons who in
appearance obviously are White persons or who are nor-
mally accepted as such, but shall not include persons
who, although in appearance obviously are White per-
sons, are normally accepted as Coloured persons as
defined in this subregulation;"Burghers" shall mean members of the Rehoboth
Community referred to in Proclamation 28 of 1923 of the
Administrator of the Territory of South-West Africa;"Coloured persons" shall mean persons classified as
members of the Cape Coloured, Malay, Griqua or the
Other Coloured Group in terms of the Population Regi-
stration Act, 1950 (Act 30 of 1950), and shall include
persons who would probably be so classified if the pro-
visions of the said Act were applicable to them; and

"Naturelle" persone soos omskryf in artikel 25 van die Naturelle-administrasie Proklamasie, 1928 (Proklamasie 15 van 1928), van die gebied Suidwes-Afrika.

Woordomskrywing

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

- (i) "applikant" 'n persoon wat op 'n ouderdomspensioen aanspraak maak;
 - (ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkings en Rehoboth-aangeleenthede of van Bantoe-administrasie en -ontwikkeling 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 81 van 1967);
 - (iv) "Minister" die Minister van Kleurlingsake;
 - (v) "Sekretaris" die Sekretaris van Kleurlingbetrekkings en Rehoboth-aangeleenthede;
 - (vi) "tweemaandtydperk" elke tydkring van twee maande gereken vanaf 1 Maart;
- en het 'n ander woord of uitdrukking waaraan in die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

Aansoek om 'n Pensioen

3. (1) '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, moet deur hom voor 'n attesterende beampte onderteken en by die distriks-pensioenbeampte vir die gebied waarin die applikant permanent woonagtig is, ingedien word.

(2) 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) vermeld, deur die applikant voor hom gedoen en onderteken is.

4. 'n Aansoek om 'n pensioen moet volledige besonderhede en inligting bevat van die applikant en sy eggenote se inkomste en bates.

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

6. '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 dié 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) vergesel gaan van dié bewys van verblyf in die Republiek of die gebied Suidwes-Afrika wat die Sekretaris goedvind.

7. 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 'n Pensioen

8. 'n 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 3 (1) geattesteer is.

"Natives" shall mean persons as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928), of the Territory of South-West Africa.

Definitions

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

- (i) "applicant" means any person claiming an old age pension;
- (ii) "attesting officer" means any officer in the service of the Department of Coloured Relations and Rehoboth Affairs or of Bantu Administration and Development or of Justice, any postmaster or any member of any statutory police force;
- (iii) "the Act" means the Aged Persons Act, 1967 (Act 81 of 1967);
- (iv) "Minister" means the Minister of Coloured Affairs;
- (v) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;
- (vi) "two-month period" means every cycle of two months reckoned from 1 March;

and any other word or expression to which a meaning has been assigned in the Aged Persons Act, 1967 (Act 81 of 1967), bears the meaning so assigned thereto.

Application for a Pension

3. (1) 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.

(2) 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) was made and signed in his presence by such applicant.

4. Any application for a pension shall contain full particulars of and information on the income and assets of the applicant and his spouse.

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

6. 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 such evidence of residence in the Republic or the Territory of South-West Africa as the Secretary may deem fit.

7. 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

8. A 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 3 (1).

Vasstelling van Bedrag van Pensioen

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

(a) die vermoë en geleenthede van 'n applikant of pensioentrekker om deur eie inspanning hom self 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) Die pensioen toegeken aan 'n applikant wie se inkomste binne die perke val van die bedrae wat in die tweede kolom van die Bylae aangegee word, beloop die bedrag daarteenoor in kolom 3 van dié Bylae aangedui.

Datum waarop Pensioen Toeval

10. 'n Pensioen word toegeken met ingang van die eerste dag van die tweemaandtydperk waarin aansoek om sodanige pensioen gedoen word: Met dien verstande dat in die geval van 'n applikant wat die kwalifiserende ouderdom vir 'n pensioen bereik gedurende die tweemaandtydperk waarin hy aansoek doen, 'n pensioen toegeken word met ingang van die eerste dag van die daaropvolgende tweemaandtydperk.

Oppasserstoelae

11. (1) Indien 'n persoon aan wie 'n pensioen ingevolge hierdie regulasies toegeken is na die oordeel van die Sekretaris die leeftyd van 90 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 inrigting ten opsigte van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op dié voorwaardes wat hy bepaal, benewens sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens R48 per jaar toeken.

(2) 'n Oppasserstoelae ingevolge subregulasie (1) word toegeken vanaf die eerste dag van die tweemaandtydperk waarin aansoek daarom gedoen word.

Betaling van Pensioene en Toelae

12. Pensioene en oppasserstoelae ingevolge hierdie regulasies toegeken, word tweemaandeliks agteruit deur die Sekretaris of 'n persoon deur hom aangewys, op die tye en plekke deur die Sekretaris bepaal, betaal.

13. (1) Behoudens die bepalings 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 versoek dat enige pensioen en 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 pensioen en toelae uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelae aan die persoon in die magtiging vermeld, uitbetaal.

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

(4) Ondanks enige magtiging kragtens subregulasie (2) verleen, kan die Sekretaris of 'n persoon deur hom aangewys, van tyd tot tyd die betaling van enige pensioen

Determination of Amount of Pension

9. (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) The pension granted to any applicant whose income falls within the limits of the amounts shown in the second column of the Schedule shall be the amount indicated opposite in column 3 of such Schedule.

Date on which Pension Accrues

10. A pension shall be granted with effect from the first day of the two-month period in which application for such pension is made: Provided that, in the case of an applicant who attains the qualifying age for a pension during the two-month period in which he applies, a pension shall be granted with effect from the first day of the succeeding two-month period.

Attendant's Allowance

11. (1) If in the opinion of the Secretary any person to whom a pension has been granted under these regulations has attained the age of 90 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 institution in respect of his accommodation and care, the Secretary may, on such conditions 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 R48 per annum.

(2) An attendant's allowance under subregulation (1) shall be granted from the first day of the two-month period in which application is made therefor.

Payment of Pensions and Allowances

12. Pensions and attendants' allowances granted under these regulations shall be paid every second month in arrear by the Secretary or any person designated by him at such times and places as the Secretary may determine.

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

(2) When any pensioner requests that some other person shall for an indefinite period take receipt on his behalf of any pension and allowance granted to him, the person paying out such pension and allowance 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 allowance to the person named in such authority.

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

(4) Notwithstanding any authority granted in terms of subregulation (2), the Secretary or any person designated by him may from time to time withhold payment of

terughou totdat die pensioentrekker persoonlik voor hom verskyn het, of dié ander bewys wat vir die Sekretaris of persoon aldus aangewys, aanneemlik is, gelewer het dat hy nog lewe.

Betaling van Pensioene en Toelaes aan Bejaarde Persone wat in Sekere Inrigtings Onderhou word of Behandeling Ontvang

14. Indien 'n pensioentrekker te eniger tyd op staats-koste onderhou word of behandeling ontvang in 'n inrigting vir leproses, swaksinniges of sielsiekes, '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 Ouderdomspensioen

15. (1) Indien 'n persoon wat 'n pensioen ingevolge die Wet op Blindes, 1968, of 'n toelae ingevolge die Wet op Ongeskiktheidstoelaes, 1968, ontvang, aan die vereistes vir 'n ouderdomspensioen ingevolge die Wet voldoen, kan sodanige pensioen of toelae, mits dit nie tot nadeel van sodanige 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 bepalinge van die Wet, uitgesonderd artikel 10, en die bepalinge van hierdie regulasies, uitgesonderd regulasies 3, 4, 5, 6, 7 en 10, is *mutatis mutandis* op die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

Verval van Pensioen en Toelae

16. (1) 'n Pensioen of toelae ingevolge 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 drie agtereenvolgende tweemaandtydperke nie getrek het nie.

(2) Ondanks die bepalinge 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

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

(a) dat die 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 bepalinge van regulasie 9 verminder of verhoog,

met ingang van dié datum, met inbegrip van 'n datum in die verlede, wat hy bepaal;

any pension until the pensioner shall have appeared personally before him or shall have furnished such other proof of being alive as may be acceptable to the Secretary or person so designated by him.

Payment of Pensions and Allowances to Aged Persons Maintained or Receiving Treatment in Certain Institutions

14. If at any time any pensioner is being maintained at Government expense or receives treatment in a leper institution, a mental institution, an institution for the feeble minded, a prison or other State or State-aided institution, no pension or allowance 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 or Grants into an Old Age Pension

15. (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 3, 4, 5, 6, 7 and 10, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

Lapsing of Pension and Allowance

16. (1) Any pension or allowance granted under 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 three consecutive two-month periods.

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

(a) the Secretary may pay such pension and allowance 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 allowance 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

17. (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 9,

with effect from such date, including any date in the past, as he may determine;

(b) dat 'n pensioen wat ingetrek is, herstel behoort te word, kan hy die pensioen in ooreenstemming met die bepalings van regulasie 9 herstel met ingang van die eerste dag van die tweemaandtydperk 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 9 verhoog met ingang van die eerste dag van die tweemaandtydperk waarin aansoek gedoen word.

Appel na die Minister

18. (1) 'n Applikant of 'n pensioentrekker wat ingevolge artikel 13 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet, binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appèl by die Sekretaris indien.

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

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

(b) that a pension which has been cancelled should be restored, he may restore such pension in conformity with the provisions of regulation 9 with effect from the first day of the two-month period 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 9 with effect from the first day of the two-month period in which such application is made.

Appeal to the Minister

18. (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 90 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.

