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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PRESIDENT'S OFFICE

No. 1904.

27 November 1996

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 106 of 1996: Welfare Laws Amendment Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1904.

27 November 1996

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 106 van 1996: Wysigingswet op Welsynswette, 1996.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Social Work Act, 1978, so as to make the South African Interim Council for Social Work more representative by enlarging its membership; to amend the Probation Services Act, 1991, so as to further provide for the delegation of powers and the authorisation to perform duties; to amend the Prevention and Treatment of Drug Dependency Act, 1992, so as to amend a certain definition; to provide for the establishment of programmes regarding the prevention and treatment of drug dependency which are aimed at persons in treatment centres; and to further provide for the delegation of powers and the authorization to perform duties; to amend the Social Assistance Act, 1992, so as to amend a certain definition in order to authorize financial awards to unregistered, non-profitable organizations rendering developmental social welfare services; and to broaden the activities in respect of which financial awards may be made to any activity in the field of developmental social welfare services; and to extend the application of certain laws relating to welfare services to the whole of the national territory of the Republic; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 12 November 1996.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 5 of Act 110 of 1978, as substituted by section 6 of Act 52 of 1995

1. (1) Section 5 of the Social Work Act, 1978, is hereby amended—

5

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Maatskaplike Werk, 1978, ten einde die Suid-Afrikaanse Interim Raad vir Maatskaplike Werk meer verteenwoordigend te maak deur die ledetal te vergroot; tot wysiging van die Wet op Proefdienste, 1991, ten einde verdere voorsiening te maak vir die delegering van bevoegdhede en die magtiging om pligte te verrig; tot wysiging van die Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992, ten einde 'n sekere woordskrywing te wysig; om voorsiening te maak vir die instelling van programme ter voorkoming en behandeling van dwelmafhanklikheid wat gerig is op persone in behandelingsentrums; en om verdere voorsiening te maak vir die delegering van bevoegdhede en die magtiging om pligte te verrig; tot wysiging van die Wet op Maatskaplike Bystand, 1992, ten einde 'n sekere woordskrywing te wysig ten einde finansiële toekennings aan ongeregistreerde, nie-winsgewende organisasies wat ontwikkelingsgerigte maatskaplike welsynsdienste lewer, te magtig; en om die werksaamhede ten opsigte waarvan finansiële toekennings gedoen kan word, uit te brei na enige werksaamhede op die terrein van ontwikkelingsgerigte maatskaplike welsynsdienste; en om die toepassing van sekere wette met betrekking tot welsynsdienste na die hele nasionale grondgebied van die Republiek uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 12 November 1996.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 5 van Wet 110 van 1978, soos vervang deur artikel 6 van Wet 52 van 1995

- 5 **1. (1) Artikel 5 van die Wet op Maatskaplike Werk, 1978, word hierby gewysig—**

- (a) by the deletion of the word "and" at the end of paragraph (c) of subsection (1);
 (b) by the addition to subsection (1) of the following paragraph:

"(e) from a date determined by the Minister by notice in the Gazette—

- (i) a social auxiliary worker;
- (ii) a student social worker registered for his or her second year of study; 5
- (iii) a social worker engaged in full-time or part-time private practice;
- (iv) a member of a non-governmental organization or an organization based in a community— 10
 - (aa) which renders developmental social welfare services;
 - (bb) which is not registered as a welfare organization in terms of the National Welfare Act, 1978 (Act No. 100 of 1978); and
 - (cc) which is not receiving any financial grant or loan from the State; 15
- (v) a representative from organizations which represent persons who use social welfare services;
- (vi) a person engaged in developmental social welfare services in the territory of any former entity known as Transkei, Bophuthatswana, Venda or Ciskei, whether or not he or she is a social worker; and 20
- (vii) a representative from trade unions which represent employees engaged in developmental social welfare services, 25
 - elected in the prescribed manner by the electoral college referred to in subsection (1A) from nominations, in the case of subparagraphs (i) to (iii), by the electorate, and, in the case of subparagraphs (iv) to (vii), by the general public."

- (c) by the insertion after subsection (1) of the following subsection:

"(1A)(a) There is hereby established a body to be known as the electoral college and the meetings of the electoral college shall be convened by the registrar.

