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GOVERNMENT NOTICES

DEPARTMENT OF WELFARE

No. R. 204

9 February 1998

DRAFT REGULATIONS REGARDING GRANTS, SOCIAL RELIEF OF DISTRESS AND FINANCIAL AWARDS IN TERMS OF THE SOCIAL ASSISTANCE ACT, 1992 (ACT No. 59 OF 1992)

The Minister for Welfare and Population Development has, in terms of section 19 of the Social Assistance Act, 1992 (Act No. 59 of 1992), made the regulations set out in the Schedule hereto.

INVITATION FOR PUBLIC COMMENTS

The public are invited to respond to the Draft Regulations regarding Grants, Social Relief of Distress and Financial Awards in terms of the Social Assistance Act, 1992 (Act No. 59 of 1992), as amended.

Written responses should reach the Department of Welfare at the address below not later than 23 February 1998.

Written comments should be sent to:

Dr J. Triegaardt
Directorate: Social Security
Department of Welfare
Private Bag X901
Pretoria
0001

Fax: (012) 323-6457.
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For further enquiries please phone: Mrs E. Lohrentz at (012) 312-7707.

SCHEDULE

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

"aged person" means a person who in the case of a woman has attained the age of 60 years and in the case of a man has attained the age of 65 years;

"approved" means approved by the Minister with the concurrence of the Minister of Finance;

"area" means one or more magisterial districts assigned by the Director-General;

"attesting officer" means an officer in the service of a province designated by the Director-General;

"biometric identification" means a fingerprint;

"birth certificate" means a birth certificate as defined in terms of the Births and Deaths Registration Act, 1992 (Act No 57 of 1992);

"commissioner" means a magistrate appointed to undertake specific tasks in his or her area of jurisdiction in terms of the Child Care Act, 1983 (Act No 74 of 1983);

"custodian" means a person who is, either by law or order of court, entrusted with custody of a child;

"custody" means supervision and care ;

"expressed consent" means consent given verbally or in writing;

"family" means the parent or parents and his or her or their dependent child or children;

"household" means any group of people, whether they are related or not, who normally share or "pool" their income so as to provide food and other necessities and live together in one dwelling;

"identity document" means identity document issued in terms of the Identification Act (Act No 72 of 1986);

"implied consent" means the absence of any objection by the parent, guardian or custodian of a child to the child remaining in the custody of the primary care-giver of that child:

(a) with the knowledge of the parent concerned;

(b) due to such parent being deceased;

(c) due to such parent's whereabouts not being known, or

the child having been abandoned; or
(d) due to such parent failing or refusing to assume custody over the child.

"life certificate" means a certificate or an affidavit signed by a beneficiary or produced by a procurator to confirm that the beneficiary is alive;

"married person" means any person married in terms of any Act, customary law or religious law;

"means" means the income and/or assets of-

(a) an applicant; or

(b) an applicant and his or her spouse;

"medical officer" means any medical practitioner in the service of the State, including a provincial government;

"medical practitioner" means any person registered as a medical practitioner or intern, under the Health Professions Act, 1974 (Act No 56 of 1974), or a person referred to under section 24A of that Act;

"member of a household" means a person who normally spends four or more nights a week in the household;

"prescribed form" means a form determined by the Director-General;

"province" means any province established under section 103 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

"regular income" means the income of a household derived from salaries, wages, commission, director's fees, net profit from a business or profession, private pension, retirement annuity and provident fund before tax deduction;

"remuneration" means payment in cash or in-kind for services rendered;

"rural area" means an area comprising a government structure of district council, rural council, representative council or local area council;

"signed" means the furnishing of a signature and fingerprint;

"social auxiliary worker" means a person registered as a social auxiliary worker in terms of the Social Work Act, 1978 (Act No 110 of 1978);

"social worker" means a person registered as a social worker in terms of the Social Work Act, 1978 (Act No 110 of 1978); and

"the Act" means the Social Assistance Act, 1992 (Act No 59 of 1992).

Persons eligible for grants

2. (1) A person shall be eligible for a social grant only if-
- (a) he or she complies with the means test as defined in regulation 11;
 - (b) his or her spouse complies with the means test as defined in regulation 11;
 - (c) he or she is a full-time student, not older than 21 years, disabled and complies with the means test as defined in regulation 11;
 - (d) he or she is a disabled person who has attained

the age of 18 years and, according to a medical report of a medical officer and other information at the disposal of that medical officer, is unable to support himself or herself: Provided that according to the prognosis of the medical officer the disability will continue for a temporary period of six months or one year, or permanently;

- (e) he or she is a disabled person who has attained the age of 18 years and whose degree of disability makes him or her incapable of entering the labour market and he or she does not refuse to accept employment which is within his or her capabilities and out of which he or she can generate income to provide fully or partially for his or her maintenance;
- (f) a person receiving a grant for the disabled shall receive the necessary medical or other treatment recommended by the medical officer, medical practitioner, or psychiatrist: Provided that refusal to undergo treatment which is or may be life threatening shall be accepted by the Director-General as adequate reason for not undergoing such treatment;
- (g) he or she does not already receive a social grant.

(2) Notwithstanding the provisions of subregulation (1), a person shall not be considered for a grant if he or she is maintained in one of the following institutions run by the State:

- (a) A prison;
- (b) a State psychiatric hospital;
- (c) a State home for the aged;
- (d) a care and treatment centre;
- (e) a treatment centre for drug dependents.

3. A person shall be eligible for a child support grant in respect of all his or her children, or a maximum of six children non-biological children under the age of seven years only if -

- (a) he or she is the primary care-giver of the child concerned;
- (b) he or she complies with the means test as defined in regulation 12(3);
- (c) he or she does not receive remuneration for the care of the child;
- (d) the child is not in an institution referred to in the Child Care Act, 1983 (Act No 74 of 1983), or similar institution, whether registered under any law or not;
- (e) he or she is not already in receipt of a grant on behalf of the child concerned;
- (f) he or she does not without good reason refuse to take up employment, or participate in any development

- programme aimed at improving his or her income;
(g) he or she has made an effort to secure maintenance for the child from the parents of the child.