BYLAE—SCHEDULE

TABEL WAARVOLGENS PENSIOEN AAN BLINDE PERSONE TOEGEKEN MOET WORD
TABLE ACCORDING TO WHICH PENSION IS TO BE GRANTED TO BLIND PERSONS

<i>Inkomstegroep</i> <i>Income group</i>	<i>Jaarlikse inkomste (middele en omstandighede in ag geneem)</i> <i>Annual income (allowing for means and circumstances)</i>	<i>Jaarlikse toekenning</i> <i>Annual grant</i> <i>R</i>
I.....	Nul tot/Nil to R30.....	69,00
II.....	Bo/Over R30 tot/to R33.....	66,00
III.....	Bo/Over R33 tot/to R36.....	63,00
IV.....	Bo/Over R36 tot/to R39.....	60,00
V.....	Bo/Over R39 tot/to R42.....	57,00
VI.....	Bo/Over R42 tot/to R45.....	54,00
VII.....	Bo/Over R45 tot/to R48.....	51,00
VIII.....	Bo/Over R48 tot/to R51.....	48,00
IX.....	Bo/Over R51 tot/to R54.....	45,00
X.....	Bo/Over R54 tot/to R57.....	42,00
XI.....	Bo/Over R57 tot/to R60.....	39,00
XII.....	Bo/Over R60 tot/to R63.....	36,00
XIII.....	Bo/Over R63 tot/to R66.....	33,00
XIV.....	Bo/Over R66 tot/to R69.....	30,00
XV.....	Bo/Over R69 tot/to R72.....	27,00
XVI.....	Bo/Over R72 tot/to R75.....	24,00
XVII.....	Bo/Over R75 tot/to R78.....	21,00
XVIII.....	Bo/Over R78.....	Nul/Nil

No. R. 80

21 Januarie 1972

REGULASIES BETREFFENDE PENSIOENE VIR BLINDES WAT NAMAS IS

Kragtens artikel 17 van die Wet op Blindes, 1968 (Wet 26 van 1968), vaardig ek, Jan Jurie Loots, Minister van Kleurlingsake, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Namas in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Kleurlingsake.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Namas in die gebied Suidwes-Afrika woonagtig.

No. R. 80

21 January 1972

REGULATIONS RELATING TO BLIND PERSONS' PENSIONS IN RESPECT OF NAMAS

Under section 17 of the Blind Persons Act, 1968 (Act 26 of 1968), I, Jan Jurie Loots, Minister of Coloured Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Namas resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Coloured Affairs.

REGULATIONS

APPLICATION OF REGULATIONS

1. (1) These regulations shall apply to Namas resident in the Territory of South-West Africa.

(2) Vir die toepassing van subregulasie (1) beteken "Namas" persone wat volgens voorkoms klaarblyklik lede is van die bevolkingsgroep wat as die Namas bekend staan of wat gewoonlik vir lede van daardie bevolkingsgroep deurgaen, maar nie ook persone wat, hoewel hulle volgens voorkoms klaarblyklik lede van daardie bevolkingsgroep is, gewoonlik vir Blankes of Kleurlinge of Burgers of Bantoes of Naturelle deurgaen nie.

(3) In subregulasie (2) beteken—

"Bantoes" persone wat ingevolge die Bevolkingsregis-
trasiewet, 1950 (Wet 30 van 1950), as Bantoes geklassifi-
seer is;

"Blankes" persone wat ingevolge die Bevolkingsregis-
trasiwet, 1950 (Wet 30 van 1950), as Blankes geklassifiseer
is, en ook persone wat volgens voorkoms klaarblyklik
Blankes is of wat gewoonlik daarvoor deurgaen, maar
nie persone wat, hoewel hulle volgens voorkoms klaar-
blyklik Blankes is, gewoonlik vir Kleurlinge, soos in hier-
die subregulasie omskryf, deurgaen nie;

"Burgers" lede van die Rehobothgemeente in Prokla-
masie 28 van 1923 van die Administrateur van die gebied
Suidwes-Afrika bedoel;

"Kleurlinge" persone wat ingevolge die Bevolkingsregis-
trasiewet, 1950 (Wet 30 van 1950), as lede van die Kaapse
Kleurling-, Maleier- of Griekwagroup of die Groep Ander
Gekleurdes geklassifiseer is, en ook persone wat waar-
skynlik aldus geklassifiseer sou word indien die bepalings
van genoemde Wet op hulle van toepassing was; en

"Naturelle" persone soos omskryf in artikel 25 van
die Naturelle-administrasie Proklamasie, 1928 (Proklamasie
15 van 1928), van die gebied Suidwes-Afrika.

Woordomskrywing

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

(i) "applikant" 'n persoon wat op 'n pensioen vir
blindes aanspraak maak;

(ii) "attesterende beampte" 'n beampte in die diens van
die Departement van Kleurlingbetrekkings en Rehoboth-
aangeleenthede of van Bantoe-administrasie en -ontwik-
keling of van Justisie, 'n posmeester of 'n lid van 'n
polisie mag wat by wet ingestel is;

(iii) "die Wet" die Wet op Blindes, 1968 (Wet 26 van
1968);

(iv) "Minister" die Minister van Kleurlingsake;

(v) "Sekretaris" die Sekretaris van Kleurlingbetrekkings
en Rehobothaangeleenthede;

(vi) "tweemaandtydperk" elke tydkring van twee
maande gereken vanaf 1 Maart;

en het 'n ander woord of uitdrukking waaraan in die
Wet op Blindes, 1968 (Wet 26 van 1968), 'n betekenis
geheg is, die betekenis aldus daaraan geheg.

Registrasie van Blindes

3. '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 vergees gaan van
'n sertifikaat van 'n geneesheer dat die applikant blind
is.

Maatstawwe vir die Bepaling van Blindheid

4. 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 refleks-
bewegings en deur die oogspieël, bepaal;

(2) For the purposes of subregulation (1) "Namas"
mean persons who in appearance obviously are members
of the population group known as the Namas or who are
normally accepted as members of such population group,
but shall not include persons, who, although in appearance
obviously are members of such population group, are
normally accepted as White persons or Coloured persons
or Burghers or Bantu or Natives.

(3) In subregulation (2)—

"Bantu" shall mean persons classified as Bantu in
terms of the Population Registration Act, 1950 (Act 30
of 1950);

"White persons" shall mean persons classified as White
persons in terms of the Population Registration Act, 1950
(Act 30 of 1950), and shall include persons who in
appearance obviously are White persons or who are
normally accepted as such, but shall not include persons
who, although in appearance obviously are White persons,
are normally accepted as Coloured persons as defined in
this subregulation;

"Burghers" shall mean members of the Rehoboth
Community referred to in Proclamation 28 of 1923 of
the Administrator of the Territory of South-West Africa;

"Coloured persons" shall mean persons classified as
members of the Cape Coloured, Malay, Griqua or the
Other Coloured Group in terms of the Population Regis-
tration Act, 1950 (Act 30 of 1950), and shall include
persons who would probably be so classified if the
provisions of the said Act were applicable to them; and

"Natives" shall mean persons as defined in section 25
of the Native Administration Proclamation, 1928 (Procla-
mation 15 of 1928), of the Territory of South-West
Africa.

Definitions

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

(i) "applicant" means any persons claiming a blind
person's pension;

(ii) "attesting officer" means any officer in the service
of the Department of Coloured Relations and Rehoboth
Affairs or of Bantu Administration and Development or
of Justice, any postmaster or any member of any statutory
police force;

(iii) "the Act" means the Blind Persons Act, 1968 (Act
26 of 1968);

(iv) "Minister" means the Minister of Coloured Affairs;

(v) "Secretary" means the Secretary for Coloured
Relations and Rehoboth Affairs;

(vi) "two-month period" means every cycle of two
months reckoned from 1 March;

and any other word or expression to which a meaning
has been assigned in the Blind Persons Act, 1968 (Act
26 of 1968), bears the meaning so assigned thereto.

Registration of Blind Persons

3. 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

4. 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) alle toetse om die applikant se gesigskerpte te bepaal in lig van minstens 10 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 50 persent van die normale gesigsveld en die sentrale deel van sy gesigsveld onaangetaas 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 inkrumping 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 25 persent van die normale gesigsveld en die onderste deel van sy gesigsveld ingekrimp het tot 50 persent van die normale grootte: Met dien verstande dat indien 'n applikant aan homonimie 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 Geeskundig Onderzoek moet Word

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

Aansoek om 'n Pensioen

6. (1) '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, moet deur hom voor 'n attesterende beampte onderteken en by die distriks-pensioenbeampte vir die gebied waarin die applikant permanent woonagtig is, ingedien word.

(2) 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) vermeld, deur die applikant voor hom gedoen en onderteken is.

7. 'n Aansoek om 'n pensioen moet volledige besonderhede en inligting bevat van die applikant en sy eggenote se inkomste en bates.

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

9. 'n Aansoek om 'n pensioen moet—

(a) vergesel gaan van die applikant se geboortesertifikaat of doopseël of, indien die applikant nie in staat is om sodanige geboortesertifikaat of doopseël voor te lê nie, van dié ander dokumentêre bewys van die applikant se geboortedatum of ouderdom wat die Sekretaris goedvind, of van 'n sertifikaat deur 'n

(b) carry out all tests to determine the applicant's visual acuity in light of not less than 10 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 50 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 25 per cent of the normal field of vision and the lower part of his field of vision has been contracted to 50 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

5. 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

6. (1) 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.

(2) 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) was made and signed in his presence by such applicant.

7. Any application for a pension shall contain full particulars of and information on the income and assets of the applicant and his spouse.

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

9. 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

distrikspensioenbeampste ten effekte dat hy, na ondersoek deur hom persoonlik ingestel, oortuig is dat die applikant of 'n datum in die sertifikaat vermeld, gebore is of die aldus vermelde ouderdom bereik het;

(b) vergesel gaan van die bewys van verblyf in die Republiek of die gebied Suidwes-Afrika wat die Sekretaris goedvind;

(c) vergesel gaan van die geneeskundige verslag in regulasie 12 bedoel.

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

Rekord van Aansoeke om 'n Pensioen

11. 'n Distrikspensioenbeampste 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 6 (1) geattesteer is.

Geneeskundige Verslag oor 'n Applikant vir 'n Pensioen vir Blindes

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

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

Persone wat nie vir 'n Pensioen in Aanmerking kom nie

13. Geen persoon kom vir 'n pensioen in aanmerking nie—

(a) indien hy 'n pensioen of 'n toelae ontvang kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968);

(b) 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 word.

