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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF WELFARE DEPARTEMENT VAN WELSYN

No. R. 65

11 January 1999

REGULATIONS UNDER THE CHILD CARE ACT, 1983 - AMENDMENT

The Minister for Welfare and Population Development intends, in terms of section 60 of the Child Care Act, 1983 (Act No 74 of 1983), to make the regulations set out in the Schedule.

Interested parties are invited to submit comments or representations on the proposed regulations to: the Director-General, Department of Welfare, Private Bag X901, Pretoria, 0001 (for attention: Adv. M Masutha), not later than **20 January 1999**.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 2612 of 12 December 1986, as amended by the regulations published by Government Notice No. R. 416 of 31 March 1998.

Amendment of regulation 5 of the Regulations as amended by regulation 6 of the regulations published by Government Notice No. R. 416 of 31 March 1998

2. Regulation 5 of the Regulations, as amended by regulation 6 of the regulations published by Government Notice No. R. 416 of 31 March 1998 is hereby amended by the addition of the following subregulation:

"(5) Notwithstanding the provisions of this regulation, the contents of a report referred to in subregulation (1), relating to the identity or whereabouts of the proposed adoptive parents or of the child, if he or she is already under their custody, may not be disclosed without their prior written approval."

Amendment of regulation 6 of the Regulations

3. Regulation 6 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Any written notice or a summons required to be served in terms of these regulations or in terms of the Act on any person in respect of which no special method of service is prescribed in the Act or these regulations may be served by a police officer or an authorized officer *mutatis mutandis* as if it is a summons to appear in order to give evidence in a criminal case in a magistrate's court, or, except in the case of a notice referred to in section 19A of the Act, by the clerk of the children's court concerned by posting a copy of the notice or summons by registered mail to the postal address of the person to whom the notice or summons is directed."

Insertion of regulation 18A in the Regulations

4. The following regulation is hereby inserted after regulation 18 of the Regulations:

"Parental responsibilities

18A A parent shall, for the purposes of section 19(b)(vii) of the Act, be deemed to have, without good cause, failed to discharge his or her parental duties with regard to the child, if the parent has, without good cause, failed-

- (a) in the case of the father of the child, to contribute towards the reasonable prenatal and delivery medical expenses incurred in respect of the child or any other expenses directly connected with the medical care provided to the mother of the child in respect of the pregnancy or the birth of the child; or
- (b) to maintain and care for the child, or to provide for or to contribute towards the child's maintenance and care, as the case may be."

Amendment of regulation 21 of the Regulations as substituted by regulation 20 of the regulations published by Government Notice No. R. 416 of 31 March 1998

5. Regulation 21 of the Regulations, as substituted by regulation 20 of the regulations published by Government Notice No. R. 416 of 31 March 1998 is hereby amended by-

(a) the addition after subregulation (5), of the following subregulations:

"(5A) An application to the Children's court contemplated under section 19(A)(9) of the Act, shall be made within a period of 14 days of the mother's refusal to grant consent in terms of section 11(4) of the Birth and Deaths Registration Act, 1992 (Act No. 51 of 1992).

(5B) A natural father of a child born out of wedlock, contemplated under section 19A(9) of the Act, shall, within a period of 7 days of the granting of the order, cause an amendment to be effected to the registration of birth of the child, as contemplated under that section.

(5C) A natural father of a child born out of wedlock contemplated under subregulation (5B,) shall, within a period of 7 days of making an application for the amendment of the registration of birth of the child, in writing, give notice of such application to the clerk of the children's court in which the application for the adoption of the child was made, providing details of the date and place where such application for the amendment of the registration of birth of the child was made.

(5D) A natural father of a child born out of wedlock contemplated under section 19A(8) of the Act, shall, within a period of 7 days of making an writing, give notice of such application contemplated under section 19A(1) of the Act, to the commissioner providing details of the date and place where such application was made."

Commencement

6. These regulations shall come into effect on **4 February 1999**.

REGULASIES KRAGTENS DIE WET OP KINDERSORG, 1983 - WYSIGING

Die Minister vir Welsyn en Bevolkingsontwikkeling is van voornemens om, kragtens artikel 60 van die Wet op Kindersorg, 1983 (Wet No 74 van 1983), die regulasies in die Bylae uit te vaardig.

Belanghebbende persone word uitgenooi om kommentaar of verhoë te lewer op die voorgestelde regulasies aan: die Direkteur-Generaal, Departement van Welsyn, Privaatsak X901, Pretoria, 0001 (vir aandag: Adv M Masutha), nie later as 20 Januarie 1999 nie.

BYLAE

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 2612 van 12 Desember 1986, soos gewysig deur die regulasies afgekondig by Goewermentskennisgewing No. R. 416 van 31 Maart 1998.