4. A foster parent shall be eligible for a foster child grant if the child was placed in the custody of such a person in terms of the Child care Act, 1983 (Act No 74 of 1983): Provided that, should the income of the foster child exceed twice the annual amount of a foster child grant determined by the Minister with the concurrence of the Minister of Finance, no grant shall be payable.
5. A parent or parents or foster parent or -parents shall be eligible for a care-dependency grant for the maximum amount per annum as approved by the Minister with the concurrence of the Minister of Finance: Provided that the medical report from a medical officer proves that the child in question needs care and that the child is a care-dependent child as defined in the Act.

Supplementary grants to war veterans

6. A supplementary amount as approved per annum shall be paid to a war veteran in addition to the social grant.

Grant-in aid

7. (1) If a person to whom a social grant was awarded requires full-time attendance by another person owing to his or her physical or mental condition, application may be made on the prescribed form for a grant-in-aid for an annual amount as approved.
- (2) The Director-General shall, on the conditions and from a date he or she determines, award a grant-in-aid: Provided that no subsidy shall be payable by the State to any home for the aged or other institution in respect of the person's housing and care.

Application for grants

8. (1) An application for a grant shall be made on a form determined by the Director-General.
- (2) The application form shall be-
- (a) completed in the presence of the attesting officer by the applicant himself or herself or with the assistance of the attesting officer for the area where the applicant resides;
 - (b) certified or confirmed by an attesting officer referred to in paragraph (a) after which it shall be signed in his or her presence by the applicant or in the case of a foster child grant, by both foster parents where applicable, and in the case of a care-dependency grant, by both parents or foster parents, where applicable: Provided that

- such certification or confirmation and signing shall be done if the application form is accompanied by all the necessary documentation referred to in sub-regulation (6); and
- (c) confirmed by a second attesting officer.
- (3) (a) The attesting officer shall certify on the completed application form that the requirements in subregulation (2) (b) have been met.
- (b) The applicant shall be furnished with a copy of the application or a receipt, which shall be dated and stamped with the official Departmental stamp and shall contain the name of the applicant, the attesting officer and the date of application.
- (4) (a) The Director-General may approve, in the case of a person with a physical or mental defect or illness, that another person may apply for a grant on his or her behalf, in which case the provisions of subregulation (2) shall apply to such other person.
- (b) If the Director-General gives approval referred to in subregulation (a), he or she shall note on the form the reason for the inability of the applicant to apply personally and shall certify that he or she authorises the person named to act on behalf of the applicant.
- (c) A person referred to in subregulation (a) may not apply on behalf of more than five applicants with physical or mental defects or illnesses.
- (5) The Director-General shall keep a register of each application received in which the following shall be indicated, where applicable:
- (a) Identifying particulars;
- (b) date of attestation;
- (c) type of the grant;
- (d) status of grant; and
- (e) province in which application was made.
- (6) An application for a grant shall be accompanied by the following documents or certified copies thereof, where applicable:
- (a) An official identity document of the applicant issued in the Republic of South Africa;
- (b) in the case of a child support grant, a care dependency grant or a foster child grant, an identity document or a 13-digit birth certificate on which the identity number appears with regard to each child, care dependent child or foster child for whom application is made: Provided that for foster parents and - children who are not South African citizens, official identity

- documents of the country of origin may be accepted.
- (c) proof of income and assets and in the case of a child support grant, proof of regular income of the household of the primary care-giver;
 - (d) proof of marital status;
 - (e) in the case of a child support grant, an affidavit granting implied or expressed consent;
 - (f) in the case of a child support grant, a court order in the case of a guardian, or a divorce decree in the case of custody;
 - (g) in the case of a disabled person or a care dependent child, a medical report from a medical officer;
 - (h) In the case of a foster child grant, proof of regular school attendance where the child is of school-going age, or proof that the child is on a waiting list for admission to a school, unless he or she has been exempted from compulsory education;
 - (i) in the case of a foster child, an order of the children's court;
 - (j) in the case of war veterans, proof of service as specified in the Act;
 - (k) in the case of a child support grant, proof of immunisation;
 - (l) in the case of a child support grant, proof of efforts made to obtain maintenance from the parent of the child if the child is not in the care of the parent;
 - (m) in the case of a child support grant proof of efforts made to join a development programme; and
 - (n) alternative proof of the above, as approved by the Director-General.

Date of application for grants

9. (1) The date on which an application for a grant is signed in the presence of an attesting officer, shall be deemed the date on which the application was made.
- (2) (a) Notwithstanding the provisions of subregulation (1), the Director-General shall, in the case of a foster child grant where the application is not attested on the same day as the court order, approve the application from the earlier date than the date of attestation: Provided that the date is not earlier than the date on which the court order placement was issued;
- (b) application for a foster child grant shall be made not later than six months after the court order date.

Date of accrual of grants

10. (1) Subject to the provisions of the Act, a grant, excluding a foster child grant, shall accrue from the date of attestation: Provided that the applicant qualifies from such date.
- (2) A foster child grant shall be payable from the date on which a child was placed in the custody of the foster parent in terms of a court order.

Determining the amount of grants

11. (1) The amount of a social grant is determined by the Minister with the concurrence of the Minister of Finance in the case of-

- a single person according to the formula
 $D = 1,15A - 0,5B$
- a married person according to the formula
 $D = 1,075A - 0,5B$

Where

A = the maximum grant payable per annum as approved
B = annual income before grant in the case of a single person, or half the couple's annual income before grant in the case of a married person as defined in regulation 13(4) after all permissible deductions as defined in regulation 15 have been made. [Income is taken to include actual income from assets as defined in regulation 13(4)(i).]
D = annual grant amount payable.