(b) The electoral college shall consist of the following members, namely—

- (i) the Director-General or his or her representative; 35
- (ii) the person from the provinces who obtained the most votes in the election which took place for the members of the council referred to in subsection (1)(a);
- (iii) a representative from the Joint Universities Committee for Social Work; 40
- (iv) a representative from the South African Black Social Workers Association;
- (v) a representative from the Social Workers Association of South Africa;
- (vi) a representative from the National Welfare Social Services and Development Forum; 45
- (vii) a representative from the South African Association of Social Workers in Private Practice; and
- (viii) a representative from trade unions which represent employees engaged in developmental social welfare services, appointed at a meeting convened for this purpose by the registrar." 50

- (d) by the substitution for subsection (3) of the following subsection:

"(3) The names of the members and alternate members of the council and the date of commencement of their period of office shall be published by the registrar in the Gazette as soon as possible after the [constitution of the council] election of all the members required to constitute the council." 55

- (e) by the substitution for the proviso to subsection (4) of the following proviso:

(a) deur die woord "en" aan die einde van paragraaf (c) van subartikel (1) te skrap;

(b) deur die volgende paragraaf by subartikel (1) te voeg:

- (e) vanaf 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal—
- (i) 'n maatskaplike hulpwerker;
 - (ii) 'n student-maatskaplike werker wat vir sy of haar tweede jaar van studie geregistreer is;
 - (iii) 'n maatskaplike werker wat in heel- of deeltydse private praktyk betrokke is;
 - (iv) 'n lid van 'n nie-regeringsorganisasie of 'n organisasie wat in 'n gemeenskap gesetel is—
 - (aa) wat ontwikkelingsgerigte maatskaplike welsynsdienste lewer;
 - (bb) wat nie as 'n welsynsorganisasie ingevolge die Nasionale Welsynswet, 1978 (Wet No. 100 van 1978), geregistreer is nie; en
 - (cc) wat nie enige finansiële toekenning of lening van die Staat ontvang nie;
 - (v) 'n verteenwoordiger van organisasies wat persone, verteenwoordig wat maatskaplike welsynsdienste gebruik;
 - (vi) 'n persoon wat in ontwikkelingsgerigte maatskaplike welsynsdienste in die gebied van enige voormalige entiteit bekend as Transkei, Bophuthatswana, Venda of Ciskei betrokke is, ongeag of hy of sy 'n maatskaplike werker is; en
 - (vii) 'n verteenwoordiger van vakbonde wat werknemers wat betrokke is by ontwikkelingsgerigte maatskaplike welsynsdienste verteenwoordig, op die voorgeskrewe wyse deur die kieskollege bedoel in subartikel (1A) uit nominasies, in die geval van subparagrafe (i) tot (iii), deur die kieserskorps, en, in die geval van subparagrafe (iv) tot (vii), deur die algemene publiek, verkies.”;

(c) deur na subartikel (1) die volgende subartikel in te voeg:

- “(1A)(a) Hierby word 'n liggaam met die naam die kieskollege ingestel en die vergaderings van die kieskollege word deur die registrateur belê.
- (b) Die kieskollege bestaan uit die volgende lede, naamlik—
- (i) die Direkteur-generaal of sy of haar verteenwoordiger;
 - (ii) die persoon van die provinsies wat die meeste stemme behaal het in die verkiesing wat plaasgevind het vir die lede van die raad bedoel in subartikel (1)(a);
 - (iii) 'n verteenwoordiger van die Gesamentlike Universiteitekomitee vir Maatskaplike Werk;
 - (iv) 'n verteenwoordiger van die 'South African Black Social Workers Association';
 - (v) 'n verteenwoordiger van die Maatskaplike Werkersvereniging van Suid-Afrika;
 - (vi) 'n verteenwoordiger van die 'National Welfare Social Services and Development Forum';
 - (vii) 'n verteenwoordiger van die Suid-Afrikaanse Vereniging van Maatskaplike Werkers in Privaatpraktyk; en
 - (viii) 'n verteenwoordiger van vakbonde wat werknemers wat betrokke is by ontwikkelingsgerigte maatskaplike welsynsdienste verteenwoordig, aangestel by 'n vergadering vir die doel deur die registrateur belê.”;

(d) deur subartikel (3) deur die volgende subartikel te vervang:

