

DISABILITIES

Aged Persons Act 81 of 1967, as amended in South Africa prior to Namibian independence.

Summary: This Act provides for the protection and welfare of certain aged and debilitated persons.

Applicability to SWA: Section 1 defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”. Section 21A (which was added by a 1971 amendment) states “This Act and any amendment thereof shall, save in so far as it has already been declared to be applicable in the territory in terms of section 16(1) of the Pension Laws Amendment Act, 1968 (Act No. 79 of 1968), also apply in the territory, including the Eastern Caprivi Zipfel.”

The original Act also dealt with old age pensions, but this portion of the Act was repealed by the *Social Pensions Act 37 of 1973*, which was applicable to SWA.

Transfer of administration to SWA: Section 21 of the Act gives the State President the power to assign the administration of the Act to one or more Ministers and to vary this assignment from time to time. Therefore it is not clear from the face of the Act which transfer proclamation, if any, was applicable.

Blind Persons Act 26 of 1968, as amended in South Africa prior to Namibian independence.

Summary: This Act concerns the promotion of the welfare of blind persons.

Applicability to SWA: Section 1 defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”. Section 18A (which was added by a 1971 amendment) states “This Act and any amendment thereof shall, save in so far as it has already been declared to be applicable in the territory in terms of section 16(1) of the Pension Laws Amendment Act, 1968 (Act No. 79 of 1968), also apply in the territory, including the Eastern Caprivi Zipfel.”

The original Act also covered pensions for blind persons, but this portion of the Act was repealed by section 21 of the *Social Pensions Act 37 of 1973*, which was applicable to SWA.

Transfer of administration to SWA: Section 18 of the Act gives the State President the power to assign the administration of the Act to one or more Ministers and to vary this assignment from time to time. Therefore it is not clear from the face of the Act which transfer proclamation, if any, was applicable.

National Disability Council Act 26 of 2004

Summary: This Act establishes a National Disability Council and provides for its functions and powers. The Schedule to the Act contains the National Policy on Disability. The Act came into force on 30 October 2009 (GN 211/2009, GG 4371).

Amendments: The State-owned Enterprises Governance Act 2 of 2006, which was brought into operation by Proc. 13/2006 (GG 3733), amends section 5 and 7.

INTERNATIONAL LAW

Agreement for the Establishment of the African Rehabilitation Institute, 1981

accession: 22 August 1996 (source: Ministry of Foreign Affairs)

deposit: 25 September 1996 (source: Ministry of Foreign Affairs)

Convention on Rights of Persons with Disabilities, 2006

(entered into force internationally on 3 May 2008)

signature: 25 April 2007 (source: www.un.org)

ratification by Parliament: 12 September 2007 (source: Parliament)

deposit: 4 December 2007 (source: www.un.org)

Optional Protocol to Convention on Rights of Persons with Disabilities, 2006

signature: 25 April 2007 (source: www.un.org)

ratification by Parliament: 12 September 2007 (source: Parliament)

deposit: 4 December 2007 (source: www.un.org)

See also *Employees' Compensation Act 30 of 1941* (**LABOUR**).

See also **MENTAL HEALTH AND MENTAL DISORDERS**.

See also National Pensions Act 10 of 1992 (re: pensions for blind and disabled persons) (**PENSIONS**).