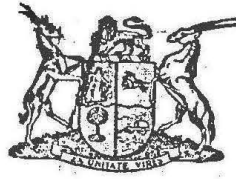


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 7 APRIL 1976

[No. 5072

KAAPSTAD, 7 APRIL 1976

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 590. 7 April 1976.

No. 590. 7 April 1976.

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

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 46 of 1976: Aged Persons Amendment Act, 1976.

No. 46 van 1976: Wysigingswet op Bejaarde Persone, 1976.

ACT

To amend the provisions of the Aged Persons Act, 1967, relating to the definitions; so as to extend the powers of social welfare officers relating to homes for the aged, and to grant to such officers certain powers relating to certain other places where aged or debilitated persons are cared for or accommodated for remuneration; to determine the area of operation of a prohibition imposed in terms of section 6; to curtail the defence available to a person charged with a certain offence; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 19 March 1976.)*

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

1. Section 1 of the Aged Persons Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after the definition of "attendant's allowance" of the following definition:

"care", when used as a noun, includes the provision of any meals, nursing services or other domestic services, and, when used as a verb, has a corresponding meaning;"
 - (b) by the substitution for the definition of "home for the aged" of the following definition:

"home for the aged" means any institution or other place of residence maintained mainly for the accommodation and care of aged or debilitated persons;"
 - (c) by the addition of the following subsection, the existing section becoming subsection (1) of that section:

"(2) The provisions of this Act shall not apply in respect of any place or part of a place registered or maintained in terms of any law as a hospital or clinic or in respect of which a hotel liquor licence or an accommodation establishment on-consumption licence has been issued and is in force in terms of the Liquor Act, 1928 (Act No. 30 of 1928), or the Liquor Ordinance, 1969 (Ordinance No. 2 of 1969), of the territory (as the case may be)."
- Amendment of section 1 of Act 81 of 1967, as amended by section 1 of Act 14 of 1971, section 4 of Act 97 of 1972 and section 21 of Act 37 of 1973.
2. The following section is hereby substituted for section 4 of the principal Act:

Substitution of section 4 of Act 81 of 1967.

"Inspection. 4. (1) A social welfare officer may at any time—

 - (a) visit and inspect a home for the aged, any place where any aged or debilitated person is cared for or accommodated for remuneration, whether by way of money or goods, or any place which the social welfare officer believes upon reasonable grounds to be a home for the aged or such a place;

AGED PERSONS AMENDMENT ACT, 1976.

Act No. 46, 1976

- (b) interview any aged or debilitated person accommodated in such home for the aged or place;
- (c) either with or without the assistance of a medical practitioner, there enquire into the welfare of any such person;
- (d) direct any person who has in his possession or custody any book or document relating to such home for the aged or place, to submit such book or document to him for inspection.

(2) A social welfare officer exercising any power in terms of subsection (1) shall, at the request of the manager of the home for the aged in question or the person who has control over the place in question (as the case may be), produce a certificate issued by the Secretary and stating that he is such an officer.

(3) Any person who obstructs or hinders a social welfare officer in the exercise of his powers in terms of subsection (1), or who refuses to give him at his request access to an aged or debilitated person accommodated in a home for the aged or place referred to in subsection (1), or who refuses or fails to comply with a direction in terms of subsection (1) (d), shall be guilty of an offence."

3. Section 6 of the principal Act is hereby amended—

Amendment of section 6 of Act 81 of 1967.

- (a) by the substitution for paragraph (b) of subsection (10) of the following paragraph:

"(b) prohibit that person from accommodating or caring for any aged or debilitated person for such period, but not exceeding ten years, as may be determined by the magistrate."

- (b) by the insertion after subsection (10) of the following subsection:

"(10A) A prohibition imposed in terms of subsection (10) shall be of force throughout the Republic.";

- (c) by the substitution for subsection (12) of the following subsection:

"(12) It shall be a defence to a charge under subsection (11) alleging that the accused accommodated or cared for an aged or debilitated person in contravention of a condition, requirement or prohibition imposed in terms of subsection (10), that the aged or debilitated person was unable to find any other accommodation or care."

4. Section 20 (1) of the principal Act is hereby amended by the insertion after paragraph (c) of the following paragraph:

Amendment of section 20 of Act 81 of 1967, as amended by section 8 of Act 86 of 1970, section 3 of Act 14 of 1971 and section 21 of Act 37 of 1973.

- "(cA) the records to be kept by any person who cares for or accommodates for remuneration, whether by way of money or goods, any aged or debilitated person in any place other than a registered home for the aged;"

5. This Act shall be called the Aged Persons Amendment Act, 1976. Short title.