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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 7 APRIL 1971.

DEPARTMENT OF THE PRIME MINISTER.

No. 576. 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. 16 of 1971: Blind Persons Amendment Act, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 576. 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. 16 van 1971: Wysigingswet op Blindes, 1971.

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Act No. 16, 1971 BLIND PERSONS AMENDMENT ACT, 1971.

ACT

To apply the Blind Persons Act, 1968, 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 26 of 1968.

1. Section 1 of the Blind Persons Act, 1968 (hereinafter referred to as the principal Act), is hereby amended by—

(*a*) the deletion of the definitions of "Bantu", "Chinese", "coloured person", "Indian" and "white person";

(*b*) the insertion after the definition of "prescribed" of the following new definition:

" 'Republic' includes the territory;"; and

(*c*) the insertion after the definition of "Secretary" of the following new definition:

" 'the territory' means the territory of South-West Africa;".

Amendment of section 3 of Act 26 of 1968.

2. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) On the application of any person for registration as a blind person, the Secretary shall cause him to be examined by a medical practitioner selected from the list referred to in section 4.".

Amendment of section 5 of Act 26 of 1968.

3. Section 5 of the principal Act is hereby amended by—

(*a*) the substitution for subparagraph (iii) of subsection (1) (*c*) 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."; and

(*b*) the deletion of subsections (2), (3) and (4).

Amendment of section 17 of Act 26 of 1968.

4. Section 17 of the principal Act is hereby amended by—

(*a*) the substitution for paragraph (*g*) of subsection (1) of the following paragraph:

"(*g*) the income or assets to be taken into account in determining the amount of any pension or allowance;"; and

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WET

Om die Wet op Blindes, 1968, 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:—

Wysiging van artikel 1 van Wet 26 van 1968.

1. Artikel 1 van die Wet op Blindes, 1968 (hieronder die Hoofwet genoem), word hierby gewysig deur—

(*a*) die omskrywings van „Bantoe", „blanke", „Indiër", „kleurling" en „Sjinees" te skrap;

(*b*) voor die omskrywing van „distrikspensioenbeampte" die volgende omskrywing in te voeg:

„ ‚die gebied' die gebied Suidwes-Afrika;";

(*c*) na die omskrywing van„ pensioentrekker" die volgende nuwe omskrywing in te voeg:

„ ‚Republiek' ook die gebied;".

Wysiging van artikel 3 van Wet 26 van 1968.

2. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) By aansoek om registrasie as 'n blinde deur iemand, laat die Sekretaris hom ondersoek deur 'n geneesheer uit die in artikel 4 bedoelde lys gekies.".

Wysiging van artikel 5 van Wet 26 van 1968.

3. Artikel 5 van die Hoofwet word hierby gewysig deur—

(*a*) subparagraaf (iii) van subartikel (1) (*c*) 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.";

(*b*) subartikels (2), (3) en (4) te skrap.

Wysiging van artikel 17 van Wet 26 van 1968.

4. Artikel 17 van die Hoofwet word hierby gewysig deur—

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

„(*g*) die inkomste of bates wat in aanmerking geneem moet word by die bepaling van die bedrag van 'n pensioen of toelae;"; en

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(*b*) the substitution for subsection (3) of the following subsection:

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

Amendment of section 18 of Act 26 of 1968.

5. Section 18 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 provide that any power or function assigned to the Minister by this Act, shall be exercised or performed by one Minister acting in consultation with another Minister.".

Insertion of section 18A in Act 26 of 1968.

6. The following section is hereby inserted after section 18 of the principal Act:

"Application of Act in the territory.

18A. 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.

7. (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 pensions for blind persons and matters incidental thereto.

(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 complied with the residential requirements referred to in section 5 of the principal Act.

Construction of section 2 (2) of Act 26 of 1968 in its application to the territory of South-West Africa.

8. For the purposes of the application of section 2 (2) of the principal Act in the territory of South-West Africa, the reference to the Apprenticeship Act, 1944 (Act No. 37 of 1944), shall be construed as a reference to the Apprenticeship Ordinance, 1938 (Ordinance No. 12 of 1938), of such territory and the reference to the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), and the Wage Act, 1957 (Act No. 5 of 1957), shall be construed as a reference to the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952), of such territory.

Registration of blind persons in the territory of South-West Africa.

9. The name of any person in the territory of South-West Africa who, immediately prior to the commencement of this Act, was in receipt of a pension for blind persons awarded to him in terms of the Social Pensions Ordinance, 1965, or any ordinance repealed in terms thereof, shall be entered by the Secretary for Social Welfare and Pensions in the register referred to in section 3 of the principal Act, and such person shall be deemed to have been registered as a blind person in terms of that section with effect from such commencement.

Short title and commencement.

10. This Act shall be called the Blind 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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(*b*) subartikel (3) deur die volgende subartikel te vervang:

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

Wysiging van artikel 18 van Wet 26 van 1968.

5. Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van die bepalings van hierdie Wet òf in die algemeen òf 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 ander Ministers, en kan in so 'n proklamasie die bevoegdhede of werksaamhede bepaal wat deur die onderskeie Ministers uitgeoefen of verrig moet word, en bepaal dat 'n bevoegdheid of werksaamheid wat by hierdie Wet aan die Minister opgedra word, deur een Minister in oorleg met 'n ander Minister uitgeoefen of verrig moet word.".

Invoeging van artikel 18A in Wet 26 van 1968.

6. Die volgende artikel word hierby na artikel 18 van die Hoofwet ingevoeg:

„Toepassing van Wet in die gebied.

18A. 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.".

Herroeping in sekere opsigte van Ordonnansie 2 van 1965 van die gebied Suidwes-Afrika.

7. (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 pensioene vir blindes en bykomstige aangeleenthede betrekking het.

(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 bepalings 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 5 van die Hoofwet bedoelde verblyfvereistes te voldoen het.

Vertolking van artikel 2 (2) van Wet 26 van 1968 by die toepassing daarvan in die gebied Suidwes-Afrika.

8. By die toepassing van artikel 2 (2) van die Hoofwet in die gebied Suidwes-Afrika word die verwysing na die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), uitgelê as 'n verwysing na die Vakleerlinge Ordonnansie 1938 (Ordonnansie No. 12 van 1938), van bedoelde gebied en die verwysing na die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), en die Loonwet, 1957 (Wet No. 5 van 1957), word uitgelê as 'n verwysing na die Ordonnansie op Lone en Nywerheidsversoening, 1952 (Ordonnansie No. 35 van 1952), van bedoelde gebied.

Registrasie van blindes in die gebied Suidwes-Afrika.

9. Die naam van enigiemand in die gebied Suidwes-Afrika, wat onmiddellik voor die inwerkingtreding van hierdie Wet in ontvangs was van 'n pensioen vir blindes, aan hom toegeken ingevolge die Ordonnansie op Maatskaplike Pensioene, 1965, of 'n ordonnansie ingevolge daarvan herroep, word deur die Sekretaris van Volkswelsyn en Pensioene in die in artikel 3 van die Hoofwet bedoelde register ingeskryf, en so iemand word geag vanaf sodanige inwerkingtreding ingevolge daardie artikel as 'n blinde geregistreer te wees.

Kort titel en inwerkingtreding.

10. Hierdie Wet heet die Wysigingswet op Blindes, 1971, en tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.