

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 497 Cape Town, 2 November 2006 **No. 29346**
Kaapstad,

THE PRESIDENCY

No. 1098 2 November 2006

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

No. 13 of 2006: Older Persons Act, 2006.

OFISI YA MOPRESIDENTE

No. 1098 2 November 2006

Mona ho tsebiswa hore Mopresidente o amohetse Molao ona o latelang, o phatlalatswang mona bakeng sa tsebiso ya setjhaba ka bophara:—

No. 13 ya 2006: Molao wa Metsofe wa 2006.

*(English text signed by the President.)
(Assented to 29 October 2006.)*

ACT

To deal effectively with the plight of older persons by establishing a framework aimed at the empowerment and protection of older persons and at the promotion and maintenance of their status, rights, well-being, safety and security; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the Constitution establishes a society based on democratic values, social justice and fundamental human rights and seeks to improve the quality of life of all citizens and to free the potential of each person;

AND WHEREAS, in terms of the Bill of Rights as set out in the Constitution, everyone has inherent dignity and the right to have their dignity respected and protected;

AND WHEREAS the State must create an enabling environment in which the rights in the Bill of Rights must be respected, protected and fulfilled;

AND WHEREAS it is necessary to effect changes to existing laws relating to older persons in order to facilitate accessible, equitable and affordable services to older persons and to empower older persons to continue to live meaningfully and constructively in a society that recognises them as important sources of knowledge, wisdom and expertise,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

Sections

- | | |
|----------------|---|
| 1. Definitions | 5 |
|----------------|---|

CHAPTER 1

OBJECTS, IMPLEMENTATION, APPLICATION AND GENERAL PRINCIPLES

- | | |
|--------------------------|----|
| 2. Objects of Act | |
| 3. Implementation of Act | 10 |
| 4. Application of Act | |
| 5. General principles | |

(English text signed by the President.)
(Assented to 29 October 2006.)

MOLAO

Ho sebetšana ka mokgwa o phethahetseng le qaka ya metsofe ka ho theha moralo wa tshebetso o reretsweng matlafatso le tshireletso ya metsofe le ho kgothaletsa ha mmoho le ho hlokomela boemo ba bona, ditokelo, bophelo bo botle ba bona, polokeho le tshireletso; ekasitana le ho etsa monyetla wa ditaba tse amanang le moo.

KETAPELE

JWALO KA HA Molao wa motheo o theha setjhaba se ikamahantseng le makgabane a demokerasi, toka setjhabeng le ditokelo tsa motheo tsa botho le ho batla ho ntlafatsa tekano ya bophelo ba baahi kaofela le ho lokolla bokgoni ba motho e mong le e mong.

LE JWALO KA HA, ho latela Bili ya Ditokelo jwalo ka ha e hlahisitswe Molaong wa Motheo, bohle ba na le seriti seo ba tswalwang le sona le tokelo ya hore seriti sa bona se hlomphele le ho sireletswa;

LE JWALO KA HA Mmuso o lokela ho theha tikoloho e tla etsa hore ditokelo tse hlahellang Biling ya Ditokelo di tlamehe ho hlomphele, ho sireletswa le ho phethahatswa;

JWALO KA HA ho hlokeha ho fetola melawana e teng e mabapi le hore metsofe a be le ditshebetso tse fihlelehang, tse lekanang le tse kgonehang le ho matlafatsa metsofe hore a tswelle pele ho phela bophelo bo nang le moelelo le bo botle setjhabeng se ba ananelang jwalo ka mehlodi ya bohlokwa ya tsebo, bohlale le boitsebelo,

E ananelwa ka hona ke Palamente ya Rephaboliki ya Afrika Borwa ka mokgwa o latelang:—

TLHOPHISO YA DIKAROLO

Dikarolo

- | | | |
|----|-----------|---|
| 1. | Dithaloso | 5 |
|----|-----------|---|

KGAOLO YA 1

BOIKEMISITSO, PHETHAHATSO LE METHEO KA KAKARETSO

- | | | |
|----|-----------------------|----|
| 2. | Boikemisetso ba Molao | |
| 3. | Phethahatso ya Molao | |
| 4. | Tshebediso ya Molao | |
| 5. | Metheo ka kakaretso | 10 |

CHAPTER 2**CREATING AN ENABLING AND SUPPORTIVE ENVIRONMENT FOR OLDER PERSONS**

- | | |
|--|---|
| 6. Development of and compliance with national norms and standards | |
| 7. Rights of older persons | 5 |
| 8. Support services delivered by third parties | |
| 9. Guiding principles for provision of services | |

CHAPTER 3**COMMUNITY-BASED CARE AND SUPPORT SERVICES**

- | | |
|---|----|
| 10. Rights of older persons receiving community-based care and support services | 10 |
| 11. Community-based programmes for older persons | |
| 12. Community-based care and support services to be registered | |
| 13. Registration of community-based care and support services | |
| 14. Persons providing home-based care | |
| 15. Monitoring and evaluating community-based care and support services | 15 |

CHAPTER 4**RESIDENTIAL FACILITIES**

- | | |
|--|----|
| 16. Rights of older persons in residential facilities | |
| 17. Services at residential facilities | |
| 18. Prohibition on operation of unregistered residential facilities, and registration of such facilities | 20 |
| 19. Compliance with conditions for registration of residential facilities | |
| 20. Establishment of residents' committees for residential facilities | |
| 21. Admission to residential facilities | |
| 22. Monitoring of registered residential facilities | 25 |
| 23. Report to Minister by managers of residential facilities | |

CHAPTER 5**PROTECTION FOR OLDER PERSONS**

- | | |
|--|----|
| 24. Effect of Act on Domestic Violence Act, 1998 | |
| 25. Older person in need of care and protection | 30 |
| 26. Notification of abuse of older persons | |
| 27. Written notice to alleged offender | |
| 28. Procedure for bringing alleged abuser of older person or frail person before magistrate | |
| 29. Enquiry into alleged abuse of older or frail person | 35 |
| 30. Prohibition of abuse of older persons and special measure to combat abuse of older persons | |
| 31. Keeping of register of abuse of older persons | |

CHAPTER 6**GENERAL AND SUPPLEMENTARY PROVISIONS** 40

- | | |
|--|----|
| 32. Delegation | |
| 33. Penalties | |
| 34. Regulations | |
| 35. Repeal of laws, and transitional provisions and saving | |
| 36. Short title and commencement. | 45 |

KGAOLO YA 2**HO THEHWA HA TIKOLOHO E TLISANG BOKGONI LE TSHEHETSO YA METSOFE**

- | | | |
|----|---|---|
| 6. | Ntshetsopele le boikamahanyo le ditabatabelo ha mmoho le maemo a naha | |
| 7. | Ditokelo tsa metsofe | 5 |
| 8. | Tshebeletso tsa tshehetso tse tswang mahlakoreng a mang | |
| 9. | Metheo ya tataiso ya tsela eo batho ba lokelang ho sebeletswa ka yona | |

KGAOLO YA 3**TLHOKOMELO E THEHILWENG SETJHABENG LE TSHEBELETSO TSA TSHEHETSO**

- | | | |
|-----|--|----|
| 10. | Ditokelo tsa metsofe e fumanang tlhokomelo e tswang setjhabeng ha mmoho le ditshebeletso tsa tshehetso | |
| 11. | Mananeo a thehilweng setjhabeng a metsofe | |
| 12. | Tlhokomelo e thehilweng setjhabeng le ditshebeletso tsa tshehetso tse lokelang ho ngodiswa | 15 |
| 13. | Ngodiso ya tlhokomelo e thehilweng setjhabeng le ditshebeletso tsa tshehetso | |
| 14. | Batho ba fanang ka tlhokomelo ya lapeng | |
| 15. | Tiiso le thathobo ya tlhokomelo e thehilweng setjhabeng ha mmoho le ditshebeletso tsa tshehetso | |

KGAOLO YA 4**MENYETLA YA BODULO**

- | | | |
|-----|---|----|
| 16. | Ditokelo tsa metsofe dibakeng tsa bodulo | |
| 17. | Ditshebeletso dibakeng tsa bodulo | |
| 18. | Thibelo ya tshebetso ya dibaka tsa bodulo tse sa ngodiswang, le ngodiso ya dibaka tse jwalo | 25 |
| 19. | Boikamahanyo le diphelelo tsa ngodiso ya dibaka tsa bodulo | |
| 20. | Ho thehwa ha dikomiti tsa bodulo tsa baahi | |
| 21. | Kamohelo dibakeng tse tsa bodulo | |
| 22. | Tlhokomelo ya dibaka tse tsa bodulo tse ngodisitsweng | |
| 23. | Pehelo ya batsamaisi ba dibaka tse tsa bodulo ho Letona | 30 |

KGAOLO YA 5**TSHIRELETSO YA METSOFE**

- | | | |
|-----|---|----|
| 24. | Tshusumetso ya Molao Molaong wa tthekefetso ya malapeng, wa 1998 | |
| 25. | Metsofe a hloakang tlhokomelo le tshireletso | |
| 26. | Tsebiso ya tthekefetso ya metsofe | 35 |
| 27. | Tsebisano e ngotsweng ya motlodi ya bolediswang wa molao | |
| 28. | Mohato wa ho hlahisa moqosuwa ya bolediswang wa metsofe le motho ya fokolang ka pele ho mmaseterata | |
| 29. | Phuputso ya tthekefetso e bolediswang ya maqheku le batho ba fokolang | |
| 30. | thibelo ya tthekefetso ya metsofe le mohato o ikgethang wa ho thibela tthekefetso ya metsofe | 40 |
| 31. | poloko ya rejistara ya tthekefetso ya metsofe | |

KGAOLO YA 6**DITEMANA TSE AKARETSANG LE TSA TLATSETSO**

- | | | |
|-----|--|----|
| 32. | Nehelano ya matla | 45 |
| 33. | Dikotlo | |
| 34. | Melawana | |
| 35. | Ho hlakolwa ha melao, le ditemana tsa nakwana ha mmoho le poloko | |
| 36. | Sehlooho se sekgutshwanyane le qalo | |

Definitions

1. In this Act, unless the context indicates otherwise—
- “**abuse**” means abuse contemplated in section 30(2);
- “**care**” means physical, psychological, social or material assistance to an older person, and includes services aimed at promoting the quality of life and general well-being of an older person; 5
- “**caregiver**” means any person who provides care;
- “**community-based care and support services**” means any programme contemplated in section 11;
- “**Department**” means the Department of Social Development in the national sphere of government; 10
- “**Director-General**” means the Director-General of the Department;
- “**frail older person**” means an older person in need of 24-hour care due to a physical or mental condition which renders him or her incapable of caring for himself or herself; 15
- “**health care provider**” means a health care provider defined in section 1 of the National Health Act, 2003 (Act No. 61 of 2003);
- “**home-based care**” means care provided or services rendered at the place where a frail older person resides, excluding at a residential facility, by a caregiver in order to maintain such frail older person’s maximum level of comfort, including care towards a dignified death; 20
- “**magistrate**” includes an additional and an assistant magistrate;
- “**manager**” means the person responsible for the day-to-day management of a residential facility;
- “**Minister**” means the Minister of Social Development; 25
- “**older person**” means a person who, in the case of a male, is 65 years of age or older and, in the case of a female, is 60 years of age or older;
- “**older person in need of care and protection**” means an older person contemplated in section 25(5);
- “**operator**” means a person who operates a residential facility; 30
- “**person**” includes a trust;
- “**police official**” means a member as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), or a member of a municipal police service established under section 64A of that Act;
- “**prescribed**” means prescribed by regulation; 35
- “**regulation**” means any regulation made under section 34;
- “**rehabilitation**” means a process by which an older person is enabled to reach and maintain his or her optimal physical, sensory, intellectual, psychiatric or social functional levels, and includes measures to restore functions or compensate for the loss or absence of a function, but excludes medical care; 40
- “**residential facility**” means a building or other structure used primarily for the purposes of providing accommodation and of providing a 24-hour service to older persons;
- “**respite care**” means a service offered specifically to a frail older person and to a caregiver and which is aimed at the provision of temporary care and relief; 45
- “**service**” means any activity or programme designed to meet the needs of an older person;
- “**shelter**” means any building or premises maintained or used for the reception, protection and temporary care of an older person in need of care and protection;
- “**social worker**” means a person registered as a social worker under section 17 of the Social Service Professions Act, 1978 (Act No. 110 of 1978), and in the employ or service of government or a registered welfare organisation; 50
- “**this Act**” includes any regulation.

Dithhaloso

1. Molaong ona, ntle le moo moelelo o supang ka tsela e nngwe—
- “**tlhekefetso**” e bolela tlhekefetso e rerilweng karolong ya 30(2);
- “**tlhokomelo**” e bolela thuso mmeleng, kelellong, bophelong kapa thuso ya letho le itseng le hlokwang ke motsofe, a kenyeletsang ditshebeletso tse reretsweng ho kgothaletsa boleng ba bophelo le bophelo bo botle ka kakaretso ba motsofe; 5
- “**mohlokamedi**” ho bolelwa motho e mong le e mong ya fanang ka tlhokomelo;
- “**tlhokomelo e fumanehang setjhabeng le ditshebeletso tsa tshehetso**” mona ho bolelwa lenaneo lefe kapa lefe le hopotsweng karolong ya 11;
- “**Lefapha**” lona le bolela Lefapha la Ntshetsopele ya Setjhaba boemong ba naha ba mmuso; 10
- “**Molaodi-kakaretso**” mona ho hlalosa Molaodi-Kakaretso wa Lefapha;
- “**motsofe ya fokolang**” ho bolelwa leqheku le hlokwang tlhokomelo nakong ya dihora tse 24 ka lebaka la boemo ba mmele kapa ba kelello ya hae bo etsang hore motsofe le hlollehe ho ithokomela; 15
- “**mohlokamedi wa bophelo bo botle**” mona ho bolelwa mohlokamedi wa bophelo bo botle ya hlalositsweng karolong ya 1 ya Molao wa Naha wa Bophelo bo botle wa selemo sa 2003 (Molao wa Nomoro ya 61 wa 2003);
- “**tlhokomelo e tswang lapeng**” mona ho bolelwa tlhokomelo eo ho fanwang ka yona kapa ditshebeletso tseo mohlokamedi a fanang ka tsona sebakeng seo motsofe ona a fokolang a dulang ho sona, ho tehelwa ka thoko taba ya tlhokomelo ya sebakeng sa bodulo, ka sepheo sa ho hlokomela hore notsofe lena le ne le dutse hantle, ho kenyeletswa le tlhokomelo ya ho fihlela le shwa ka tsela e nang le seriti; 20
- “**mmasetrata**” ho kenyeletswa mmasetrata wa tlatsetso le mothusi wa mmasetrata; 25
- “**motsamaisi**” mona ho bolelwa motho ya nang le boikarabelo ba tsamaiso ya letsatsi le leng le le leng ya sebaka sa bodulo;
- “**Letona**” ho bolelwa Letona la Ntshetsopele ya Setjhaba;
- “**motsofe**” ho bolelwa motho wa monna ya dilemo di 65 kapa ho feta moo, mme ha e le mosadi o lokela ho ba dilemo di 60 kapa ho feta; 30
- “**motsofe le hlokwang tlhokomelo le tshireletso**” ho bolelwa motsofe o ho buuwang ka yena karolong ya 25(5);
- “**motsamaisi**” ho bolelwa motho ya laolang ebile a na le sebaka sa bodulo;
- “**motho**” ho kenyeletswa le terasete;
- “**mohlanka wa sepolesa**” mona ho bolelwa setho jwalo ka ha se hlalositse karolong ya 1 ya Molao wa Tshebeletso ya Sepolesa sa Afrika Borwa wa 1995 (Molao wa Nomoro ya 68 wa selemo sa 1995), kapa setho sa tshebeletso ya sepolesa sa masepala e thehilweng ho latela karolo ya 64A ya Molao oo; 35
- “**laeletswang**” mona ho bolelwa ntho e laeletswang ke molawana o itseng;
- “**molawana**” mona ho bolelwa molawana ofe kapa ofe o entsweng tlasa karolo ya 34; 40
- “**tlhabollo**” mona ho bolelwa tsela eo ka yona motsofe a etswang hore le kgone ho fihlella le ho ithokomela ho fihlela maemong a hodimo a tshebetso ya mmele wa lona, ditho tsa kutlo, bohlahe, kelello le tsela ya bophelo, ha mmoho le mehato ya ho kgona ho etsa tshebetso hape kapa ho boeletsa tshebetso eseng e sa kgonehe kapa e le siyo, empa ho beheletswe ka thoko taba ya tlhokomelo ya tsa bongaka; 45
- “**sebaka sa bodulo**” mona ho bolelwa moaho kapa sebopeho se seng se sebedisetswang bohlo mabaka a ho fana ka bodulo le ho sebeletsa metsofe nako ya dihora tse 24;
- “**tlhokomelo ya kgefutso**” mona ho hlalosa tshebeletso e ikgethang e fuwang metsofe e fokolang le tsehebeletso ya mohlokamedi e reretsweng taba ya ho fana ka thuso ya tlhokomelo ya nakwana le thuso; 50
- “**tshebeletso**” e bolela mosebetsi ofe kapa ofe kapa lenaneo le radilweng ho kgotsofatsa dithoko tsa motsofe;
- “**seitshireletso**” mona ho bolelwa moaho ofe kapa ofe kapa dibaka tse bolokehileng kapa tse sebedisetswang kamohelo, tshireletso le tlhokomelo ya nakwana ya motsofe o hlokwang tlhokomelo le tshireletso; 55
- “**mosebetsi wa thekolohelo**” mona ho hlalosa motho ya ngodisitweng jwalo ka mosebetsi wa thekolohelo ho latela karolo ya 17 ya Molao wa Tshebetso wa Tshebeletso ya Setjhaba wa 1978 (Molao wa Nomoro ya 110 wa 1978), ebile a le tshebetsong kapa tshebeletsong ya mmuso kapa mokgatlong wa thekolohelo o ngodisitweng; 60
- “**Molao ona**” o kenyeletsa le melawana efe kapa efe.

