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**No. 31248**

## THE PRESIDENCY

No. 768 14 July 2008

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

**No. 6 of 2008: Social Assistance Amendment Act, 2008.**

## DIE PRESIDENSIE

No. 768 14 Julie 2008

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

**No. 6 van 2008: Wysigingswet op Maatskaplike Bystand, 2008.**

**GENERAL EXPLANATORY NOTE:**

- [                    ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)*  
*(Assented to 9 July 2008.)*

**ACT**

**To amend the Social Assistance Act, 2004, so as to regulate afresh the eligibility of men for an older person's grant; and to make further provision for the consideration of appeals against the Agency by an independent tribunal; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 10 of Act 13 of 2004**

1. Section 10 of the Social Assistance Act, 2004 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of the following paragraph: 5

- “(b) in the case of a man, he has **[attained the age of 65 years]**—
- (i) after 1 April 2008, attained the age of 63 years;
  - (ii) after 1 April 2009, attained the age of 61 years; or
  - (iii) after 1 April 2010, attained the age of 60 years.”. 10

**Amendment of section 18 of Act 13 of 2004**

2. Section 18 of the principal Act is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:
    - “(2) The Minister may, **after considering**—
    - (a) upon receipt of the applicant's written appeal and the Agency's reasons for the decision, [—
    - (a)] confirm, vary or set aside that decision; or
    - (b) appoint an independent tribunal to consider **[the] an** appeal contemplated in subsection (1) in accordance with such conditions as the Minister may prescribe by notice in the *Gazette*, and that tribunal may, after consideration of the matter, confirm, vary or set aside that decision or make any other decision which is just.”; and 15 20
  - (b) by the addition of the following subsection:
    - “(3) If the Minister has appointed an independent tribunal in terms of subsection (2)(b) all appeals contemplated in subsection (1) must be considered by that tribunal.”. 25

**Short title**

3. This Act is called the Social Assistance Amendment Act, 2008.

## ALGEMENE VERDUIDELIKENDE NOTA:

- [ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- \_\_\_\_\_ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)  
(Goedgekeur op 9 Julie 2008.)

## WET

Tot wysiging van die Wet op Maatskaplike Bystand, 2004, ten einde die geregtigheid van mans om 'n toelae vir ouer persone te ontvang, opnuut te reël; en verdere voorsiening te maak vir die oorweging van appèlle teen die Agentskap deur 'n onafhanklike tribunaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

## Wysiging van artikel 10 van Wet 13 van 2004

1. Artikel 10 van die Wet op Maatskaplike Bystand, 2004 (hierna die Hoofwet genoem), word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te 5  
vervang:

- “(b) in die geval van 'n man, hy [**die ouderdom van 65 jaar bereik het**]—  
(i) na 1 April 2008 die ouderdom van 63 jaar bereik het;  
(ii) na 1 April 2009 die ouderdom van 61 jaar bereik het; of  
(iii) na 1 April 2010 die ouderdom van 60 jaar bereik het.”. 10

## Wysiging van artikel 18 van Wet 13 van 2004

2. Artikel 18 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Minister kan, **na oorweging**]—  
(a) na ontvangs van die applikant se skriftelike appèl en die Agentskap se 15  
redes vir die besluit[—

(a)] daardie besluit bevestig, wysig of tersyde stel; of  
(b) 'n onafhanklike tribunaal aanstel om [**die**] 'n appèl in subartikel (1)  
beoog ooreenkomstig die voorwaardes wat die Minister by kennis-  
gewing in die Staatskoerant voorskryf aan te hoor, en daardie tribunaal 20  
kan, na oorweging van die aangeleentheid, daardie besluit bevestig,  
wysig of tersyde stel of enige ander besluit neem wat regverdig is.”; en

(b) deur die volgende subartikel by te voeg:

“(3) Indien die Minister 'n onafhanklike tribunaal ingevolge subartikel  
(2)(b) aangestel het, word alle appèlle in subartikel (1) beoog deur daardie 25  
tribunaal oorweeg.”.

## Kort titel

3. Hierdie Wet heet die Wysigingswet op Maatskaplike Bystand, 2008.