- “(3) Die name van die lede en plaasvervangende lede van die raad en die datum van aanvang van hulle ampstermyn moet so spoedig moontlik na die **[samestelling van die raad]** verkiesing van al die lede wat vereis word om die raad saam te stel deur die registrateur in die *Staatskoerant* bekend gemaak word.”; en

(e) deur die voorbehoudsbepaling by subartikel (4) deur die volgende voorbehoudsbepaling te vervang:

“Provided that—

- (a) [they] the members referred to in subsection (1)(a), (b), (c) and (d) shall not hold office for a period exceeding three years;
- (b) the members referred to in subsection (1)(e) shall not hold office for a period exceeding the period for which the members referred to in subsection (1)(a), (b), (c) and (d) hold office.”

(2) Subsection (1)(b) shall not be construed as constituting a new council terminating the period of office of members as contemplated in section 5(4) of the Social Work Act, 1978.

Substitution of section 18 of Act 116 of 1991

2. The following section is hereby substituted for section 18 of the Probation Services Act, 1991:

“Delegation

18. (1) The Minister may—

- (a) delegate to any officer of the department any power conferred upon the Minister by this Act, except the power under section 16 to make regulations;
- (b) authorize any such officer to perform any duty imposed upon the Minister by this Act.

(2) The Minister may, with the concurrence of the Premier of a province—

- (a) delegate to the member of the Executive Council of that province responsible for welfare matters in the province any power conferred upon the Minister by this Act, except the power under section 16 to make regulations;
- (b) authorize that member of the Executive Council to perform any duty imposed upon the Minister by this Act.

(3) The member of the Executive Council of a province responsible for welfare matters in the province may—

- (a) delegate to any officer of the provincial administration concerned any power delegated to that member under subsection (2);
- (b) authorize any such officer to perform any duty which that member is authorized to perform under subsection (2).

(4) The Director-General may—

- (a) delegate to any other officer of the department any power conferred upon the Director-General by this Act;
- (b) authorize any such officer to perform any duty imposed upon the Director-General by this Act.

(5) The Director-General may, with the concurrence of the Director-General of a provincial administration (in this section referred to as the “provincial Director-General”)—

- (a) delegate to that provincial Director-General any power conferred upon the Director-General by this Act;
- (b) authorize that provincial Director-General to perform any duty imposed upon the Director-General by this Act.

(6) A provincial Director-General may—

- (a) delegate to any other officer of the provincial administration concerned any power delegated to him or her under subsection (5);
- (b) authorize any such officer to perform any duty which he or she is authorized to perform under subsection (5).

(7) Any person to whom any power has been delegated or who has been authorized to perform a duty under this section, shall exercise that power or perform that duty subject to such conditions as the person who effected the delegation or granted the authorization considers necessary.

(8) Any delegation of a power or authorization to perform a duty under this section—

- (a) shall be done in writing;

“Met dien verstande dat—

(a) [hulle] die lede bedoel in subartikel (1)(a), (b), (c) en (d) die amp vir 'n tydperk van hoogstens drie jaar beklee;

5 (b) die lede bedoel in subartikel (1)(e) die amp beklee vir 'n tydperk van hoogstens die tydperk waarvoor die lede bedoel in subartikel (1)(a), (b), (c) en (d) die amp beklee.”.

(2) Subartikel (1)(b) word nie uitgelê as sou dit 'n nuwe raad saamstel wat die ampstermyn van lede beëindig soos in artikel 5(4) van die Wet op Maatskaplike Werk, 1978, beoog nie.

10 Vervanging van artikel 18 van Wet 116 van 1991

2. Artikel 18 van die Wet op Proefdienste, 1991, word hierby deur die volgende artikel vervang:

“Delegering

18. (1) Die Minister kan—

15 (a) enige bevoegdheid by hierdie Wet aan die Minister verleen, behalwe die bevoegdheid kragtens artikel 16 om regulasies uit te vaardig, aan enige beampte van die departement deleger;

(b) enige sodanige beampte magtig om enige plig by hierdie Wet die Minister opgelê, te verrig.

20 (2) Die Minister kan, met die instemming van die Premier van 'n provinsie—

(a) enige bevoegdheid by hierdie Wet aan die Minister verleen, behalwe die bevoegdheid kragtens artikel 16 om regulasies uit te vaardig, aan die lid van die Uitvoerende Raad van daardie provinsie wat vir welsynsaangeleenthede in die provinsie verantwoordelik is, deleger;

25 (b) daardie lid van die Uitvoerende Raad magtig om enige plig by hierdie Wet die Minister opgelê, te verrig.

