

---

**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

---

**DEPARTMENT OF SOCIAL DEVELOPMENT**

NO. R. 181

15 FEBRUARY 2016

***SOCIAL ASSISTANCE ACT, 2004 (ACT NO. 13 OF 2004) AS AMENDED*****CALL FOR COMMENTS ON THE AMENDMENTS TO THE REGULATIONS  
TO THE SOCIAL ASSISTANCE ACT, 2004**

I, Bathabile Olive Dlamini, Minister responsible for Social Development, under Section 32(1) and (2) of the Social Assistance Act, 2004 (Act No.13 of 2004) intend to make amendments to the Regulations to the Social Assistance Act, 2004 as set out in the Schedule.

Interested persons or organisations are hereby invited to submit written comments on the draft regulations within 30 calendar days from the date of publication. Comments shall be forwarded to Mr. Brenton van Vrede; acting Deputy Director-General: Comprehensive Social Security by:

**(a) Post to:**

The Department of Social Development  
Private Bag X901,  
Pretoria  
0001;

**(b) Hand to:**

The Department of Social Development  
Chief Directorate: Social Assistance  
164 Totius Street  
Harlequins Office Park  
Groenkloof  
PRETORIA  
0001;

(c) fax to:  
+27 (0) 86 214 6553

(d) by email to:  
[brentonv@dsd.gov.za](mailto:brentonv@dsd.gov.za)



\_\_\_\_\_  
B. O. DLAMINI (MP)  
MINISTER OF SOCIAL DEVELOPMENT  
DATE:

**DEPARTMENT OF SOCIAL DEVELOPMENT****No. R.****February 2016**

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

\_\_\_\_\_ Words underlined with a solid line indicates insertions in the existing regulations.

**SOCIAL ASSISTANCE ACT, 2004****AMENDMENT: REGULATIONS RELATING TO THE APPLICATION FOR AND PAYMENT OF SOCIAL ASSISTANCE AND THE REQUIREMENTS OR CONDITIONS IN RESPECT OF ELIGIBILITY FOR SOCIAL ASSISTANCE**

The Minister of Social Development has, in terms of Section 32 of the Social Assistance Act, 2004 (Act No. 13 of 2004), made the regulations in the Schedule.

**SCHEDULE**

In these regulations "the Regulations" means the regulations published by Government Notice No. R. 898 of 22 August 2008, as amended by Government Notice No. R.67 of 28 January 2009, Government Notice No. R.208 of 26 February 2009, Government Notice No. R.591 of 29 May 2009, Government Notice No. R. 1252 of 31 December 2009, Government Notice No. R. 193 of 12 March 2010, Government Notice No. R. 232 of 15 March 2011, Government Notice No. R. 286 of 31 March 2011, Government Notice No. R 566 of 15 August 2011, Government Notice No. R 746 of 19 September 2011, Government Notice No. R 269 of 30 March 2012, Government Notice No. R 211 of 28 March 2014 and Government Notice No. R 621 of 21 July 2015.

**Amendment of regulation 26A of the Regulations**

Regulation 26A is hereby amended by:

(a) the substitution for the heading of the following heading:

**“26A. Circumstances under which a deduction[s] may be made directly from a social [assistance] grant[s]”**

(b) by the substitution of the following sub-regulation:

“(1) The Agency may allow one deduction[s] for funeral insurance or scheme to be made directly from a social grant where the beneficiary of the social grant [requests] or his or her representative consents to such deduction in writing and by personally submitting such request to [from] the Agency, provided that such representative shall not be a service provider concerned.

(c) by the addition after sub-regulation (3) of the following sub-regulation:

(4). Notwithstanding the provisions of sub-regulations (1), (2) and (3) of this regulation, a deduction may not be permissible in respect of a foster child grant, care dependency grant, child support grant or social grant which is temporary in nature.

(5). Active deductions for funeral insurance or scheme from social grants excluded in terms of sub-regulation (4), may continue to be deducted from a social grant for a period not exceeding three (3) months following publication of these amendments to allow the beneficiaries and financial service providers to make alternative payment arrangements outside the Agency's machinery and systems.

(6). In addition to the ten percent limit referred to in sub-regulation 3 of this regulation, an affordability assessment must still be conducted prior to any funeral insurance or scheme being taken in compliance with the National Credit Act.

(7). Except for a deduction for funeral insurance or scheme, no deduction shall be permissible from the bank account opened for a social grant beneficiary to facilitate the payment of a social grant”.

#### **COMMENCEMENT**

These Regulations will come into effect on the date of publication.