- (2) The maximum amount referred to in subregulation (1) shall not exceed an amount equal to A.
- (3) No grant amount lower than R100 per month shall be payable.
- (4) No grant shall be paid to any single person whose total assets exceed 30 times A, or to any married couple whose total assets exceed 60 times A.
- (5) (a) the means of a married person and his or her spouse shall be taken into account when applying the formulae prescribed in subregulation (1), irrespective of whether the couple is married in terms of an ante-nuptial contract or in community of property;
- (b) the Director-General shall, if he or she is convinced that a married applicant was deserted by his or her spouse for a continuous period of at least three months, and the spouse is unable to support the applicant, approve that the applicant be regarded as single and disregard

the means of the spouse;

12. (1) The amount of a child support grant as determined by the Minister with the concurrence of the Minister of Finance shall amount to R1 200 per annum.
- (2) Notwithstanding the above provision the Minister, with the concurrence of the Minister of Finance, may adjust the amount annually or at times and intervals as determined by him or her.
- (3) A primary care-giver shall qualify for the amount referred to in regulation 12(1) if-
- (a) the regular income of the household of the primary care-giver is below R9 600 per annum; or
 - (b) the regular income of the household of the primary care-giver is below R13 200 per annum and the child and the primary care-giver either:
 - (i) live in a rural area; or
 - (ii) live in a house without brick, concrete or asbestos walls.
13. (1) Regarding the assets of an applicant in the case of a social grant -
- (a) any assets donated by either the applicant or his or her spouse shall be taken into account;
 - (b) the difference between the selling price of immovable property and the amount on which transfer was paid, where the selling price is less than the amount on which transfer duty was paid, shall be taken into account;
 - (c) the Director-General shall, if he or she is of the opinion that an applicant or spouse or member of the family had impoverished himself or herself or relinquished assets in order to obtain a grant, take such assets into account;
 - (d) the market-related value of a fixed property owned by the applicant or spouse shall be taken into account;
- (2) Notwithstanding the provisions of subregulation (1) (a), (b) or (c) the value of such assets shall not be taken into account after a period of five years has expired from the date of donation or relinquishment.
- (3) For the purposes of determining the means of an applicant for a social grant, "assets" shall mean-
- (a) Any immovable property owned by the applicant or spouse, property held under leasehold, cash investments, bonds or loans or any outstanding debts in favour of the applicant or spouse, interested in shares, share capital or assets of a company or other institution, endowment policies after date of maturity and cash on hand or in any

- account with a bank or other financial institution;
- (b) Any fidei-commissary rights held by the applicant or spouse; and
 - (c) Any lump sum invested by the applicant, or spouse in a company or financial institution with the aim of procuring an annuity.
- (4) For the purposes of determining the means regarding a social grant or a foster child grant, "income" shall means-
- (a) any compensation received by an applicant or spouse in cash or otherwise an employee;
 - (b) any profits, withdrawals or other benefits derived from a business concern or farm of which the applicant or spouse is the owner or usufructuary or holds fidei-commissary rights;
 - (c) any income which an applicant or spouse or foster child derived from a trust and/or inheritance;
 - (d) any income which an applicant or spouse derived from usufruct or fidei-commissary rights, in respect of immovable property, cash investments, bonds or loans or any other outstanding debts, shares capital or assets of a company or other institution, capital invested in a business concern, as bank or other financial institution;
 - (e) any pension or annuity payable to an applicant or spouse in terms of the provisions or regulations of a pension, provident or retirement annuity fund initiated in terms of any Act, but excluding benefits received in terms of the Act or annuities derived from a lump sum investment;
 - (f) any ex-gratia compensation received in cash or otherwise by an applicant or spouse;
 - (g) 25 per cent of the annual boarding fees received from the members of the applicant's household;
 - (h) any profits, withdrawals or other benefits derived from farming activities where fixed property is rented by an applicant or a spouse;
 - (i) any other income, including interest and dividends generated from assets of an applicant or spouse or a foster child.
- (5) (a) The provisions of the subregulations (1) (a), (b) and (c) shall be applicable, with the necessary adjustments, if the applicant or spouse donated or relinquished an income in order to obtain a grant.
- (b) Notwithstanding the provisions of paragraph (a), the said income shall not be taken into account after a period of five years has expired from the date of donation or relinquishment.

14. The means of foster parents, in the case of an application for a foster child grant, as well as the means of parents or

foster parents and care-dependent children in the case of a care-dependency grant shall not be taken into consideration.

Permissible deductions in calculating means

15. The Director-General shall, on submission of acceptable documentary proof when determining the income of an applicant and a spouse in the case of a social grant, allow the following deductions or contributions:

- (1) Current obligatory contributions of the employee to a pension, provident or retirement annuity fund established in terms of an Act or in the absence of such an obligatory contribution, another contribution which does not exceed 22 per cent of the net income of the applicant;
- (2) Current deductions in respect of employee's tax or standard income tax.
- (3) Current membership fees to an approved medical scheme in the Republic, established in terms of an Act, with regard to income generated from services rendered or income from any other source;
- (4) Current contributions to the unemployment insurance fund with regard to income generated from services rendered.

Methods of payment of grants

16. (1) A grant shall be paid monthly by the Director-General or a person assigned by him or her, in places and at times he or she determines.

(2) Subject to the provision of subregulation (3)-

- (a) each beneficiary shall, should a manual payment be made, identify himself or herself by means of an identity document and then personally take receipt of the grant payable to him or her and then sign on a letter of receipt for the amount received;
- (b) A beneficiary's biometric identification shall, should payment be automated, serve as receipt for the amount received, unless the grant is credited to an account at a financial institution.