CHAPTER 1

OBJECTS, IMPLEMENTATION, APPLICATION AND
GENERAL PRINCIPLES**Objects of Act**

2. The objects of the Act are to— 5
- (a) maintain and promote the status, well-being, safety and security of older persons;
 - (b) maintain and protect the rights of older persons;
 - (c) shift the emphasis from institutional care to community-based care in order to ensure that an older person remains in his or her home within the community for as long as possible; 10
 - (d) regulate the registration, establishment and management of services and the establishment and management of residential facilities for older persons; and
 - (e) combat the abuse of older persons.

Implementation of Act 15

3. (1) Subject to this Act allocating roles and responsibilities, the Act must be implemented by all organs of state rendering services to older persons in the national, provincial and, where applicable, local sphere of government in an integrated, co-ordinated and uniform manner.

(2) Recognising that competing social and economic needs exist, such organs of state must take reasonable measures to the maximum extent of their available resources to achieve the realisation of the objects of this Act. 20

(3) To achieve the implementation of this Act in the manner contemplated in subsections (1) and (2), all organs of state must co-operate in the development of a uniform approach aimed at co-ordinating and integrating the services delivered to older persons. 25

Application of Act

4. (1) The rights that an older person has in terms of this Act supplement the rights that an older person has in terms of the Bill of Rights.

(2) All organs of state and all officials, employees and representatives of organs of state must respect, protect and promote the rights of older persons contained in this Act. 30

(3) This Act binds both natural or juristic persons to the extent that it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.

General principles 35

5. (1) The general principles set out in this section guide—

- (a) the implementation of all legislation applicable to older persons, including this Act; and
- (b) all proceedings, actions and decisions by any organ of state in any matter concerning an older person or older persons in general. 40

(2) All proceedings, actions or decisions in a matter concerning an older person must—

- (a) respect, protect, promote and fulfil the older person's rights, the best interests of the older person and the rights and principles set out in this Act, subject to any lawful limitation; 45
- (b) respect the older person's inherent dignity;
- (c) treat the older person fairly and equitably; and
- (d) protect the older person from unfair discrimination on any ground, including on the grounds of the health status or disability of the older person.

KGAOLO YA 1**BOIKEMISETSO, PHETHAHATSO LE METHEO KA KAKARETSO****Boikemisetso ba Molao****2. Boikemisetso ba Molao ke—**

- (a) ho hlokomela le ho ntshetsa pele boemo, bophelo bo botle, polokeho le tshireletso ya motsofe; 5
- (b) ho hlokomela le ho tshireletsa ditokelo tsa metsofe;
- (c) ho sutha mokgweng wa tlhokomelo ya institjhusheneng le ho leba tlhokomelong ya lapeng ka morero wa ho netefatsa hore motsofe o dula lapeng la hae kahare ho setjhaba ho fihlela ka moo ho ka kgonehang ka teng; 10
- (d) ho laola ngodiso, ho thehwa le tsamaiso ya ditshebeletso le ho thehwa ha mmoho le tsamaiso ya dibaka tsa bodulo tsa metsofe; le
- (e) ho thibela tlhekefetso ya metsofe.

Phethahatso ya Molao

3. (1) Ho latela Molao ona kabo ya boikarabelo, Molao ona o lokela ho phethahatšwa ke makala kaofela a mmuso a sebeletsang metsofe boemong ba naha, ba provense, moo ho lokelang le lehlakoreng la puso ya selehae ka mokgwa o kopantsweng, o hokahantsweng le o tshwanang. 15

(2) Kananelong ya hore ho na le tlhodisano ya ditlhoko tsa setjhaba le tsa moruo, makala a jwalo a mmuso a lokela ho nka mehato e utlwahalang ho fihlela moo ho kgonehang teng ho latela mehlodi ya bona e teng ho fihlella phethahatso ya maikemisetso a Molao ona. 20

(3) Ho fihlela phethahatso ya Molao ona ka mokgwa o rerilweng karolwaneng ya (1) le ya (2), makala ohle a mmuso a lokela ho sebedisana ha mmoho ntshetsopeleng ya katamelo e tshwanang e reretsweng kgokahanyo le kopanyo ya ditshebeletso tse etsetswang metsofe. Makala ohle a mmuso le bahlanka kaofela, basebetsi le baemedi ba makala a mmuso 25

Tshebediso ya Molao

4. (1) Ditokelo tseo motsofe a nang le tsona ho latela Molao ona di tlatselatsa ditokelo tsa motsofe ho ya ka Bili ya Ditokelo. 30

(2) Makala ohle le bahlanka kaofela, basebetsi le baemedi ba makala ba lokela ho hlomphe, ho tshireletsa le ho kgothaletsa ditokelo tsa metsofe jwalo ka ha di fuperwe ke Molao ona.

(3) Molao ona o tlama batho ba amehang ka tswalo kapa ka molao ka hohle ka moo ho kgonehang ka teng, ho nketswe hloohong sebopeho sa tokelo le sebopeho sa boikarabelo bofe kapa bofe bo tlamang ho latela molao ona. 35

Metheo ya kakaretso**5. (1) Metheo e akaretsang e hlahang karolong ena e tataisa—**

- (a) phethahatso ya melao kaofela e amanang le metsofe, ho kenyeletswa Molao ona; le 40
- (b) mehato yohle, diketso le diqeto tsa lekala lefe kapa lefe la mmuso ntlheng efe kapa efe e mabapi motsofe kapa metsofe ka kakaretso.
- (2) mehato kaofela, diketso kapa diqeto mabapi le ditaba tse amanang le motsofe di lokela—
- (a) ho hlomphe, ho tshireletsa, ho kgothaletsa le ho ikamahanya le ditokelo tsa metsofe, ditabatabelo tsa metsofe le ditokelo ha mmoho le metheo e hlahisitsweng Molaong ona, ho latela dithibelo dife kapa dife tsa molao; 45
- (b) ho hlomphe seriti sa motsofe sa tswalo;
- (c) ho sebedisana le motsofe ka tsela e hloakang leeme le ka tekano; le
- (d) ho tshireletsa motsofe kgethollong e nang le leeme tlasa mabaka afe kapa afe 50 a boemo ba bophelo kapa kgolofalo ya motsofe ona.

- (3) In any matter concerning an older person—
- (a) an approach which is conducive to conciliation and problem-solving should be followed and a confrontational approach should be avoided; and
 - (b) a delay in any action or decision to be taken must be avoided as far as possible.

CHAPTER 2

5

CREATING AN ENABLING AND SUPPORTIVE ENVIRONMENT FOR OLDER PERSONS

Development of and compliance with national norms and standards

6. (1) The Minister may, from time to time, by notice in the *Gazette*, prescribe national norms and standards in order to define the acceptable levels of services that may be provided to older persons and in terms of which services must be monitored and evaluated. 10
- (2) Any person who provides a service to an older person must comply with the norms and standards contemplated in subsection (1).

Rights of older persons

15

7. Older persons enjoy the rights contemplated in section 9 of the Constitution of the Republic of South Africa and in particular may not be unfairly denied the right to—
- (a) participate in community life in any position appropriate to his or her interests and capabilities;
 - (b) participate in inter-generational programmes; 20
 - (c) establish and participate in structures and associations for older persons;
 - (d) participate in activities that enhance his or her income-generating capacity;
 - (e) live in an environment catering for his or her changing capacities; and
 - (f) access opportunities that promote his or her optimal level of social, physical, mental and emotional well being. 25

Support for services delivered by third parties

8. (1) The Minister—
- (a) may, in consultation with the Minister of Finance, provide financial awards to service providers that provide social services to older persons from funds appropriated by Parliament for that purpose; 30
 - (b) may for the purposes of paragraph (a) prioritise needs and services for older persons;
 - (c) may in the prescribed manner enter into contracts with service providers to ensure that the services contemplated in paragraph (b) are provided;
 - (d) must prescribe conditions for the receiving of financial awards, including accounting measures, compliance measures and norms and standards; and 35
 - (e) must prescribe remedies for failure to comply with the prescribed conditions contemplated in paragraph (d).
- (2) The Minister must open and maintain a register of all assets bought with Government funds and prescribe conditions for the management of such assets. 40

Guiding principles for provision of services

9. Any service must be provided in an environment that—
- (a) recognises the social, cultural and economic contribution of older persons;
 - (b) promotes participation of older persons in decision-making processes at all levels; 45
 - (c) recognises the multi-dimensional needs of older persons and therefore promotes inter-sectoral collaboration;

(3) Tabeng efe kapa efe e amanang le motsofe—

- (a) ho latelwe mokgwa o tlisang maemo a poelano le tharollo mme ho qojwe katamelo e bontshang kgalefo; le
- (b) tieho mohatong ofe kapa ofe kapa qetong e lokelang ho nkuwa e be dintho tse qojwang ka tsela tsohle.

5

KGAOLO YA 2

HO THEHWA HA TIKOLOHO E TLISANG BOKGONI LE TSHEHETSO YA METSOFE

Ntshetsopele le boikamanyo le makgabane ha mmoho le maemo a naha

6. (1) Letona ka dinako tsohle, ka tsebiso koranteng ya mmuso, le ka beha makgabane le maemo a naha ka sepheo sa ho hlalosa maemo a amohelehang a ditshebeletso tse ka fuwang metsofe eo ka ona ditshebeletso tsena di tlamehang ho tonelwa leihlo le ho hlahlojwa.

(2) Motho e mong le e mong ya fanang ka tshebeletso ho motsofe o lokela ho ikamahanya le makgabane le maemo ana ao ho buuwang ka ona karolwaneng ya (1)

15

Ditokelo tsa metsofe

7. Metsofe e na le ditokelo tseo ho buuwang ka tsona karolong ya 9 ya Molao wa Motheo wa Rephaboliki ya Afrika Borwa mme ka ho qoholleha ha ba tshwanela ho hanelwa ka tshebediso ya leeme tokelo ya—

- (a) ho phela le setjhaba ka ho kena boemong bofe kapa bofe bo nyalanang le ditabatabelo ekasitana le bokgoni ba bona;
- (b) ho kena mananeong a kenyeletsang meloko e fapafapaneng;
- (c) ho theha le ho kena dibopehong le mekgatlong ya metsofe;
- (d) ho kena mesebetsing e tiisang bokgoni ba bona ba ho iketsetsa tjehelete;
- (e) ho dula tikolohong e nketseng hloohong bokgoni ba bona bo fetohakang; le
- (f) ho fihlella menyetla e kgothaletsang boemo ba bophelo ba bona phedisano le ba bang, mmeleng, kelellong le maikutlong.

25

Tshehetso ya ditshebeletso tse tswang bathong ba bang

8. (1) Letona—

- (a) ka ditherisano le Letona la Ditjhelete, le ka nna la fana ka dithuso tsa ditjhelete tse tswang mokotlaneng wa matlole a abilweng ke Palamente ho basebeletsi ba fanang ka tshebeletso tsa phedisano ho metsofe;
- (b) ka mabaka a serapa sa (a) a ka behella ka pele ditlhoko le dishebeletso tsa metsofe;
- (c) ka mokgwa o tsepamisitsweng Letona le ka kena tumellanong le batho ba nehelanang ka ditshebeletso ho etsa bonnete ba hore ho fanwa ka ditshebeletso tseo ho buwang ka tsona serapeng sa (b);
- (d) le lokela ho tsepamisa diphelelo tsa kamohelo ya dithuso tsa ditjhelete ho kenyeletswa le mehato ya boikarabelo ba ditjhelete, bokamahanyo le mehato ena ekasitana le makgabane le maemo;
- (e) le lokela ho tsepamisa ditharollo tsa tlholeho ya boikamahanyo le diphelelo tse behilweng tseo ho buuwang ka tsona serapeng sa (d);
- (f) letona le tlameha ho bula le ho baballa le nane-ngodiso la thepa yohle e rekilweng ka tjehelete ya mmuso mme, a be e behe diphelelo mabapi le taolo le tsamaiso ya thepa eo.

