

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.

EXTRAORDINARY



BUITENGEWONE

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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[No. 2032.

KAAPSTAD, 3 APRIL 1968.

DEPARTMENT OF THE PRIME MINISTER.

No. 534.]

[3rd April, 1968.

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

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No. 26 of 1968: Blind Persons Act, 1968 17

No. 26, 1968.]

ACT

To consolidate and amend the laws relating to the payment of pensions and allowances to blind persons, and of contributions towards the promotion of the welfare of such persons and matters incidental thereto.

*(Afrikaans text signed by the Acting State President.)
(Assented to 18th March, 1968.)*

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

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "allowance" means any additional, supplementary or attendant's allowance referred to in section 2 (a); (xii)
 - (ii) "Bantu" means a person classified as a Bantu in terms of the Population Registration Act, 1950 (Act No. 30 of 1950); (i)
 - (iii) "Chinese" means a person classified as a member of the Chinese Group in terms of the Population Registration Act, 1950; (xi)
 - (iv) "coloured person" means a person classified as a member of the Cape Coloured, Malay, Griqua or the Other Coloured Group in terms of the Population Registration Act, 1950; (vi)
 - (v) "district pension officer" means a district pension officer as defined in the Aged Persons Act, 1967 (Act No. 81 of 1967); (iii)
 - (vi) "Indian" means a person classified as a member of the Indian Group in terms of the Population Registration Act, 1950; (v)
 - (vii) "Minister", in relation to any power conferred or a function assigned by any provision of this Act, and in relation to persons belonging to any race or class, means the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 18; (vii)
 - (viii) "pension" means a pension referred to in section 2 (a); (viii)
 - (ix) "pensioner" means a person receiving a pension; (ix)
 - (x) "prescribed" means prescribed by regulation made under this Act; (xiii)
 - (xi) "Secretary", in relation to any power conferred or function assigned by any provision of this Act, and in relation to persons belonging to any race or class, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 18; (x)

- (xii) "this Act" includes the regulations made thereunder;
 (iv)
 (xiii) "white person" means a person classified as a white person in terms of the Population Registration Act, 1950. (ii)

2. (1) The Minister may, subject to the provisions of this Act, in consultation with the Minister of Finance and out of moneys appropriated by Parliament for that purpose—

- (a) pay blind persons' pensions and additional or supplementary allowances to persons registered in terms of section 3, and pay an attendant's allowance to or on behalf of a person to whom such a pension is paid and who is in such a physical or mental condition that he requires the regular attendance of any person;
- (b) make contributions to a welfare organization registered under the National Welfare Act, 1965 (Act No. 79 of 1965), towards the provision or maintenance by such organization of hostels, homes, workshops or other places for the reception, readjustment, rehabilitation, training or employment of persons who are totally or partially blind, or the remuneration of persons employed by such organization for the purpose of conducting any such hostel, home, workshop or other place;
- (c) make contributions towards the augmentation of the earnings of persons registered under section 3, who are employed in any such hostel, home, workshop or other place, or are working in any place approved by the Minister;
- (d) make contributions towards the payment of board and lodging of persons registered under section 3, who are working in a district in which no such hostel, home or other place for the reception of persons who are totally or partially blind exists;
- (e) make contributions towards the expenditure incurred in the training at their homes of persons who are totally or partially blind, in so far as such expenditure represents the remuneration of persons employed by any welfare organization aforesaid, to train such persons.

Payment of blind persons' pensions and of allowances and the making of contributions in respect of blind persons.

(2) The provisions of the Apprenticeship Act, 1944 (Act No. 37 of 1944), the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), and the Wage Act, 1957 (Act No. 5 of 1957), shall not apply to any person registered under section 3 while at work or employed in any hostel, home, workshop or other place maintained or controlled by any welfare organization referred to in subsection (1) or towards the maintenance of whom periodical payments are made by any such organization.

3. (1) On the application of any white or coloured person, Chinese, Indian or any Bantu 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.

Registration of blind persons.