(3) When a beneficiary, except a person contemplated in section 8 (b) of the Act, is, owing to circumstances determined by the Director-General, unable to take personal receipt of a grant awarded to him or her in terms of the Act, the Director-General may, on submission of an authority in writing by the beneficiary, duly signed in the presence of two witnesses, pay out the grant for a period not exceeding three months to any person named in the authority: Provided that, whenever payment of the grant or grant-in-aid is made, such person shall furnish an affidavit to the effect that the beneficiary is alive at the time

of the payment and continues to comply with the conditions on which the grant was awarded and that the benefit will be handed over to the beneficiary.

- (4) When the Director-General is satisfied that a beneficiary, for whatever reason, cannot be personally present to receive the grant, or that it would cause undue hardship for the beneficiary to receive the grant in person, the beneficiary may, in the manner and form prescribed by the Director-General, apply for authorisation that the grant concerned be paid to a person duly authorised by him or her.

Payment of reduced grants to persons maintained in certain institutions

17. (1) Should the beneficiary of a social grant, be admitted to an institution which has a contract with the State to take full responsibility for the care and maintenance of the residents, the grant shall be reduced to an amount equal 25 per cent of the maximum amount referred to as element A in regulation 11(1) with effect from the first day of the fourth month following the month of admission.
- (2) A grant reduced in accordance with subregulation (1) shall be reinstated with effect from the date of discharge of the beneficiary.

Conversion of social grants

18. (1) The social grant which a disabled person lawfully receives shall be converted into a grant for an aged person as soon as he or she qualifies for such a grant.
- (2) If a person in receipt of a social grant for an aged or disabled person qualifies for a social grant for war veteran, such grant may be converted, at his or her request, on submission of the necessary documents, into a social grant for a war veteran: Provided that the date of conversion shall not be earlier than the date of request.

Conditions to be complied with

19. (1) A primary care-giver or a foster parent who is in receipt of a child support grant or a foster child grant shall comply with the following conditions:
- (a) The child shall remain in the care of the primary care-giver in whose care he or she was at the time of the approval of the grant: Provided that valid reasons are provided to change these arrangements;
- (b) the foster child shall remain in the custody of the foster parent in whose care he or she was at the time of the approval of the grant: Provided

- that the foster child who attends school elsewhere in his or her own interest shall be deemed to be in the custody of the foster parent;
- (c) the child or foster child shall have adequate accommodation, be properly fed and clothed and receive the necessary medical and dental care;
 - (d) the foster child, if of school-going age, shall attend school regularly: Provided that such facilities are available;
 - (e) the primary care-giver shall allow the Director-General reasonable access to the child and the dwelling in the case of a child support grant and to an official who has been authorised in terms of the Child Care Act, 1983, in the case of a foster child grant;
 - (f) in the case of a child support grant, the child shall attend a health clinic for immunisation where facilities are available;
 - (g) a primary care-giver or foster parent shall, in the case of a child support grant or a foster child grant, carry out any instructions regarding the expenditure of the grant issued by an authorised person or official of an association appointed in terms of section 8 of the Act to control such expenditure; and
 - (h) the Director-General may in the case of a child support grant request a social worker's report when he or she deems it essential.
- (2) A parent or foster parent who is in receipt of a care-dependency grant shall comply with the following conditions:
- (a) The child shall remain in the care of the parent or foster parent in whose care he or she was at the time of the approval of the care-dependency grant;
 - (b) The child shall have adequate accommodation, be properly fed and clothed and receive the necessary care and stimulation services, where available, and medical and dental care;
 - (c) The child shall be evaluated as to his or her educability and trainability for attendance at a school for specialised education at the age of six years and if such a facility is not available, by an assignee of an education authority;
 - (d) The beneficiary shall allow the Director-General reasonable access to the child and the dwelling in the case of a care-dependency grant, and to an official who has been authorised in terms of the Child Care Act, 1983, in the case of a care-dependency grant for a care dependent child who is in foster care;
 - (e) The child shall not be permanently cared for in one of the following facilities run by the State:

- (i) a psychiatric hospital;
 - (ii) a care and rehabilitation centre; and
- (f) The care-dependent child shall receive the necessary medical or other treatment recommended by a medical practitioner or psychiatrist: Provided that a refusal to undergo treatment which is or may be life threatening shall be accepted by the Director-general as adequate reason for not undergoing such treatment.

Suspension or variation of the amount of grants on review

20. (1) A person who is in receipt of a grant shall inform the Director-General without delay of any changes in the general, medical and/or financial circumstances of the beneficiary, child or foster child which could have an influence on the continuation or amount of the grant.
- (2) The Director-General shall review a grant at times and at intervals determined by him or her, and taking the circumstances of each case into consideration, increase, decrease or suspend a grant from a date which he or she determines, including a date in the past and inform the beneficiary of his or her reasons in writing and inform him or her of the 90 day period referred to in subregulation (6) for the application for the restoration of the grant.
- (3) The Director-General may at times he or she determines request that a beneficiary referred to in regulation 16(4) and section 8 of the Act, appear before him or her or that acceptable proof be submitted to him or her to determine whether the beneficiary is alive.
- (4) Should a beneficiary fail to co-operate, or to supply any information or documentation required by the Director-General when a grant is reviewed, payment of the grant may be suspended.
- (5) If an application is made for an increase in the amount of a grant, and the Director-General is satisfied that the grant should be increased, he or she shall, having due regard to the Act, increase the grant with effect from the day of the month on which the applicant qualifies.
- (6) If an application is made for the restoration of a grant, the Director-general may restore the grant from the date on which the grant was suspended: Provided that the application for restoration is made within 90 days of suspension.
- (7) The provisions of subregulation (2) shall, with the necessary adjustments, apply to any person to whom payment has been made in accordance with an authority granted in terms of regulation 16 (3) or (4).
- (8) Notwithstanding the provisions of subregulations (1), (2), (3), (4), (5), (6) and (7) -
- (a) in the case of social grants for disabled persons no further medical assessment shall be required

- where a permanent classification has been made;
and
- (b) in the case of a beneficiary who takes personal receipt of his or her grant no life certificate shall be required.