45

Metho e tataisang taba ya ho fana ka ditshebeletso

9. Ho tshwanetse hore tshebeletso efe kapa efe eo ho fanwang ka yona ho fanwe ka yona tikolohong—

- (a) e nkelang hloohong boemo ba phedisano, ba botjhaba le ba moruo wa metsofe;
- (b) e kgothaletsang seabo sa metsofe tseleng ya ho etsa diqeto maamong a fapaneng;
- (c) e nkelang hloohong ditlhoko tse fapafapaneng haholo tsa metsofe mme ka tsela e jwalo ebile e ntshetsa pele tshebedisano ya makala a fapaneng;

50

- (d) ensures access to information by, education of and training of older persons;
- (e) promotes the development and basic care of older persons in rural and urban areas;
- (f) promotes the prevention of exploitation of older persons;
- (g) promotes the respect and dignity of older persons; 5
- (h) ensures that older persons receive priority in the provision of basic services;
- (i) ensures rehabilitation and the provisioning of assisted devices to older persons; and
- (j) ensures, as far as is practicable, that services and facilities are accessible to older persons. 10

CHAPTER 3

COMMUNITY-BASED CARE AND SUPPORT SERVICES FOR OLDER PERSONS

Rights of older persons receiving community-based care and support services

10. An older person receiving community-based care and support services has, in addition to the rights contemplated in section 7, the right to— 15

- (a) reside at home as long as possible;
- (b) pursue opportunities for the full development of his or her potential; and
- (c) benefit from family and community care and protection in accordance with society's system of cultural values. 20

Community-based programmes for older persons

11. (1) The Minister may, in collaboration with any relevant Minister or Member of the Executive Council in a province—

- (a) develop community-based programmes that fall into two broad categories, namely— 25
 - (i) prevention and promotion programmes, which ensure the independent living of an older person in the community in which the older person resides; and
 - (ii) home-based care, which ensures that a frail older person receives maximum care within the community through a comprehensive range of integrated services. 30
- (b) determine how any person who runs a programme contemplated in paragraph (a) may be supported, either financially or otherwise.
- (2) The programmes contemplated in subsection (1) are programmes aimed at— 35
 - (a) economic empowerment of older persons;
 - (b) establishment of recreational opportunities for older persons;
 - (c) information, education and counselling services, including HIV and AIDS, care for orphans, Alzheimer's, dementia and basic emergency care;
 - (d) spiritual, cultural, medical, civic and social services;
 - (e) provision of nutritionally balanced meals to needy older persons; 40
 - (f) promotion of skills and capacity of older persons to sustain their livelihoods;
 - (g) professional services, including care and rehabilitation to ensure independent living of older persons;
 - (h) appropriate services contained in the indigent policy for vulnerable and qualifying older persons; 45
 - (i) the utilisation and management of existing facilities for older persons as multi-purpose community centres;
 - (j) integrated community care and development systems for older persons; and
 - (k) inter-generational programmes.

- (d) e etsang bonnete ba hore metsofe e kgone ho fumana lesedi ka thuto le thupelo;
- (e) e kgothaletsang ntshetsopele le tlhokomelo ya mantlha ya metsofe dibakeng tsa mahae le tsa metseng ya diteropo;
- (f) e kgothaletsang thibelo ya hore metsofe e tlatlapuwe; 5
- (g) e kgothaletsang tlhomphelele le seriti sa metsofe;
- (h) e netefatsang hore metsofe e behellwe ka pele ha ho fanwa ka ditshebeletso tsa mantlha;
- (i) e netefatsang tlhabollo le ho thehwa ha menyetla ya thuso ya metsofe; le
- (j) ya ho netefatsa, ka moo ho kgonehang ka teng, hore metsofe e kgone ho finyella ditshebeletso le menyetla e teng. 10

KGAOLO YA 3

TLHOKOMELO YA LAPENG LE DITSHEBELETSO TSA TSHEHETSO YA METSOFE

Ditokelo tsa metsofe a fumanang tlhokomelo ya lapeng le ditshebeletso tsa tshehetso 15

10. Motsofe o fumanang tlhokomelo ya lapeng le tshebeletso tsa tshehetso, ntle le ditokelo tseo ho buuwang ka tsona karolong ya 7, le na le tokelo ya—

- (a) ho dula lapeng nakong e telele ho latela ka moo ho kgonehang ka teng;
- (b) ho tsomana le menyetla e tla ntshetsa pele bokgoni ba hae ka ho phethahala; 20 le
- (c) ho fola molemo wa tlhokomelo ya lelapa le ya setjhaba ha mmoho le ho fumana tshireletso ho latela mokgwa o latelwang ke setjhaba wa tselo ya botjhaba.

Mananeo a thehilweng setjhabeng a metsofe 25

11. (1) Letona, ka tshebedisano le Letona le loketseng kapa Setho sa Lekgotla la Phethiso la provense—

- (a) le ka theha mananeo a thehilweng setjhabeng a welang mekgeng e mmedi e batsi, ka ho qoholleha—
 - (i) mananeo a thibelo le kgothaletso, a netefatsang hore motsofe o phela ka boikemelo setjhabeng seo motsofe a dulang hara sona; le 30
 - (ii) tlhokomelo ya lapeng, e netefatsang hore motsofe o fokolang o fumana tlhokomelo e loketseng kahare ho setjhaba ka lethathamane le batsi la ditshebeletso tse kopantsweng.
- (b) Le ka tsepamisa ka moo motho e mong le e mong ya tsamaisang lenaneo leo ho buuwang ka lona serapeng sa (a) a ka tshehetswang ka teng, ka ditjhelete kapa ka mokgwa o mong. 35

(2) Mananeo ao ho buuwang ka ona karolwaneng ya (1) ke mananeo a reretsweng—

- (a) matlafatso ya moruo ya wa metsofe;
- (b) motheo wa menyetla ya boikgathollo ya metsofe; 40
- (c) ho fana ka lesedi, thuto le ditshebeletso tsa thuso ya keletso, ho kenyeletswa HIV le AIDS, tlhokomelo ya dikgutsana, ba nang le lefu la bolebadi Alzheimer, ho fokola ha keletso le tlhokomelo ya mantlha ya tshohanyetso;
- (d) ditshebeletso tsa moya, botjhaba, bongaka, boahi le tsa phedisano;
- (e) hore ho fanwe ka dijo tse phethahetseng ka phepo ho metsofe e hlokang; 45
- (f) ntshetsopele ya mahlale a boiphedisano le bokgoni ho metsofe hore e kgone ho iphedisa;
- (g) ditshebeletso tsa botsebi, tse kenyeletsang tlhokomelo le tlhabollo ho netefatsa bophelo ba boikemelo ba metsofe;
- (h) ditshebeletso tse loketseng, tse fuperweng ke leano la ba kojwana di mahatleng molemong wa metsofe e hlokang le a lokelwang ke thuso; 50
- (i) tshebediso le taolo ya menyetla e teng ya metsofe jwalo ka ditsha tse reretsweng mabaka a mangata a setjhaba;
- (j) tlhokomelo e kopantsweng ya setjhaba le mekgwa ya ntshetsopele ya metsofe; le 55
- (k) mananeo a kopantsweng meloko.

- (3) Home-based care programmes directed at frail older persons within the community may include—
- (a) provision of hygienic and physical care of older persons;
 - (b) provision of professional and lay support for the care of older persons within the home; 5
 - (c) rehabilitation programmes that include provision of assisted devices;
 - (d) provision of respite care;
 - (e) information, education and counselling for family members, caregivers and the community regarding ageing and associated conditions; and
 - (f) provision of free health care to frail older persons and to other older persons determined by the Minister. 10

Community-based care and support services to be registered

12. (1) No person may provide community-based care and support services unless the service is registered in terms of section 13.
- (2) A person who renders a community-based care and support service that has not been registered in terms of section 13 is guilty of an offence. 15

Registration of community-based care and support services

13. (1) Any person who wishes to provide a community-based care and support service must apply to the Director-General for the registration of such service.
- (2) The Minister must prescribe conditions for the registration of community-based care and support services, including application for registration, approval of registration, temporary registration, withdrawal and termination of registration, and any matter contemplated in subsection (4). 20
- (3) Registration granted in terms of this section is not transferable to another person.
- (4) If the provider of a service for any reason intends to stop providing the service, the provider must, prior to stopping the service in question— 25
- (a) notify the Director-General of the intention and the implications of such stoppage for the affected older persons;
 - (b) inform the older persons affected of the intended stoppage of the service; and
 - (c) take reasonable steps to ensure that the older persons benefiting from the service are not adversely affected or put at risk and, where appropriate, are referred to a person providing similar services. 30

Persons providing home-based care

14. (1) Any person who provides home-based care must ensure that caregivers receive the prescribed training. 35
- (2) All social workers and health care providers providing care to older persons contemplated in subsection (1) must be registered with the appropriate statutory council responsible for the relevant profession.
- (3) (a) The Minister must keep a register of all caregivers providing home-based care and must prescribe a code of conduct for such caregivers. 40
- (b) Paragraph (a) does not apply to social workers and health care providers referred to in subsection (2).
- (4) Any person who contravenes or fails to comply with any provision of this section is guilty of an offence.

(3) Mananeo a tlhokomelo ya malapeng a reretsweng metsofe e fokolang kahare ho setjhaba a kenyeletsa—

- (a) monyetla wa tlhokomelo ya bophelo bo botle le mmele wa metsofe;
- (b) monyetla wa tshehetso ya botsebi le tshehetso feela e tswang bathong wa tlhokomelo ya metsofe lapeng; 5
- (c) mananeo a tlhabollo a kenyeletsang monyetla wa hore ho fanwe ka thuso;
- (d) monyetla wa thuso ya tlhokomelo ya nakwana;
- (e) taba ya ho fana ka lesedi, thuto le thuso ya keletso ya ba lelapa, bahlokomedi le setjhaba mabapi le maemo a ho tsofala le ho kula ho tsamaelanang le boqheku; le 10
- (f) taba ya hore ho fanwe ka tlhokomelo ya bophelo bo botle ya mahala metsofeng a fokolang le metsofeng a mang ho latela ka moo Letona le tla tsepamisa dintho ka teng.

Tlhokomelo e thehilweng setjhabeng le tshebeletso tsa tshehetso di lokela ho ngodiswa 15

12. (1) Ha ho motho ya tla fana ka tlhokomelo e thehilweng setjhabeng le ditshebeletso tsa tshehetso ntle le ha tshebeletso e jwalo e ngodisitswe ho latela karolo ya 13.

(2) Motho ya fanang ka tlhokomelo e thehilweng setjhabeng le tshebeletso ya tshehetso ya sa ngodiswang ho latela karolo ya 13 o molato hobane o tlotse molao. 20

Ngodiso ya tlhokomelo e thehilweng setjhabeng le ditshebeletso tsa tshehetso

13. (1) Motho ofe kapa ofe ya lakatsang ho fana ka tlhokomelo e thehilweng setjhabeng le tshebeletso ya tshehetso o lokela ho etsa kopo ho Molaodi Kakaretso ho ngodisa tshebeletso eo e jwalo.

(2) Letona le lokela ho tsepamisa diphelelo tsa ngodiso ya tlhokomelo e thehilweng setjhabeng le tshebeletso tsa tshehetso, ho kenyeletswa kopo ya ngodiso, kamohelo ya ngodiso, ngodiso ya nakwana, ho fediswa le ho kgaotswa ha ngodiso, le ntlha efe kapa efe eo ho buuwang ka yona karolwaneng ya (4). 25

(3) Ngodiso eo ho fanweng ka yona ho latela karolo ena e keke ya fetisetswa ho motho e mong. 30

(4) Ha motho ya fanang ka tshebeletso ka lebaka lefe kapa lefe ya ka kgaotsang ho fana ka tshebeletso, motho ya jwalo, pele a kgaotsa tshebeletso eo, o lokela ho—

- (a) tsebisa Molaodi-Kakaretso ka boikemisetso ba hae le tshusumetso ya ho kgaotsa tshebeletso ho metsofe;
- (b) tsebisa metsofe e amehang ka morero wa hae wa ho kgaotsa tshebeletso; le 35
- (c) ho nka mehato e utlwahalang ho etsa bonnete ba hore metsofe e unang molemo tshebeletsong ena a seke a behwa ka mosing kapa a iphumana a setse powaneng mme moo ho lokelang, a fetisetswe ho motho e mong ya nehelanang ka tshebeletso e jwalo.

Batho ba fanang ka tlhokomelo e thehilweng mahae (ya hae) 40

14. (1) Motho e mong le e mong ya nehelanang ka tlhokomelo e thehilweng malapeng o lokela ho netefatsa hore bahlokomedi ba fumana thupelo e kgothaletswang.

(2) Basebetsi bohle ba tsa thekolohelo le ba fanang ka tlhokomelo ya bophelo bo botle ho metsofe e ho buuwang ka bona karolwaneng ya (1) ba lokela ho ngodiswa lekgotleng la molao le loketseng le ikarabelang tshebetsong e loketseng. 45

(3) (a) Letona le lokela ho ngodisa bahlokomedi bohle ba fanang ka tlhokomelo ya lapeng le ho tsepamisa khoutu ya boitshwaro ya bahlokomedi ba jwalo.

(c) Serapa (a) ha se amane le basebetsi ba thekolohelo le ba fanang ka tlhokomelo ya bophelo boo ho buuwang ka bona karolwaneng ya (2).

(4) Motho e mong le e mong ya tloang molao kapa ya hlolebang ho ikamanya le temana ya karolo ena o molato hobane a tlotse molao. 50

Monitoring and evaluation of community-based care and support services

15. Section 22 applies with the necessary changes in respect of the monitoring and evaluation of community-based care and support services.

CHAPTER 4**RESIDENTIAL FACILITIES**

5

Rights of older persons in residential facilities

16. An older person residing in a residential facility has, in addition to the rights he or she has in terms of the Bill of Rights or any other rights he or she may have, the right to—

- (a) appoint a representative to act on his or her behalf; 10
- (b) have reasonable access to assistance and visitation;
- (c) keep and use personal possessions;
- (d) have access to basic care;
- (e) be informed about the financial status of the residential facility and changes in management; 15
- (f) participate in social, religious and community activities of his or her choice;
- (g) privacy;
- (h) his or her own physician if he or she can afford it; and
- (i) be given at least 30 days' notice of a proposed transfer or discharge.

Services at residential facilities

20

17. The following services may be provided at residential facilities, namely—

- (a) 24-hour care and support services to frail older persons and older persons who need special attention;
- (b) care and supervision services to older persons who are suffering from dementia and related diseases; 25
- (c) rehabilitation services;
- (d) public education on issues of ageing, including dementia;
- (e) counselling services to residents and family members who need these services;
- (f) implementation and monitoring of outreach programmes; 30
- (g) provision of beds for the temporary accommodation of older persons at risk;
- (h) respite care services;
- (i) training of volunteer caregivers to deal with frail older persons; and
- (j) sport and recreational activities.

Prohibition on operation of unregistered residential facilities, and registration of such facilities 35

18. (1) (a) Subject to section 35, no person may operate a residential facility unless such facility has been registered under this section.

(b) Paragraph (a) does not apply to a private residence in which an older person is looked after by a family member. 40

(2) A person who wishes to operate a residential facility must, in the prescribed manner, apply to the Minister for registration thereof.

(3) After consideration of an application contemplated in subsection (2) the Minister may—

- (a) refuse the application or grant it subject to such conditions as he or she may determine, and if he or she grants it, direct that a registration certificate specifying those conditions be issued to the applicant in the prescribed form; or 45

Tlhokomelo le tlhahlobo ya tlhokomelo e thehilweng setjhabeng ha mmoho le ditshebetso tsa tshehetso

15. Karolo ya 22 e sebetsa ka diphetoho tse hlokehang tse mabapi le tlhokomelo le tlhahlobo ya tlhokomelo e thehilweng setjhabeng ha mmoho le ditshebetso tsa tshehetso.

5

KGAOLO YA 4

MENYETLA YA BODULO

Ditokelo tsa metsofe dibakeng tsa bodulo

16. Motsofe o dulang sebakeng sa bodulo, ha mmoho le ditokelo tse ding tseo le nang le tsona, ho latela Bili ya ditokelo kapa ditokelo dife kapa dife tse ding tseo motsofe a ka bang le tsona, le na le tokelo ya—

10

- (a) ho kgetha moemedi ya tla sebetsa dintho lebitsong la hae;
- (b) ho ba le monyetla o utlwalang wa ho fumana thuso le ho etelwa ka molao
- (c) ho boloka le ho sebedisa dintho tseo eleng tsa hae;
- (d) ho ba le monyetla wa ho fumana tlhokomelo ya mantlha;
- (e) ho fumana lesedi ka boemo ba ditjhelete ba sebakeng sena sa bodulo le ho tseba ka diphetoho tsamaisong;
- (f) ho kenela mesebetsi ya phedisano, ya bodumedi le ya setjhaba ho ya ka kgetho ya hae;
- (g) hore dintho tsa hae di sebetswe ka lekunutu;
- (h) ho fumana ngaka eo eleng ya hae haeba a kgona ho e lefa; le
- (i) ho fuwa bonyane tsebiso ya matsatsi a 30 a ho tsamaiswa ho lohothwang kapa ho lokollwa.