Vasstelling van Bedrag van Pensioen

14. (1) By 'n beslissing oor die vraag of 'n pensioen toegeken, ingetrek, verminder of verhoog moet word of by die vasstelling van 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) Die pensioen toegeken aan 'n applikant wie se inkomste binne die perke val van die bedrae wat in die tweede kolom van die Bylae aangegee word, beloop die bedrag daarteenoor in kolom 3 van die Bylae aangedui.

Datum waarop Pensioen Toeval

15. 'n Pensioen word toegeken met ingang van die eerste dag van die tweemaandtydperk waarin aansoek om sodanige pensioen gedoen word: Met dien verstande dat in die geval van 'n applikant wat die kwalifiserende leeftyd vir 'n pensioen bereik gedurende die tweemaandtydperk waarin hy aansoek doen, 'n pensioen toegeken word met ingang van die eerste dag van die daaropvolgende tweemaandtydperk.

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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 such evidence of residence in the Republic or the Territory of South-West Africa as the Secretary may deem fit;

(c) be accompanied by the medical report referred to in regulation 12.

10. 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

11. A 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 6 (1).

Medical Report on an Applicant for a Blind Person's Pension

12. (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.

Persons who are not Eligible for a Pension

13. No person shall be eligible for a pension—

(a) if he is in receipt of a pension or a grant in terms of the Aged Persons Act, 1967 (Act 81 of 1967), or the Disability Grants Act, 1968 (Act 27 of 1968);

(b) if he refuses on grounds the Secretary deems to be inadequate to submit himself to any medical treatment which may be recommended by medical practitioner referred to in section 3 of the Act.

Determination of Amount of Pension

14. (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 the contribute towards his support.

(2) The pension granted to any applicant whose income falls within the limits of the amounts shown in the second column of the Schedule shall be the amount indicated opposite in Column 3 of such Schedule.

Date on which Pension Accrues

15. A pension shall be granted with effect from the first day of the two-month period in which application for such pension is made: Provided that, in the case of an applicant who attains the qualifying age for a pension during the two-month period in which he applies, a pension shall be granted with effect from the first day of the succeeding two-month period.

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Oppasserstoelae

16. (1) Indien 'n persoon aan wie 'n pensioen ingevolge hierdie regulasies toegeken is na die oordeel van die 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 inrigting ten opsigte van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op dié voorwaardes wat hy bepaal, benewens sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppassers-toelae van hoogstens R48 per jaar toeken.

(2) 'n Oppasserstoelae ingevolge subregulasie (1) word toegeken vanaf die eerste dag van die tweemaandtydperk waarin aansoek daarom gedoen word.

Betaling van Pensioene en Toelaes

17. Pensioene en oppasserstoelaes ingevolge hierdie regulasies toegeken, word tweemaandeliks agteruit deur die Sekretaris of 'n persoon deur hom aangewys, op die tye en plekke deur die Sekretaris bepaal, betaal.

18. (1) Behoudens die bepalings 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 versoek dat enige pensioen en 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 pensioen en toelae uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die pensioentrekker, behoorlik in aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelae aan die persoon in die magtiging vermeld, uitbetaal.

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

(4) Ondanks enige magtiging kragtens subregulasie (2) verleen, kan die Sekretaris of 'n persoon deur hom aangewys van tyd tot tyd die betaling van enige pensioen terughou totdat die pensioentrekker persoonlik voor hom verskyn het, of dié ander bewys wat vir die Sekretaris of persoon aldus aangewys, aanneemlik is, gelewer het dat hy nog lewe.

Betaling van Pensioene en Toelaes aan Blindes wat in sekere Inrigtings Onderhou word of daarin Behandeling ontvang

19. Indien 'n pensioentrekker te eniger tyd op staatskoste onderhou word of behandeling ontvang in 'n inrigting vir leproses, swaksinniges of sielsiekes, '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, mits dit nie tot nadeel van sodanige 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.

Attendant's Allowance

16. (1) If in the opinion of the Secretary any person to whom a pension has been granted under these regulations 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 institution in respect of his accommodation and care, the Secretary may, on such conditions as he may determine, in addition to such pension, grant such pensioner or any other person on behalf of such pensioner an attendant's allowance not exceeding R48 per annum.

(2) An attendant's allowance under subregulation (1) shall be granted from the first day of the two-month period in which application is made therefor.

Payment of Pensions and Allowances

17. Pensions and attendant's allowances granted under these regulations shall be paid every second month in arrear 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 allowance payable to him and furnish a receipt under his signature or mark in respect of the amount so received.

(2) When any pensioner requests that some other person shall for an indefinite period take receipt on his behalf of any pension and allowance granted to him, the person paying out such pension and allowance 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 allowance to the person named in such authority.

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

(4) Notwithstanding any authority granted in terms of subregulation (2), the Secretary or any person designated by him may from time to time withhold payment of any pension until the pensioner shall have appeared personally before him or shall have furnished such other proof of being alive as may be acceptable to the Secretary or a person so designated by him.

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 Government expense or receives treatment in a leper institution, a mental institution, an institution for the feeble-minded, a prison or other State or State-aided institution, no pension or allowance 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 or 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) Die bepalings van die Wet, uitgesonderd artikel 6, en die bepalings van hierdie regulasies, uitgesonderd regulasies 6, 7, 8, 9, 10 en 15, is *mutatis mutandis* op die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

Verval van Pensioen en Toelae

21. (1) 'n Pensioen of toelae ingevolge 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 drie agtereenvolgende tweemaandtydperke 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

22. (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 14 verminder of verhoog;

met ingang van dié 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 14 herstel met ingang van die eerste dag van die tweemaandtydperk 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 14 verhoog met ingang van die eerste dag van die tweemaandtydperk waarin aansoek gedoen word.

Appel na die Minister

23. (1) 'n Applikant of 'n pensioentrekker wat ingevolge artikel 10 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet, binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

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

(2) The provisions of the Act, excluding section 6, and the provisions of these regulations, excluding regulations 6, 7, 8, 9, 10 and 15, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

Lapsing of Pension and Allowance

21. (1) Any pension or allowance granted under 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 three consecutive two-month periods.

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

(a) the Secretary may pay such pension and allowance 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 allowance 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 14;

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 14 with effect from the first day of the two-month period 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 14 with effect from the first day of the two-month period in which such application is made.

Appeal to the Minister

23. (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 90 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.

BYLAË—SCHEDULE

TABEL WAARVOLGENS ONGESKIKTHEIDSTOELAËS TOEGEKEN MOET WORD
TABLE ACCORDING TO WHICH DISABILITY GRANTS ARE TO BE GRANTED

Inkomstegroep Income group	Jaarlikse inkomste (middele en omstandighede in ag geneem) Annual income (allowing for means and circumstances)	Jaarlikse toekenning Annual grant R
I.....	Nul tot/Nil to R30.....	69,00
II.....	Bo/Over R30 tot/to R33.....	66,00
III.....	Bo/Over R33 tot/to R36.....	63,00
IV.....	Bo/Over R36 tot/to R39.....	60,00
V.....	Bo/Over R39 tot/to R42.....	57,00
VI.....	Bo/Over R42 tot/to R45.....	54,00
VII.....	Bo/Over R45 tot/to R48.....	51,00
VIII.....	Bo/Over R48 tot/to R51.....	48,00
IX.....	Bo/Over R51 tot/to R54.....	45,00
X.....	Bo/Over R54 tot/to R57.....	42,00
XI.....	Bo/Over R57 tot/to R60.....	39,00
XII.....	Bo/Over R60 tot/to R63.....	36,00
XIII.....	Bo/Over R63 tot/to R66.....	33,00
XIV.....	Bo/Over R66 tot/to R69.....	30,00
XV.....	Bo/Over R69 tot/to R72.....	27,00
XVI.....	Bo/Over R72 tot/to R75.....	24,00
XVII.....	Bo/Over R75 tot/to R78.....	21,00
XVIII.....	Bo/Over R78.....	Nul/Nil

No. R. 81 21 Januarie 1972
REGULASIES BETREFFENDE ONGESKIKTHEIDS-
TOELAËS TEN OPSIGTE VAN NAMAS

Kragtens artikel 15 van die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968), vaardig ek, Jan Jurie Loots, Minister van Kleurlingsake, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Namas in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Kleurlingsake.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Namas in die gebied Suidwes-Afrika woonagtig.

(2) Vir die toepassing van subregulasie (1) beteken "Namas" persone wat volgens voorkoms klaarblyklik lede is van die bevolkingsgroep wat as die Namas bekend staan of wat gewoonlik vir lede van daardie bevolkingsgroep deurgaen, maar nie ook persone wat, hoewel hulle volgens voorkoms klaarblyklik lede van daardie bevolkingsgroep is, gewoonlik vir Blankes of Kleurlinge of Burgers of Bantoes of Naturelle deurgaen nie.

(3) In subregulasie (2) beteken—

"Bantoes" persone wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), as Bantoes geklassifiseer is;

"Blankes" persone wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), as Blankes geklassifiseer is, en ook persone wat volgens voorkoms klaarblyklik Blankes is of wat gewoonlik daarvoor deurgaen, maar nie persone wat, hoewel hulle volgens voorkoms klaarblyklik Blankes is, gewoonlik vir Kleurlinge, soos in hierdie subregulasie omskryf, deurgaen nie;

"Burgers" lede van die Rehobothgemeente in Proklamasie 28 van 1923 van die Administrateur van die gebied Suidwes-Afrika bedoel;

"Kleurlinge" persone wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), as lede van die Kaapse Kleurling-, Maleier- of Griekwagroep of die Groep Ander Gekleurdes geklassifiseer is, en ook persone wat waarskynlik aldus geklassifiseer sou word indien die bepalinge van genoemde Wet op hulle van toepassing was;

"Naturelle" persone soos omskryf in artikel 25 van die Naturelle-administrasie Proklamasie, 1928 (Proklamasie 15 van 1928), van die gebied Suidwes-Afrika.

No. R. 81 21 January 1972
REGULATIONS RELATING TO DISABILITY
GRANTS IN RESPECT OF NAMAS

Under section 15 of the Disability Grants Act, 1968 (Act 27 of 1968), I, Jan Jurie Loots, Minister of Coloured Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Namas resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Coloured Affairs.

REGULATIONS

Application of Regulations

1. (1) These regulations shall apply to Namas resident in the Territory of South-West Africa.

