

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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**PROCLAMATION**  
**BY THE PREMIER OF THE WESTERN CAPE**  
**NO. 11/2021**

**TRANSFER OF FUNCTIONS UNDER SECTION 137 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996,  
READ WITH SECTION 47 OF THE CONSTITUTION OF THE WESTERN CAPE, 1997 (ACT 1 OF 1998)**

I, Alan Richard Winde, under section 137 of the Constitution of the Republic of South Africa, 1996, read with section 47 of the Constitution of the Western Cape, 1997 (Act 1 of 1998), transfer, with effect from 1 April 2022, to the Provincial Minister of Education the administration of, and the powers and functions in terms of, the Children's Act, 2005 (Act 38 of 2005) ("the Children's Act"), to the extent set out in the Schedule in so far as the administration of those powers and functions are entrusted by that Act to the Provincial Minister of Social Development.

Signed at Cape Town on this 25th day of August 2021.

**AR WINDE**  
**PREMIER OF THE WESTERN CAPE**

Countersigned by:

**SG FERNANDEZ**  
**PROVINCIAL MINISTER OF SOCIAL DEVELOPMENT**  
**DATE: 25 AUGUST 2021**

**DA SCHÄFER**  
**PROVINCIAL MINISTER OF EDUCATION**  
**DATE: 25 AUGUST 2021**

**SCHEDULE**

- (a) Chapter 5 of the Children's Act in respect of partial care facilities that provide early childhood development services as contemplated in section 91(2) and early childhood development programmes as contemplated in section 91(3) of the Children's Act, to the extent that they provide such service or programme.
- (b) Chapter 6 of the Children's Act.
- (c) Chapters 20 and 21 of the Children's Act—
  - (i) insofar as those Chapters apply to Chapter 5 of the Children's Act, to the extent contemplated in paragraph (a);
  - (ii) insofar as those Chapters apply to Chapter 6 of the Children's Act.

**PROKLAMASIE**  
**DEUR DIE PREMIER VAN DIE WES-KAAP**  
**NR. 11/2021**

**OORDRAG VAN FUNKSIES KRAGTENS ARTIKEL 137 VAN DIE GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA, 1996,  
SAAMGELEES MET ARTIKEL 47 VAN DIE GRONDWET VAN DIE WES-KAAP, 1997 (WET 1 VAN 1998)**

Ek, Alan Richard Winde, kragtens artikel 137 van die Grondwet van die Republiek van Suid-Afrika, 1996, saamgelees met artikel 47 van die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998), met ingang van 1 April 2022, dra aan die Provinsiale Minister van Onderwys die administrasie oor van, en die bevoegdhede en funksies ingevolge, die "Children's Act, 2005" (Wet 38 van 2005) ("die Kinderwet"), in die mate uiteengesit in die Bylae vir sover die administrasie van daardie bevoegdhede en funksies deur daardie Wet aan die Provinsiale Minister van Maatskaplike Ontwikkeling opgedra is.

Geteken te Kaapstad op hierdie 25ste dag van Augustus 2021.

**AR WINDE**  
**PREMIER VAN DIE WES-KAAP**

Mede-onderteken deur:

**SG FERNANDEZ**  
**PROVINSIALE MINISTER VAN MAATSKAPLIKE ONTWIKKELING**  
**DATUM: 25 AUGUSTUS 2021**

**DA SCHÄFER**  
**PROVINSIALE MINISTER VAN ONDERWYS**  
**DATUM: 25 AUGUSTUS 2021**

**BYLAE**

- (a) Hoofstuk 5 van die Kinderwet ten opsigte van gedeeltelikesorgfasiliteite wat vroeëkindertontwikkelingsdienste soos beoog in artikel 91(2) en vroeëkindertontwikkelingsprogramme soos beoog in artikel 91(3) van die Kinderwet verskaf, in die mate waarin hulle sodanige diens of program verskaf.
- (b) Hoofstuk 6 van die Kinderwet.
- (c) Hoofstuk 20 en 21 van die Kinderwet—
  - (i) vir sover daardie Hoofstukke van toepassing is op Hoofstuk 5 van die Kinderwet, in die mate beoog in paragraaf (a);
  - (ii) vir sover daardie Hoofstukke van toepassing is op Hoofstuk 6 van die Kinderwet.

**UMPOSHO**  
**YINKULUMBUSO YENTSHONA KOLONI**  
**ONGUNOMBOLO 11/2021**

**UDLULISELO LWEMISEBENZI PHANTSI KWECANDELO 137 LOMGAQO-SISEKO WERIPHABLIKI YOMZANTSI AFRIKA, 1996, OFUNDEKA NECANDELO 47 LOMGAQO-SISEKO WENTSHONA KOLONI, 1997 (UMTHETHO 1 KA-1998)**

Mna, Alan Richard Winde, phantsi kwecandelo 137 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996, ofundeka necandelo 47 loMgaqo-siseko weNtshona Koloni, 1997 (uMthetho 1 ka-1998), ndidlulisela ukususela ngomhla woku-1 kwekaTshazimpuzi 2022, ulawulo kuMphathiswa wezeMfundo wePhondo, kunye namagunya nemisebenzi ngokoMthetho waBantwana, 2005 (uMthetho 38 ka-2005) (“uMthetho waBantwana”), ngokokumiselwe kwiShedyuli ngokubhekiselele kulawulo laloo mandla nemisebenzi ekulo Mthetho eya kuMphathiswa wePhondo woPhuhliso loLuntu.

Utyikitywe eKapa ngalo mhla wama-25 kweyeThupha 2021.

**AR WINDE**  
**INKULUMBUSO YENTSHONA KOLONI**

Ungqinwe lutyikityo luka:

**SG FERNANDEZ**  
**UMPHATHISWA WEPHONDO WOPHUHLISO LOLUNTU**  
**UMHLA: 25 KWEYETHUPA 2021**

**DA SCHÄFER**  
**UMPHATHISWA WEPHONDO WEZEMFUNDO**  
**UMHLA: 25 KWEYETHUPA 2021**

**ISHEDYULI**

- (a) ISahluko 5 soMthetho waBantwana ngokubhekisele kumaziko onakekelo lwethutyana abonelela ngeenkonz zophuhliso lwabantwana abancinci njengoko kuchaziwe kwicandelo 91(2) nakwiinkqubo zophuhliso lwabantwana abancinci njengoko kuchaziwe kwicandelo 91(3) loMthetho waBantwana, kangangokuba abonelela ngenkqubo okanye ngenkonzo enjalo.
  - (b) ISahluko 6 soMthetho waBantwana.
  - (c) ISahluko 20 nesama-21 zoMthetho waBantwana—
    - (i) ngokubhekiselele ekusetyenzisweni kwezo zahluko kwiSahluko 5 soMthetho waBantwana, ukuya kuma ngoko kuchazwe kumhlathi (a);
    - (ii) ngokubhekiselele ekusetyenzisweni kwezo zahluko kwiSahluko 6 soMthetho waBantwana.
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