(3) Die lid van die Uitvoerende Raad van 'n provinsie wat vir welsynsaangeleenthede in die provinsie verantwoordelik is, kan—

30 (a) enige bevoegdheid wat kragtens subartikel (2) aan daardie lid gedeleger is, aan enige beampte van die betrokke provinsiale administrasie deleger;

(b) enige sodanige beampte magtig om enige plig wat daardie lid kragtens subartikel (2) gemagtig is om te verrig, te verrig.

35 (4) Die Direkteur-generaal kan—

(a) enige bevoegdheid by hierdie Wet aan die Direkteur-generaal verleen aan enige ander beampte van die departement deleger;

(b) enige sodanige beampte magtig om enige plig by hierdie Wet die Direkteur-generaal opgelê, te verrig.

40 (5) Die Direkteur-generaal kan, met die instemming van die Direkteur-generaal van 'n provinsiale administrasie (in hierdie artikel die “provinsiale Direkteur-generaal” genoem)—

(a) enige bevoegdheid by hierdie Wet aan daardie Direkteur-generaal verleen aan 'n provinsiale Direkteur-generaal deleger;

45 (b) daardie provinsiale Direkteur-generaal magtig om enige plig by hierdie Wet die Direkteur-generaal opgelê, te verrig.

(6) 'n Provinsiale Direkteur-generaal kan—

50 (a) enige bevoegdheid wat kragtens subartikel (5) aan hom of haar gedeleger is, aan enige ander beampte van die betrokke provinsiale administrasie deleger;

(b) enige sodanige beampte magtig om enige plig wat hy of sy kragtens subartikel (5) gemagtig is om te verrig, te verrig.

55 (7) Iemand aan wie 'n bevoegdheid kragtens hierdie artikel gedeleger is of wat gemagtig is om 'n plig daarkragtens te verrig, oefen daardie bevoegdheid uit of verrig daardie plig onderhewig aan die voorwaardes wat die persoon wat die delegering gedoen of magtiging verleen het, nodig ag.

(8) 'n Delegering van 'n bevoegdheid of magtiging om 'n plig te verrig kragtens hierdie artikel—

60 (a) moet skriftelik gedoen word;

- (b) shall not prevent the person who effected the delegation or granted the authorization from exercising that power or performing that duty himself or herself;
- (c) may at any time be withdrawn in writing by that person.”.

Amendment of section 1 of Act 20 of 1992

5

3. Section 1 of the Prevention and Treatment of Drug Dependency Act, 1992, is hereby amended—

- (a) by the deletion of the words “or ‘other senior officer’ ” which form part of the defined expression of “ ‘Director-General’ or ‘other senior officer’ ”; and
- (b) by the deletion of the words “or any other senior officer”, where they occur, in the definition of “Director-General”.

Amendment of section 6 of Act 20 of 1992

4. Section 6 of the Prevention and Treatment of Drug Dependency Act, 1992, is hereby amended by the substitution for paragraph (d) of the following paragraph:

- “(d) the observation, treatment and supervision of persons who—
- (i) are in a treatment centre or a registered treatment centre;
- (ii) have been released from a treatment centre or registered treatment centre or who have been placed under supervision by a court;”.

Substitution of section 47 of Act 20 of 1992

5. The following section is hereby substituted for section 47 of the Prevention and Treatment of Drug Dependency Act, 1992:

“Delegation**47. (1) The Minister may—**

- (a) delegate to any officer of his or her department any power conferred upon the Minister by this Act, except the power under section 48 to make regulations;
- (b) authorize any such officer to perform any duty imposed upon the Minister by this Act.

(2) The Minister may, with the concurrence of the Premier of a province—

- (a) delegate to the member of the Executive Council of that province responsible for welfare matters in the province any power conferred upon the Minister by this Act, except the power under section 48 to make regulations;
- (b) authorize that member of the Executive Council to perform any duty imposed upon the Minister by this Act.

(3) The member of the Executive Council of a province responsible for welfare matters in the province may—

- (a) delegate to any officer of the provincial administration concerned any power delegated to that member under subsection (2);
- (b) authorize any such officer to perform any duty which that member is authorized to perform under subsection (2).