(2) For the purposes of subregulation (1) "Namas" mean persons who in appearance obviously are members of the population group known as the Namas or who are normally accepted as members of such population group but shall not include persons, who, although in appearance obviously are members of such population group, are normally accepted as White persons or Coloured persons or Burghers or Bantu or Natives.

(3) In subregulation (2)—

"Bantu" shall mean persons classified as Bantu in terms of the Population Registration Act, 1950 (Act 30 of 1950);

"White persons" shall mean persons classified as White persons in terms of the Population Registration Act, 1950 (Act 30 of 1950), and shall include persons who in appearance obviously are White persons or who are normally accepted as such, but shall not include persons who, although in appearance obviously are White persons, are normally accepted as Coloured persons as defined in this subregulation;

"Burghers" shall mean members of the Rehoboth Community referred to in Proclamation 28 of 1923 of the Administrator of the Territory of South-West Africa;

"Coloured persons" shall mean persons classified as members of the Cape Coloured, Malay, Griqua or the Other Coloured Group in terms of the Population Registration Act, 1950 (Act 30 of 1950), and shall include persons who would probably be so classified if the provisions of the said Act were applicable to them; and

"Natives" shall mean persons as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928), of the Territory of South-West Africa.

Woordomskrywing

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

(i) "applikant" 'n persoon wat op 'n ongeskiktheidstoelae aanspraak maak;

(ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkings en Rehoboth-aangeleenthede of van Bantoe-administrasie en -ontwikkeling of van Justisie, 'n posmeester of 'n lid van 'n polisie-mag wat by wet ingestel is;

(iii) "die Wet" die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968);

(iv) "Minister" die Minister van Kleurlingsake;

(v) "Sekretaris" die Sekretaris van Kleurlingbetrekkings en Rehoboth-aangeleenthede;

(vi) "tweemaandtydperk" elke tydkring van twee maande gereken vanaf 1 Maart;

en het 'n ander woord of uitdrukking waaraan in die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

Aansoek om 'n Ongeskiktheidstoelae

3. (1) 'n Aansoek om 'n ongeskiktheidstoelae, nadat die applikant verklaar het dat die inligting daarin verstrek na sy beste wete en oortuiging waar en juis is, moet deur hom voor 'n attesterende beampte onderteken en by die distrikspensioenbeampte vir die gebied waarin die applikant permanent woonagtig is, ingedien word.

(2) 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) vermeld, deur die applikant voor hom gedoen en onderteken is.

4. 'n Aansoek om 'n ongeskiktheidstoelae moet volledige besonderhede en inligting bevat van die applikant en sy egeenote se inkomste en bates.

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

6. '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 dié 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) vergesel gaan van dié bewys van verblyf in die Republiek of die gebied Suidwes-Afrika wat die Sekretaris goedvind;

(c) vergesel gaan van 'n geneeskundige verslag in regulasie 9 bedoel.

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

Rekord van Aansoeke om 'n Ongeskiktheidstoelae

8. 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 3 (1) geattesteer is.

Definitions

2. 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 Relations and Rehoboth Affairs or of Bantu Administration and Development or of Justice, any postmaster or any member of any statutory police force;

(iii) "the Act" means the Disability Grants Act, 1968 (Act 27 of 1968);

(iv) "Minister" means the Minister of Coloured Affairs;

(v) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;

(vi) "two-month period" means every cycle of two months reckoned from 1 March;

and any other word or expression to which a meaning has been assigned in the Disability Grants Act, 1968 (Act 27 of 1968), bears the meaning so assigned thereto.

Application for a Disability Grant

3. (1) 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.

(2) 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) was made and signed in his presence by such applicant.

4. Any application for a disability grant shall contain full particulars of and information on the income and assets of the applicant and his spouse.

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

6. 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 inquiry 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 such evidence of residence in the Republic or the Territory of South-West Africa as the Secretary may deem fit;

(c) be accompanied by the medical report referred to in regulation 9.

7. 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

8. 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 3 (1).

Geneeskundige Verslag oor 'n Applikant vir 'n Ongeskiktheidstoelae

9. (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 sodanige distrikspensioenbeampte, na gelang van die geval, van 'n verslag op die toepaslike vorm voorsien.

Persone wat Nie vir 'n Ongeskiktheidstoelae in Aanmerking kom nie

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

(a) indien hy 'n pensioen ontvang kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Blindes, 1968 (Wet 26 van 1968);

(b) indien hy by wet verplig is om 'n skool by te woon;

(c) indien sy 'n getroude vrou is wat, na die oordeel van die Sekretaris, behoorlik deur haar man, as hy nie 'n pensioentrekker is nie, onderhou word, hetsy sy gewoonlik met hom saamwoon al dan nie;

(d) 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;

(e) indien hy, hoewel hy aan 'n liggaamlike of geestswaakheid 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 sodanige 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;

(f) indien sy ouers, as hy nie getroud is en nie die ouderdom van 21 jaar bereik het nie, oor die vermoë beskik om hom te onderhou of tot sy onderhoud by te dra.

(2) Vir die toepassing van subregulasie (1) beteken—

(a) "pensioentrekker" 'n persoon wat 'n pensioen in subregulasie 1 (a) vermeld, of 'n ongeskiktheidstoelae ingevolge die Wet ontvang;

(b) word 'n weiering om geneeskundige behandeling te ondergaan wat lewensgevaarlik is of mag wees, nie geag op voldoende gronde te berus nie.

Vasstelling van Bedrag van Ongeskiktheidstoelae

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

(a) die vermoë en geleenthede van 'n applikant of begiftigde om deur eie inspanning hom self te onderhou of tot sy onderhoud by te dra; en

(b) die vermoë van die applikant of begiftigde se eggenote om hom te onderhou of tot sy onderhoud by te dra.

(2) Die ongeskiktheidstoelae toegeken aan 'n applikant wie se inkomste binne die perke val van die bedrae wat in die tweede kolom van die Bylae aangegee word, beloop die bedrag daarteenoor in kolom 3 van die Bylae aangedui.

Medical Report on an Applicant for a Disability Grant

9. (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.

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 Aged Persons Act, 1967 (Act 81 of 1967), or the Blind Persons Act, 1968 (Act 26 of 1968);

(b) if he is required by law to attend school;

(c) 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;

(d) 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;

(e) 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;

(f) if his parents, if he is unmarried and has not yet attained the age of 21 years, are in a position to support him or contribute towards his support.

(2) For the purposes of subregulation (1)—

(a) "pensioner" shall mean 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) The disability grant granted to any applicant whose income falls within the limits of the amounts shown in the second column of the Schedule shall be the amount indicated opposite in column 3 of such Schedule.

Datum waarop Ongeskiktheidstoelae Toeval

12. 'n Ongeskiktheidstoelae word toegeken met ingang van die eerste dag van die tweemaandtydperk waarin aansoek om sodanige toelae gedoen word: Met dien verstande dat in die geval van 'n applikant wat die kwalifiserende ouderdom vir 'n ongeskiktheidstoelae bereik gedurende die tweemaandtydperk waarin hy aansoek doen, 'n ongeskiktheidstoelae toegeken word met ingang van die eerste dag van die daaropvolgende tweemaandtydperk.

Oppasserstoelae

13. (1) Indien 'n persoon aan wie 'n ongeskiktheidstoelae ingevolge hierdie regulasies toegeken is na die oordeel van die Sekretaris in so 'n liggaamlike of geestestoe-stand verkeer dat hy gereeld deur iemand anders opgepas moet word en geen subsidie deur die Staat aan enige inrigting ten opsigte van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op dié voorwaardes wat hy bepaal, benewens sodanige ongeskiktheidstoelae aan die begiftigde of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens R48 per jaar toeken.

(2) 'n Oppasserstoelae ingevolge subregulasie (1) word toegeken vanaf die eerste dag van die tweemaandtydperk waarin aansoek daarom gedoen word.

Betaling van Ongeskiktheidstoelaes en Ander Toelaes

14. Ongeskiktheidstoelaes en oppasserstoelaes ingevolge hierdie regulasies toegeken, word tweemaandeliks agteruit 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 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 versoek dat enige ongeskiktheidstoelae en oppasserstoelae aan hom toegeken, vir 'n onbepaalde tydperk deur iemand anders ten behoeve van hom in ontvangs geneem moet word, kan die persoon wat die toelaes uitbetaal, by voorlegging aan hom van 'n skriftelike magtiging deur die begiftigde, behoorlik in aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die toelaes aan die persoon in die magtiging vermeld, uitbetaal.

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

(4) Ondanks enige magtiging kragtens subregulasie (2) verleen, kan die Sekretaris, of 'n persoon deur hom aangewys, van tyd tot tyd die betaling van enige ongeskiktheidstoelae terughou totdat die begiftigde persoonlik voor hom verskyn het, of dié ander bewys wat vir die Sekretaris, of persoon aldus aangewys, aanneemlik is, gelewer het dat hy nog lewe.

Betaling van Ongeskiktheidstoelaes en Ander Toelaes aan Persone wat in Sekere Inrigtings Onerhou word of Daarin Behandeling Ontvang

16. Indien 'n begiftigde te eniger tyd op staatskoste onderhou word of behandeling ontvang in 'n inrigting vir leproses, swaksinniges of siel siekes, 'n gevangenis of ander staats- of staatsondersteunde inrigting, is vanaf die eerste dag van die maand onmiddellik na die maand waarin hy

Date on which Disability Grant Accrues

12. A grant shall be granted with effect from the first day of the two-month period in which application for such grant is made: Provided that, in the case of an applicant who attains the qualifying age for a disability grant during the two-month period in which he applies, a disability grant shall be granted with effect from the first day of the succeeding two-month period.

Attendant's Allowance

13. (1) If in the opinion of the Secretary any person to whom a grant has been granted under these regulations is in such physical or mental condition that he required the regular attendance of any other person and if no subsidy is paid by the State to any institution in respect of his accommodation and care, the Secretary may, on such conditions as he may determine, in addition to such disability grant, grant such grantee or any other person on behalf of such grantee an attendant's allowance not exceeding R48 per annum.