(2) If after such examination the medical practitioner is satisfied that the applicant is blind according to the criteria prescribed, he shall forward to the Secretary a certificate to that effect, and upon receipt thereof the Secretary shall record the name of the applicant in a register to be kept by the Secretary.

(3) The Secretary may at any time require any person registered under this section to submit himself to a further examination by such a medical practitioner, and if after such examination the medical practitioner is satisfied that such person is not blind according to the criteria prescribed, he shall forward to the Secretary a certificate to that effect, and upon receipt thereof the Secretary shall remove the name of such person from the register.

4. (1) The Minister shall, after consultation with the South African Medical and Dental Council established by the Medical, List of medical practitioners.

Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), frame a list of medical practitioners registered under the said Act, to carry out any examination referred to in section 3.

(3) The Minister may, from time to time after like consultation, add or delete from the said list the name of any medical practitioner.

5. (1) Subject to the provisions of this Act, every person registered under section 3, shall be entitled to receive a pension if the Secretary is satisfied—

Persons entitled to blind persons' pensions.

- (a) that he has attained the age of nineteen years;
- (b) that he was resident in the Republic at the time of making application for the pension; and
- (c) that he—
 - (i) is a South African citizen; or
 - (ii) has been ordinarily resident in the Republic for not less than ten out of the fifteen years immediately preceding the date of his application; or
 - (iii) in the case of a white person, has been repatriated from Angola to the Republic, and is a descendant of a person born in any part of South Africa included in the Republic.

(2) For the purposes of subsection (1) (c) (ii) any period of residence in the territory of South-West Africa shall, in the case of a white person, be deemed to be a period of residence in the Republic.

(3) The Minister may, subject to such conditions as he may in consultation with the Minister of Finance determine, exempt from the provisions of subsection (1) (c), white persons who have entered the Republic from any territory in Africa determined by the Minister.

(4) The provisions of subsection (1) (c) (iii) or (3) shall cease to be of force and effect as from a date to be fixed by the State President by proclamation in the *Gazette* in respect of each subsection.

(5) The payment of a pension to a person who, after the commencement of this Act, has been 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.

(6) The Secretary may direct that the provisions of subsection (5) shall not apply in respect of any continuous period of absence of any particular pensioner between any date prior to and any date after the commencement of this Act.

6. (1) Any person who claims a pension shall apply to a district pension officer on the form determined by the Secretary, and shall furnish such particulars and information in support of his application as may be prescribed or as the district pension officer may require.

Application for a blind person's pension.

(2) The district pension officer shall, after such enquiry as he may consider necessary, transmit the application to the Secretary together with all relevant particulars and information at his disposal and his report thereon.

(3) The Secretary shall, after consideration of the application and the said particulars, information and report, determine the amount of any pension and allowance to which the applicant may be entitled.

7. (1) The Secretary or a district pension officer may take evidence for the purpose of enquiring into any matter falling within his functions in terms of this Act relating to pensions or allowances, and for that purpose may subpoena witnesses, require the production of any book, record or document

Powers of Secretary and district pension officers to take evidence.

relevant to the enquiry, administer an oath or an affirmation to any witness and examine him, and examine any such book, record or document.

(2) A subpoena to appear before the Secretary or a district pension officer or to produce any book, record or document, shall correspond as far as may be practicable to the form prescribed for the purpose, shall be signed by the Secretary or the district pension officer concerned, and shall be served on the person subpoenaed, either by registered letter sent through the post or by delivery by a person authorized by the Secretary or the district pension officer so to serve it, or in the same manner as it would be served if it were subpoena in a criminal case issued by a magistrate's court.

(3) Any person who, without lawful excuse (the onus of proving which shall be upon him) fails to attend at the time and place specified in a subpoena served upon him in terms of subsection (2), or to produce any book, record or document in terms of any such subpoena, or refuses to be sworn or to make an affirmation when called upon in terms of subsection (1) to do so, or when being examined in terms of that subsection, refuses to answer fully and satisfactorily any question lawfully put to him, shall be guilty of an offence: Provided that any person so subpoenaed shall be entitled to all the privileges to which a witness subpoenaed to give evidence before a provincial division of the Supreme Court of South Africa is entitled.