(4) The Director-General may—

- (a) delegate to any other officer of his or her department any power conferred upon the Director-General by this Act;
- (b) authorize any such officer to perform any duty imposed upon the Director-General by this Act.

(5) The Director-General may, with the concurrence of the Director-General of a provincial administration (in this section referred to as the “provincial Director-General”)—

- (a) delegate to that provincial Director-General any power conferred upon the Director-General by this Act;

- (b) belet nie die persoon wat die delegering gedoen of magtiging verleen het, om daardie bevoegdheid of plig self uit te oefen of te verrig nie;
- (c) kan te eniger tyd skriftelik deur daardie persoon ingetrek word.”.

Wysiging van artikel 1 van Wet 20 van 1992

- 5 **3.** Artikel 1 van die Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992, word hierby gewysig—
- (a) deur die woorde “of ‘ander senior beampte’ ” wat deel vorm van die omskrewe uitdrukking “ ‘Direkteur-generaal’ of ‘ander senior beampte’ ” te skrap; en
 - 10 (b) deur die woorde “of ’n ander senior beampte”, waar hulle voorkom, in die woordomskrywing van “Direkteur-generaal” te skrap.

Wysiging van artikel 6 van Wet 20 van 1992

4. Artikel 6 van die Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992, word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te

15 vervang:

- “ (d) die waarneming en behandeling van, en toesig oor, persone wat—
- (i) in ’n behandelingsentrum of geregistreerde behandelingsentrum is;
 - (ii) uit ’n behandelingsentrum of geregistreerde behandelingsentrum vrygelaat is of deur ’n hof onder toesig geplaas is;”.

20 Vervanging van artikel 47 van Wet 20 van 1992

5. Artikel 47 van die Wet op Voorkoming en Behandeling van Dwelmafhanklikheid, 1992, word hierby deur die volgende artikel vervang:

“Delegering

- 25 **47.** (1) Die Minister kan—
- (a) enige bevoegdheid by hierdie Wet aan die Minister verleen, behalwe die bevoegdheid kragtens artikel 48 om regulasies uit te vaardig, aan enige beampte van sy of haar departement delegeer;
 - (b) enige sodanige beampte magtig om enige plig by hierdie Wet die Minister opgelê, te verrig.
 - 30 (2) Die Minister kan, met die instemming van die Premier van ’n provinsie—
 - (a) enige bevoegdheid by hierdie Wet aan die Minister verleen, behalwe die bevoegdheid kragtens artikel 48 om regulasies uit te vaardig, aan die lid van die Uitvoerende Raad van daardie provinsie wat vir welsynsaangeleenthede in die provinsie verantwoordelik is, delegeer;
 - 35 (b) daardie lid van die Uitvoerende Raad magtig om enige plig by hierdie Wet die Minister opgelê, te verrig.
 - (3) Die lid van die Uitvoerende Raad van ’n provinsie wat vir welsynsaangeleenthede in die provinsie verantwoordelik is, kan—
 - 40 (a) enige bevoegdheid wat kragtens subartikel (2) aan daardie lid gedelegeer is, aan enige beampte van die betrokke provinsiale administrasie delegeer;
 - (b) enige sodanige beampte magtig om enige plig wat daardie lid kragtens subartikel (2) gemagtig is om te verrig, te verrig.
 - 45 (4) Die Direkteur-generaal kan—
 - (a) enige bevoegdheid by hierdie Wet aan die Direkteur-generaal verleen aan enige ander beampte van sy of haar departement delegeer;
 - (b) enige sodanige beampte magtig om enige plig by hierdie Wet die Direkteur-generaal opgelê, te verrig.
 - 50 (5) Die Direkteur-generaal kan, met die instemming van die Direkteur-generaal van ’n provinsiale administrasie (in hierdie artikel die “provinsiale Direkteur-generaal” genoem)—
 - (a) enige bevoegdheid by hierdie Wet aan die Direkteur-generaal verleen aan daardie provinsiale Direkteur-generaal delegeer;

- (b) authorize that provincial Director-General to perform any duty imposed upon the Director-General by this Act.
- (6) A provincial Director-General may—
- (a) delegate to any other officer of the provincial administration concerned any power delegated to him or her under subsection (5); 5
- (b) authorize any such officer to perform any duty which he or she is authorized to perform under subsection (5).
- (7) Any person to whom any power has been delegated or who has been authorized to perform a duty under this section shall exercise that power or perform that duty subject to such conditions as the person who effected the delegation or granted the authorization considers necessary. 10
- (8) Any delegation of a power or authorization to perform a duty under this section—
- (a) shall be done in writing;
- (b) shall not prevent the person who effected the delegation or granted the authorization from exercising that power or performing that duty himself or herself; 15
- (c) may at any time be withdrawn in writing by that person.”