Lapsing of grants

21. A social grant shall lapse-

- (a) on the last day of the month in which the beneficiary dies;
- (b) when a beneficiary is admitted to an institution referred to in regulation 2(2): Provided that a grant shall be paid for a period not exceeding six months when a person is admitted temporarily to a psychiatric hospital for observation or treatment;
- (c) when the temporary period of disability has lapsed in the case of a grant to a disabled person.

22. (1) A child support grant shall lapse-

- (a) On the last day of the month in which the primary care-giver dies;
- (b) on the last day of the month in which the child in respect of whom the grant is paid, dies;
- (c) on the last day of the month in which the child in respect of whom the grant is paid, attains the age of seven years;
- (d) on the last day of the month in which the child is no longer in the care of the primary care-giver.

- (2) The Director-General shall pay a child support grant until the last day of the month in which the child dies, as part of the payment of expenses incurred in respect of the funeral of the child on submission of documentary proof by the primary care-giver: Provided that an application is made within six months after the death, and the amount shall not exceed the amount owing to the primary care-giver at the time of death.

23. (1) A foster child grant shall lapse-

- (a) on the last day of the month in which the last living foster parent dies;
- (b) on the last day of the month in which the foster child dies;
- (c) on the last day of the month in which the foster child, in terms of any Act, is in the custody of the foster parent(s);
- (d) at the end of the calendar year in which the foster child attains the age of 18 years;
- (e) with effect from the first day of the month following the month in which the foster child leaves school.

- (2) Notwithstanding the provisions of subregulation (1) the Director-General may authorise continuation of the

payment of the foster child grant on the recommendation of a social worker-

- (a) In the case of a child under the age of 18 years, for an interim period to a maximum of 12 months pending placement; and
- (b) In the case of a foster child who has attained the age of 18 years but has not yet attained the age of 21 years, in terms of section 33 (3) of the Child Care Act, 1983 (Act No. 74 of 1983), on submission of the required documentation, to enable the child to complete his secondary school training, or in the case of a disabled child, his or her special educational training on condition that the grant shall not be continued after the end of the year in which the child attains the age of 21 years: Provided that a person shall be authorised by the Director-General to administer the grant for the benefit of a foster child.

24. (1) A care-dependency grant shall lapse-

- (a) On the last day of the month in which the parent or foster parent dies;
 - (b) on the last day of the month in which the care-dependent child dies;
 - (c) on the last of the month in which the care-dependent child attains the age of 18 years, whereupon he or she will be eligible to apply for a social grant for a disabled person; and
 - (d) when a care-dependent child is admitted to an institution referred to in regulation 19 (2) (e): Provided that a care-dependency grant shall be paid for a period not exceeding six months when a person is admitted temporarily to a psychiatric hospital for observation or treatment.
- (2) Notwithstanding the provisions of subregulation (1) (a) the Director-General may, on submission of a recommendation by a social worker, authorise the continuation of the payment of a care-dependency grant to a person other than the beneficiary for an interim period not exceeding 12 months pending permanent placement of the care-dependent child.
- (3) Notwithstanding the provisions of subregulation (1) (d) the Director-General may authorise the continuation of the payment of a care-dependency grant until the application for a social grant to a disabled person has been approved.

25. (1) Any grant shall lapse if the beneficiary has not claimed the grant for a period of three months: Provided that if the Director-General is satisfied that the failure to claim the grant was due to circumstances over which the beneficiary had no control, he or she shall instruct that the grant be restored from the date

on which it was last claimed if the beneficiary applies for the restoration of the grant within 90 days after the lapsing of the grant.

- (2) The Director-General shall pay a social grant, a foster child grant or a care-dependency grant until the last day of the month in which the beneficiary or child dies, as part of the payment of expenses incurred in respect of the care or funeral of the beneficiary or child on submission of documentary proof to the person liable for the expenses: Provided that an application is made within six months after the death, and the amount shall not exceed the amount owing to the beneficiary at the time of death.

Right to appeal

26. The Director-General shall, if he or she refuses an application, inform the applicant in writing of his or her reasons for such refusal and of the applicant's right of appeal in terms of section 10 of the Act.

Persons eligible for social relief of distress

27. (1) Subject to the provision of the Act a person in need of temporary material assistance may qualify for social relief of distress if he or she complies with one or more of the following conditions:
- (a) The person is awaiting permanent aid;
 - (b) The person has been found medically unfit to undertake remunerative work for a period of less than six months;
 - (c) No maintenance is received from a person obliged to pay maintenance and proof is furnished that efforts made to trace such a person or to obtain maintenance were unsuccessful;
 - (d) The breadwinner is deceased and insufficient means are available;
 - (e) The breadwinner has been admitted to an institution for less than six months;
 - (f) The person has been affected by a disaster, although the area of the community in which he or she lives has not yet been declared a disaster area, or by any other emergency situation; and
 - (g) The person is not receiving assistance from any other organisation.
- (2) Notwithstanding the provisions of subregulation (1) no person shall be entitled to a grant and social relief of distress simultaneously and any amount paid in terms of the social relief of distress shall be recovered from an arrears payment in respect of a grant.
- (3) Notwithstanding the provisions of subregulation (1) and (2) assistance may be rendered in exceptional cases

where the Director-General is of the reasonable opinion that refusal may cause undue hardship.