(4) Any witness who, after having been sworn or having made an affirmation, gives false evidence before the Secretary or a district pension officer on any matter relevant to the enquiry, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

8. (1) If in the opinion of the Secretary a pensioner misuses his pension the Secretary may suspend payment thereof or order that it be administered subject to such conditions as he may determine. Suspension or administration of pensions.

(2) If the Secretary is of the opinion that it is for any reason inadvisable to pay a pension to the pensioner direct, he may order that such pension shall be paid to some other person on behalf of such pensioner subject to such conditions as to its administration as the Secretary may determine.

9. (1) If any person has in terms of this Act received any sum of money which was paid to him by virtue of the fact that he is a pensioner, and to which he was not entitled, he or, if he dies, his estate, shall be liable to repay that sum to the Minister, unless the Minister is satisfied that he received it without any knowledge that he was not entitled thereto. Repayment of sums overpaid.

(2) Such sum may, in the discretion of the Secretary and without prejudice to any other remedy, be recovered by means of deductions from any pension or allowance due to the person liable to repay it.

(3) The provisions of this section shall apply with the necessary modifications in the case of a person to whom such a sum of money was paid for or for the benefit of any other person.

(4) The Treasury or any person authorized thereto by the Treasury may in its or his discretion write off the whole or any portion of any sum repayable in terms of this section, if satisfied that it would be uneconomical to recover such sum or that recovery thereof would cause undue hardship.

10. (1) Any decision or action relating to pensions or allowances by the Secretary in the administration of this Act shall be subject to an appeal to the Minister. Appeal to the Minister.

(2) In any question arising out of any provision of this Act relating to pensions or allowances the decision of the Minister

shall be final: Provided that the Minister may at any time reconsider and vary or reverse his decision.

11. (1) No pension or allowance or right to any pension or allowance shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated, nor shall it be liable to attachment or any form of execution under a judgment or order of a court of law, and if a pensioner attempts to assign, transfer or otherwise cede or to pledge or hypothecate his pension or allowance or right to any pension or allowance, payment of the pension and allowance may by order of the Minister be withheld, suspended or entirely discontinued.

Pensions or allowances not assignable or executable.

(2) In any proceedings for civil imprisonment against a pensioner his means shall be deemed not to include any sum received by him by virtue of this Act.

(3) If the estate of any pensioner is sequestrated, any sum of money payable to him in terms of this Act by virtue of the fact that he is a pensioner, shall not form part of the assets in his insolvent estate.

12. Any person who, for the purpose of obtaining or retaining any pension or allowance, whether for himself or for any other person, or for the purpose of obtaining any pension or allowance for himself or for any other person at a higher rate than that appropriate to the case, makes any statement or representation which he knows to be false, and any person who receives in respect of any pension or allowance payment of any sum which he is to his knowledge not entitled to receive, shall be guilty of an offence.

False statements and improper receipt of pensions.

13. No stamp duty shall be payable in respect of—

Exemption from stamp duty.

- (a) any power of attorney given by an applicant to any person to apply for any pension or allowance on his behalf or any power of attorney given by a pensioner to any person to receive payment of any pension or allowance on his behalf; or
- (b) any receipt given in respect of the payment of any pension or allowance.

14. Notwithstanding anything to the contrary in any law contained, any registrar of births and deaths, registrar of deeds or prescribed officer shall upon application by the Secretary furnish him with such information relating to any applicant for a pension as may be prescribed or as may in any particular case be determined by the Secretary.

Information to be furnished to the Secretary.

15. (1) The Minister may delegate to the Secretary or any other officer in the department of State of which the Secretary is the head, and, with the approval of the Minister in question, to any officer in any other department of State, any power conferred upon him by this Act, not being a power conferred by section 17.

Delegation of powers.

