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GOVERNMENT GAZETTE

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KAAPSTAD, 7 APRIL 1971.

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 574.

7th April, 1971.

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

No. 14 of 1971: Aged Persons Amendment Act, 1971.

No. 574.

7 April 1971.

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

No. 14 van 1971: Wysigingswet op Bejaarde Persone, 1971.

ACT

To apply the Aged Persons Act, 1967, in the territory of South-West Africa, and for that purpose to amend the said Act; to repeal the Social Pensions Ordinance, 1965, of that territory in certain respects; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 22nd March, 1971.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 81 of 1967.

1. Section 1 of the Aged Persons Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by—

- (a) the substitution for the definition of "aged person" of the following definition:
"aged person' means a person who, in the case of a male, is sixty-five years of age or older, and, in the case of a female, is sixty years of age or older;";
- (b) the deletion of the definitions of "Bantu", "Chinese", "Coloured person", "Indian" and "white person";
- (c) the substitution for the definition of "debilitated person" of the following definition:
"debilitated person' means a person who is sixty years of age or older and, by reason of old age or a physical or mental defect or illness, unable to care properly for his person or his interests, but does not require constant care by a medical practitioner or a qualified nurse;";
- (d) the substitution for the definition of "registered welfare organization" of the following definition:
"registered welfare organization' means a welfare organization registered or deemed to be registered in terms of the National Welfare Act, 1965 (Act No. 79 of 1965);";
- (e) the insertion after the definition of "registered welfare organization" of the following new definition:
"Republic' includes the territory;"; and
- (f) the insertion after the definition of "social welfare officer" of the following new definition:
"the territory' means the territory of South-West Africa;".

Amendment of
section 7 of
Act 81 of 1967.

2. Section 7 of the principal Act is hereby amended by—

- (a) the substitution for subparagraph (iii) of subsection (1) of the following subparagraph:
"(iii) has entered the Republic from Angola or any other territory or country specified by the Minister, and complies with such conditions as the Minister may, in consultation with the Minister of Finance, determine.";

WET

Om die Wet op Bejaarde Persone, 1967, in die gebied Suidwes-Afrika toe te pas, en om vir dié doel, bedoelde Wet te wysig; om die Ordonnansie op Maatskaplike Pensioene, 1965, van dié gebied in sekere opsigte te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1971.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Bejaarde Persone, 1967 (hieronder die Hoofwet genoem), word hierby gewysig deur—
 - (a) die omskrywings van „Bantoe”, „blanke”, „Indiër”, „Kleurling” en „Sjinees” te skrap;
 - (b) die omskrywing van „bejaarde persoon” deur die volgende omskrywing te vervang:

„bejaarde persoon’ ’n persoon wat, in die geval van ’n man, vyf-en-sestig jaar oud of ouer, en, in die geval van ’n vrou, sestig jaar oud of ouer is;”;
 - (c) na die omskrywing van „bestuurder” die volgende nuwe omskrywing in te voeg:

„die gebied’ die gebied Suidwes-Afrika;”;
 - (d) die omskrywing van „geregistreeerde welsynsorganisasie” deur die volgende omskrywing te vervang:

„geregistreeerde welsynsorganisasie’ ’n welsynsorganisasie wat ingevolge die Nasionale Welsynswet, 1965 (Wet No. 79 van 1965), geregistreer is of geag word geregistreer te wees;”;
 - (e) na die omskrywing van „pensioentrekker” die volgende nuwe omskrywing in te voeg:

„Republiek’ ook die gebied;”;
 - (f) die omskrywing van „verswakte persoon” deur die volgende omskrywing te vervang:

„verswakte persoon’ ’n persoon wat sestig jaar oud of ouer is en as gevolg van ouderdom of ’n fisiese of verstandelike gebrek of siekte nie in staat is om behoorlik vir sy persoon of belange te sorg nie maar nie die voortdurende sorg van ’n geneesheer of ’n opgeleide verpleegster nodig het nie;”.
- Wysiging van artikel 1 van Wet 81 van 1967.
2. Artikel 7 van die Hoofwet word hierby gewysig deur—
 - (a) subparagraaf (iii) van subartikel (1) (b) deur die volgende subparagraaf te vervang:

„(iii) die Republiek uit Angola of ’n ander deur die Minister aangewese gebied of land binnegekom het en aan die voorwaardes deur die Minister in oorleg met die Minister van Finansies bepaal, voldoen.”;
- Wysiging van artikel 7 van Wet 81 van 1967.

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- (b) the deletion of subsections (2) and (3);
- (c) the substitution for subsection (5) of the following subsection:

“(5) The payment of a pension under this Act to a person who is absent from the Republic for a continuous period exceeding six months shall be suspended as from the first day of the seventh month following upon the month in which he last left the Republic: Provided that if the Secretary is, for reasons advanced by such person, of the opinion that it is just that payment of that pension be continued or resumed, the Secretary may permit payment thereof to be continued or resumed for such period or periods and subject to such conditions as he may determine.”; and
- (d) the deletion of subsection (6).

Amendment of section 20 of Act 81 of 1967.

3. Section 20 of the principal Act is hereby amended by—
- (a) the substitution for paragraph (i) of subsection (1) of the following paragraph:

“(i) the income and assets to be taken into account in determining the amount of such pension;”;
 - (b) the substitution for subsection (3) of the following subsection:

“(3) Different regulations may under subsection (1) be made in respect of different areas or in respect of persons belonging to different classes or population groups.”.