(2) An attendant's allowance under subregulation (1) shall be granted from the first day of the two-month period in which application is made therefor.

Payment of Disability Grants and Allowances

14. Disability grants and attendant's allowances granted under these regulations shall be paid every second month in arrear 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 grantee shall take receipt in person of the grant and allowance payable to him and furnish a receipt under his signature or mark in respect of the amount so received.

(2) When any grantee requests that some other person shall for an indefinite period take receipt on his behalf of any disability grant and allowance granted to him, the person paying out such grant and allowance 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 grant and allowance to the person named in such authority.

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

(4) Notwithstanding any authority granted in terms of subregulation (2), the Secretary or any person designated by him may from time to time withhold payment of any disability grant until the grantee shall have appeared personally before him or shall have furnished such other proof of being alive as may be acceptable to the Secretary or a person so designated by him.

Payment of Disability Grants and Allowances to Aged Persons Maintained or Receiving Treatment in Certain Institutions

16. If at any time any grantee is being maintained at Government expense or receives treatment in a leper institution, a mental institution, an institution for the feeble-minded, a prison or other State or State-aided institution, no grant or allowance shall be payable to him from

daarin opgeneem word tot die laaste dag van die maand onmiddellik voor die maand waarin hy daaruit ontslaan word, geen ongeskiktheidstoelae of ander toelae aan hom betaalbaar nie.

Verval van Ongeskiktheidstoelae en Ander Toelaes

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

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

(b) wanneer 'n begiftigde die ongeskiktheidstoelae drie agtereenvolgende tweemaandtydperke 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

18. (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 dié 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 toelae in ooreenstemming met die bepalings van regulasie 11 herstel met ingang van die eerste dag van die tweemaandtydperk waarin die toelae 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 tweemaandtydperk waarin aansoek gedoen word.

Appel na die Minister

19. (1) 'n Applikant of 'n begiftigde wat ingevolge artikel 8 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet, binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

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

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 Allowance

17. (1) Any disability grant or allowance awarded under these regulations shall lapse—

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

(b) when a grantee has not drawn such disability grant for three consecutive two-month periods.

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

(a) the Secretary may pay such disability grant and allowance 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 grant was due to circumstances over which such grantee had no control, direct that such grant and allowance 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

18. (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 two-month period 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 two-month period in which such application is made.

Appeal to the Minister

19. (1) Any applicant or a 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 90 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.

BYLAE—SCHEDULE

TABEL WAARVOLGENS OUDERDOMSPENSIOEN TOEGEKEN MOET WORD
TABLE ACCORDING TO WHICH OLD AGE PENSION IS TO BE GRANTED

Inkomstegroep Income group	Jaarlikse inkomste (middelle en omstandighede in ag geneem) Annual income (allowing for means and circumstances)	Jaarlikse toekenning Annual grant R
I.....	Nul tot/Nil to R30.....	69,00
II.....	Bo/Over R30 tot/to R33.....	66,00
III.....	Bo/Over R33 tot/to R36.....	63,00
IV.....	Bo/Over R36 tot/to R39.....	60,00
V.....	Bo/Over R39 tot/to R42.....	57,00
VI.....	Bo/Over R42 tot/to R45.....	54,00
VII.....	Bo/Over R45 tot/to R48.....	51,00
VIII.....	Bo/Over R48 tot/to R51.....	48,00
IX.....	Bo/Over R51 tot/to R54.....	45,00
X.....	Bo/Over R54 tot/to R57.....	42,00
XI.....	Bo/Over R57 tot/to R60.....	39,00
XII.....	Bo/Over R60 tot/to R63.....	36,00
XIII.....	Bo/Over R63 tot/to R66.....	33,00
XIV.....	Bo/Over R66 tot/to R69.....	30,00
XV.....	Bo/Over R69 tot/to R72.....	27,00
XVI.....	Bo/Over R72 tot/to R75.....	24,00
XVII.....	Bo/Over R75 tot/to R78.....	21,00
XVIII.....	Bo/Over R78.....	Nul/Nil

No. R. 82

21 Januarie 1972

REGULASIES BETREFFENDE OUDERDOMS-
PENSIOENE TEN OPSIGTE VAN BURGERS

Kragtens artikel 20 van die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), vaardig ek, Jan Jurie Loots, Minister van Rehoboth-aangeleenthede, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Burgers in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Rehoboth-aangeleenthede.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Burgers in die gebied Suidwes-Afrika woonagtig.

(2) Vir die toepassing van subregulasie (1) beteken "Burgers" lede van die Rehobothgemeente in Proklamasie 28 van 1923 van die Administrateur van die gebied Suidwes-Afrika bedoel.

Woordomskrywing

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

(i) "applikant" 'n persoon wat op 'n ouderdomspensioen aanspraak maak;

(ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkings en Rehoboth-aangeleenthede 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 81 van 1967);

(iv) "Minister" die Minister van Rehoboth-aangeleenthede;

(v) "pensioen" 'n ouderdomspensioen in artikel 2 van die Wet bedoel, maar nie ook 'n bykomende of oppasserstoelae nie;

(vi) "Sekretaris" die Sekretaris van Kleurlingbetrekkings en Rehoboth-aangeleenthede;

en het 'n ander woord of uitdrukking waaraan in die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

Aansoek om 'n Pensioen

3. (1) (a) Behoudens die bepalinge van subregulasie (2), moet 'n aansoek om 'n pensioen, nadat die applikant verklaar het dat die inligting daarin verstrekk na sy beste wete en oortuiging waar en juis is, deur hom voor 'n

No. R. 82

21 January 1972

REGULATIONS RELATING TO OLD AGE
PENSIONS IN RESPECT OF BURGHERS

Under section 20 of the Aged Persons Act, 1967 (Act 81 of 1967), I, Jan Jurie Loots, Minister of Rehoboth Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Burgers resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Rehoboth Affairs.

REGULATIONS

Application of Regulations

1. (1) These regulations shall apply to Burgers resident in the Territory of South-West Africa.

(2) For the purposes of subregulation (1) "Burgers" shall mean members of the Rehoboth Community referred to in Proclamation 28 of 1923 of the Administrator of the Territory of South-West Africa.

Definitions

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

(i) "applicant" means any person claiming an old age pension;

(ii) "attesting officer" means any officer in the service of the Department of Coloured Relations and Rehoboth Affairs or of Justice, any postmaster or any member of any statutory police force;

(iii) "the Act" means the Aged Persons Act, 1967 (Act 81 of 1967);

(iv) "Minister" means the Minister of Rehoboth Affairs;

(v) "pension" means an old age pension referred to in section 2 of the Act but does not include an additional or attendant's allowance;

(vi) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;

and any other word or expression to which a meaning has been assigned in the Aged Persons Act, 1967 (Act 81 of 1967), bears the meaning so assigned thereto.

Application for a Pension

3. (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

attesterende beamppte onderteken en by die distrikspensioen beamppte 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 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 distrikspensioenbeamppte '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.

4. '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.

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

6. '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 dié ander dokumentêre bewys van die applikant se geboortedatum of ouderdom wat die Sekretaris goedvind, of van 'n sertifikaat deur 'n distrikspensioenbeamppte 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 dié 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 dié bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;

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

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

Rekord van Aansoeke of 'n Pensioen

8. 'n Distrikspensioenbeamppte 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 3 (1) geattesteer is.

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 authorises the person named in the certificate to apply for a pension on behalf of the applicant.

4. 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.

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

6. 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 naturalisation, be accompanied by the certificate of registration or naturalisation 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 naturalisation 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 the Territory of South-West Africa as the Secretary may deem fit.

7. 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

8. A 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 3 (1).

Verkryging van die Aanwesigheid van Getuies

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

Vasstelling van Bedrag van Pensioen

10. (1) By 'n beslissing oor die vraag of 'n pensioen toegeken, ingetrek, verminder of verhoog moet word of by die vasstelling van die bedrag van die 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 R216 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 R312 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 R96 te bowe gaan;

(d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir 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 indien hy 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 R250 per jaar in die geval van 'n ongetroude applikant, en teen R500 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) Vir die toepassing van subregulasies (2) en (3) beteken—

“bates” enige onroerende eiendom, kontantbeleggings, belang in die aandele, aandelekapitaal of bates van 'n maatskappy of ander instelling, kapitaal in 'n sakeonderneming belê, en kontant voorhande of in 'n lopende rekening by 'n bank of ander finansiële instelling;

Securing Attendance of Witnesses

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

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 R216 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 R312 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 R96;

(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, if he is unable to work.

(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 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 R250 per annum in the case of an unmarried applicant and at the rate of R500 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;

"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 70 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 Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, die Werkloosheidsversekeringswet 1966 (Wet 30 van 1966), die Wet op Blindes, 1968 (Wet 26 van 1968), die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968), of ingevolge 'n regulasie kragtens enige van genoemde Wette of genoemde Ordonnansie uitgevaardig nie;

(d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van R72 per jaar te beloop, mits die applikant die eienaar is van die betrokke 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 van 'n applikant, met inbegrip van enige vruggebruik, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van R1 800 of, in die geval van 'n applikant wat die ouderdom van 70 jaar bereik het, die bedrag van R2 400 te bowe gaan, deur 100 te deel en die resultaat met ses te vermenigvuldig;

(b) die jaarlikse winste deur die applikant of sy eggenote verkry uit enige onroerende eiendom vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste aldus verkry, geag word R72 te wees.

(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 vasgestel het, moet hy die applikant skriftelik van sy beslissing in kennis stel.

Datum waarop 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 60 dae vanaf die datum waarop die applikant die leeftyd van 65 jaar in die geval van 'n manlike applikant, of 60 jaar in die geval van 'n vroulike applikant, bereik het, met ingang van die eerste dag van die maand waarin die applikant die toepaslike leeftyd bereik het: Met dien verstande dat die Sekretaris in enige geval 'n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

Bykomende Toelae

12. 'n Bejaarde persoon aan wie 'n pensioen toegeken word, word benewens sodanige pensioen, 'n toelae van R12 per jaar betaal.