15

20

Tshebetso tsa dibakeng tsa bodulo

17. Ho ka nna ha fanwa ka tshebetso tse latelang sebakeng sa bodulo, ka ho qoholleha—

25

- (a) tlhokomelo ya dihora tse 24 le tshebetso ya tshehetso ya motsofe o fokolang le metsofe a hloka ho fuwa thuso e ikgethang;
- (b) tlhokomelo le tshebetso tsa tlhokomelo ya metsofe o nang le bothata ba kelello e fokolang le mahloko a tsamaelanang le moo;
- (c) tshebetso tsa tlhabollo;
- (d) thuso ya setjhaba e mabapi le ditaba tsa ho tsofala, ho kenyetswa kelello e fokolang;
- (e) ditshebetso tsa thuso ya keletso ho baahi le ho ba malapa a bona ba hloka tshebetso tsena;
- (f) phethahatso le tlhokomelo ya mananeo a nanabelano;
- (g) ho fana ka boroko le bodulo ba nakwana ho metsofe e pepesehileng mathateng;
- (h) tshebetso tsa tlhokomelo ya nakwana;
- (i) thupelo ya bahlokomedi ba baithaopi ho sebetsana le metsofe e fokolang; le
- (j) dipapadi le mekgwa ya boithapollo.

30

35

40

Thibelo ya tshebetso ya dibaka tsa bodulo tse sa ngodiswang, le ngodiso ya dibaka tse jwalo

18. (1)(a) Ho latela karolo ya 35, ha ho motho ofe kapa ofe ya ka bang le sebaka sa bodulo ntle le ha sebaka se jwalo se ngodisitswe tlasa karolo ena.

45

(c) Serapa sa (a) ha se ame sebaka sa bodulo se praevete seo motsofe a hlokometsweng ho sona ke ba lelapa.

(2) Motho ya batlang ho ba le sebaka sa bodulo o lokela, hore ka mokgwa o tsepamisitsweng, a etse kopo ho Letona hore a ngodise sebaka seo.

(3) Ka morao hoba ho tebiswe monahano kopong ena eo ho buuwang ka yona karolwaneng ya (2) Letona le ka nna la—

50

- (a) hana kopo ena kapa la fana ka tumello ho yona ho latela maemo ao le tla a tsepamisa, baeba Letona le dumella kopo e jwalo, le tla laela hore ho ntshwe

(b) subject to such conditions as he or she may determine, grant authority to the applicant to operate the residential facility for such period, not exceeding 12 months, as the Minister may determine, and direct that a temporary registration certificate specifying those conditions be issued to the applicant in the prescribed form for that period, and after expiration of the said period, or after notice by the applicant in the prescribed manner that the said conditions have been complied with, whichever occurs first, reconsider the application. 5

(4) Temporary registration contemplated in subsection (3)(b) may not be extended for more than 12 months under the same conditions.

(5) The Minister may at any time after one month's notice of his or her intention to do so, and after consideration of any representations received by him or her during such month, amend or cancel a registration certificate issued in terms of subsection (3)(a). 10

(6) (a) The amendment or cancellation of such registration certificate must be effected by notice to the holder thereof, and takes effect on a date specified in the notice.

(b) The date specified in the notice may not be earlier than three months for permanent registration and one month for temporary registration after the date of the notice, unless the Minister and the holder of the registration certificate have agreed otherwise. 15

(7) A person to whom a registration certificate has been issued in terms of subsection (3) may not transfer it to any other person.

(8) If the registration of a residential facility has been cancelled in terms of subsection (5), or if the operator of a residential facility wishes to close down such facility for any reason, he or she must take reasonable steps to ensure that on the closing down of such facility the older persons concerned are accommodated in another registered residential facility or with persons who, in the opinion of a social worker, are fit and proper persons for accommodating the older person or older persons. 20
25

(9) Any person who contravenes or fails to comply with a provision of this section, or of a condition imposed thereunder, is guilty of an offence.

Compliance with conditions for registration of residential facilities

19. (1) If there is reason to believe that any of the conditions contemplated in section 18(3) have not been complied with, the Minister may order specific measures to be adopted to facilitate compliance with those conditions. 30

(2) The operator of a registered residential facility must, at all reasonable times, report to the Minister any circumstances which may result in his or her inability to comply fully with any condition contemplated in section 18(3).

(3) If the registration of a residential facility has been cancelled in terms of section 18(5), or if the operator of a residential facility wishes to close down that residential facility, the operator must— 35

(a) prior to any decision to close down that residential facility, consult with the Minister on the matter;

(b) furnish the Minister with a full report on the accommodation of the older persons concerned required in terms of section 18(7); and 40

(c) hand over to the Department all assets bought with Government funds.

(4) Any person who fails to comply with subsection (3) is guilty of an offence.

Establishment of residents' committees for residential facilities

20. (1) If more than 10 older persons reside in a residential facility, excluding a shelter, a residents' committee which represents the interests of the residents must be established by the residents. 45

setifikeiti sa ngodiso se qaqisang dipehelo tseo mme se fuwe motho ya entseng kopo foromong e tsepamisitsweng; kapa

- (b) ho latela maemo a jwalo a tla behwa ke yena, a ka fana ka tumello ho motho ya entseng kopo hore a tsamaise sebaka se jwalo sa bodulo nakong e itseng, e sa feteng dikgwedi tse 12, ho latela ka moo Letona le tla tsepamisa ka teng, mme le laele hore ho ntshuwe setifikeiti sa ngodiso sa nakwana se qaqisetsang motho ya entseng kopo dipehelo tseo foromong e behilweng ya nako eo, mme ka morao ho ba nako eo e boletsweng e fele, kapa ka morao ho ba tsebiso ya motho ya entseng kopo ka mokgwa o tsepamisitsweng hore dipehelo tse boletsweng di phethisitswe, ho tla tswa feela hore ke efe e tlang pele, e be kopo e boetse e lokollwa hape botjha. 5

(4) Ngodiso ya nakwana eo ho buuwang ka yona karolwaneng ya (3)(b) ho ka etsahala hore e se ke ya lelefatswa ka nako e fetang dikgwedi tse 12 tlasa dipehelo tsona tse tshwanang le tsa pele. 10

(5) Letona nakong efe kapa efe ka morao ho tsebiso ya kgwedi e le nngwe ya boikemisetsa ba lona, le ka morao hoba le lekole boitelo bofe kapa bofe boo a bo amohetseng kgwedeng eo, le ka fetola kapa la fedisa setifikeiti sa ngodiso se ntshitsweng ho latela karolwana ya (3)(a). 15

(6) (a) Ho fetolwa kapa ho fediswa ha setifikeiti se jwalo sa ngodiso ho lokela hore ho tsamaiswe ka tsebiso e lebang ho motho ya nang le sebaka seo sa bodulo, mme tsebiso eo e sebetse ho latela letsatsi le ngotsweng ho yona. 20

(b) Letsatsi le ngotsweng tsebisong mona le keke la tla pele ho dikgwedi tse tharo tsa ngodiso ya setifikeiti sa moshwelella le kgwedi e le nngwe setifikeiting sa nakwana ka morao ho nako ya tsebiso, ntle le ha Letona ha mmoho le motsamaisi wa sebaka sa bodulo se nang le setifikeiti sa ngodiso ba dumellane ka tsela e nngwe. 25

(7) Motho ya fuweng setifikeiti sa ngodiso ho latela karolwana ya (3) a keke a fetisetsa setifikeiti seo ho motho e mong.

(8) Ha ngodiso ya sebaka sa bodulo e ile ya fediswa ho latela karolwana ya (5), kapa motsamaisi wa sebaka sena sa bodulo a lakatsa ho kwala sebaka sena sa bodulo ka lebaka lefe kapa lefe, o lokela ho latela mehato e itseng e utlwalang ho netefatsa hore nakong eo sehaka sena se kwalwang ka yona, metsofe e amehang a fumana bodulo sebakeng se seng sa bodulo se ngodisitsweng kapa ba fumana bodulo ho batho ba nang le bokgoni le ba loketseng ho ka fana ka bodulo ho motsofe kapa metsofe, ho latela maikutlo a mosebetsi wa thekolohelo. 30

(9) Motho e mong le e mong ya tlolang molao kapa ya hlolehang ho ikamanya le dipallo tsa karolo ena, kapa dipehelo tse hlonngweng, o tla fumanwa a le molato ka tlolo ya molao. 35

Boikamahanyo le dipehelo tsa ngodiso ya dibaka tsa bodulo

19. (1) Ha ho na le lebaka la ho dumela hore pallo efe kapa efe eo ho buuwang ka yona karolong ya 18(3) ha e a phethwa, letona le ka laela hore ho nkwe mehato e ikgethang ho etsa hore ho be le boikamahanyo le dipallo tse jwalo. 40

(2) Motsamaisi wa sebaka sa bodulo se ngodisitsweng o tlameha, ka dinako tsohle tse utlwalang, ho tlalehela Letona ka maemo afe kapa afe a ka bakang hore a seke a kgona ho ikamanya ka ho phethahala le dipehelo dife kapa dife tseo ho buuwang ka tsona karolong ya 18(3). 45

(3) Haeba ngodiso ya sebaka sa bodulo e ile ya fediswa ho ya ka karolo ya 18(5), kapa haeba motsamaisi wa sebaka sa bodulo a lakatsa ho kwala sebaka sa bodulo, motsamaisi o lokela hore—

- (a) pele a etsa qeto efe kapa efe ya ho kwala sebaka sa bodulo, a rerisane le letona ka ntlha ena; 50
- (b) a nehelane ka tlaleho e phethahetseng ho Letona e mabapi le bodulo ba metsofe e amehang e hlokehang ho latela karolo ya 18(7); le
- (c) a nehelane ka thepa yohle e rekilweng ka tjelete ya Mmuso.

(4) Motho ofe kapa ofe ya hlolehang ho ikamahanya le karolwana ya (3) o tla ba molato ka tlolo ya molao. 55

Ho thehwa ha dikomiti tsa baahi dibakeng tsena tsa bodulo

20. (1) Ha metsofe e fetang 10 a dula sebakeng sa bodulo, ntle le sebaka sa boitshireletso, komiti ya baahi e emelang ditabatabelo tsa baahi e lokela ho thehwa ke baahi bana ba mona.

(2) The Minister must prescribe—

- (a) the composition of a residents' committee contemplated in subsection (1), which must be reflective of the profile of residents and must include representatives of the residents and members of staff of the relevant residential facility and may include members of the public; 5
- (b) the election, appointment, qualifications, terms of office and grounds for removal from office of the members of a residents' committee and the filling of vacancies on such committee; and
- (c) the number of, and procedure at, meetings of a residents' committee.

(3) A residents' committee established in terms of subsection (1) must ensure that the manager of the residential facility in question— 10

- (a) facilitates interaction between the residents of the residential facility and their families, the public in general and that committee;
- (b) provides quality service to the residents of the residential facility;
- (c) provides opportunities for the training of the staff of the residential facility; 15
- (d) applies principles of sound financial management and submits quarterly financial reports to the residents and staff of the residential facility;
- (e) monitors activities at the residential facility in order to deal speedily with any incidents of abuse of the residents of the residential facility and takes steps to report such incidents to the appropriate authority; 20
- (f) consults the residents' committee in the appointment of the residential staff of the residential facility;
- (g) establishes complaints procedures for the residents and staff of the residential facility and persons who wish to lodge a complaint on behalf of any such resident; and 25
- (h) does everything necessary or expedient for the effective functioning of the residential facility.

Admission to residential facilities

21. (1) No person may unfairly discriminate directly or indirectly against an older person applying for admission to a residential facility on one or more grounds referred to in section 9(3) of the Constitution. 30

(2) If a person is refused admission to a residential facility, the manager of that residential facility must, on the request of that person, give reasons in writing for such refusal to the person.

(3) (a) An older person may not be admitted to a residential facility without his or her consent, unless his or her mental condition renders him or her incapable of giving such consent, in which case a person authorised to give such consent in terms of any law or in terms of a court order may give the required consent. 35

(b) In the absence of a person contemplated in—

- (i) paragraph (a), the required consent may be given by the spouse or partner of the older person concerned or, in the absence of such spouse or partner, an adult child or sibling of the older person, in the specific order as listed; or 40
- (ii) paragraph (a) or subparagraph (i), the required consent may be given by the Minister.

(c) The consent contemplated in paragraph (b)(i) or (ii) may only be given after a medical practitioner registered in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), has certified that any delay in the admission of the older person might result in his or her death or irreversible damage to his or her health. 45

(4) The operator of a residential facility must take all reasonable steps to obtain the older person's consent. 50

(5) Notwithstanding subsection (3), an older person who is capable of understanding must be informed of the intended admission even if his or her mental condition renders him or her incapable of giving the required consent in terms of that subsection.