Amendment of section 1 of Act 59 of 1992, as amended by section 14 of Act 118 of 1993, section 1 of Act 45 of 1994 and paragraph 3 of Part 1 of Schedule to Proclamation R. 7 of 1996 20

6. Section 1 of the Social Assistance Act, 1992, is hereby amended by the substitution for the definition of “welfare organization” of the following definition:

“‘welfare organization’ means—

- (a) a welfare organization registered under section 13(1) of the National Welfare Act, 1978 (Act No. 100 of 1978); 25
- (b) an organization not so registered and which renders social welfare services for non-profitable purposes.”

Amendment of section 5 of Act 59 of 1992

7. Section 5 of the Social Assistance Act, 1992, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 30

“(a) any welfare organization which undertakes or takes or co-ordinates organized activities, measures or programmes in the field of developmental social welfare services;”.

Extension of application of certain laws 35

8. The laws referred to in Schedule 1 which apply in that part of the Republic which constituted the territory of the Republic immediately before 27 April 1994, shall apply also in those parts of the Republic which constituted the territories of the former entities known as Transkei, Bophuthatswana, Venda, Ciskei, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and Qwaqwa. 40

Repeal of laws, and savings

9. (1) Subject to this section—

- (a) the laws referred to in the second column of Schedule 2 in force in those parts of the Republic which constituted the territories of the former entities known as indicated in the third column of Schedule 2, are hereby repealed to the extent indicated in the fourth column of Schedule 2; and 45
- (b) any other law in force in that part of the Republic which constituted the territory of any former entity known as Transkei, Bophuthatswana, Venda, Ciskei, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa or Qwaqwa is hereby repealed to the extent that such other law is inconsistent with, or 50 deals with any matter dealt with by, any law referred to in Schedule 1.

- (b) daardie provinsiale Direkteur-generaal magtig om enige plig by hierdie Wet die Direkteur-generaal opgelê, te verrig.
- (6) 'n Provinsiale Direkteur-generaal kan—
- (a) enige bevoegdheid wat kragtens subartikel (5) aan hom of haar gedelegeer is, aan enige ander beampte van die betrokke provinsiale administrasie deleger; 25
- (b) enige sodanige beampte magtig om enige plig wat hy of sy kragtens subartikel (5) gemagtig is om te verrig, te verrig.
- (7) Iemand aan wie 'n bevoegdheid kragtens hierdie artikel gedelegeer is of wat gemagtig is om 'n plig daarkragtens te verrig, oefen daardie bevoegdheid uit of verrig daardie plig onderhewig aan die voorwaardes wat die persoon wat die delegering gedoen of magtiging verleen het, nodig ag. 10
- (8) 'n Delegering van 'n bevoegdheid of magtiging om 'n plig te verrig kragtens hierdie artikel— 15
- (a) moet skriftelik gedoen word;
- (b) belet nie die persoon wat die delegering gedoen of magtiging verleen het, om daardie bevoegdheid of plig self uit te oefen of te verrig nie;
- (c) kan te eniger tyd skriftelik deur daardie persoon ingetrek word.”.)
- 20 **Vervanging van artikel 1 van Wet 59 van 1992, soos gewysig deur artikel 14 van Wet 118 van 1993, artikel 1 van Wet 45 van 1994 en paragraaf 3 van Deel 1 van Bylae by Proklamasie R. 7 van 1996**
6. Artikel 1 van die Wet op Maatskaplike Bystand, 1992, word hierby gewysig deur die woordskrywing van “welsynsorganisasie” deur die volgende woordskrywing 25 te vervang:
- “‘welsynsorganisasie’—
- (a) 'n welsynsorganisasie wat kragtens artikel 13(1) van die Nasionale Welsynswet, 1978 (Wet No. 100 van 1978), geregistreer is;
- (b) 'n organisasie wat nie so geregistreer is nie en wat maatskaplike 30 welsynsdienste sonder winsoogmerk lewer.”.