Oppasserstoelae

13. (1) Indien 'n persoon aan wie 'n pensioen ingevolge hierdie regulasies toegeken is na die oordeel van die Sekretaris die leeftyd van 90 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

"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 70 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 Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa, the Unemployment Insurance Act, 1966 (Act 30 of 1966), the Blind Persons Act, 1968 (Act 26 of 1968), the Disability Grants Act, 1968 (Act 27 of 1968), or under any regulation made under any of the said Acts or the said Ordinance;

(d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of R72 per annum, provided the applicant is the owner of the property concerned;

(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 R1 800 or, in the case of an applicant who has attained the age of seventy years, the amount of R2 400, by 100 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 R72.

(5) As soon as the Secretary has decided whether or not an applicant is entitled to a pension and if so, has determined 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 60 days from the date on which the applicant attained the age of 65 years in the case of a male applicant, or 60 years in the case of a female applicant, with effect from 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 Allowance

12. Any aged person granted a pension shall be paid, in addition to such pension, an allowance of R12 per annum.

Attendant's Allowance

13. (1) If in the opinion of the Secretary any person to whom a pension has been granted under these regulations has attained the age of 90 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 any other

van sy huisvesting en versorging betaal word nie, kan die Sekretaris, op dié voorwaardes en met ingang van dié datum wat hy bepaal, benewens sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppasserstoelae van hoogstens R60 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 leeftyd van 90 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 toelaes en oppasserstoelaes ingevolge 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 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 aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelaes aan die persoon in die magtiging vermeld, uitbetaal.

(3) 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) verleen, uitbetaal word.

Betaling van Pensioene en Toelaes aan Bejaardes wat in Sekere Inrigtings Onderhou word of Behandeling Ontvang

16. Indien 'n pensioentrekker te eniger tyd op staatskoste onderhou word in 'n inrigting vir leproses, swak-sinniges of sielsiekes 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 toelaes aan hom betaalbaar nie.

Omskepping van Sekere Pensioene of 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 Ongeskiktheidstoelaes, 1968, ontvang, aan die vereistes vir 'n ouderdomspensioen ingevolge die Wet voldoen, kan sodanige pensioen of toelae, mits dit nie tot nadeel van sodanige 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 3, 4, 5, 6, 7 en 11, is *mutatis mutandis* op die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

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 on behalf of such pensioner an attendant's allowance not exceeding R60 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 90 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 allowances and attendants' allowances granted under 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 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.

(3) 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).

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 Government expense in a leper institution, a mental institution, an 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 or 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 3, 4, 5, 6, 7 and 11, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

Verval van Pensioen en Toelaes

18. (1) 'n Pensioen of toelae ingevolge 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 ses agtereenvolgende maande nie getrek het nie.

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

(a) kan die Sekretaris sodanige 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 sodanige 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 bepalinge van regulasie 10 verminder of verhoog;

met ingang van dié 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 bepalinge 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 bepalinge 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 60 dae na 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 na die Minister

20. (1) 'n Applikant of 'n pensioentrekker wat ingevolge artikel 13 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet, binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

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

Lapsing of Pension and Allowances

18. (1) Any pension or allowance granted under 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.

(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 60 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 90 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.

BYLAE

DAGVAARDING KRAGTENS ARTIKEL 9 VAN WET 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

*

†

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

† Meld hoedanigheid van uitreikingsbeampte.

No. R. 83 21 Januarie 1972

REGULASIES BETREFFENDE PENSIOENE VIR BLINDES WAT BURGERS IS

Kragtens artikel 17 van die Wet op Blindes, 1968 (Wet 26 van 1968), vaardig ek, Jan Jurie Loots, Minister van Rehoboth-aangeleenthede, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Burgers in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Rehoboth-aangeleenthede.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Burgers in die gebied Suidwes-Afrika woonagtig.

(2) Vir die toepassing van subregulasie (1) beteken "Burgers" lede van die Rehobothgemeente in Proklamasie 28 van 1923 van die Administrateur van die gebied Suidwes-Afrika bedoel.

Woordomskrywing

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

(i) "applikant" 'n persoon wat op 'n pensioen vir blindes aanspraak maak;

(ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkinge en Rehoboth-aangeleenthede 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 26 van 1968);

(iv) "Minister" die Minister van Rehoboth-aangeleenthede;

(v) "Sekretaris" die Sekretaris van Kleurlingbetrekkinge en Rehoboth-aangeleenthede;

en het 'n ander woord of uitdrukking waaraan in die Wet op Blindes, 1968 (Wet 26 van 1968), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

Registrasie van Blindes

3. '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 vergesel gaan van 'n sertifikaat van 'n geneesheer dat die applikant blind is.

SCHEDULE

SUBPOENA UNDER SECTION 9 OF ACT 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. 83 21 January 1972

REGULATIONS RELATING TO BLIND PERSONS' PENSIONS IN RESPECT OF BURGHERS

Under section 17 of the Blind Persons Act, 1968 (Act 26 of 1968), I, Jan Jurie Loots, Minister of Rehoboth Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Burghers resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Rehoboth Affairs.

REGULATIONS

Application of Regulations

1. (1) These regulations shall apply to Burghers resident in the Territory of South-West Africa.

(2) For the purposes of subregulation (1) "Burghers" shall mean members of the Rehoboth Community referred to in Proclamation 28 of 1923 of the Administrator of the Territory of South-West Africa.

Definitions

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

(i) "applicant" means any person claiming a blind person's pension;

(ii) "attesting officer" means any officer in the service of the Department of Coloured Relations and Rehoboth Affairs or of Justice, any postmaster or any member of any statutory police force;

(iii) "the Act" means the Blind Persons Act, 1968 (Act 26 of 1968);

(iv) "Minister" means the Minister of Rehoboth Affairs;

(v) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;

and any other word or expression to which a meaning has been assigned in the Blind Persons Act, 1968 (Act 26 of 1968), bears the meaning so assigned thereto.

Registration of Blind Persons

3. 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.

Maatstawwe vir die Bepaling van Blindheid

4. 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 refleks-werkings en deur die oogspieël, bepaal;

(b) alle toetse om die applikant se gesigskerpte te bepaal in lig van minstens 10 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 50 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 25 persent van die normale gesigsveld en die onderste deel van sy gesigsveld ingekrimp het tot 50 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 Geneeskundig Onderzoek moet word

5. 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 staatsgelde betaal.

Aansoek om 'n Pensioen

6. (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

Criteria of Blindness

4. 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 10 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 50 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 25 per cent of the normal field of vision and the lower part of his field of vision has been contracted to 50 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

5. 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

6. (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

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.

7. '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.

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

9. '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 dié 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 dié 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 dié bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;

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

10. 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 'n Pensioen

11. 'n 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 6 (1) geattesteer is.

Verkryging van die Aanwesigheid van Getuies

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

Persone wat nie vir 'n Pensioen in Aanmerking kom nie

13. Geen persoon kom vir 'n pensioen in aanmerking nie—

(a) indien hy 'n pensioen of toelae ontvang kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968);

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.

7. 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.

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

9. 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 the Territory of South-West Africa as the Secretary may deem fit.

10. 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

11. A 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 6 (1).

Securing Attendance of Witnesses

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

Persons who are Not Eligible for a Pension

13. No person shall be eligible for a pension—

(a) if he is in receipt of a pension or a grant in terms of the Aged Persons Act, 1967 (Act 81 of 1967), or the Disability Grants Act, 1968 (Act 27 of 1968);

(b) indien 'n toelae kragtens die Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, of 'n regulasie daarkragtens uitgevaardig ten opsigte van hom betaal word;

(c) 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 word.

Vasstelling van Bedrag van Pensioen

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

(a) die vermoë en geleenthede van 'n applikant of pensioentrekker om deur eie inspanning hom self 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 blinde toegeken word, die bedrag van hoogstens R216 per jaar wat die Sekretaris met inagneming van die omstandighede, jaarlikse inkomste en ander middele van die betrokke blinde en van sy eggenote vasstel;

(b) word 'n pensioen nie aan 'n blinde toegeken teen so 'n skaal dat sy jaarlikse inkomste en ander middele tesame met die pensioen die bedrag van R312 per jaar te bowe gaan nie;

(c) word die bedrag van die pensioen wat aan 'n blinde toegeken word met die bedrag van R6 per jaar verminder vir iedere R6 waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van R96 te bowe gaan;

(d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir 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 vir blindes in aanmerking geneem indien hy nie kan werk nie.

(b) 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.

(c) 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 pensioen vir blindes ingevolge artikel 6 (3) van die Wet in aanmerking geneem.

(d) 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 R200 per jaar in die geval van 'n ongetroude applikant, en teen R500 per jaar in die geval van 'n getroude applikant, verminder ten opsigte van iedere kalenderjaar wat sedert die datum van die skenking verloop het.

(b) if an allowance is being paid in respect of him under the Children's Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa or a regulation made thereunder;

(c) 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.

Determination of Amount of Pension

14. (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 R216 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 R312 per annum;

(c) the amount of the pension granted to any blind person shall be reduced by the amount of R6 per annum for every R6 by which the annual income and other means of such person exceed the amount of R96;

(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 blind person's pension, if he is unable to work.

(b) 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.

(c) 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 blind person's pension under section 6 (3) of the Act.

(d) 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 R250 per annum in the case of an unmarried applicant, and at the rate of R500 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) Vir 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 sakeonderneming 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 leeftyd van 70 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 Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, die Werkloosheidsversekeringswet, 1966 (Wet 30 van 1966), die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Ongeskiktheidstoelae, 1968 (Wet 27 van 1968), of ingevolge ’n regulasie kragtens enige van genoemde Wette of genoemde Ordonnansie uitgevaardig nie;

(d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van R72 per jaar te beloop, mits die applikant die eienaar van die betrokke 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 van ’n applikant, met inbegrip van enige vruggebruik, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van R1 800 of, in die geval van ’n applikant wat die leeftyd van 70 jaar bereik het, die bedrag van R2 400 te bowe gaan, deur 100 te deel en die resultaat met ses te vermenigvuldig;

(b) die jaarlikse winste deur die applikant of sy eggenote verkry uit enige onroerende eiendom vir landboudoeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste so verkry, geag word R72 te wees.

(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 bepaal het, moet hy die applikant skriftelik in kennis stel van sy beslissing.