Application for social relief of distress

28. (1) Application for social relief of distress shall be made on a prescribed form.
- (2) The application form shall be-
- (a) Completed in the presence of the first attesting officer by the applicant himself or herself or with the assistance of the attesting officer for the area where the applicant resides;
 - (b) Certified or confirmed by the attesting officer referred to in paragraph (a) after which it shall signed in his or her presence by the applicant; and
 - (c) Approved or rejected by the second attesting officer.
- (3) (a) The attesting officer shall inform the applicant that should the necessary documentation as stipulated in subregulation (6) not be available on application, such documentation shall be required before the second and subsequent monthly payments as contemplated in regulation 30 (2) are made.
- (b) The applicant shall be furnished with a copy of the application or a receipt for the application which shall be dated and stamped with the official office stamp and shall contain the name of the applicant and the attesting officer and the date of application.
- (4) The Director-General shall keep a register of each application received in which the following shall be indicated, where applicable:
- (a) identifying particulars;
 - (b) date of attestation;
 - (c) province in which application was made;
 - (d) date on which social relief of distress was continued and extended;
 - (e) type of benefit, and the value thereof, which was made available to an applicant for social relief of distress;
 - (f) date on which an applicant was referred to a social worker.
- (5) The Director-General may request a social worker to investigate the circumstances of the applicant and to submit a written report with a recommendation.
- (6) An application for social relief of distress shall be accompanied by the following documents or certified

copies hereof, where applicable:

- (a) Identity document or birth certificate or any other document which proves the identity of the applicant and dependent family members and which is acceptable to the Director-General;
 - (b) proof of marital status;
 - (c) proof of non-payment of maintenance;
 - (d) proof that spouse cannot be traced;
 - (e) proof of lack of means;
 - (f) discharge certificate from prison, treatment centre or hospital;
 - (g) proof of admission of spouse to a prison, treatment centre or hospital;
 - (h) proof of temporary medical disability;
 - (i) proof that the applicant is awaiting trial;
 - (j) alternative proof to that listed above as approved by the Director-General.
- (7) Notwithstanding the provisions of subregulation (6) an application may be completed, attested and approved in the absence of the prescribed documentation: Provided that such documentation shall be submitted before social relief of distress is continued as contemplated in regulation 30(2).

Date of application for and issuing of social relief of distress issued

29. The date on which an application for social relief of distress is signed before an attesting officer shall be deemed to be the date on which the application was made.

Determination of the amount and the period of social relief of distress

30. (1) Subject to the provisions of the Act, the value of social relief of distress shall be equal to-
- (a) In the case of a single person an amount not exceeding the maximum social grant payable per month, as approved;
 - (b) in the case of a married person an amount not exceeding the amount payable per month, for each adult; and
 - (c) in the case of a child an amount not exceeding the maximum child support grant payable per month.
- (2) Social relief of distress shall be issued monthly by the Director-General or a person assigned by him for a maximum period of three consecutive months.
- (3) Notwithstanding the provisions of subregulation (2) the Director-General may, in exceptional cases, approve the extension of the period for a further period of three months.

- (4) Each case which is considered for an extension of social relief of distress referred to in subregulation (3) shall be re-evaluated by the attesting officer on the grounds of a recommendation by a social worker or any other official authorised by the Director-General.
- (5) The Director-General may, in exceptional cases, approve transport expenditure where-
 - (a) An applicant is referred for treatment by a medical officer and no other arrangements can be made for transport; or
 - (b) an applicant must travel to a specific destination to accept employment and where he or she will not be dependent on further State aid.

Application for financial awards for social welfare organizations

31. (1) Subject to the provisions of the Act, an application for a financial award for a social welfare organization shall be -
- (a) submitted to a departmental office in writing and in the format as determined from time to time by the Director-General for consideration;
 - (b) accompanied by -
 - (i) a social welfare programme including an estimate of income and expenditure as well as financial statements where applicable;
 - (ii) certified copies of the registration certificates issued to the welfare organisation in terms of legislation, where applicable;
 - (iii) the authority to collect contributions in terms of the Fund-raising Act, 1978 (Act No 107 of 1978), where applicable;
 - (iv) the constitution of the relevant welfare organization;
 - (v) any other proof which the Director-General may accept instead of or in support of the above-mentioned.
- (2) The Director-General may decide to have the application investigated for evaluation and recommendation.
- (3) A register for each application and how it was disposed of shall be kept at the departmental office.

Consideration of applications

32. Subject to the provisions of the Act, an application for a

financial award will be considered by the Director-General taking one or more of the following into consideration-

- (1) The evaluation and recommendation referred to in regulation 31(2).
- (2) The criteria as determined by the Minister for the evaluation and financing of programmes.
- (3) The priority classification of the programme, where applicable.
- (4) The availability of funds.

Determining of the amount of financial awards

33. The amount of the financial award in respect of a programme shall be determined by the Director-General, according to criteria approved from time to time by Minister in concurrence with the Minister of State Expenditure.

Date of financial awards

34. A financial award is made with effect from a date determined by the Director-General.

Continuation of financial awards

35. A welfare organization receiving a financial award must be submit an annual evaluation of its programme in the format and on dates determined by the Director-General after which the continuation and amount of the financial award will be considered.

Method of payment

36. Financial awards to welfare organizations are paid in the manner and at times determined by the Director-General from time to time.

Conditions for financial awards

37. An award is made subject to the following conditions:

- (1) That it is used solely for the purpose for which it was awarded.
- (2) That the activities of a welfare organization to whom or in respect of whom the award is made, may be inspected at any time by an official of the State appointed by the Director-General for this purpose and that all documentation or information which is needed, be made available by the relevant body concerned.
- (3) That the welfare organization such returns, reports or statistics at the times and in the manner determined by the Director-General from time to time.

Lapsing and temporary suspension of financial awards

38. A welfare organization in receipt of a financial award shall inform the Director-General of any changes in its functioning which could influence the continuation or amount of the financial year.
39. The financial award, or part thereof, shall lapse on the first day of the month following the date on which the services in respect of a programme, or part thereof, are no longer rendered.
40. The Director-General may suspend, temporarily suspend or partly suspend a financial award if the directives for service rendering and/or financing are not complied with.