(6) The operator of a residential facility into which an older person is admitted as a result of consent given in terms of subsection (3)(b) must notify the Director General of the admission within 48 hours after such admission. 55

- (2) Letona le lokela ho tsepamisa—
- (a) sebopelo sa komiti ya baahi eo ho buuwang ka yona karolwaneng ya (1), e lokelang ho bontsha sebopelo sa baahi mme e lokela ho kenyeletsa baemedi ba baahi le ditho tsa moifo wa basebetsi ba sebaka se loketseng sa bodulo mme e ka kenyeletsa le batho ba tswang setjhabeng; 5
 - (b) (b) dikgetho, kgetho, maemo a etsang hore mokgethuwa a kgethwe, dipallo tsa Ofisi le mabaka a hore ditho tsa komiti ya baahi di tloswe maamong a tsona le tsela ya ho tlatswa ha dikgeo komiting e jwalo; le
 - (c) palo, le tsela e lokelang ho latelwa dikopanong tsa komiti ya baahi. 10
- (3) Komiti ya baahi e thehilweng ho latela karolwana ya (1) e lokela ho netefatsa hore motsamaisi wa sebaka sa bodulo ya amehang—
- (a) o theha kgokahano dipakeng tsa baahi ba dulang sebakeng sena sa bodulo le ba malapa a bona, setjhaba ka kakaretso le komiti eo;
 - (b) o fana ka tshebeliso ya boleng ho baahi ba sebaka sena sa bodulo;
 - (c) o etsa menyetla ya hore ho na le thupelo ya moifo wa basebetsi ba sebaka sena sa bodulo; 15
 - (d) sebedisa metheo e metle ya tsamaiso ya ditjhelete le ho nehelana ka ditlalebo tsa ditjhelete kgwedding tse ding le tse ding tse tharo ho baahi le moifo wa basebetsi ba sebaka sena sa bodulo;
 - (e) o hlokomela diketsahalo sebakeng sena sa bodulo ha baahi hore a kgone ho sebetsana ka potlako le ketsahalo efe kapa efe ya tthekefetso ya batho ba dulang sebakeng sena sa bodulo le ho nka mehato ho tlaleha ketsahalo tse jwalo ho balaodi ba loketseng; 20
 - (f) o rerisana le komiti tsa baahi kgethong ya moifo wa basebetsi ba sebakeng sena sa bodulo; 25
 - (g) o theha mehato e lokelang ho latelwa ya ditletlebo tsa baahi le moifo wa basebetsi ba sebakeng sena sa bodulo le batho ba batlang ho hlahisa tletlebo lebitsong la motho ofe kapa ofe ya dulang sebakeng seo; le
 - (h) le ho etsa tsohle tse loketseng kapa tse tla potlakisa tshebetso e sebetsang hantle ya sebaka sena sa bodulo. 30

Kamohelo sebakeng sena sa bodulo

21. (1) Ha ho motho ya loketseng ho kgetholla ka tsela e nang le leeme le ka mokgwa o otlohileng kapa o sa otlohlang motsofe le kopang ho amohelwa sebakeng sa bodulo ka lebaka kapa mabaka ao ho buuweng ka ona karolong ya 9(3) ya Molao wa Motheo. 35
- (2) Ha ho motho ya tla hanelwa ho fumana kamohelo sebakeng sa bodulo, motsamaisi wa sebaka seo sa bodulo o tlameha, ka kopo ya motho enwa, ho fana ka mabaka a ngotsweng a ho hanela motho enwa ka bodulo.
- (3) (a) Ha ho motsofe eo ho ka etsahalang hore le amohelwe sebakeng sa bodulo ntle le tumello ya lona, ntle le moo kelello ya lona e sa mo feng bokgoni bo jwalo ba ho fana ka tumello ya hae, mme moo ho leng jwalo motho ya fuweng matla a ho fana ka tumello e jwalo ho latela molao ofe kapa ofe ka taelo ya lekgotla la dinyewe a ka nehelana ka tumello e hlokehang. 40
- (b) Bosiyong ba motho eo ho buuweng ka yena—
- (i) serapeng sa (a), tumello e hlokehang e ka tswa ho mohatsa kapa molekane wa motsofe le amehang kapa, bosiyong ba mohatsae kapa molekane, ngwana e moholo kapa ngwana wabo, ka tatellano e qaqisitsweng lenaneng; kapa 45
 - (ii) serapeng sa (a) kapa seratswaneng sa (i), tumello e hlokehang e ka nna ya tswa ho Letona.
- (c) Tumello eo ho buuwang ka yona serapeng sa (b)(i) kapa sa (ii) e ka tswa feela ka morao hoba ngaka e ngodisitsweng ho latela Molao wa Basebetsi ba Profeshene ya Bophelo bo botle wa 1974 (Molao wa nomoro ya 56 wa selemo sa 1974), e tiise hore tieho efe kapa efe kamohelong ya motsofe e ka nna ya tswala lefu kapa kotsi e sa tlo kgona ho boela e lokiswa bophelong ba motsofe. 50
- (4) Motsamaisi wa sebaka sa bodulo o lokela hore a latele mehato e utlwahalang ho fumana tumello ya motsofe. 55
- (5) Ntle le ho qhelela thoko karolwana ya (3), motsofe o kgonang ho utlwisisa le tlameha ho tsebiswa ka kamohelo e rerilweng ekasitana le ha kelello ya hae e mo hlokisa bokgoni ba ho fana ka tumello ho latela karolwana eo.
- (6) Motsamaisi wa sebaka sa bodulo moo ho amohetsweng motsofe ka lebaka la tumello eo ho nehelanweng ka yona ho latela karolwana ya (3)(b) o lokela ho tsebisa Molaodi Kakaretso ka kamohelo eo nakong ya dihora tse 48 ka morao ho kamohelo eo. 60

(7) On receipt of the notice referred to in subsection (6), the Director-General may constitute such a multidisciplinary team as may be prescribed in order to assess and to confirm or reject the admission contemplated in that subsection.

(8) Any person who contravenes this section is guilty of an offence.

Monitoring of registered residential facilities

5

22. (1) A social worker in the employ of the State may at any time, and any social worker or person designated by the Director-General must, if requested to do so by the Director-General—

- (a) visit and monitor a registered residential facility in order to ensure compliance with this Act; 10
- (b) interview any older person cared for or accommodated in such residential facility;
- (c) either with or without the assistance of a health care provider enquire into the well-being of any such older person;
- (d) direct any person who has in his or her possession or custody any book or document relating to such residential facility, to submit such book or document to him or her for inspection; 15
- (e) submit a report to the Director-General on the outcome of the inspection; and
- (f) provide the operator of the residential facility with a report on the findings of the inspection. 20

(2) A social worker or designated person exercising any power in terms of subsection (1) must, at the request of the manager of the residential facility in question or the person who has control over the place in question, as the case may be, produce a certificate issued by the Director-General stating that he or she is such a social worker or designated person. 25

(3) A social worker or designated person may issue a compliance notice to the operator concerned if a provision of this Act has not been complied with.

(4) A compliance notice remains in force until the relevant provision of this Act has been complied with and the social worker or designated person has issued a compliance certificate in respect of that notice. 30

(5) A person is guilty of an offence if that person—

- (a) obstructs or hinders a social worker or designated person in the performance of his or her functions in terms of subsection (1);
- (b) refuses to give a social worker or designated person access to an older person cared for or accommodated in a residential facility referred to in subsection (1); or 35
- (c) refuses or fails to comply with a direction in terms of subsection (1)(d).

Report to Minister by operators of residential facilities

23. (1) The operator of a registered residential facility must within 60 days after the end of the financial year of that residential facility submit to the Minister a report covering that financial year in respect of— 40

- (a) compliance with—
 - (i) the prescribed service standards; and
 - (ii) the prescribed measures to prevent and combat abuse of older persons; and 45
- (b) the provisions of the prescribed service level agreements concluded during that financial year.

(2) If the operator of a registered residential facility fails to submit a report in terms of subsection (1), the Minister may—

- (a) give notice to that operator that if such report is not submitted within 90 days after the date of that notice, the registration may be withdrawn; and 50
- (b) if such report is not submitted within 90 days after the date of the notice given in terms of paragraph (a), withdraw such registration after giving one month's notice of the intention to do so.

(7) Ha ho se ho amohetswe tsebiso eo ho buuwang ka yona karolwaneng ya (6), Molaodi Kakaretso a ka nna a theha moifo oo wa makala a fapafapaneng ho latela ka moo ho tsepamisitsweng ka teng ho hlahloba le ho tiisa kapa ho qhelela thoko kamohelo e hopotsweng karolwaneng eo.

(8) Motho ofe kapa ofe ya tlohang karolo ena o molato ka tlolo ya molao.

5

Tiso ya dibaka tsa bodulo tse ngodisitsweng

22. (1) Mosebetsi wa thekolohelo mosebetsing wa Mmuso neng kapa neng, le mosebetsi wa thekolohelo e mong le e mong ya abetsweng tshebetso ke Molaodi Kakaretso, o lokela hore haeba a kopuwa ke Molaodi Kakaretso ho etsa jwalo—

- (a) a etele le ho disa sebaka se ngodisitsweng sa bodulo e le ho netefatsa boikamahanyo le Molao; 10
- (b) a buisane le motsofe mofe kapa mofe le hlokometsweng moo kapa le fuweng bodulo moo sebakeng sa bodulo se jwalo;
- (c) ka thuso kapa ntle le ho thuswa ke ba fanang ka tlhokomelo ya bophelo bo botle, a fuputse tsa bophelo bo botle ba metsofe efe kapa efe e moo; 15
- (d) a laele motho ofe kapa ofe ya nang le buka efe kapa efe kapa tokomane e amanang le sebaka seo sa bodulo, ho nehelana ka buka e jwalo kapa tokomane e jwalo ho yena ho e hlahloba;
- (e) a nehelane ka tlaleho ho Molaodi Kakaretso ka sephetho sa tlhahlobo; le
- (f) ho nehelana ka tlaleho ya diphuputso tsa hae ho motsamaisi wa sebaka sa bodulo. 20

(2) Mosebetsi wa thekolohelo kapa motho ya fuweng matla afe kapa afe ho latela karolwana ya (1) o lokela, hore ka kopo ya motsamaisi wa sebaka sa bodulo kapa motho ya laolang sebaka seo se jwalo, ho ya ka moo ho leng ka teng, a hlahise setifikeiti se tswang ho Molaodi Kakaretso se hlalolang hore ke mosebetsi wa thekolohelo kapa ke motho eo ya tshwaetsweng ho etsa mosebetsi.

(3) Mosebetsi wa thekolohelo kapa motho ya tshwaetsweng ho etsa mosebetsi o jwalo a ka nna a fana ka tsebiso ya boikamahanyo ho motsamaisi ya amehang haeba temana e itseng ya Molao ona e sa phethiswa.

(4) Tsebiso ya boikamahanyo e dula e sebetse ho fihlela temana e loketseng ya Molao e phethisitswe mme mosebetsi wa thekolohelo kapa motho ya tshwaetsweng mosebetsi o jwalo a hlahisitse setifikeiti sa boikamahanyo ho latela tsebiso ena. 30

(5) Motho o tla fumanwa a le molato ka ho tlola molao ona haeba—

- (a) a sitisa kapa a thibela mosebetsi wa tsa thekolohelo kapa motho ya tshwaetsweng mosebetsi o jwalo ho etsa mosebetsi ya hae ho latela karolwana ya (1); 35
- (b) a hanela mosebetsi wa thekolohelo kapa motho ya tshwaetsweng mosebetsi ona ho kena sebakeng sa moo motsofe o hlokometsweng teng kapa le fuweng bodulo teng sebakeng sa bodulo seo ho buuwang ka sona ho (1); kapa
- (c) a hana kapa a hloleha ho ikamahanya le taelo ho latela karolwana ya (1)(d). 40

Tlaleho ya Letona e etswang ke batsamaisi ba dibaka tsa bodulo

23. (1) Motsamaisi wa sebaka sa bodulo se ngodisitsweng o lokela hore matsatsing a 60 ka morao ho mafelo a selemo sa ditjhelete sa sebaka seo sa bodulo a nehelane ka tlaleho ho Letona e akaretsang selemo seo sa ditjhelete ho latela—

- (a) boikamahanyo le— 45
 - (i) maemo a behilweng a tshebeletso; le
 - (ii) mehato e behilweng ho thihela le ho etsa hore ho seke ha e ba le tlhekefetso ya metsofe; le
- (b) ditemana tsa boemo ba ditumellano tsa tshebeletso e behilweng tse ileng tsa fihlellwa nakong ya selemo sa ditjhelete. 50

(2) Haeba motsamaisi wa sebaka sa bodulo se ngodisitsweng a hloleha ho nehelana ka tlaleho ho latela karolwana ya (1), letona le ka—

- (a) fana ka tsebiso ho motsamaisi ya jwalo hore haeba a sa nehelane ka tlaleho eo matsatsing a 90 ka morao ho letsatsi la tsebiso, ngodiso ya sebaka sena e tla hulwa; mme 55
- (b) ha tlaleho e jwalo e sa finyelle nakong ya matsatsi a 90 ka morao ho letsatsi leo ho fanweng ka tsebiso ka lona ho latela serapa sa (a), ho tla hulwa ngodiso eo ka morao hoba ho nehelanwe ka tsebiso ya kgwedi ya boikemisetsa bo jwalo.

CHAPTER 5

PROTECTION FOR OLDER PERSONS

Effect of Act on Domestic Violence Act, 1998

24. The provisions of this Act must not be construed as limiting, amending, repealing or otherwise altering any provision of the Domestic Violence Act, 1998 (Act No. 116 of 1998), or as exempting any person from any duty or obligation imposed by that Act or prohibiting any person from complying with any provision of that Act. 5

Older person in need of care and protection

25. (1) Any person who is involved with an older person in a professional capacity and who on personal observation concludes that the older person is in need of care and protection must report such conclusion to the Director-General. 10

(2) Any person other than a person in subsection (1) who is of the opinion that an older person is in need of care and protection may report such opinion to a social worker.

(3) The Director-General or the social worker to whom a report has been made must investigate the matter. 15

(4) If the report is substantiated by the investigation, the Director-General or the social worker concerned may take any one or more of the following actions, namely to—

(a) facilitate the removal of the older person concerned to a hospital, in case of injury, or to a shelter; 20

(b) make a report to a police official requesting the latter to act in terms of section 27;

(c) take such other steps as may be prescribed to ensure adequate provision for the basic needs and protection of the older person concerned; or

(d) if the older person concerned is the victim of an offence or crime, assist the older person to see a police official in order to lay a complaint. 25

(5) An older person who is in need of care and protection is one who—

(a) has his or her income, assets or old age grant taken against his or her wishes or who suffers any other economic abuse;

(b) has been removed from his or her property against his or her wishes or who has been unlawfully evicted from any property occupied by him or her; 30

(c) has been neglected or abandoned without any visible means of support;

(d) lives or works on the streets or begs for a living;

(e) abuses or is addicted to a substance and without any support or treatment for such substance abuse or addiction; 35

(f) lives in circumstances likely to cause or to be conducive to seduction, abduction or sexual exploitation;

(g) lives in or is exposed to circumstances which may harm that older person physically or mentally; or

(h) is in a state of physical, mental or social neglect. 40

Notification of abuse of older persons

26. (1) Any person who suspects that an older person has been abused or suffers from an abuse-related injury must immediately notify the Director-General or a police official of his or her suspicion.

(2) A person is not liable in respect of any notification given in good faith in terms of subsection (1). 45

(3) A person who fails to comply with subsection (1) is guilty of an offence.

KGALOLO YA 5**TSHIRELETSO YA METSOFE****Tshusumetso ya Molao wa 1998 wa Tlhekefetso ya Malapeng**

24. Temana tsa Molao ona ha di a lokela hore di nkwe di seha moedi o itseng, di fetola, di hlakola kapa di beha ka mokgwa o mong temana efe kapa efe ya Molao wa Tlhekefetso ya Malapeng wa selemo sa 1998 (Molao wa Nomoro ya 116 wa 1998), kapa hona ho tshwasolla motho ofe kapa ofe boikarabelong kapa boitlamong bo qobellwang ke Molao kapa ho thibela motho ofe kapa ofe hore a seke a ikamahanya le temana efe kapa efe ya Molao oo. 5

Motsofe o hlokang tlhokomelo le tshireletso 10

25. (1) Motho ofe kapa ofe ya amanang le motsofe boemong ba tshebetso le eo ka tihadimo eo e leng ya hae a etsang qeto ya hore motsofe o hloka tlhokomelo le tshireletso o lokela ho tlaleha qeto eo ho Molaodi Kakaretso.

(2) Motho ofe kapa ofe ntle le motho eo ho buuweng ka yena karolwaneng ya (1) ya nang le maikutlo a hore motsofe o hloka tlhokomelo le tshireletso a ka tlaleha maikutlo a hae ho mosebetsi wa thekolohelo. 15

(3) Molaodi Kakaretso kapa mosebetsi wa thekolohelo eo tlaleho ena e etswang ho yena o lokela ho fuputsa taba ena.