Datum waarop Pensioen Toeval

15. ’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 enige geval ’n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

Bykomende Toelae en Oppasserstoelae

16. ’n Blinde aan wie ’n pensioen toegeken word, word benewens sodanige pensioen, ’n toelae van R12 per jaar betaal.

17. Indien ’n persoon aan wie ’n pensioen ingevolge hierdie regulasies toegeken is na die oordeel van die 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 dié voorwaardes en met ingang van dié datum wat hy bepaal,

(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 70 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 Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa, the Unemployment Insurance Act, 1966 (Act 30 of 1966), the Aged Persons Act, 1967 (Act 81 of 1967), or the Disability Grants Act, 1968 (Act 27 of 1968), or under any regulation made under any of the said Acts or the said Ordinance;

(d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of R72 per annum, provided the applicant is the owner of the property concerned;

(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 R1 800 or, in the case of an applicant who has attained the age of 70 years, the amount of R2 400, by 100 and by multiplying the results 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 R72.

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

Date on which Pension Accrues

15. 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 Allowance and Attendant’s Allowance

16. Any blind person granted a pension shall be paid, in addition to such pension, an allowance of R12 per annum.

17. If in the opinion of the Secretary any person to whom a pension has been granted under these regulations 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

benewens sodanige pensioen, aan die pensioentrekker of aan iemand anders ten behoeve van hom 'n oppassers-toelae van hoogstens R60 per jaar betaal.

Betaling van Pensioene en Toelaes

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

19. (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 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 aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die pensioen en toelaes aan die persoon in die magtiging vermeld, uitbetaal.

(3) 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) verleen, uitbetaal word.

Betaling van Pensioene en Toelaes aan Blindes wat in Sekere Inrigtings Onderhou word of Behandeling Ontvang

20. Indien 'n pensioentrekker te eniger tyd op staats-koste onderhou word in 'n inrigting vir leproses, swak-sinniges of sielsiekes 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 toelaes aan hom betaalbaar nie.

Omskepping van Sekere Pensioen of Toelaes in 'n Pensioen vir Blindes

21. (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, mits dit nie tot nadeel van sodanige 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 6, 7, 8, 9 10 en 15, is *mutatis mutandis* op die omskepping van 'n pensioen ingevolge subregulasie (1) van toepassing.

Verval van Pensioen en Toelaes

22. (1) 'n Pensioen of toelae ingevolge 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 ses agtereenvolgende maande nie getrek het nie.

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

(a) kan die Sekretaris sodanige 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;

to such pension, grant such pensioner or any other person for the benefit of such pensioner an attendant's allowance not exceeding R60 per annum.

Payment of Pensions and Allowances

18. Pensions, additional allowances and attendant's allowances granted under 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.

19. (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 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.

(3) 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).

Payment of Pensions and Allowances to Blind Persons Maintained or Receiving Treatment in Certain Institutions

20. If at any time any pensioner is being maintained at Government expense in a leper institution, a mental institution, an 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 or Grants into a Blind Person's Pension

21. (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 regulations 6, 7, 8, 9, 10 and 15, shall apply *mutatis mutandis* to the conversion of a pension under subregulation (1).

Lapsing of Pension and Allowances

22. (1) Any pension or allowance granted under 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) kan die Sekretaris, indien hy oortuig is dat die versuim om sodanige 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

23. (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 14 verminder of verhoog, met ingang van dié 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 14 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 14 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 60 dae na 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 na die Minister

24. (1) 'n Applikant of 'n pensioentrekker wat ingevolge artikel 10 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet, binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

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

BYLAE

DAGVAARDING KRAGTENS ARTIKEL 7 VAN WET 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 dokument moet voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde geskrap word.

† Meld hoedanigheid van uitreikingsbeampte.

(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

23. (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 14,

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 14 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 14 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 60 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

24. (1) Any applicant or a 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 90 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

SUBPOENA UNDER SECTION 9 OF ACT 81 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. 84

21 Januarie 1972

REGULASIES BETREFFENDE ONGESKIKTHEIDSTOELAES TEN OPSIGTE VAN BURGERS

Kragtens artikel 15 van die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968), vaardig ek, Jan Jurie Loots, Minister van Rehoboth-aangeleenthede, hierby, met ingang van 1 Januarie 1972, onderstaande regulasies uit ten opsigte van Burgers in die gebied Suidwes-Afrika woonagtig.

J. J. LOOTS, Minister van Rehoboth-aangeleenthede.

REGULASIES

Toepassing van Regulasies

1. (1) Hierdie regulasies is van toepassing op Burgers in die gebied Suidwes-Afrika woonagtig.

(2) Vir die toepassing van subregulasie (1) beteken "Burgers" lede van die Rehobothgemeente in Proklamasie 28 van 1923 van die Administrateur van die gebied Suidwes-Afrika bedoel.

Woordomskrywing

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

(i) "applikant" 'n persoon wat op 'n ongeskiktheidstoelae aanspraak maak;

(ii) "attesterende beampte" 'n beampte in die diens van die Departement van Kleurlingbetrekkinge en Rehoboth-aangeleenthede of van Justisie, 'n posmeester of 'n lid van 'n polisiemag wat by wet ingestel is;

(iii) "die Wet" die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968);

(iv) "Minister" die Minister van Rehoboth-aangeleenthede;

(v) "Sekretaris" die Sekretaris van Kleurlingbetrekkinge en Rehoboth-aangeleenthede;

en het 'n ander woord of uitdrukking waaraan in die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968), 'n betekenis geheg is, die betekenis aldus daaraan geheg.

Aansoek om 'n Ongeskiktheidstoelae

3. (1) (a) Behoudens die bepalings van subregulasie (2), moet 'n aansoek om 'n ongeskiktheidstoelae, nadat die applikant verklaar het dat die inligting daarin verstrekte 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 '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 goeë dunske '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 distrikspensioenbeampte '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.

No. R. 84

21 January 1972

REGULATIONS RELATING TO DISABILITY GRANTS IN RESPECT OF BURGHERS

Under section 15 of the Disability Grants Act, 1968 (Act 27 of 1968), I, Jan Jurie Loots, Minister of Rehoboth Affairs, hereby make, with effect from 1 January 1972, the following regulations in respect of Burghers resident in the Territory of South-West Africa.

J. J. LOOTS, Minister of Rehoboth Affairs.

REGULATIONS

Application of Regulations

1. (1) These regulations shall apply to Burghers resident in the Territory of South-West Africa.

(2) For the purposes of subregulation (1) "Burghers" shall mean members of the Rehoboth Community referred to in Proclamation 28 of 1923 of the Administrator of the Territory of South-West Africa.

Definitions

2. 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 Relations and Rehoboth Affairs or of Justice, any postmaster or any member of any statutory police force;

(iii) "the Act" means the Disability Grants Act, 1968 (Act 27 of 1968);

(iv) "Minister" means the Minister of Rehoboth Affairs;

(v) "Secretary" means the Secretary for Coloured Relations and Rehoboth Affairs;

and any other word or expression to which a meaning has been assigned in the Disability Grants Act, 1968 (Act 27 of 1968), bears the meaning so assigned thereto.

Application for a Disability Grant

3. (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.

4. '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.

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

6. '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 dié 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) vergesel gaan van die geneeskundige verslag in regulasie 9 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 dié 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 dié bewys van Suid-Afrikaanse burgerskap wat die Sekretaris goedvind;

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

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

Rekord van Aansoeke om 'n Ongeskiktheidstoelae

8. 'n 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 3 (1) geattesteer is.

Geneeskundige Verslag oor 'n Applikant vir 'n Ongeskiktheidstoelae

9. (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 sodanige distrikspensioenbeampte, na gelang van die geval, van 'n verslag op die toepaslike vorm voorsien.

Verkryging van die Aanwesigheid van Getuies

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

Persone wat nie vir 'n Ongeskiktheidstoelae in Aanmerking kom nie

11. (1) Geen persoon kom vir 'n ongeskiktheidstoelae in aanmerking nie—

(a) indien hy 'n pensioen ontvang kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), of die Wet op Blindens, 1968 (Wet 26 van 1968);

4. 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.

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

6. 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 report referred to in regulation 9;

(c) if the applicant claims to be a South African citizen by registration or naturalisation, be accompanied by the certificate of registration or naturalisation 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 naturalisation 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 the Territory of South-West Africa as the Secretary may deem fit.

7. 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

8. A 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 3 (1).

Medical Report on an Applicant for a Disability Grant

9. (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

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

Persons who are not Eligible for a Disability Grant

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

(a) if he is in receipt of a pension under the Aged Persons Act, 1967 (Act 81 of 1967), or the Blind Persons Act, 1968 (Act 26 of 1968);

(b) indien 'n toelae kragtens die Kinderordonnansie 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, of 'n regulasie daarkragtens uitgevaardig ten opsigte van hom betaal word;

(c) indien hy by 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 haar 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 distriks-geneesheer nodig ag ten einde die mate van sy beweerde ongeskiktheid vas te stel;

(f) indien hy, hoewel hy aan 'n liggaamlike of geesteswakheid ly, na die oordeel van die Sekretaris nogtans in staat is om die een of ander werk te onderneem en weier om 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 sodanige 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) indien sy ouers, as hy nie getroud is en nie die leeftyd van 21 jaar bereik het nie, oor die vermoë beskik om hom te onderhou of tot sy onderhoud by te dra.

(2) Vir die toepassing van subregulasie (1) beteken—

(a) "pensioentrekker" 'n persoon wat 'n pensioen in subregulasie (1) (a) vermeld, of 'n ongeskiktheidstoelae ingevolge hierdie regulasies 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

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

(a) die vermoë en geleenthede van 'n applikant of begiftigde om deur eie inspanning hom self te onderhou of tot sy onderhoud by te dra; en

(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 R216 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 R312 per jaar te boewe gaan nie;

(c) word die bedrag van die ongeskiktheidstoelae wat aan 'n persoon toegeken word met R6 per jaar verminder vir iedere R6 waarmee die jaarlikse inkomste en ander middele van sodanige persoon die bedrag van R96 te boewe gaan;

(b) if an allowance is being paid in respect of him under the Children's Ordinance, 1961 (Ordinance 31 of 1961), of the Territory of South-West Africa or a regulation made thereunder;

(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;

(g) if his parents, if he is unmarried and has not yet attained the age of 21 years, are in a position to support him or contribute towards his support.