Amendment of section 21 of Act 81 of 1967.

4. Section 21 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- “(1) The State President may by proclamation in the *Gazette* assign the administration of the provisions of this Act, either generally or in respect of persons belonging to a specified class or population group defined in the proclamation, to any Minister or partly to one Minister and partly to another Minister or other Ministers, and may in such proclamation specify the powers or functions which shall be exercised or performed by the several Ministers, and may further state therein that any power or function assigned to a Minister by this Act, shall be exercised or performed by that Minister acting in consultation with another Minister.”.

Insertion of section 21A in Act 81 of 1967.

5. The following section is hereby inserted after section 21 of the principal Act:
- “Applica- 21A. 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.”.

Repeal of Ordinance 2 of 1965 of the territory of South-West Africa in certain respects.

6. (1) Subject to subsection (2), the Social Pensions Ordinance, 1965 (Ordinance No. 2 of 1965), of the territory of South-West Africa is hereby repealed in so far as it relates to old age pensions and matters incidental thereto.

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(b) subartikels (2) en (3) te skrap;

(c) subartikel (5) deur die volgende subartikel te vervang:
 „(5) Die betaling van 'n pensioen kragtens hierdie Wet aan iemand wat uit die Republiek afwesig is vir 'n ononderbroke tydperk van meer as ses maande, word gestaak vanaf die eerste dag van die sewende maand wat volg op die maand waarin hy die Republiek laas verlaat het: Met dien verstande dat indien die Sekretaris op grond van redes deur so iemand aangevoer, van oordeel is dat dit billik is dat die betaling van daardie pensioen voortgesit of hervat word, die Sekretaris toestemming kan verleen dat die betaling daarvan voortgesit of hervat kan word vir die tydperk of tydperke en op die voorwaardes wat hy bepaal.”; en

(d) subartikel (6) te skrap.

3. Artikel 20 van die Hoofwet word hierby gewysig deur— Wysiging van artikel 20 van Wet 81 van 1967.

(a) paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:

„(i) die inkomste en bates wat in aanmerking geneem moet word by die vasstelling van die bedrag van so 'n pensioen;” en

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

„(3) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende gebiede of ten opsigte van persone wat tot verskillende klasse of bevolkingsgroepe behoort, uitgevaardig word.”

4. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 21 van Wet 81 van 1967.

„(1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van die bepalings van hierdie Wet of in die algemeen of ten opsigte van persone wat behoort tot 'n bepaalde klas of bevolkingsgroep in die proklamasie omskryf, opdra aan enige Minister of ten dele aan een Minister en ten dele aan 'n ander Minister of Ministers, en kan in so 'n proklamasie die bevoegdheid of werksaamhede bepaal wat deur die onderskeie Ministers uitgeoefen of verrig moet word, en kan verder daarin bepaal dat 'n bevoegdheid of werksaamheid wat by hierdie Wet aan 'n Minister opgedra word, deur dié Minister handelend in oorleg met 'n ander Minister uitgeoefen of verrig moet word.”

5. Die volgende artikel word hierby na artikel 21 van die Hoofwet ingevoeg: Invoeging van artikel 21A in Wet 81 van 1967.

„Toepassing van Wet in die gebied. 21A. Hierdie Wet en 'n wysiging daarvan is, uitgenome vir sover dit reeds ingevolge artikel 16 (1) van die Wysigingswet op die Pensioenwette, 1968 (Wet No. 79 van 1968), in die gebied van toepassing verklaar is, ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.”

6. (1) Behoudens subartikel (2) word die Ordonnansie op Maatskaplike Pensioene, 1965 (Ordonnansie No. 2 van 1965), van die gebied Suidwes-Afrika hierby herroep vir sover dit op ouderdomspensioene en bykomstige aangeleenthede betrekking het. Herroeping in sekere opsigte van Ordonnansie 2 van 1965 van die gebied Suidwes-Afrika.

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(2) Anything done in terms of the ordinance repealed by subsection (1), which could be done in terms of any provision of the principal Act, shall be deemed to have been done in terms of the corresponding provisions of that Act.

(3) For the purposes of subsection (2) any person who immediately prior to the commencement of this Act received a pension or allowance under the ordinance repealed by this Act, shall be deemed at the time of making application for such pension or allowance to have satisfied the residential requirements referred to in section 7 of the principal Act.

Short title and commencement.

7. This Act shall be called the Aged Persons Amendment Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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(2) Enigiets gedoen kragtens die ordonnansie by subartikel (1) herroep, wat ingevolge 'n bepaling van die Hoofwet gedoen sou kon word, word geag ingevolge die ooreenstemmende bepaling van daardie Wet gedoen te gewees het.

(3) By die toepassing van subartikel (2) word iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n pensioen of toelae ingevolge die deur hierdie Wet herroepe ordonnansie ontvang het, geag ten tyde van sy aansoek om daardie pensioen of toelae aan die in artikel 7 van die Hoofwet bedoelde woonvereistes te voldoen het.

7. Hierdie Wet heet die Wysigingswet op Bejaarde Persone, Kort titel en 1971, en tree in werking op 'n datum wat die Staatspresident by inwerkingtreding. proklamasie in die *Staatskoerant* bepaal.