(4) Haeba tlaleho e nontshwa ke diphuputso, Molaodi Kakaretso kapa mosebetsi wa thekolohelo ya amehang a ka latela mohato ofe kapa ofe kapa e meng e latelang, e leng— 20

(a) ho thusa ka hore motsofe a amehang a tloswe mme a iswe sepetlele, haeba o tswile kotsi kapa a iswe sebakeng sa tshireletso;

(b) ho etsa tlaleho mapoleseng moo a kopang hore sepolesa se sebetse ho latela karolo ya 27; 25

(c) ho nka mehato e meng ho latela ka moo ho tsepanisitsweng ka teng ho netefatsa hore ho na le dihlhoko tsa mantlha le tshireletso ya metsofe a amehang; kapa

(d) hore haeba motsofe a amehang e le phofu ya tlolo ya molao, a thuse motsofe ho bona sepolesa hore a tlalehe sena. 30

(5) Motsofe o hlokang tlhokomelo kapa tshireletso ke motsofe—

(a) o tjhelete ya hae e kenang, theepa kapa tjhelete ya thuso ya metsofe e nkwang ho yona ntle le thato ya hae kapa le thulanang le tlhekefetso ya mofuta ofe kapa ofe wa moruo;

(b) le tlositsweng ha lona ntle le thato ya lona kapa le ileng la tloswa kante ho molao sebakeng sefe kapa sefe sa moo le neng le dula teng; 35

(c) le hlokang tlhokomelo kapa le lesitsweng feela ntle le mokgwa ofe kapa ofe wa boiphediso;

(d) le dulang kapa le sebetsang seterateng kapa le kopang dithuso;

(e) le sebedisang ka tsela empe kapa le fetohileng lekgoba la dithethefatsi mme le hloka tshetso kapa kalafo ya tshetso e fosahetseng ya dithethefatsi; 40

(f) le dulang tlasa maemo a ka mmakelang kapa a ka etsang hore a tlatlapuwe, a kwetelwe kapa a hlekefetswe mabapi le tsa thobalano;

(g) le dulang kapa le pepesehileng maemong a ka etsang hore a tswile kotsi mmeleng kapa kelellong; kapa 45

(h) le sotlehileng mmeleng, kelellong kapa bophelong ba lona.

Tsebisiso ya tlhekefetso ya metsofe

26. (1) Motho ofe kapa ofe ya belaelang hore motsofe ha a hlekefeditswe kapa a tswile kotsi ka lebaka la tlhekefetso o lokela ho tsebisa Molaodi Kakaretso kapa sepolesa ka sena seo a se belaelang. 50

(2) Motho ha a jare boikarabelo ho latela tsebisiso efe kapa efe e entsweng ka maikutlo a matle ho latela karolwana ya (1).

(3) Motho ya hlolehang ho ikamahanya le karolwana ya (1) o molato ka ho tlola molao.

(4) On receipt of a notification in terms of subsection (1)—

- (a) the Director-General must investigate the matter and if the suspicion is substantiated by the investigation, section 25(4) applies; and
- (b) the police official must inform the Director-General of the alleged abuse or, if he or she is satisfied that it will be in the best interests of the older person if the alleged offender is removed from the home or place where the older person resides, act in terms of section 27. 5

(5) Subsection (4)(a) applies with the necessary changes if the Director-General receives information contemplated in subsection (4)(b).

Written notice to alleged offender 10

27. (1) A police official to whom a report contemplated in section 25(4)(b) has been made or who is satisfied that it will be in the best interests of the older person if the alleged offender is removed from the home or place where the older person resides, must issue a written notice which—

- (a) specifies the names, surname, residential address, occupation and status of the alleged offender; 15
- (b) calls upon the alleged offender to leave the home or place where the older person resides and refrain from entering such home or place or having contact with the older person until the court hearing specified in paragraph (c);
- (c) calls upon the alleged offender to appear at a magistrates' court having jurisdiction on a date and at a time specified in the written notice to advance reasons why he or she should not be permanently prohibited from entering the home or place where the older person resides: Provided that the date so specified must be the first court day after the day upon which the notice is issued; and 20 25
- (d) contains a certificate under the hand of the police official that he or she has handed the original of such written notice to the alleged offender and that he or she has explained to the alleged offender the importance thereof.

(2) The police official must forthwith forward a duplicate original of the written notice to the clerk of the magistrates' court concerned. 30

(3) The mere production to the magistrates' court of the duplicate original referred to in subsection (2) is *prima facie* proof of the issue of the original thereof to the alleged offender and that such original was handed to the offender.

(4) Section 55 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) apply, with the necessary changes, to a written notice handed to an alleged offender in terms of subsection (1). 35

(5) A magistrates' court before which an alleged offender to whom a written notice in terms of subsection (1) has been issued, appears, may summarily inquire into the circumstances which gave rise to the issuing of the notice.

(6) The magistrates' court may, after having considered the circumstances which gave rise to the issuing of the written notice and after having heard the alleged offender— 40

- (a) issue an order prohibiting the alleged offender from entering the home or place where the older person resides or from having any contact with the older person, or both from entering such home or place and having contact with the older person, for such period of time as the court deems fit; 45
- (b) order that the alleged offender may enter the home or the place where the older person resides or have contact with the older person upon such conditions as would ensure that the best interests of the older person are served;
- (c) order that the alleged offender will be responsible for the maintenance of his or her family during the period contemplated in paragraph (a); or 50
- (d) make such other order with regard to the matter as the court deems fit.

(7) Misuse of a power referred to in subsection (1) by a police official constitutes grounds for disciplinary proceedings contemplated in section 40 of the South African Police Service Act, 1995 (Act No. 68 of 1995), against such police official.

(4) Ha ho amohetswe tsebiso ho latela karolwana ya (1)—

- (a) Molaodi Kakaretso o lokela ho fuputsa taba ena mme haeba pelaelo e netefatswa ke diphuputso, ho tla sebetsa karolo ya 25(4); mme
- (b) Sepolesa se lokela ho tsebisa Molaodi Kakaretso ka tthekefetso e bolelwang kapa haeba a kgotsofetse hore sena se molemong wa motsofe, hore motlodi eo wa molao a tloswe lelapeng leo kapa sebakeng seo sa moo motsofe a dulang teng, a sebetse ho latela karolo ya 27.

(5) Karolwana ya (4)(a) e sebetsa ka diphetoho tse hlokehang haeba Molaodi Kakaretso a fumana lesedi le lehothwang karolwaneng ya (4)(b).

Tsebiso e ngotsweng ya motlodi wa molao ya bolediswang

27. (1) Lepolesa leo tlaheho e lohothwang karolong ya 25(4)(b) e entsweng ho lona kapa le kgotsofetseng hore ho tla ba molemong wa motsofe haeba motlodi wa molao ya bolediswang a ka tloswa lelapeng kapa sebakeng sa moo motsofe a dulang ho sona, le lokela ho etsa tsebiso e ngotsweng—

- (a) moo a qaqisang mabitsa, sefane, aterese ya bodulo, mosebetsi le boemo ba motlodi ya bolediswang wa molao;
- (b) mme a bolelle motlodi ya bolediswang wa molao ho sutha lelapeng kapa sebakeng sa moo motsofe a dulang teng mme motlodi enwa wa molao a se hlole a kena lelapeng lena kapa sebakeng sena kapa a se hlole a ba le kopano le motsofe ona ho fihlela lekgotla la dinyewe le kena le qaqisitsweng serapeng sa (c);
- (c) moo a bitsang motlodi ya bolediswang wa molao ho hlaha ka pele ho lekgotla la mmaseterata ka letsatsi le nako e qaqisitsweng tsebisong e ngotsweng ho tla fana ka mabaka a hore ke hobaneng a keke a thibelwa ka ho phethahala ho kena lapeng kapa sebakeng sa moo motsofe a dulang teng; Ha feela letsatsi le jwalo le qaqisitsweng e le la pele la lekgotla ka morao hoba ho ntshuwe tsebiso ena; le
- (d) e nang le setifikeiti se iswang ke lepolesa le bopaki ba hore tsebiso ya mantlha e ngotsweng e fuwe motlodi ya bolediswang wa molao le hore lepolesa le hlaloseditse motlodi enwa wa molao bohlokwa ba tokomane ena.

(2) Lepolesa ho tloha mona le lokela ho romela khopi ya lengolo la tsebiso ya mantlha ho tlelereke ya lekgotla la mmaseterata le amehang.

(3) Ho hlaliswa feela ha khopi ya lengolo la mantlha lekgotleng la mmaseterata eo ho buuwang ka yona karolwaneng ya (2) ke bopaki ho botle ba hore ho ntshitswe tokomane ya mantlha mme e fetisetwa ho motlodi ya bolediswang.

(4) Karolo ya 55 ya Molao wa Mohato wa Tlolo ya Molao wa 1977 (Molao wa nomoro ya 51 wa selemo sa 1977) e sebetsa mona, ka diphetoho tse hlokehang, tsebisong e ngotsweng e fuweng motlodi wa molao ho latela karolwana ya (1).

(5) Lekgotla la mmaseterata leo ho lona motlodi ya bolediswang wa molao a ngoletsweng tsebiso ho latela karolwana ya (1) le leo a tla hlaha nyeweng ka lona, le ka fuputsa hang feela maemo a entseng hore ho ntshuwe tsebiso ena.

(6) Lekgotla la mmaseterata, ka morao hoba le tebise maikutlo ka maemo a bakileng hore ho ntshuwe tsebiso e ngotsweng mme ka morao hoba le mamele taba ya motlodi ya bolediswang, le ka—

- (a) ntsha taelo ya thibelo ya motlodi ya bolediswang wa molao ya hore a seke a kena lapeng kapa sebakeng sa bodulo sa moo motsofe ona a dulang teng kapa a seke a ba le kopano le motsofe, nakong eo lekgotla le tla fumana ho lokela ka teng;
- (b) laela hore motlodi ya bolediswang wa molao a ka kena lapeng kapa sebakeng sa moo motsofe a dulang teng kapa hoba a kopane le motsofe feela ka tlasa dipehelo tse itseng tse tla etsa hore ditabatabelo tsa motsofe di phethahatswe;
- (c) laela hore motlodi ya bolediswang wa molao a amohele boikarabelo ba tlhokomelo ya lelapa la hae nakong ena eo ho buuwang ka yona mona serapeng sa (a); kapa
- (d) etsa hore ho be le taelo e nngwe e mabapi le taba ena ho latela ka moo lekgotla le boneng ho tshwanela ka teng.

(7) Tshebediso e fosahetseng ya matla eo ho buuwang ka yona karolwaneng ya (1) ke sepolesa e fana ka mabaka a nyewe ya kgalemo e lohothwang karolong ya 40 ya Molao wa Tshebeletso ya Sepolesa sa Afrika Borwa (Molao wa nomoro ya 68 wa selemo sa 1995), mabapi le lepolesa le jwalo.

- (8) A person is guilty of an offence if that person—
- (a) has been issued with a written notice contemplated in subsection (1) and—
 - (i) refuses to leave the home or place where the older person resides; or
 - (ii) has contact with the older person in contravention of the written notice;
 - (b) contravenes or fails to comply with an order of the magistrates' court issued in terms of subsection 6 or with any condition contained in such order.

Procedure for bringing alleged abuser of older person before magistrate

28. (1) If a social worker or a health care provider submits or makes a written statement under oath or affirmation to a public prosecutor, and in such statement it is alleged that any person within the area of jurisdiction of the magistrate's court to which that public prosecutor is attached abuses an older person, that public prosecutor may, subject to subsection (2), request the clerk of that court to issue a summons informing such first-mentioned person of the allegations against him or her and calling upon him or her to appear, at a time and place specified therein, before a magistrate within that area.

(2) A public prosecutor may not in terms of subsection (1) request a clerk of the court to issue a summons unless he or she has obtained from the social worker or health care provider a report on the alleged abuse of the older person concerned.

(3) If on the grounds of a statement under oath or affirmation referred to in subsection (1) the magistrate has reason to suspect that a social worker or health care provider will be prevented or prohibited from going into or entering upon the place where the older person concerned resides to make the necessary investigation for the purposes of a report referred to in subsection (2), or if such social worker or health care provider has been prevented or prohibited from doing so, the magistrate concerned may on the application of the public prosecutor issue a warrant authorising the social worker or health care provider to go into or enter upon that place to make such investigation.

(4) A magistrate may in a warrant issued by him or her in terms of subsection (3) authorise the social worker or health care provider to take a police official with him or her for the purposes of an investigation referred to in the said subsection.

(5) The Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies, with the necessary changes, in relation to the form and manner of service of summonses in criminal cases in lower courts, the time to be allowed to a person summoned to appear, and the manner in which persons who have been summoned to appear may be dealt with if they fail to appear or to remain in attendance, as required, in respect of summonses issued in terms of this section.

(6) A person is guilty of an offence if that person—

- (a) obstructs or hinders a social worker or a health care provider in the performance of his or her functions in terms of this section; or
- (b) refuses to furnish to a social worker or a health care provider any information in connection with the alleged abuse of an older person at his or her disposal which such officer requires for the purposes of an investigation referred to in subsection (3).

Enquiry into abuse of older person

29. (1) Subject to this section, a magistrate before whom any person is brought in terms of section 28 must enquire into the correctness or otherwise of the allegations contained in the summons in question.

(2) The public prosecutor or any other person designated by the magistrate for the purpose must appear at the enquiry and may call witnesses and cross-examine any other witnesses giving evidence at the enquiry.

- (8) Motho o molato ka tlolo ya molao haeba motho eo—
- (a) a ile a fuwa tsebiso e ngotsweng e lohothwang karolwaneng ya (1) mme—
- (i) a hana ho sutha lapeng kapa sebakeng sa bodulo moo motsofe a dulang teng; kapa
- (ii) a na le kopano le motsofe mme a tlola tsebiso e ngotsweng eo a e fuweng; 5
- (c) a tlola molao kapa a hloleha ho ikamahanya le taelo ya lekgotla la mmaseterata e ntshitsweng ho latela karolwana ya 6 kapa ka pehelo efe kapa efe e moo taelong e jwalo.