Wysiging van artikel 5 van Wet 59 van 1992

7. Artikel 5 van die Wet op Maatskaplike Bystand, 1992, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- 35 “(a) welsynsorganisasies wat georganiseerde werksaamhede, maatreëls of programme op die terrein van ontwikkelingsgerigte maatskaplike welsynsdienste onderneem of tref of koördineer;”.

Uitbreiding van toepassing van sekere wette

8. Die wette bedoel in Bylae 1 wat van toepassing is in daardie deel van die Republiek wat die gebied van die Republiek onmiddellik voor 27 April 1994 uitgemaak 40 het, is ook van toepassing in daardie dele van die Republiek wat die gebiede van die voormalige entiteite bekend as Transkei, Bophuthatswana, Venda, Ciskei, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa en Qwaqwa uitgemaak het.

Herroeping van wette, en voorbehoude

9. (1) Behoudens hierdie artikel word—
- 45 (a) die wette bedoel in die tweede kolom van Bylae 2 van krag in daardie dele van die Republiek wat die gebiede van die voormalige entiteite bekend soos aangedui in die derde kolom van Bylae 2 uitgemaak het, hierby herroep in die mate in die vierde kolom van Bylae 2 aangedui; en
- 50 (b) enige ander wet van krag in daardie deel van die Republiek wat die gebied van enige voormalige entiteit bekend as Transkei, Bophuthatswana, Venda, Ciskei, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa of Qwaqwa uitgemaak het, hierby herroep in die mate wat daardie ander wet onbestaanbaar is met, of handel oor enige aangeleentheid waarmee gehandel word in, enige wet bedoel in Bylae 1.

(2) Any fund, board, council, commission, committee or other body established by or in terms of a law repealed by subsection (1), is hereby abolished.

(3) All moneys which—

- (a) immediately before the commencement of this Act stood to the credit of a fund abolished by subsection (2) (in this section referred to as a “former fund”) shall devolve upon such fund established by section 16 of the Fund-raising Act, 1978 (Act No. 107 of 1978), as the Minister for Welfare and Population Development, with the concurrence of the Minister of Finance, may determine (in this section referred to as the “designated fund”);
- (b) immediately before the commencement of this Act were payable to or for the credit of a former fund, shall be payable to the designated fund;
- (c) on or after the commencement of this Act would have become payable to or for the credit of a former fund, were it not for the abolition of such former fund by subsection (2), shall become payable to the designated fund; and
- (d) were advanced out of a former fund shall be deemed to have been advanced out of the designated fund.

(4) Any reference in any law to a former fund shall be construed as a reference to the designated fund.

(5) Anything done in terms of a provision of a law repealed by subsection (1) which can be done in terms of a corresponding provision of a law in force, shall, subject to subsection (6), be deemed to have been done in terms of such corresponding provision.

(6) Any licence, certificate, permit or authorisation deemed to have been issued or granted in terms of a corresponding provision of a law by virtue of subsection (5), shall remain in force for the period for which it was issued or granted or for a period not exceeding six months as from the commencement of this Act, whichever period is the shorter.

Short title

10. This Act shall be called the Welfare Laws Amendment Act, 1996.

(2) Hierby word enige fonds, raad, kommissie, komitee of ander liggaam ingestel by of ingevolge 'n wet deur subartikel (1) herroep, afgeskaf.

