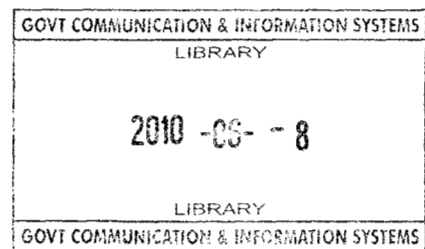


REPUBLIC OF SOUTH AFRICA

SOCIAL ASSISTANCE AMENDMENT BILL

*(As amended by the Portfolio Committee on Social Development (National Assembly))
(The English text is the official text of the Bill)*

(MINISTER OF SOCIAL DEVELOPMENT)



[B 5B—2010]

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

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

To amend the Social Assistance Act, 2004, so as to enable applicants and beneficiaries to apply to the Agency to reconsider its decision; to further regulate appeals against decisions of the Agency; and to effect certain textual corrections; and to provide for matters connected therewith.

Amendment of section 5 of Act 13 of 2004

“(b) subject to section [17] 16, is resident in the Republic:”.

2. Section 14 of the principal Act is hereby amended by the substitution in subsection (3)(b) for subparagraph (iii) of the following subparagraph: 10

“(iii) of his or her right to request reconsideration and his or her right of appeal contemplated in section 18 and of the mechanism and procedure to invoke [that] any such right.”.

3. The following section is hereby substituted for section 18 of the principal Act: 15

18. (1) If an applicant or a beneficiary disagrees with a decision made by the Agency in respect of a matter regulated by this Act, that person or a person acting on his or her behalf may, within 90 days of his or her gaining knowledge of that decision, lodge a written [appeal with the Minister against that decision, setting out the reasons why the Minister should

vary or set aside that decision.] application to the Agency requesting the Agency to reconsider its decision in the prescribed manner.

(1A) If an applicant or a beneficiary disagrees with a reconsidered decision made by the Agency in respect of a matter contemplated in subsection (1), that person or a person acting on his or her behalf may, within 90 days of his or her gaining knowledge of that decision, lodge a written appeal with the Minister against that decision, setting out the reasons why the Minister should vary or set aside that decision. 5

(2) The Minister may—

(a) upon receipt of the applicant's or beneficiary's written appeal and the Agency's reasons for the decision confirm, vary or set aside that decision; or 10

(b) appoint an independent tribunal to consider an appeal contemplated in **[subsection (1) in accordance with such conditions as the Minister may prescribe by notice in the Gazette]** subsection (1A) in the prescribed manner and that tribunal may, after consideration of the matter, confirm, vary or set aside that decision **[or make any other decision which is just]**. 15

(3) If the Minister has appointed an independent tribunal in terms of subsection (2)(b) all appeals contemplated in subsection [(1)] (1A) must be considered by that tribunal. 20

(4) Notwithstanding subsection (1A), the independent tribunal may in the prescribed manner condone any late application by an applicant or a beneficiary.”.

Short title

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4. This Act is called the Social Assistance Amendment Act, 2010.