Repeal

41. The Regulations published by Government Notice No. 17016 of 1 March 1996, are hereby repealed.

Commencement

42. These regulations shall come into force on the date of the commencement of the Act.

No. R. 205

9 February 1998

REGULATIONS REGARDING THE PHASING OUT OF MAINTENANCE GRANTS IN TERMS OF THE SOCIAL ASSISTANCE ACT, 1992 (ACT NO 59 OF 1992) AS AMENDED BY THE WELFARE LAWS AMENDMENT ACT, 1997 (ACT NO 106 OF 1997)

The Minister for Welfare and Population Development has, in terms of section 19 of the Social Assistance Act, 1992 (Act No. 59 of 1992) as amended by the Welfare Laws Amendment Act, 1997 (Act No 106 of 1997), made the regulations set out in the Schedule hereto.

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise -

“custody” means supervision and care; and

“the Act” means the Social Assistance Act, 1992 (Act No 59 of 1992) as amended by the Welfare Laws Amendment Act, 1997 (Act No 106 of 1997).

Continuation of maintenance grants and similar grants

2. Any maintenance grant or similar grant referred to in section 21(1) of the Act, which was payable until the date immediately before the date of commencement of these regulations, continues to be payable in accordance with these regulations.

Determining the amount of maintenance grants

3. The total amount of a grant referred to in regulation 2 shall be reduced annually by 25% during each year of the three year period during which such grant is payable in accordance with section 21(2) of the Act, with effect from a date determined by the Minister, after which, subject to regulation 5, the grant shall lapse:
Provided that the first reduction shall be effected on the date of the commencement of these regulations.

Methods of payment of a maintenance grant

4. (1) A maintenance grant shall be paid monthly by the Director-General or a person assigned by him or her, in places and at times he or she determines.
- (2) Subject to subregulation (3) -
- (a) each beneficiary shall, should a manual payment be made, identify himself or herself by means of an identity document and then personally take receipt of the grant payable to him or her and then sign on a letter of receipt for the amount received;

- (b) a beneficiary's biometric identification shall, should payment be automated, serve as a receipt for the amount received, unless the grant is credited to an account at a financial institution.
- (3) When a beneficiary, except a person contemplated in section 8(b) of the Act, is, owing to circumstances determined by the Director-General, unable to take personal receipt of a grant awarded to him or her in terms of the Act, the Director-General may, on submission of an authority in writing by the beneficiary, duly signed in the presence of two witnesses, pay out the grant for a period not exceeding three months to any person named in the authority:

Provided that, whenever payment of the grant is made, such a person shall furnish an affidavit to the effect that the beneficiary and his or her child(ren) is alive at the time of the payment and continues to comply with the conditions on which the grant was awarded and that the grant will be handed over to the beneficiary.
- (4) When the Director-General is satisfied that a beneficiary, for whatever reason, cannot be personally present to receive the grant or that it would cause undue hardship for the beneficiary to receive the grant in person, the beneficiary may, in the manner and form prescribed by the Director-General, apply for authorisation that the grant concerned be paid to a person duly authorised by him or her.

Lapsing of maintenance grants

5. (1) A grant referred to in regulation 2 shall lapse -
- (a) on the last day of the month in which the beneficiary dies;
 - (b) on the last day of the month in which the last child in respect of whom the grant is paid, dies;
 - (c) on the last day of the month in which the last child in respect of whom the grant is paid, is no longer in the custody of the parent who is entitled to receive the grant;
 - (d) on the last day of the month in which the last child in respect of whom the grant is paid, leaves school;
 - (e) at the end of the calendar year in which the last child in respect of whom the grant is paid, attains the age of 18 years;
 - (f) at the request of the beneficiary that the grant be cancelled;
 - (g) for a maximum period of 3 consecutive months:

Provided that if the Director-General is of the opinion that failure to claim the grant was due to circumstances over which the

beneficiary had no control, he or she shall instruct that the grant be re-instated from the date on which it was last claimed, if, within 90 days after the grant has lapsed, the beneficiary requests in writing that the grant be re-instated.

- (2) If a grant referred to in regulation 2 continues to be payable in respect of a person above the age of 18 years, but who has not yet attained the age of 21 years immediately before the commencement of these regulations, the grant shall continue to be payable until the last day of the calendar year in which these regulations take effect.

Notification regarding changed circumstances

6. (a) A person who is in receipt of a grant shall, where applicable, inform the Director-General without delay of any changes in the circumstances contemplated in regulation 5(1) which could have an influence on the continuation of a grant.
- (b) The Director-General may at his or her discretion require that a beneficiary furnish him or her with the acceptable proof regarding any change in circumstances concerning the beneficiary or his or her child(ren) which may influence the continuation of the grant.

Conversions

7. If the amount of a grant referred to in regulation 2 is below the total amount of the child support grant payable in terms of section 2(d) of the Act to which a primary care-giver is entitled, such grant may be converted to a child support grant at his or her request and on submission of the necessary documents:
- Provided that the date of conversion shall not be earlier than the date on which such a request is made.

Commencement

8. These regulations shall come into force on the date of the commencement of section 2(d) and 4 of the Act as amended by the Welfare Laws Amendment Act, 1997 (Act No 106 of 1997).