(3) Alle gelde wat—

- 5 (a) onmiddellik voor die inwerkingtreding van hierdie Wet tot krediet van 'n fonds wat by subartikel (2) afgeskaf is (in hierdie artikel 'n "voormalige fonds" genoem), gestaan het, gaan oor op die fonds by artikel 16 van die Wet op Fondsinsameling, 1978 (Wet No. 107 van 1978), ingestel, wat die Minister vir Welsyn en Bevolkingsontwikkeling, met die instemming van die Minister van Finansies, bepaal (in hierdie artikel die "aangewese fonds" genoem);
- 10 (b) onmiddellik voor die inwerkingtreding van hierdie Wet betaalbaar was aan of ten bate van 'n voormalige fonds, is betaalbaar aan die aangewese fonds;
- (c) op of na die inwerkingtreding van hierdie Wet betaalbaar sou geword het aan of ten bate van 'n voormalige fonds as dit nie vir die afskaffing van so 'n
- 15 voormalige fonds deur subartikel (2) was nie, word betaalbaar aan die aangewese fonds; en
- (d) voorgeskiet was uit 'n voormalige fonds, word geag uit die aangewese fonds voorgeskiet te gewees het.
- (4) Enige verwysing in enige wet na 'n voormalige fonds word uitgelê as 'n
- 20 verwysing na die aangewese fonds.
- (5) Enigiets wat gedoen is ingevolge 'n bepaling van 'n wet deur subartikel (1) herroep wat ingevolge 'n ooreenstemmende bepaling van 'n ander wet wat van krag is, gedoen kan word, word geag, behoudens subartikel (6), gedoen te wees ingevolge sodanige ooreenstemmende bepaling.
- 25 (6) 'n Lisensie, sertifikaat, permit of magtiging wat uit hoofde van subartikel (5) geag word uitgereik of toegestaan te wees ingevolge 'n ooreenstemmende bepaling van 'n wet, bly van krag vir die tydperk waarvoor dit uitgereik of toegestaan is of vir 'n tydperk van hoogstens ses maande vanaf die datum van inwerkingtreding van hierdie Wet, welke tydperk ook al die kortste is.

30 Kort titel

10. Hierdie Wet heet die Wysigingswet op Welsynswette, 1996.

SCHEDULE 1**LAWS APPLYING TO WHOLE OF NATIONAL TERRITORY****(Section 8)**

1. Fund-raising Act, 1978 (Act No. 107 of 1978)
2. Probation Services Act, 1991 (Act No. 116 of 1991)
3. Prevention and Treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992)
4. Any provision of—
 - (a) any Act of Parliament which amends any law referred to in this Schedule; and
 - (b) any regulation, notice or similar subordinate legislative or administrative measure made, issued or taken in terms of any law referred to in this Schedule,and which has at the commencement of this Act not yet come into operation.

BYLAE 1**WETTE VAN TOEPASSING OP HELE NASIONALE GEBIED****(Artikel 8)**

1. Wet op Fondsinsameling, 1978 (Wet No. 107 van 1978)
2. Wet op Proefdienste, 1991 (Wet No. 116 van 1991)
3. Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992 (Wet No. 20 van 1992)
4. Enige bepaling van—
 - (a) enige Wet van die Parlement wat enige wet bedoel in hierdie Bylae wysig; en
 - (b) enige regulasie, kennisgewing of soortgelyke ondergeskikte wetlike of administratiewe maatreël wat uitgevaardig, uitgereik of getref is, ingevolge 'n wet in hierdie Bylae bedoel, en wat by die inwerkingtreding van hierdie Wet nog nie in werking getree het nie.

SCHEDULE 2**LAWS REPEALED**

(Section 9(1))

Number and year of law	Short title	Part in which applicable	Extent of repeal
Act No. 6 of 1986	KwaZulu Social and Associated Workers Act, 1986	KwaZulu	The whole
Act No. 18 of 1987	National Welfare Act, 1987	Ciskei	In so far as it relates to fund-raising
Decree No. 47 of 1990	Fund-raising Decree, 1990	Ciskei	The whole
Act No. 8 of 1992	KwaZulu Probation Services Act, 1992	KwaZulu	The whole
Decree No. 1 of 1993	Fund-raising Decree, 1993	Ciskei	The whole

BYLAE 2**WETTE HERROEP**

(Artikel 9(1))

Nommer en jaar van wet	Kort titel	Deel waarin van toepassing	Omvang van herroeping
Wet No. 6 van 1986	"KwaZulu Social and Associated Workers Act, 1986"	KwaZulu	Die geheel
Wet No. 18 van 1987	"National Welfare Act, 1987"	Ciskei	Vir sover dit op fonds-insameling betrekking het
Dekreet No. 47 van 1990	"Fund-raising Decree, 1990"	Ciskei	Die geheel
Wet No. 8 van 1992	"KwaZulu Probation Services Act, 1992"	KwaZulu	Die geheel
Dekreet No. 1 van 1993	"Fund-raising Decree, 1993"	Ciskei	Die geheel

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