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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 590. 7 April 1976.

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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.

WET

Tot wysiging van die bepalings van die Wet op Bejaarde Persone, 1967, met betrekking tot die woordskrywings; ten einde die bevoegdhede van volkswelsynbeamptes met betrekking tot ouetehuse uit te brei, en om aan daardie beamptes sekere bevoegdhede te verleen met betrekking tot sekere ander plekke waar bejaarde of verswakte persone teen vergoeding gehuisves of versorg word; om die geldingsgebied van 'n verbod opgelê ingevolge artikel 6 te bepaal; om die verweer wat ter beskikking is van 'n persoon wat van 'n sekere oortreding aangekla word, in te kort; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1976.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 81 van 1967, soos gewysig deur artikel 1 van Wet 14 van 1971, artikel 4 van Wet 97 van 1972 en artikel 21 van Wet 37 van 1973.

1. Artikel 1 van die Wet op Bejaarde Persone, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „ouetehuis” deur die volgende omskrywing te vervang:
„ouetehuis’ ’n inrigting of ander woonplek wat hoofsaaklik vir die huisvesting en versorging van bejaarde of verswakte persone in stand gehou word;”;
- (b) deur na die omskrywing van „Sekretaris” die volgende omskrywing in te voeg:
„,versorging’ ook die verskaffing van maaltye, verplegingsdienste of ander huishoudelike dienste, en het ,versorg’ ’n ooreenstemmende betekenis;”;
- (c) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) van daardie artikel word:
„(2) Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van ’n plek of ’n gedeelte van ’n plek wat ingevolge ’n wet as ’n hospitaal of kliniek geregistreer is of in stand gehou word of ten opsigte waarvan ’n hotel-dranklisensie of ’n binneverbruikslisensie vir huisvestingsinrigtings ingevolge die Drankwet, 1928 (Wet No. 30 van 1928), of die Drankordonnansie, 1969 (Ordonnansie No. 2 van 1969), van die gebied (na gelang van die geval) uitgereik en van krag is nie.”.

Vervanging van artikel 4 van Wet 81 van 1967.

2. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

- „Inspeksie. **4.** (1) ’n Volkswelsynbeampte kan te eniger tyd—
- (a) ’n ouetehuis, enige plek waar ’n bejaarde of verswakte persoon teen vergoeding, hetsy by wyse van geld of goedere, versorg of gehuisves word of enige plek wat die volkswelsynbeampte op redelike gronde vermoed ’n ouetehuis of so ’n plek te wees, besoek en inspekteer;

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).”.

2. The following section is hereby substituted for section 4 of the principal Act:

“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;

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.

Substitution of section 4 of Act 81 of 1967.

Wet No. 46, 1976

WYSIGINGSWET OP BEJAARDE PERSONE, 1976.

- (b) met 'n bejaarde of verswakte persoon wat in daardie ouetehuis of plek gehuisves word, 'n onderhoud voer;
- (c) met of sonder die hulp van 'n geneesheer daar ondersoek instel na die welsyn van enige sodanige persoon;
- (d) iemand wat 'n boek of dokument wat op daardie ouetehuis of plek betrekking het, in sy besit of bewaring het, aansê om daardie boek of dokument aan hom vir insae voor te lê.

(2) 'n Volkswelsynbeampte wat 'n bevoegdheid ingevolge subartikel (1) uitoefen, moet op versoek van die bestuurder van die betrokke ouetehuis of die persoon wat beheer het oor die betrokke plek (na gelang van die geval) 'n sertifikaat toon wat deur die Sekretaris uitgereik is en waarin verklaar word dat hy so 'n beampte is.

(3) Iemand wat 'n volkswelsynbeampte belemmer of hinder by die uitoefening van sy bevoegdhede ingevolge subartikel (1), of wat weier om hom op sy versoek toegang te verleen tot 'n bejaarde of verswakte persoon wat in 'n ouetehuis of plek in subartikel (1) bedoel gehuisves word, of wat weier of versuim om aan 'n aansegging ingevolge subartikel (1) (d) te voldoen, is aan 'n misdryf skuldig."

Wysiging van artikel 6 van Wet 81 van 1967.

3. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (10) deur die volgende paragraaf te vervang:

„(b) daardie persoon verbied om enige bejaarde of verswakte persoon te huisves of te versorg vir dié tydperk, maar hoogstens tien jaar, wat die landdros bepaal.”;

- (b) deur na subartikel (10) die volgende subartikel in te voeg:

„(10A) 'n Verbod ingevolge subartikel (10) opgelê, is deur die hele Republiek van krag.”; en

- (c) deur subartikel (12) deur die volgende subartikel te vervang:

„(12) Dit is 'n verweer teen 'n aanklag kragtens subartikel (11) waarin beweerd word dat die beskuldigde 'n bejaarde of verswakte persoon gehuisves of versorg het in stryd met 'n voorwaarde, vereiste of verbod ingevolge subartikel (10) opgelê, dat die bejaarde of verswakte persoon geen ander huisvesting of versorging kon kry nie.”.

Wysiging van artikel 20 van Wet 81 van 1967, soos gewysig deur artikel 8 van Wet 86 van 1970, artikel 3 van Wet 14 van 1971 en artikel 21 van Wet 37 van 1973.

4. Artikel 20 (1) van die Hoofwet word hierby gewysig deur na paragraaf (c) die volgende paragraaf in te voeg:

„(cA) die aantekeninge wat gehou moet word deur iemand wat 'n bejaarde of verswakte persoon teen vergoeding, hetsy by wyse van geld of goedere, huisves of versorg in 'n ander plek as 'n geregistreerde ouetehuis;”.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Bejaarde Persone, 1976.

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.