

**The Black Sash Submission to the
Department of Social Development on the
Regulations in terms of the
Social Assistance Act, 2004 (Act No.13 of
2004)**

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**ATTENTION: MS LL PEMBA
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Substitute "regulation 2(2)(e)" for "regulation 22(2)(e)"

Regulation 32 (7)

Insert "or such extended period as the Agency, in the circumstances, may allow" immediately after the word "grant" in the third line thereof. - See comment on Regulation 18(1) above.

AD CHAPTER 9

APPOINTMENT OF A PERSON TO RECEIVE A GRANT IN THE CASE OF DEATH OF PRIMARY CARE- GIVER

Regulation 35

The word "organ of state" is not defined here nor in the Constitution where one would expect it to be. Presumably it is defined in the principal or some other Act. There are a wide variety of bodies that may fall within this term, e.g., the Agency itself.

The Black Sash would like therefore that an organ of state be clearly defined under regulation 1(definition section) to avoid confusion.

Information to be furnished to the Agency or the Inspectorate by a financial institution.

Regulation 36

Insert "in its possession" immediately after "information".

Regulation 36(6)

Add words, "required by the Agency or the Inspectorate" at the end of the sentence.

Circumstances under which the Agency may continue payment of a grant or a portion thereof of a beneficiary who is absent from the Republic.

Regulation 37 (2)(b)

Why "from date of departure from the Republic"? Shouldn't it read, "before a date specified therein"?

Regulation 37(2) (c)

Insert "a" between "as" and "reason" in the penultimate line thereof.

Regulation 37 (3)(a)

Substitute "intervals" for "frequency" in line one thereof.

Conditions under which deductions may be made directly from Social Grants

The Black Sash is strongly opposed to deductions of any nature at any point in the payment of grants by the state or by the Agency. The Department has in the past attempted to outlaw the deductions facility and on 3 October 2001 in our National Parliament the Minister

stated his position clearly that the practice of automatic deductions for insurance policies, micro-loans or any other such matter is expressly prohibited. We remain frightened by the concept of deductions raising its ugly head even if such deductions are done with the written approval of the Minister.

In the event of non-consideration of our objection to the above position on deductions we would like to recommend that such allowable deductions by the Minister should not exceed 10% of the grant amount for burial schemes and this should be stated in the Regulation concern.

Regulation 38(1)

Insert "not exceeding ten per centum of the grant" after the word "deductions" in the second line thereof.

Regulation 38(2) and (3)

The Black Sash notes the referral to a "service provider" in this regulation without necessarily defining such under Regulation 1. We would suggest therefore that a definition be provided under regulation 1.

Regulation 38(4)

Substitute "deduction" for "deductions" in the last line.

Procedures to be followed for suspension and cancellation of grants.

Regulation 39(1)(b)

Substitute word "meets" for "meet" in the penultimate line.

Regulation 39(2)

"In" should read "in" at the beginning of the penultimate line and insert the word ""the" after the word "with" which follows two words later.

Regulation 39(2) (VI)

Insert word, "the" between the words "and" and "procedures".

Regulation 39(4)

The word "In" should be replaced with "in" at the beginning of the fourth line.

Regulation 39(8)

Substitute words, "in this regulation" for "herein" in the first line.

Regulation 39(9)

Delete word, "other" in the second line thereof.

Regulation 39(10)

Substitute words, "in this regulation" for "herein" in the third line.