Wysiging van regulasie 5 van die Regulasies soos gewysig deur regulasie 6 van die regulasies afgekondig by Goewermentskennisgewing No. R. 416 van 31 Maart 1998

2. Regulasie 5 van die Regulasies, soos gewysig deur regulasie 6 van die regulasies afgekondig by Goewermentskennisgewing No. R. 416 van 31 Maart 1998 word hierby gewysig deur die invoeging van die volgende subregulasie:

"(5) Desnieteenstaande die bepalings van hierdie regulasie, mag die inhoud van die verslag in subregulasie (1) bedoel, wat verband hou met die name en adresse van die voornemende aannemende ouers of van die kind, sou die kind reeds in hul sorg verkeer, nie geopenbaar word sonder hul voorafgaande geskrewe toestemming nie."

Wysiging van regulasie 6 van die Regulasies

3. Regulasie 6 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) 'n Skriftelike kennisgewing of 'n dagvaarding wat ingevolge hierdie regulasies of ingevolge 'n bepaling van die Wet aan iemand beteken moet word, ten opsigte waarvan geen spesiale metode van betekening in die Wet of hierdie regulasies voorgeskryf word nie, kan beteken word deur 'n polisiebeampte of 'n gemagtigde beampte *mutatis mutandis* asof dit 'n dagvaarding is om as getuie te verskyn by 'n strafsak in 'n landdroshof, of, behalwe in 'n saak waar kennisgewing verwys na in artikel 19A van die Wet, deur die klerk van die betrokke kindersorg deur 'n afskrif van die kennisgewing of dagvaarding per geregistreerde pos te stuur na die posadres van die persoon aan wie die kennisgewing of dagvaarding gerig is."

Invoeging van regulasie 18A in die Regulasies

4. Die volgende regulasie word hierby ingevoeg na regulasie 18 van die Regulasies:

“Ouerlike verantwoordelikheid

18A 'n Ouer sal, vir die doeleindes van artikel 19(b)(vii) van die Wet, geag word om, sonder goeie rede, in gebreke te gebly het om sy of haar ouerlike pligte ten opsigte van die kind na te kom, as die ouer sonder goeie rede in gebreke gebly het om -

- (a) in die geval van die vader van die kind, by te dra tot redelike mediese onkoste aangegaan betreffende die kind, voorgeboortelik en vir die bevalling, of enige ander onkoste wat direk verband hou met die mediese versorging wat aan die moeder van die kind voorsien was betreffende die swangerskap of geboorte van die kind; of
- (b) die kind te onderhou en te versorg, of te voorsien van of by te dra tot die kind se onderhoud en versorging, soos die geval mag wees.”

Wysiging van regulasie 21 van die Regulasies soos vervang deur regulasie 20 van die regulasies afgekondig by Goewermentskennisgewing No. R. 416 van 31 Maart 1998

5. Regulasie 21 van die Regulasies, soos vervang deur regulasie 20 van die regulasies afgekondig by Goewermentskennisgewing No. R. 416 van 31 Maart 1998 word hierby gewysig deur -

- (a) die byvoeging na subregulasie (5), van die volgende subregulasies:

“(5A) 'n Aansoek na die kinderhof ingevolge artikel 19A(9) van die Wet, sal gedoen word binne 'n tydperk van 14 dae nadat die moeder toestemming geweier het ingevolge artikel 11(4) van die Wet op die Registrasie van Geboortes en Sterftes, 1992 (Wet No 51 van 1992).

(5B) 'n Natuurlike vader van 'n kind wat buite die eg gebore is ingevolge artikel 19A(9) van die Wet, sal, binne 'n tydperk van 7 dae na die uitreiking van die bevel, 'n wysiging tot gevolg bring rakende die registrasie van die geboorte van die kind, soos bedoel ingevolge daardie artikel.

(5C) 'n Natuurlike vader van 'n kind wat buite die eg gebore is ingevolge subregulasie (5B), sal, binne 'n tydperk van 7 dae nadat die aansoek gedoen is vir die wysiging van die registrasie van die geboorte van die kind, skriftelik, so 'n aansoek onder die aandag van die klerk van die kinderhof bring waar die aansoek vir die aanneming van die kind gedoen is, en van inligting voorsien van die datum en plek waar so 'n aansoek vir die wysiging van die registrasie van geboorte van die kind gedoen is.

(5D) 'n Natuurlike vader van 'n kind wat buite die eg gebore is ingevolge artikel 19A(8) van die Wet, sal, binne 'n tydperk van 7 dae nadat die

aansoek gedoen is vir die wysiging van die registrasie van die geboorte van die kind, skriftelik, so 'n aansoek onder die aandag van die kommissaris bring ingevolge artikel 19A(1) van die Wet, en van inligting voorsien van die datum en plek waar so 'n aansoek gedoen is.”.

