
GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 1099

3 November 2006

MAINTENANCE ACT, 1998

AMENDMENT OF REGULATIONS RELATING TO MAINTENANCE

The Minister for Justice and Constitutional Development has, under section 44 of the Maintenance Act, 1998 (Act No. 99 of 1998), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1361 of 15 November 1999.

Amendment of Regulations

2. The Regulations are hereby amended by the insertion after Chapter 4 of the Regulations of the following chapter:

"CHAPTER 4A

POWERS OF MAINTENANCE INVESTIGATORS

Powers, duties and functions of maintenance investigator

23A. (1) A maintenance investigator must have his or her letter of appointment in his or her possession when exercising any power or performing any duty in terms of the Act or these regulations.

(2) A maintenance investigator may, for the purpose of performing his or her functions in terms of the Act –

- (a) examine a person who is likely to give material or relevant information about any complaint relating to maintenance;
- (b) direct a person to identify himself or herself to the satisfaction of the maintenance investigator; and
- (c) request a person to sign for a document, relevant to a complaint relating to maintenance, received from the maintenance investigator.

(3) A maintenance investigator may, for the purpose of service of process of any maintenance court, or service of subpoenas or summonses in respect of criminal proceedings instituted for failure to comply with a maintenance order -

- (a) call upon a member of the South African Police Service as defined in section 1 of the South African Police Act, 1995 (Act No. 68 of 1995), to render assistance to him or her where resistance to the service of the process of the maintenance order or the service of subpoenas and summonses have been met or reasonably anticipated;
- (b) if a maintenance investigator encounters or reasonably anticipates resistance as described in sub paragraph (a), request assistance from the Station Commissioner of the nearest police station and must, upon making such request for assistance, furnish particulars of the complaint in which he or she met resistance or the reason why he or she anticipates resistance”.