(2) The Secretary may, with the approval of the Minister, authorize any officer in the department of State of which he is the head to exercise on his behalf any power conferred upon him by this Act and may, with such approval and with the approval of the Minister of any other department of State, authorize any officer in such other department so to exercise any such power.

16. Any person convicted of any offence under this Act for which no penalty is provided, shall be liable to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

Penalties.

17. (1) The Minister may, subject to the provisions of sub-sections (2) and (3), make regulations as to—

Regulations.

- (a) the payment of pensions or allowances, including the maximum amount to be paid, the determination of the amount to be paid in any particular case, the method of payment, payment to persons other than

- the pensioner himself and the suspension of payment;
- (b) the making of contributions under section 2;
- (c) the registration of blind persons, applications for such registration, the criteria according to which a medical practitioner shall determine whether any person is blind for the purposes of such registration and any certificate required in connection with such registration;
- (d) the requirements or conditions, in addition to any specified in section 5, to be complied with by any person in order to qualify for any pension or allowance and the circumstances in which any person shall cease so to qualify;
- (e) applications for pensions or allowances, including the particulars and information to be furnished by applicants or any category of applicants;
- (f) the consideration, granting or refusal of any application for any pension or allowance;
- (g) the income or assets to be taken into account in determining the amount of any pension or allowance, discrimination between persons referred to in section 5 (3) and other persons in respect of such income or assets and the valuation or revaluation of such assets;
- (h) the circumstances in which pensions or allowances may be paid to persons maintained or receiving treatment in State or State-aided institutions;
- (i) the date of accrual of any pension or allowance;
- (j) the cancellation or lapsing of any pension or allowance and variation of the amount thereof;
- (k) the procedure to be adopted at any enquiry under this Act and the form of any subpoena to appear at such an enquiry;
- (l) the administration of pensions or allowances;
- (m) information which may from time to time be required of any pensioner;
- (n) the repayment of sums overpaid;
- (o) the manner in which and period within which an appeal may be lodged against a decision of the Secretary;
- (p) information to be furnished in terms of section 14;
- (q) any other matter which shall or may be prescribed in terms of any provision of this Act, or in respect of which, in the opinion of the Minister, it is necessary or expedient to make regulations for achieving the objects of this Act.

(2) No regulation by virtue of which the aggregate amount of the pension and allowances to which any pensioner whose income (including assets) has not increased, has at any time been entitled, will be reduced, shall be made without the approval, by resolution, of the Senate and of the House of Assembly.

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

18. (1) The State President may by proclamation in the *Administration Gazette* assign the administration of the provisions of this Act, of Act. either generally or in respect of persons belonging to a specified class or race 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.

(2) The State President may from time to time by like proclamation vary or amend any such proclamation.

19. (1) Subject to the provisions of subsection (2) the laws specified in the Schedule are hereby repealed to the extent shown in the third column thereof. Repeal of laws.

(2) Anything done in terms of a law repealed by subsection (1) which could be done in terms of any provision of this Act, shall be deemed to have been done in terms of that provision.

20. This Act shall be called the Blind Persons Act, 1968, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

Schedule.

LAWS REPEALED.

No. and year of Law.	Title.	Extent of Repeal.
Act No. 39 of 1962.	Blind Persons Act, 1962.	The whole.
Act No. 92 of 1962.	Pension Laws Amendment Act, 1962.	Sections 44 and 45 and section 51 in so far as it relates to blind persons' pensions.
Act No. 95 of 1963.	Pension Laws Amendment Act, 1963.	Sections 27 and 28.
Act No. 84 of 1964.	Pension Laws Amendment Act, 1964.	Sections 17, 18 and 19.
Act No. 102 of 1965.	Pension Laws Amendment Act, 1965.	Sections 35 and 36.
Act No. 26 of 1966.	Pension Laws Amendment Act, 1966.	Section 13 in so far as it relates to blind persons' pensions.
Act No. 91 of 1967.	Pension Laws Amendment Act, 1967.	Sections 6, 7, 8 and 14.