

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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CAPE TOWN, 7TH APRIL, 1971.

[No. 3062.

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.";

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AGED PERSONS AMENDMENT ACT, 1971.

- (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;” and

- (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:

“Application of Act in the territory. 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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(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*.