

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

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**Vol. 543** Cape Town, 16 September 2010  
Kaaipstad,

**No. 33562**

**THE PRESIDENCY**

No. 830 16 September 2010

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

**No. 5 of 2010: Social Assistance Amendment Act, 2010**

**DIE PRESIDENSIE**

Nr. 830 16 September 2010

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

**Nr. 5 van 2010: Wysigingswet op Maatskaplike Bystand, 2010**

**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 15 September 2010.)

**ACT**

To amend the Social Assistance Act, 2004, so as to enable applicants and beneficiaries to apply to the Agency to reconsider its decision; to further regulate appeals against decisions of the Agency; and to effect certain textual corrections; and to provide for matters connected therewith.

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

**Amendment of section 5 of Act 13 of 2004**

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

“(b) subject to section [17] 16, is resident in the Republic;”.

**Amendment of section 14 of Act 13 of 2004**

2. Section 14 of the principal Act is hereby amended by the substitution in subsection (3)(b) for subparagraph (iii) of the following subparagraph: 10

“(iii) of his or her right to request reconsideration and his or her right of appeal contemplated in section 18 and of the mechanism and procedure to invoke [that] any such right.”.

**Substitution of section 18 of Act 13 of 2004, as amended by section 2 of Act 6 of 2008**

3. The following section is hereby substituted for section 18 of the principal Act: 15

**“[Appeal] Reconsideration of decision by Agency and appeal**

**18.** (1) If an applicant or a beneficiary disagrees with a decision made by the Agency in respect of a matter regulated by this Act, that person or a person acting on his or her behalf may, within 90 days of his or her gaining knowledge of that decision, lodge a written **[appeal with the Minister against that decision, setting out the reasons why the Minister should vary or set aside that decision.]** application to the Agency requesting the Agency to reconsider its decision in the prescribed manner. 20

**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 15 September 2010.)

**WET**

**Tot wysiging van die Wet op Maatskaplike Bystand, 2004, ten einde aansoekers en begunstigdes in staat te stel om by die Agentskap aansoek te doen om sy besluit te heroorweeg; appèlle teen besluite van die Agentskap verder te reël; en sekere teksregstellings te bewerkstellig; 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 5 van Wet 13 van 2004**

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

“(b) subject to section [17] 16 is resident in the Republic;”.

**Wysiging van artikel 14 van Wet 13 van 2004**

2. Artikel 14 van die Hoofwet word hierby gewysig deur in subartikel (3)(b) 10 subparagraaf (iii) deur die volgende subparagraaf te vervang:

“(iii) van sy of haar reg om vir heroorweging aansoek te doen en sy of haar reg tot appèl beoog in artikel 19 en van die meganisme en prosedure om hom of haar op [daardie] enige sodanige reg te beroep.”.

**Vervanging van artikel 18 van Wet 13 van 2004, soos gewysig deur artikel 2 van Wet 6 van 2008** 15

3. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

**“[Appèl] Heroorweging van besluit deur Agentskap en appèl**

18. (1) Indien 'n aansoeker of 'n begunstigde verskil met 'n besluit geneem deur die Agentskap ten opsigte van 'n aangeleentheid wat deur hierdie Wet gereguleer word, kan daardie persoon of 'n persoon wat namens hom of haar optree, binne 90 dae nadat daardie besluit tot sy of haar kennis gekom het, 'n [geskrewe appèl by die Minister teen daardie besluit aanteken, waarin die redes vermeld word waarom die Minister daardie besluit moet wysig of tersyde stel.] skriftelik by die Agentskap aansoek doen waarin die Agentskap versoek word om sy besluit op die voorgeskrewe wyse te heroorweeg. 25

(1A) If an applicant or a beneficiary disagrees with a reconsidered decision made by the Agency in respect of a matter contemplated in subsection (1), that person or a person acting on his or her behalf may, within 90 days of his or her gaining knowledge of that decision, lodge a written appeal with the Minister against that decision, setting out the reasons why the Minister should vary or set aside that decision. 5

(2) The Minister may—

- (a) upon receipt of the applicant's or beneficiary's written appeal and the Agency's reasons for the decision confirm, vary or set aside that decision; or 10
- (b) appoint an independent tribunal to consider an appeal contemplated in [subsection (1) in accordance with such conditions as the Minister may prescribe by notice in the *Gazette*] subsection (1A) in the prescribed manner and that tribunal may, after consideration of the matter, confirm, vary or set aside that decision [or make any other decision which is just]. 15

(3) If the Minister has appointed an independent tribunal in terms of subsection (2)(b) all appeals contemplated in subsection [(1)] (1A) must be considered by that tribunal.

(4) Notwithstanding subsection (1A), the independent tribunal may in the prescribed manner condone any late application by an applicant or a beneficiary." 20

#### Short title

4. This Act is called the Social Assistance Amendment Act, 2010.

(1A) Indien 'n aansoeker of 'n begunstigde nie saamstem met die besluit ten aansien van 'n aangeleentheid in subartikel (1) beoog wat na heroorweging deur die Agentskap geneem is nie, kan daardie persoon of 'n persoon wat namens hom of haar optree, binne 90 dae nadat daardie besluit tot sy of haar kennis gekom het, 'n geskrewe appèl by die Minister teen daardie besluit aanteken, waarin die redes vermeld word waarom die Minister daardie besluit moet wysig of tersyde stel. 5

(2) Die Minister kan—

- (a) na ontvangs van die applikant of begunstigde se skriftelike appèl en die Agentskap se redes vir die besluit, daardie besluit bevestig, wysig of tersyde stel; of 10
- (b) 'n onafhanklike tribunaal aanstel om 'n appèl in [**subartikel (1) beoog ooreenkomstig die voorwaardes wat die Minister by kennisgewing in die Staatskoerant voorskryf**] subartikel (1A) beoog op die voorgeskrewe wyse aan te hoor, en daardie tribunaal kan, na oorweging van die aangeleentheid, daardie besluit bevestig, wysig of tersyde stel [**of enige ander besluit neem wat regverdig is**]. 15

(3) Indien die Minister 'n onafhanklike tribunaal ingevolge subartikel (2)(b) aangestel het, word alle appèlle in subartikel [(1)] (1A) beoog deur daardie tribunaal oorweeg. 20

(4) Ondanks subartikel (1A), kan die onafhanklike tribunaal enige laat aansoek deur 'n aansoeker of 'n begunstigde op die voorgeskrewe wyse kondoneer.".

#### Kort titel

4. Hierdie Wet heet die Wysigingswet op Maatskaplike Bystand, 2010.

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