Mohato wa ho tlisa mohlekefetsi ya bolediswang wa motsofe ka pele ho mmaseterata 10

28. (1) Ha mosebetsi wa thekolohelo kapa ya fanang ka tlhokomelo ya bophelo bo botle a nehelana kapa a etsa thaloso e ngotsweng tlasa kano kapa ka tiiso ka pele ho motjhotjhisi wa setjhaba, mme thalosing e jwalo ho bolediswa hore motho ofe kapa ofe sebakeng sena se taolong ya lekgotla la mmaseterata moo motjhotjhisi wa setjhaba a leng teng, o hlekefetsa motsofe, motjhotjhisi wa setjhaba ho latela karolwana ya (2) a ka kopa tlelereke ya lekgotla la dinyewe ho ntsha lengolo la qoso le tsebisang motho ya jwalo ya boletsweng pele ka qoso e mo tobileng le ho mmita ho tla hlaha ka pele ho sebaka sa lekgotla la mmaseterata ka nako e qaqisitsweng. 15

(2) Motjhotjhisi wa setjhaba ho latela karolwana ya (1) a ke ke a kopa tlelereke ya lekgotla ho ntsha lengolo la qoso ntle le ha a ile a fumana tlaleho ho mosebetsi wa thekolohelo kapa ho motho ya fanang ka tlhokomelo ya bophelo bo botle e mabapi le tlheketso e bolediswang ya motsofe o amehang. 20

(3) Haeba ho latela mabaka a thaloso ena e entsweng ka tlasa kano kapa tiiso eo ho buuwang ka yona karolwaneng ya (1) mmaseterata o na le lebaka la ho belaela hore mosebetsi wa thekolohelo kapa motho ya fanang ka tlhokomelo ya bophelo bo botle o tla thibelwa kapa ho sitiswa ho ya kapa ho kena sebakeng sa moo motsofe o amehang le dulang teng ho ya etsa diphuputso tse hlokehang ka mabaka a tlaleho eo ho buuwang ka yona karolwaneng ya (2), kapa haeba mosebetsi ya jwalo wa thekolohelo kapa motho ya fanang ka tlhokomelo ya bophelo bo botle a ile a thibelwa kapa asitiswa ho etsa mosebetsi wa hae, mmaseterata ya amehang ka kopo ya motjhotjhisi wa setjhaba a ka ntsha lengolo le fang matla mosebetsi wa thekolohelo kapa motho ya fanang ka tlhokomelo ya bophelo bo botle ho kena sebakeng sena le ho etsa diphuputso tse jwalo. 30

(4) Mmaseterata lengolong lena la taelo leo a le ntshang ho latela karolwana ya (3) a ka fana ka matla ho mosebetsi wa thekolohelo kapa ho motho ya fanang ka tlhokomelo ya bophelo bo botle ho tsamaya le lepolesa ka mabaka a ho ya etsa diphuputso tseo ho buuwang ka tsona karolwaneng e boletsweng. 35

(5) Molao wa Mohato wa Tlolo ya Molao wa 1977 (Molao wa nomoro ya 51 wa selemo sa 1977, o tla sebetsa, ka diphetoho tse hlokehang mabapi le sebopeho le mokgwa wa tshebetso wa diqoso dinyeweng tsa tlolo ya molao makgotleng a tlase, nako e lokelang ho dumellwa motho ya qositsweng hore a hlahe ka pele ho lekgotla, le mokgwa oo baqosuwa ba lokelang ho hlahela ka pele ho lekgotla ka ona ke ntho eo ho ka sebetsanwang le yona haeba ba hloleha ho hlahela kapa hore ba dule ba le teng, jwalo ka ha ho hlokeha ho latela mangolo a diqoso a ntshitsweng ho latela karolo ena. 40

- (6) Motho o molato ka tlolo ya molao haeba motho eo—
- (a) a sitisa kapa a thibela mosebetsi wa thekolohelo kapa motho ya nehelanang ka tlhokomelo ya bophelo bo botle tshetsong ya hae ya ho phetha mosebetsi ho latela karolo ena; kapa 45
- (b) a hana ho fana ka lesedi lefe kapa lefe leo a nang le lona ho mosebetsi wa thekolohelo kapa ho motho ya nehelanang ka tlhokomelo ya tsa bophelo bo botle mabapi le tlheketso ya motsofe o leng lesedi le hlokehang ka mabaka a diphuputso tseo ho buuwang ka tsona karolwaneng ya (3). 50

Phuputso tsa tlheketso ya motsofe

29. (1) Ho latela karolo ena, mmaseterata eo motho e mong le e mong a tlisitsweng ho yena ho latela karolo ya 28 o lokela ho fuputsa nepahalo kapa diqoso tse bolediswang lengolong la qoso le bolelwang. 55

(2) Motjhotjhisi wa setjhaba kapa motho ofe kapa ofe ya tshwauweng ke mmaseterata bakeng sa morero ona o tlameha ho ba teng diphuputsong mme a ka bitsa dipaki mme a botsisisa paki efe kapa efe e fanang ka bopaki diphuputsong tsena.

(3) The person against whom the allegations in question were made, may give evidence and he or she, or his or her legal representative, may cross-examine any witnesses called in terms of subsection (2) and may call witnesses and must be given the opportunity to advance reasons why an order should not be issued under subsection (10).

(4) Subject to anything to the contrary contained in this Act, the law relating to criminal trials in magistrates' courts applies with the necessary changes in respect of subpoenas, the calling and examination of witnesses for the purposes of or at the enquiry, the taking of evidence and the production of documents and other articles thereat, and the payment of allowances to witnesses. 5

(5) The magistrate holding the enquiry may determine whether or not the proceedings must be conducted in an open court room or behind closed doors. 10

(6) Section 159(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in so far as it relates to the conduct of a criminal trial in the absence of an accused, applies with the necessary changes in respect of an enquiry held in terms of this section.

(7) Section 108 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), applies with the necessary changes in respect of any proceedings in connection with an enquiry held in terms of this section. 15

(8) The report referred to in section 28(2) must be submitted to the magistrate holding the enquiry, who may direct the district surgeon, a psychiatrist or a clinical psychologist to examine the older person concerned and to furnish the magistrate with a report on the findings of such examination. 20

(9) The contents of a report submitted or furnished in terms of subsection (8) must be disclosed to the person against whom the allegations were made, and if he or she so desires, he or she or his or her legal representative must be given an opportunity to cross-examine the person who made the report, in relation to any matter arising out of the report, and to disprove any allegation made therein. 25

(10) If, after consideration of the evidence and of any report submitted or furnished in terms of subsection (8), it appears to the magistrate that any allegation in the summons is correct, the magistrate may—

- (a) authorise the person concerned to accommodate or care for the older person concerned under such conditions as the magistrate may impose; or 30
- (b) prohibit that person from accommodating or caring for any older person for such period, but not exceeding 10 years, as may be determined by the magistrate.

(11) Any person who contravenes or fails to comply with any condition imposed in terms of subsection (10)(a) or who contravenes or fails to comply with subsection (10)(b) is guilty of an offence. 35

Prohibition of abuse of older persons and special measure to combat abuse of older persons

30. (1) Any person who abuses an older person is guilty of an offence. 40

(2) Any conduct or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress or is likely to cause harm or distress to an older person constitutes abuse of an older person.

(3) For the purposes of subsection (2), "abuse" includes physical, sexual, psychological and economic abuse and— 45

- (a) "physical abuse" means any act or threat of physical violence towards an older person;
- (b) "sexual abuse" means any conduct that violates the sexual integrity of an older person;
- (c) "psychological abuse" means any pattern of degrading or humiliating conduct towards an older person, including— 50
 - (i) repeated insults, ridicule or name calling;
 - (ii) repeated threats to cause emotional pain; and
 - (iii) repeated invasion of an older person's privacy, liberty, integrity or security; 55

(3) Motho eo ya qoswang a ka fana ka bopaki mme yena kapa moemedi wa hae wa malao ba ka hloma dipotso paki efe kapa efe e bitsitsweng ho latela karolwana ya (2) mme a ka bitsa dipaki mme o lokela ho fuwa monyetla wa ho fana ka mabaka a hore ke hobaneng ho sa lokela hore ho ntshuwe taelo tlasa karolwana ya (10).

(4) Ho latela ntho efe kapa efe e sa kgemeng le sena e fuperweng ke Molao ona, molao o amanang le dipatlisiso tsa ditlolo tsa molao makgotleng a mmaseterata o sebetsa ha mmoho le diphetoho tse hlokehang mabapi le mangolo a pitso ya ho tla lekgotleng la dinyewe, ho bitswa ha dipaki le ditlhahlobo ka mabaka kapa sebakeng sa diphuputso, taba ya ho bokella bopaki le ho hlahisa ditokomane ha mmoho le diathekele tse ding tsa moo, le tefo ya ditlhapiso tsa dipaki.

(5) Mmaseterata ya tshwereng diphuputso a ka tsepamisa hore na nyewe e tshwarwe kapa tjehe lekgotleng le buletsweng bohle la dinyewe kapa le kwaletsweng setjhaba.

(6) Karolo ya 159(1) ya Molao wa Mohato wa tlolo ya Molao wa 1977 (Molao wa nomoro ya 51 wa selemo sa 1977), ho ya ka moo o amanang le tsamaiso ya nyewe ya tlolo ya molao bosiyong ba moqosuwa, e sebetsa ka diphetoho tse hlokehang mabapi le diphuputso tse tshwarwang ho latela karolo ena.

(7) Karolo ya 108 ya Molao wa Lekgotla la Mmaseterata wa 1944 (Molao wa nomoro ya 32 wa 1944) o sebetsa ka diphetoho tse hlokehang mabapi le nyewe dife kapa dife tse mabapi le diphuputso tse tshwerweng ho latela karolo ena.

(8) Tlaleho eo ho buuwang ka yona karolong ya 28(2) e lokela hore e fuwe mmaseterata ya tshwereng diphuputso, ya ka laelang ngaka ya setereke, ngaka ya mahloko a kelello kapa ya mahloko a bongaka ba kelello ho hlahloba motsofe o amehang le ho fana ka tlaleho ho mmaseterata mabapi le sephetho sa tse fumanehileng.

(9) Dikahare tsa tlaleho ena eo ho nehelanweng ka yona kapa eo ho fanweng ka yona ho latela karolwana ya (8) e lokela ho tsebiswa motho eo ho nang le diqoso tse etswang ka yena, mme haeba a rata, leqwetha la hae le lokela ho fumana sebaka sa ho hlaba dipotso motho ya entseng tlaleho eo, mabapi le ntlha efe kapa efe e tswang tlalehong ena, le ho hanyetsa diqoso tse kahare ho yona.

(10) Haeba, ka morao ho tebisa maikutlo bopaking bona le mabapi le tlaleho efe kapa efe eo ho nehelanweng ka yona ho latela karolwana ya (8), ho hlahela ho mmaseterata hore diqoso dife kapa dife tse lengolong la qoso di nepahetse, mmaseterata a ka—

(a) fana ka malla ho motho ya amehang hore a fane ka bodulo kapa a hlokomelo motsofe tlasa diphelelo tseo mmaseterata a tla di qobella; kapa

(b) thibela hore motho eo a fane ka bodulo kapa tlhokomelo bo motsofe ofe kapa ofe bakeng sa nako e jwalo, empa eseng e fetang dilemo tse 10, ho latela ka moo mmaseterata a tla tsepamisa ditaba ka teng.

(11) Motho e mong le e mong ya tlolang molao kapa ya hlolehang ho ikamahanya le diphelelo dife kapa dife tse tsepamisitsweng ho latela karolwana ya (10)(a) kapa ya tlolang kapa ya hlolehang ho ikamahanya le karolwana ya (10)(b) o molato ka tlolo ya molao.

Thibelo ya tlhekefetso ya motsofe le mehato e ikgethang ya thibela tlhekefetso ya motsofe

30. (1) Motho e mong le e mong ya hlekefetsang motho wa motsofe o molato ka tlolo ya molao.

(2) Boitshwaro bofe kapa bofe kapa tlhokeho ya mohato o loketseng, bo etsahalang nakong ya kamano efe kapa efe moo ho nang le tebelo ya tshepahalano, bo tlisang tshenyoko kapa ho sithabela ha maikutlo kapa bo nang le monyetla wa ho ntsha kotsi kapa ho tetebelesa motsofe bo nkwa e le tlhekefetso ya motsofe.

(3) Ka mabaka a karolwana ena ya (2), “tlhekefetso” e kenyeletsa tlhekefetso ya mmeleng, tlhekefetso ho tsa thobalano, tlhekefetso ya kelellong le moruong mme—

(a) “tlhekefetso ya mmeleng” e bolela ketso efe kapa efe kapa tshoso ya tshebediso ya mofuta wa dikgoka mmeleng mabapi le motsofe;

(b) “tlhekefetso ho tsa thobalano” e bolela boitshwaro bofe kapa bofe bo tlolang boinahanelo ba tsa thobalano ba motsofe;

(c) “tlhekefetso ya kelellong” e bolela tsela efe kapa efe e theolang kapa ya boitshwaro bo nyedisang motsofe, ho kenyeletswa le—

(i) ditlhapa le mahlapa a bitswang kgafetsa, ho phoqa kapa ho soma;

(ii) ditshoso tse phetakwang ho tlasa maikutlo a bohloko; le

(iii) ho hlokisa motsofe sebaka sa lona sa boinotshi lekunutung, ho hloka tokoloho, boinahanelo kapa tshireletso;

- (d) “economic abuse” means—
- (i) the deprivation of economic and financial resources to which an older person is entitled under any law;
 - (ii) the unreasonable deprivation of economic and financial resources which the older person requires out of necessity; or 5
 - (iii) the disposal of household effects or other property that belongs to the older person without the older person’s consent.

(4) If a court, after having convicted a person of any crime or offence, finds that the convicted person has abused an older person in the commission of such crime or offence, such finding must be regarded as an aggravating circumstance for sentencing purposes. 10

Keeping of register of abuse of older persons

31. (1) The Minister must in the prescribed manner keep a register of persons convicted of the abuse of an older person or of any crime or offence contemplated in section 30(4).

(2) A person whose name appears in the register contemplated in subsection (1) may not in any way— 15

- (a) operate or be employed at any residential facility;
- (b) provide any community-based care and support service to an older person.

CHAPTER 6

GENERAL AND SUPPLEMENTARY PROVISIONS 20

Delegation

32. (1) The Minister may—

- (a) delegate to any officer of the Department any power conferred upon the Minister by this Act, except the power to make regulations; and
- (b) authorise any such officer to perform any duty imposed upon the Minister by this Act. 25

(2) The Minister may, with the concurrence of the Premier of a province—

- (a) delegate to the Member of the Executive Council of that province responsible for social development any power conferred upon the Minister by this Act, except the power to make regulations; and 30
- (b) authorise that Member of the Executive Council to perform any duty imposed upon the Minister by this Act.

(3) The Member of the Executive Council of a province responsible for social development may—

- (a) delegate to any officer of the provincial administration concerned any power delegated to that Member under subsection (2); 35
- (b) authorise any such officer to perform any duty which that Member is authorised to perform under subsection (2).

(4) The Director-General may—

- (a) delegate to any other officer of the Department any power conferred upon the Director-General by this Act; and 40
- (b) authorise any such officer to perform any duty imposed upon the Director-General by this Act.

(5) The Director-General may, with the concurrence of the relevant Director-General of a provincial administration— 45

- (a) delegate to the Head of Department of that province responsible for social development any power conferred upon the Director-General by this Act; and
- (b) authorise that Head of Department to perform any duty imposed upon the Director-General by this Act.

- (d) "tlhekefetso ya moruo" e bolela—
- (i) ho tlatlapa motsofe mehlodi ya moruo le ya ditjhelete eo eleng ya motsofe ona ho latela molao ofe kapa ofe o teng;
 - (ii) ho hlokisa motsofe ka tsela e hlokang boikarabelo mehlodi ya hae ya moruo kapa ya ditjhelete eo motsofe a e hlokang; kapa 5
 - (iii) ho tlosa dintho tsa lelapa kapa thepa e nngwe eo e leng ya motsofe ntle le tumello ya motsofe ka bolona.