Inwerkingtreding

7. Hierdie regulasies sal in werking tree op 4 Februarie 1999.
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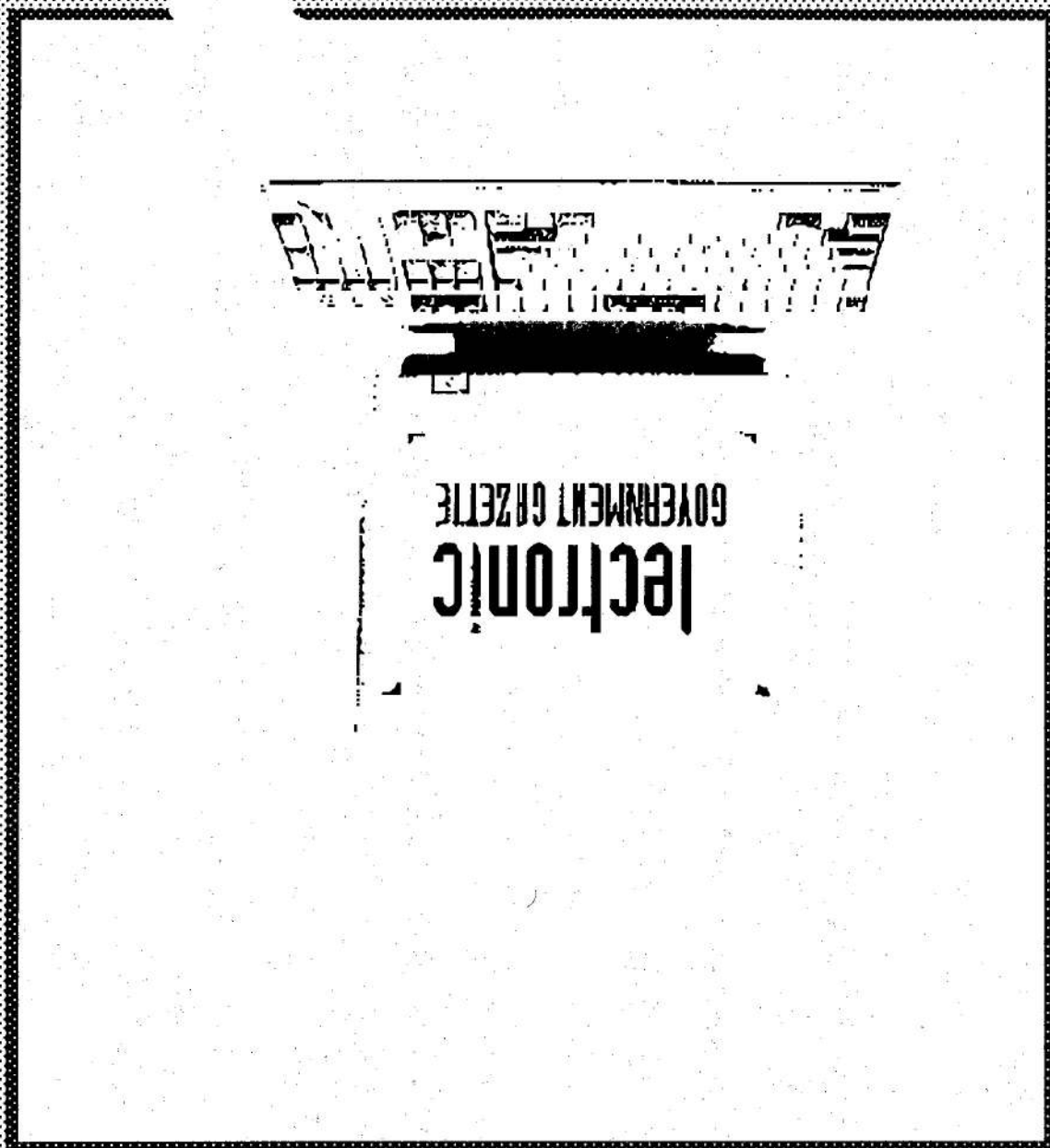
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CONTENTS**INHOUD**

No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
GOVERNMENT NOTICE			GOEWERMENTSKENNISGEWING		
Welfare, Department of			Welsyn, Departement van		
<i>Government Notice</i>			<i>Goewermentskennisgewing</i>		
R. 65 Child Care Act (74/1983): Regulations: Amendment.....	1	19682	R. 65 Wet op Kindersorg (74/1983): Regulasies: Wysiging.....	4	19682