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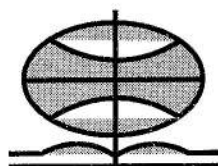
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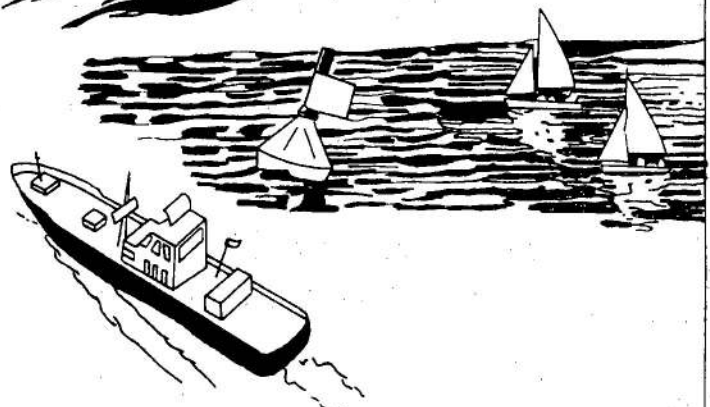
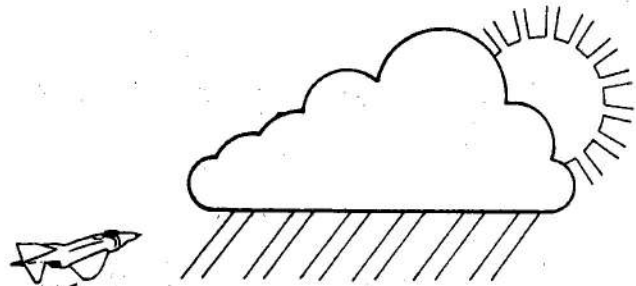
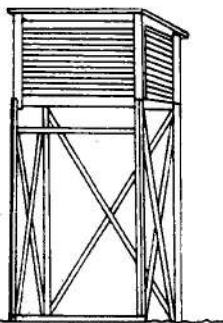
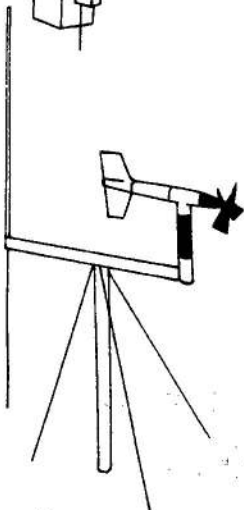
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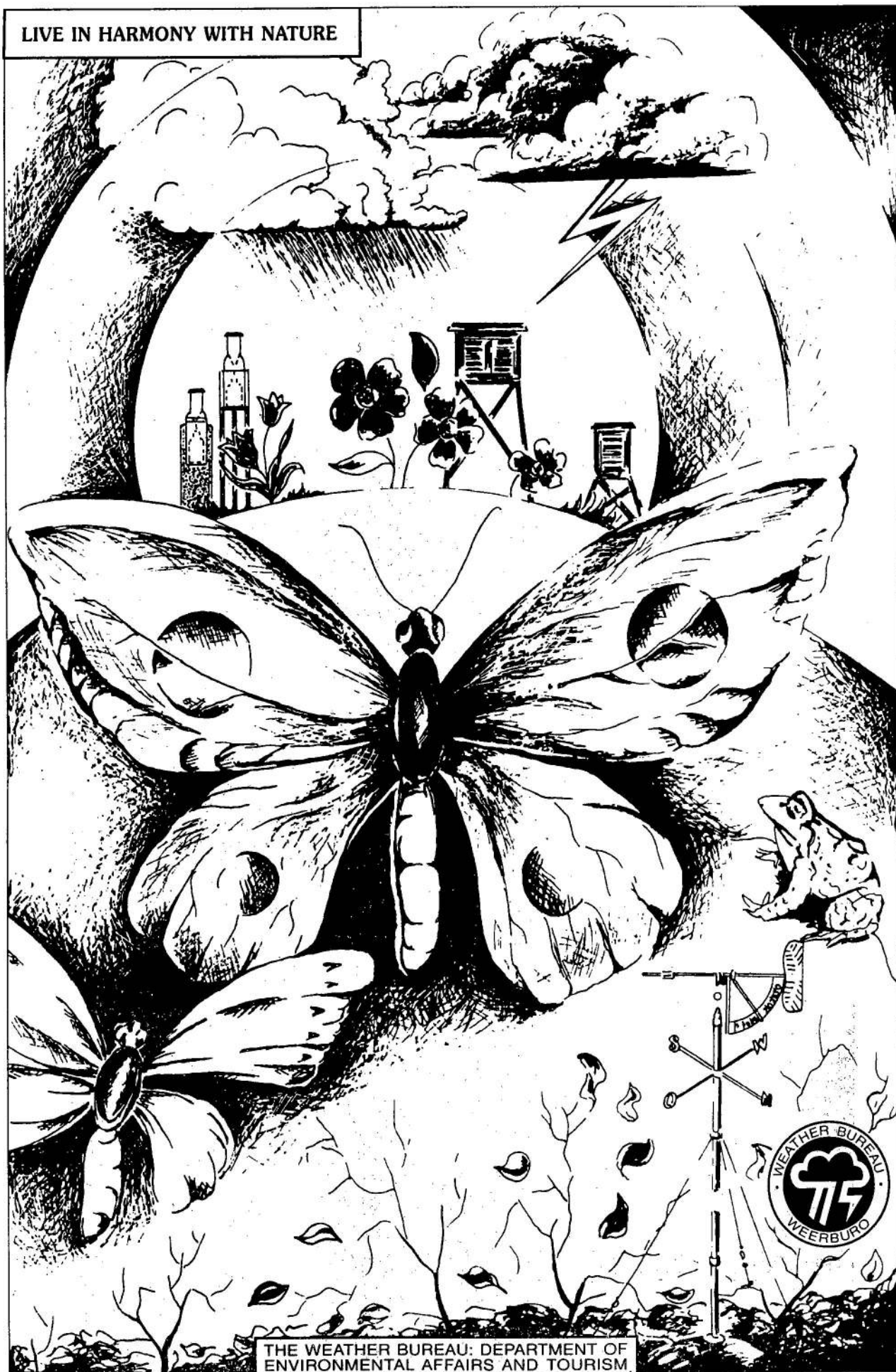
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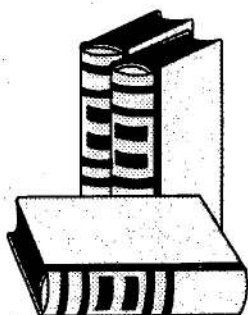
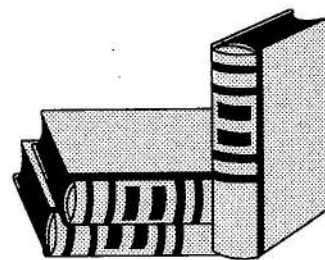
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