(4) Ha lekgotla la dinyewe, ka morao hoba le ahlolele motho tlolo efe kapa efe ya molao, le fumana hore motho ya ahlotsweng o hlekefeditse motsofe nakong ya tlolo eo ya molao, phumano e jwalo e lokela ho nkwa e le maemo a feteletsang ebile a totisa le ho eketsa matla a mabaka a kahlolo. 10

Ho boloka rejistara kapa buka ya ngodiso ya diketsahalo tsa tlhekefetso ya metsofe

31. (1) Letona ka mokgwa o tsepamisitsweng le lokela ho boloka rejistara ya batho ba ahlotsweng ka lebaka la ho hlekefetsa metsofe kapa ba ahloletsweng tlolo efe kapa efe e lohothwang mona karolong ya 30(4). 15

(2) Motho eo lebitso la hae le hlahang bukeng ena ya diketsahalo tsena tseo ho buuwang ka tsona karolwaneng ya (1) ha ho na hore ka tsela efe kapa efe a ka—

- (a) tsamaisa kapa a sebetsa sebakeng sefe kapa sefe sa bodulo; le
- (b) fana ka tlhokomelo ya mofuta ofe kapa ofe ya setjhaba le tshebeletso ya tshehetso ya metsofe. 20

KGAOLO YA 6

DIPEHELANO TSA KAKARETISO LE TSA TLATSETSO

Nehelano ya matla

32. (1) Letona le ka—
- (a) nehela mohlanka ofe kapa ofe wa Lefapha matla afe kapa afe ao Letona le nang le ona ho latela Molao ona, ntle le matla a ho etsa melao; le ho 25
 - (b) fa mohlanka ya jwalo matla a ho sebetsa mosebetsi ofe kapa ofe o fuweng Letona ke Molao ona.
- (2) Letona ka tumellano le Tonakgolo wa provense—
- (a) le ka nehelana ka matla ho Setho sa Lekgotla la Phethahatso sa provense se ikarabellang ntshetsopeleng ya setjhaba e leng matla afe kapa afe a fuweng Letona ho latela Molao ona, ntle le matla a ho etsa melao; le 30
 - (b) ho fana ka matla ho Setho sa Lekgotla la Phethahatso sa provense ho etsa mosebetsi ofe kapa ofe o fuweng Letona ho latela Molao ona.
- (3) Setho sa Lekgotla la Phethahatso sa provense se ikarabellang ntshetsopeleng ya setjhaba se ka— 35
- (a) nehelana ka matla ho mohlanka ofe kapa ofe wa tsamaiso ya provense e amehang e leng matla afe kapa afe a fuweng Setho seo ho latela karolwana ya (2); le
 - (b) a ka fana ka matla ho mohlanka ofe kapa ofe ya jwalo ho etsa mosebetsi ofe kapa ofe oo setho se fuweng matla a ho o sebetsa ho latela karolwana ya (2). 40
- (4) Molaodi Kakaretso a ka—
- (a) nehelana ka matla ho mohlanka ofe kapa ofe wa Lefapha e leng matla afe kapa afe a fuweng Molaodi Kakaretso ho latela Molao ona; le
 - (b) ho nehelana ka matla ho mohlanka ofe kapa ofe ya jwalo ho sebetsa mosebetsi ofe kapa ofe o fuweng Molaodi Kakaretso ho latela Molao ona. 45
- (5) Molaodi Kakaretso, ka tumellano le Molaodi Kakaretso ya loketseng wa tsamaiso ya provense a ka—
- (a) nehelana ka matla afe kapa afe ho Hlooho ya Lefapha ya provense e ikarabellang ntshetsopeleng ya setjhaba ao a fuweng ke Molaodi Kakaretso ho latela Molao ona; le 50
 - (b) nehelana ka matla ho Hlooho ya Lefapha ho etsa mosebetsi ofe kapa ofe o fuweng Molaodi Kakaretso ho latela Molao ona.

(6) A Head of Department may—

- (a) delegate to any other officer of the provincial administration concerned any power delegated to him or her under subsection (5); and
- (b) authorise any such officer to perform any duty which he or she is authorised to perform under subsection (5).

5

(7) Any person to whom any power has been delegated or who has been authorised to perform a duty under this section must exercise that power or perform that duty subject to such conditions as the person who effected the delegation or granted the authorisation considers necessary.

(8) Any delegation of a power or authorisation to perform a duty under this section— 10

- (a) must be in writing;
- (b) does not prevent the person who effected the delegation or granted the authorisation from exercising that power or performing that duty himself or herself; and
- (c) may at any time be withdrawn in writing by that person. 15

Penalties

33. Any person convicted of an offence in terms of—

- (a) section 12(2), 14(4), 18(8), 19(4), 22(5)(a), (b) or (c) or 28(6)(a) or (b) is liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment; or 20
- (b) section 21(8), 26(3), 27(8)(a) or (b), 29(11) or 30(1) is liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

Regulations

34. (1) The Minister may make regulations regarding— 25

- (a) any matter which may or must be prescribed in terms of this Act;
- (b) the form of any application, authority, certificate, consent, notice, order, register, process or subpoena which is to or may be made, granted, given, issued or kept in terms of this Act, and any other form required in administering this Act; 30
- (c) the procedure to be followed and the conditions which may be imposed in connection with the registration of residential facilities, and the minimum standards with which such residential facilities are to comply;
- (d) the books, accounts and registers which are to be kept by the managers of residential facilities, the manner in which such books, accounts and registers are to be kept and dealt with, and the returns and reports to be furnished in connection with such facilities; 35
- (e) the records to be kept by any person who cares for or accommodates for remuneration, whether by way of money or goods, any older or frail person in any place other than a residential facility; 40
- (f) measures to—
 - (i) prevent, combat and deal with the abuse of older persons;
 - (ii) be taken to advance persons disadvantaged by unfair discrimination;
 - (iii) promote the rights of residents of residential facilities;
 - (iv) promote the rights of older persons that are not in residential facilities; 45
- (g) the form and content of service level agreements between the residents and the residents' committee of a residential facility;
- (h) the minimum norms and standards for admission of persons to residential facilities;
- (i) service standards; 50
- (j) the levels of community-based care and support services;
- (k) the keeping of registers in terms of section 31; and
- (l) generally, any other ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation of this Act.

(6) Hlooho ya Lefapha e ka—

- (a) nehelana ka matla ho mohlanka ofe kapa ofe e mong wa tsamaiso ya provense e amehang e leng matla afe kapa afe ao a fuweng ho latela karolwana ena ya (5); le
- (b) nehelana ka matla ho mohlanka ofe kapa ofe ho etsa mosebetsi ofe kapa ofe oo a fuweng matla a ho sebetsa ho latela karolwana ya (5). 5

(7) Motho ofe kapa ofe ya nehetsweng matla kapa ya fuweng matla a ho etsa mosebetsi ho latela karolo ena o tlameha ho sebedisa matla ao kapa ho etsa mosebetsi oo ho latela dipehelano tse jwalo ka ha motho ya nehelaneng ka matla kapa ya faneng ka tumello e jwalo a hloka hore ho etsahale— 10

- (a) sena se etswe ka lengolo;
- (b) a se ke a thibela motho ya nehelaneng ka thomo kapa ya faneng ka tumello hore a phethahatse matla kapa a etse mosebetsi oo ka boyena; le
- (c) hore neng kapa neng matla ana a ka kgutliswa ka lengolo ke motho eo.

Dikotlo

15

33. Motho ofe kapa ofe ya ahlotsweng ka lebaka la ho tlola molao ho latela—

- (a) karolo ya 12(2), 14(4), 18(8), 19(4), 22(5)(a), (b) or (c) or 28(6)(a) kapa (b) o tlameha ho lefiswa kapa ho hlahlelwa tjhankaneng nakong e sa feteng selemo se le seng; kapa
- (b) karolo ya 21(8), 26(3), 27(8)(a) kapa (b), 29(11) kapa 30(1) o lokela ho lefiswa kapa ho hlahlelwa tjhankaneng nakong e sa feteng dilemo tse hlano, kapa a ahlolelwe tsona ka bobedi e leng tefiso le ho hlahlelwa tjhankaneng. 20

Melawana

34. (1) Letona le ka etsa melawana e mabapi le—

- (a) taba efe kapa efe e ka tsepamiswang kapa e lokelang ho tsepamiswa ho latela Molao ona; 25
- (b) sebopeho sa kopo efe kapa efe, matla, setifikeiti, tumello, tsebiso, taelo, rejistara, mokgwa kapa lengolo la qoso tse lokelang ho etswa kapa tse ka etswang, tseo ho nehelaneng ka tsona, tseo ho fanweng ka tsona, tse ntshitsweng kapa tse bolokilweng ho latela Molao ona, le sebopeho sefe kapa sefe se hlokehang tshebedisong ya Molao ona; 30
- (c) mohato o lokelang ho latelwa le dipehelano tse ka qobellwang ho latela ngodiso ya dihaka tsa bodulo, le maemo ao bonyane dibaka tse jwalo tsa bodulo di lokelang ho ikamahanya le ona;
- (d) dibuka, diakhaonte le direjistara tse lokelang ho bolokwa ke batsamaisi ba dibaka tsa bodulo, mokgwa oo dibuka tse jwalo, diakhaonte le direjistara tse lokelang ho bolokwa le hore ho sebetsana le tsona, tse lokelang ho busetswa le ditlaleho tse lokelang hore di hlahiswe tse mabapi le dibaka tse jwalo; 35
- (e) direkoto tse lokelang ho bolokwa ke motho ofe kapa ofe ya hlokometseng kapa ya faneng ka bodulo ho motho ofe kapa ofe ya tsofetseng ebile a fokola bakeng sa ho lefuwa, ho sa natswe hore ke ka tsela ya tjehele kapa ya fuwa dipahlo sebakeng sefe kapa sefe sa bodulo; 40
- (f) mehato—
- (i) ya ho thibela, ho sireletsa le ho sebetsana le tlheketso ya metsofe;
- (ii) e lokela ho nkuwa ho ntshetsa pele batho ba ka mosing ka lebaka la kgethollo e nang le leeme; 45
- (iii) ya ho ntshetsa pele ditokelo tsa baahi ba dibakeng tsena tsa bodulo;
- (iv) ya ho ntshetsa pele ditokelo tsa metsofe e sa duleng dibakeng tsena tsa bodulo;
- (g) sebopeho le dikahare tsa tumellano tsa boemo ba tshebeletso dipakeng tsa baahi le komiti ya baahi ba sebaka sa bodulo; 50
- (h) bonyane makgabane le maemo a kamohelo ya batho dibakeng tsena tsa bodulo;
- (i) maemo a tshebeletso;
- (j) maemo a tlhokomelo e thehilweng setjhabeng le tshebeletso tsa tshehetso; 55
- (k) poloko ya direjistara ho latela karolo ya 31; le
- (l) ka kakaretso, ntlha efe kapa efe e nngwe ya tlatsetso kapa ya tsamaiso e etsahetseng ka sewelo kapa ntlha ya tsamaiso e hlokang hore e tsepamiswe bakeng sa phethahatso e nepahetseng ya Molao.

(2) The regulations may provide that any person who contravenes or fails to comply with a regulation is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding one year or to both a fine and such imprisonment.

(3) Any regulation made in terms of subsection (1) which affects the South African Police Service must be made after consultation with the Minister for Safety and Security. 5

(4) Any regulation made in terms of subsection (1) which deals with the size or value of services and subsidies and with the criteria for eligibility of services must be made with the concurrence of the Minister of Finance.

(5) Before the Minister makes any regulation under this section, he or she must publish a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment, in writing, within a period stated in the notice of not less than 30 days from the date of publication of the notice 10

(6) The Minister must submit to Parliament the draft regulations contemplated in subsection (5) and comments received in terms of that subsection before final publication. 15

(7) The Minister may, if circumstances necessitate the immediate publication of a regulation, publish that regulation without consultation as contemplated in subsection (5).

Repeal of laws, and transitional provisions and saving 20

35. (1) The Aged Persons Act, 1967 (Act No. 81 of 1967), and the Aged Persons Amendment Act, 1998 (Act No. 100 of 1998), are hereby repealed.

(2) Any person managing a home for the aged which was registered in terms of the Aged Persons Act, 1967 (Act No. 81 of 1967), immediately before this Act took effect, must within 12 months of the date on which this Act took effect apply for registration in terms of section 18 of this Act. 25

(3) A home for the aged contemplated in subsection (2) remains registered in terms of the Aged Persons Act, 1967 (Act No. 81 of 1967), until the Minister grants or refuses the application as contemplated in section 18 of this Act.

(4) Any manager who received a subsidy under section 2 of the Aged Persons Act, 1967 (Act No. 81 of 1967), immediately before this Act took effect continues to receive such subsidy for 12 months after the date on which this Act took effect. 30

(5) Anything done or deemed to have been done under any provision of a law repealed by subsection (1) and which may or must be done in terms of this Act, must be regarded as having been done in terms of the corresponding provision of this Act. 35

Short title and commencement

36. This Act is called the Older Persons Act, 2006, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

(2) Melawana e ka fana ka hore motho ofe kapa ofe ya tlohang molawana kapa ya hlolehang ho ikamahanya le ona, o molato ka tlolo ya molao le hore o lokelwa ke kahlolo ya tefiso ya tjelete kapa ho hlola tjhankaneng nakong e sa feteng selemo kapa a fumane kahlolo tseo ka bobedi, e leng ya tefiso le ya ho hlahlelwa tjhankaneng.

(3) Molawana ofe kapa ofe ho e entsweng ho latela karolwana ya (1) o amang tshebetso ya Sepolesa sa Afrika Borwa o lokela ho etswa ka morao ho ditherisano ke Letona la Polokeho le Tshireletso. 5

(4) Molawana ofe kapa ofe o etswang ho latela karolwana ya (1) o sebsanang le boholo kapa boleng ba ditshebetso le ditjelete tsa diithuso ha mmoho le ditlhoko tse lokelang ho kgotsofatswa tsa ditshebetso di lokela ho etswa ka tumellano le Letona la Ditjelete. 10

(5) Pele Letona le etsa molawana ofe kapa ofe tlasa karolo ena, le lokela ho phatlalatsa moralo wa molawana o lohothwang Koranteng ya Mmuso ha mmoho le tsebiso e bitsang batho ba nang le thahasello, ka tsela e ngotsweng, nakong eo e boletsweng tsebising ya nako ya matsatsi a seng ka tlase ho 30 ho tloha ka letsatsi la phatlalatsa ya tsebiso eo. 15

(6) Letona le lokela ho nehelana ka moralo wa melawana e lohothwang karolwaneng ya (5) Palamenteng le ho fumana maikutlo ho latela karolwana eo pele ho phatlalatsa ya qetelo.

(7) Letona, haeba maemo a hloka phatlalatsa ya molawana ka potlako, le ka phatlalatsa molawana oo ntle le ditherisano jwalo ka ha ho bolelwa karolwaneng ya (5). 20

Ho fediswa ha melao, le diphelelano tsa nakwana ha mmoho le poloko

35. (1) Molao wa Metsofe wa 1967 (Molao wa Nomoro ya 81 wa selemo sa 1967), le Molao wa Metsofe o fetotsweng wa 1998 (Molao wa Nomoro ya 100 wa selemo sa 1998), mona e a hlakolwa. 25

(2) Motho ofe kapa ofe ya tsamaisang lehae la metsofe o ileng a ngodiswa ho latela Molao wa Metsofe wa 1967 (Molao wa Nomoro ya 81 wa 1967), hang pele Molao ona o sebetse, nakong ya dikgwedi tse 12 tsa letsatsi leo Molao ona o qadileng ho sebetse ka lona o lokela ho etsa kopo ya ngodiso ho latela karolo ya 18 ya Molao ona.

(3) Lehae la metsofe leo ho buuwang ka lona karolwaneng ya (2) le dula le ngodisitse ho latela Molao wa Metsofe wa 1967 (Molao wa Nomoro ya 81 wa selemo sa 1967), ho fihlela Letona le dumella kapa le hanela kopo e lohothwang karolong ya 18 ya Molao ona. 30

(4) Motsamaisi ofe kapa ofe ya amohelang tjelete ya thuso ho latela karolo ya 2 ya Molao wa Metsofe wa 1967 (Molao wa Nomoro ya 81 wa selemo sa 1967), hang feela pele Molao ona o qala ho sebetse o tla tswela pele ho fumana thuso e jwalo ya ditjelete nakong ya dikgwedi tse 12 ka morao ho letsatsi leo Molao ona o qadileng ho sebetse ka lona. 35

(5) Ntho efe kapa efe e entsweng kapa e nkwang e lokela hore e be e etsahetse ho latela temana efe kapa efe ya molao o hlakotsweng ke karolwana ya (1) le e ka etswang kapa e lokelang hore e be e entswe ho latela Molao ona, e lokela ho nkwa e entswe ho latela temana e nyalanang le moo ya Molao ona. 40

Sehlooho se sekgutshwanyane le qalo

36. Molao ona o bitswa hore ke Molao wa Metsofe wa 2006, mme o qala ho sebetse ka letsatsi le tla tsepamiswa ke Mopresidente ka kgweletso Koranteng ya Mmuso. 45