(2) For the purposes of subregulation (1)—

(a) "pensioner" shall mean any person in receipt of a pension referred to in subregulation (1) (a) or a disability grant under these regulations;

(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

12. (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 R216 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 R312 per annum;

(c) the amount of the disability grant granted to any person shall be reduced by the amount of R6 per annum for every R6 by which the annual income and other means of such person exceed the amount of R96;

(d) word die gesamentlike bates, met inbegrip van enige vruggebruik, van 'n getroude applikant en sy eggenote vir 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 indien hy nie kan werk nie.

(b) Behalwe in 'n geval waar die bepaling 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 R250 per jaar in die geval van 'n ongetroude applikant, en teen R500 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) Vir 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 sakonderneming 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 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 Kinderordonnansie, 1961 (Ordonnansie 31 van 1961), van die gebied Suidwes-Afrika, of die Werkloosheidsversekeringswet, 1966 (Wet 30 van 1966), die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), die Wet op Blindes, 1968 (Wet 26 van 1968), of ingevolge 'n regulasie kragtens enige van genoemde Wette of genoemde Ordonnansie uitgevaardig nie;

(d) enige winste uit die beoefening van die landbou verkry wat hierby geag word die bedrag van R270 per jaar te beloop, mits die applikant die eienaar van die betrokke 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 van 'n applikant, met inbegrip van enige vruggebruik, soos bepaal deur die bedrag waarmee die onbeswaarde waarde van sodanige bates die bedrag van R1 800 te bowe gaan, deur 100 te deel en die resultaat met ses te vermenigvuldig;

(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, if he is unable to work.

(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 R250 per annum in the case of an unmarried applicant, and at the rate of R500 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;

(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 Ordinance, 1961 (Ordinance 31 of 1961) of the Territory of South-West Africa or the Unemployment Insurance Act, 1966 (Act 30 of 1966), the Aged Persons Act, 1967 (Act 81 of 1967), the Blind Persons Act, 1968 (Act 26 of 1968), or under any regulation made under any of the said Acts or the said Ordinance;

(d) any profits derived from the practice of agriculture which shall hereby be deemed to be the amount of R72 per annum, provided the applicant is the owner of the property concerned;

(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 R1 800 by 100 and by multiplying the result by six;

(b) die jaarlikse winste deur die applikant of sy eggenote verkry uit enige onroerende eiendom vir landboudeleindes gehuur: Met dien verstande dat die minimum jaarlikse inkomste so verkry, geag word R72 te wees.

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

Datum Waarop Ongeskiktheidstoelae Toeval

13. '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 enige geval 'n later datum kan bepaal indien hy oortuig is dat omstandighede die bepaling van sodanige later datum regverdig.

Bykomende Toelae

14. 'n Persoon aan wie 'n ongeskiktheidstoelae toegeken word, word benewens sodanige ongeskiktheidstoelae, 'n toelae van R12 per jaar betaal.

Oppasserstoelae

15. Indien 'n persoon aan wie 'n ongeskiktheidstoelae ingevolge hierdie regulasies toegeken is na die oordeel van die 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 dié voorwaardes en met ingang van dié datum wat hy bepaal, benewens sodanige ongeskiktheidstoelae, aan die begiftigde of aan iemand anders ten behoeve van hom 'n oppassers-toelae van hoogstens R60 per jaar toeken.

Betaling van Ongeskiktheidstoelae en Ander Toelaes

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

17. (1) Behoudens die bepalings van subregulasie (2), moet iedere begiftigde die ongeskiktheidstoelae en ander 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 begiftigde versoek dat enige ongeskiktheidstoelae en ander 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 ongeskiktheidstoelae en ander toelaes uitbetaal, by voorlegging aan hom van 'n skriftelike magting deur die begiftigde, behoorlik in aanwesigheid van twee getuies onderteken en deur die Sekretaris goedgekeur, die ongeskiktheidstoelaes aan die persoon in die magtiging vermeld, uitbetaal.

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

Betaling van Ongeskiktheidstoelaes en Ander Toelaes aan Persone wat in Sekere Inrigtings Onderhou word of Behandeling Ontvang

18. Indien 'n begiftigde te eniger tyd op staatskoste onderhou word in 'n inrigting vir leproses, swaksinniges of sielsiekes of 'n gevangenis of ander staats- of staats-ondersteunde inrigting, is vanaf die eerste dag van die

(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 R72.

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

Date on which Disability Grant Accrues

13. 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 Allowance

14. Any person granted a disability grant shall be paid, in addition to such disability grant, an allowance of R12 per annum.

Attendant's Allowance

15. If in the opinion of the Secretary any person to whom a disability grant has been granted under these regulations 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 other person on behalf of such grantee an attendant's allowance not exceeding R60 per annum.

Payment of Disability Grants and Allowances

16. Disability grants, additional allowances and attendant's allowances granted under 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.

17. (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 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.

(3) 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).

Payment of Disability Grants and Allowances to Persons Maintained or Receiving Treatment in certain Institutions

18. If at any time any grantee is being maintained at Government expense in a leper institution, a mental institution, an institution for the feeble-minded or a prison or other State or State-aided institution, no disability grant or allowances shall be payable to him from the first day of the month immediately following the

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 ongeskiktheidstoelae of ander toelaes aan hom betaalbaar nie.

Verval van Ongeskiktheidstoelae en Ander Toelaes

19. (1) 'n Ongeskiktheidstoelae of ander toelae ingevolge 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) wanneer 'n begiftigde die ongeskiktheidstoelae ses agtereenvolgende maande nie getrek het nie.

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

(a) kan die Sekretaris die ongeskiktheidstoelae en ander toelaes, 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 toelaes voortbestaan vanaf die dag waarop dit die laaste keer getrek is of vanaf 'n ander datum wat hy bepaal.

Intrekking of Verandering van Ongeskiktheidstoelae

20. (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 12 verminder of verhoog, met ingang van dié 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 12 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 12 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 60 dae na 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.

Appel na die Minister

21. (1) 'n Applikant of 'n begiftigde wat ingevolge artikel 8 van die Wet teen 'n beslissing of optrede van die Sekretaris appelleer, moet binne 'n tydperk van 90 dae na die datum waarop die beslissing gegee of die optrede plaasgevind het, 'n skriftelike kennisgewing van sodanige appel by die Sekretaris indien.

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

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

19. (1) Any disability grant or allowance granted under these regulations shall lapse—

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

(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

20. (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 12,

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 12 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 12 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 60 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

21. (1) Any applicant or a 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 90 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) Die Sekretaris moet sodanige kennisgewing en al die stukke waarop dit betrekking het, tesame met sodanige opmerkings as wat hy wens te maak, aan die Minister voorlê.

BYLAE

DAGVAARDING KRAGTENS ARTIKEL 9 VAN WET 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, aantekening of dokument moet voorlê, vul in beskrywing daarvan; so nie, moet hierdie woorde geskrap word.

† Meld hoedanigheid van uitreikingsbeampte.

DEPARTEMENT VAN SPOORWEE EN HAWENS.

No. R. 85

21 Januarie 1972

WET OP SPOORWEG- EN HAWEDIENS, 1960 (WET 22 VAN 1960), SOOS GEWYSIG

Ek, Barend Jacobus Schoeman, Minister van Vervoer, verklaar dat—

(a) kragtens artikel 16 (1) (d) van die Wet op Spoorweg- en Hawediens, 1960 (Wet 22 van 1960), soos gewysig, die bekleërs van die betrekkings hoofoffisiernavigator, assistent-hoofoffisiernavigator, senior-instrukteurnavigator en instrukteurnavigator; en

(b) kragtens artikel 16 (1) (e) van die Wet op Spoorweg- en Hawediens, 1960 (Wet 22 van 1960), soos gewysig, die bekleërs van die betrekkings hoof-offisiër-boordingenieur en seniorinstrukteuroffisiër-boordingenieur,

by bereiking van die ouderdom van 55 jaar uit die Diens moet tree.

(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

SUBPOENA UNDER SECTION 5 OF ACT 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 document, fill in a description thereof; otherwise strike out these words.

† Specify designation of issuing officer.

DEPARTMENT OF RAILWAYS, HARBOURS

No. R. 85

21 January 1972

RAILWAYS AND HARBOURS SERVICE ACT, 1960 (ACT 22 OF 1960), AS AMENDED

I, Barend Jacobus Schoeman, Minister of Transport, declare that—

(a) in terms of section 16 (1) (d) of the Railways and Harbours Service Act, 1960 (Act 22 of 1960), as amended, the incumbents of the positions of Chief Navigation Officer, Assistant Chief Navigation Officer, Senior Navigation Instructor and Navigation Instructor; and

(b) in terms of section 16 (1) (e) of the Railways and Harbours Service Act, 1960 (Act 22 of 1960), as amended, the incumbents of the positions of Chief Flight Engineer Officer and Senior Flight Engineer Officer Instructor,

are required to retire from the Service at the age of 55 years.

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5. Verpak pakkette behoorlik. Gebruik sterk houers en dik papier en bind dit stewig vas.
6. Maak seker dat die posgeld ten volle vooruitbetaal is.
7. Plak die posseëls in die boonste regterhoek van die koevert of omslag.
8. Verseker u pakkette en registreer waardevolle briewe. Dokumente wat slegs teen hoë koste vervang kan word, moet verkieslik verseker word.
9. Pos vroegtydig en dikwels gedurende die dag. Posstukke wat tot op die laaste oomblik teruggehou word kan vertraging veroorsaak.
10. Verstrek u volledige posadres aan u korrespondente asook u posbusnommer waar van toepassing.

Useful Hints—

1. Address all mail fully, clearly and without misleading abbreviations.
2. Place your own address on the back of the envelope or wrapper.
3. Do not enclose coins or other hard objects in letters.
4. Send remittances by Postal Order or Money Order.
5. Pack parcels properly, using strong containers and heavy paper. Tie securely.
6. Prepay postage fully.
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