

NATIONAL WELFARE ACT 100 OF 1978

(Afrikaans text signed by the State President)

[Assented To: 20 June 1978]

[Commencement Date: 1 September 1979]

as amended by:

Republic of South Africa Constitution Act 110 of 1983
Transfer of Powers and Duties of the State President Act 97 of 1986
Proclamation No. 40 of 1994
Proclamation No. 7 of 1996

ACT

To provide for the establishment and constitution of a South African Welfare Council and of regional welfare boards and certain committees; and to define their powers and functions; to provide for welfare programmes and for the registration of welfare organizations; and to provide for incidental matters.

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1. Definitions

In this Act, unless the context otherwise indicates -

“council” means the South African Welfare Council established under [section 2](#);

“date of assignment” means the date upon which the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), been assigned to a competent authority within the government of a province;
[Definition of “date of assignment” inserted by Proc. 7/96]

“executive committee” means an executive committee appointed under [section 11](#) (4);

“magisterial district” means a district created in terms of [section 2](#) of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944);

“Minister” -

- (a) in so far as the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993, been assigned to a competent authority within the government of a province and the provision is applied in or with reference to the province concerned, means that competent authority; or
- (b) in so far as the administration of a provision of this Act has not been so assigned, means the Minister for Welfare and Population Development in the national government;
[Definition of “Minister” substituted by Proc. 7/96]

“Minister of Finance” -

- (a) in so far as the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993, been assigned to a competent authority within the government of a province and the provision is applied in or with reference to the province concerned, means the member of the Executive Council of that province responsible for the budget in the province; or
- (b) in so far as the administration of a provision of this Act has not been so assigned, means the Minister of Finance in the national government;
[Definition of “Minister of Finance” inserted by Proc. 7/96]

“national council” means any organization which in terms of its constitution has been

established to organize and represent on a national or provincial basis welfare organizations pursuing objects which correspond substantially, and to promote, propagate and co-ordinate the interests, objects and activities of such welfare organizations and to act in an advisory capacity for such organizations;

“nomination list” means a list prepared in terms of [section 10](#) (1);

“prescribed” means prescribed by regulation;

“province” means a province established in terms of section 124 of the Constitution of the Republic of South Africa, 1993;

[Definition of “province” inserted by Proc. 7/96]

“provincial administration” means the provincial administration established for a province by the Public Service Act, 1994 (Proclamation No. 103 of 1994);

[Definition of “provincial administration” inserted by Proc. 7/96]

“region”, in so far as a provision of this Act is applied in or with reference to a particular province, means a region established under [section 5](#) (1) within that province;

[Definition of “region” substituted by Proc. 7/96]

“regional welfare board”, in relation to a region, means the regional welfare board established under [section 6](#) (1) in respect of that region;

[Definition of “regional welfare board” substituted by Proc. 7/96]

“registered branch”, in relation to a welfare organization, means a registered branch as defined in [section 1](#) of the Fund-raising Act, 1978;

“registration certificate” means a registration certificate issued under [section 13](#) (1);

“regulation” means a regulation made under this Act;

“Republic”

[Definition of “Republic” deleted by Proc. 7/96]

“Secretary” -

(a) in so far as the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993, been assigned to a competent authority within the government of a province and the provision is applied in or with reference to the province concerned, means the officer who is the head of the component which is charged with welfare matters in the provincial administration of that province; or

(b) in so far as the administration of a provision of this Act has not been so assigned, means the Director-General: Welfare;

[Definition of “Secretary” substituted by Proc. 7/96]

“social welfare services” means organized activities, measures or programmes in connection with -

(a) social work as defined in section 1 of the Social Work Act, 1978 (Act No. 110 of 1978);

[Para (a) substituted by Proc. 7/96]

(b) the prevention and treatment of social pathological conditions in the community or in groups of persons or in families or individuals;

- (c) the promotion, protection or stability of family or marital life;
- (d) the welfare of the aged or physically or mentally handicapped persons;
- (e) the welfare of children;
- (f) the prevention of alcoholism or dependence upon dependence-producing substances or the treatment of persons who are dependent upon alcohol or any other dependence-producing substance;
- (g) the provision of housing to indigent persons or persons in need;
- (h) any corrective service;
- (i) social relief;

“social worker” means any person registered as a social worker under section 17 of the Social Work Act, 1978;

[Definition of “social worker” substituted by Proc. 7/96]

“this Act” includes the regulations;

“welfare committee” means a welfare committee appointed under [section 11](#) (5);

“welfare organization” means a welfare organization which is registered in terms of [section 13](#) (1) or which is deemed to be registered in terms of section 13 (4);

“welfare programme” means a welfare programme referred to in [section 11](#) (1) (c).

CHAPTER 1

SOUTH AFRICAN WELFARE COUNCIL

2. Establishment and constitution of South African Welfare Council, meetings thereof and remuneration of members

- (1) There is hereby established a council to be known as the South African Welfare Council, which shall exercise such powers as may be conferred, and performs such functions as may be imposed, upon it by or under this Act.
- (2) (a) The council shall consist of so many members but not exceeding twenty-one, as the Minister may from time to time determine.
[Para. (a) amended by s. 46 of Act 97/86]
- (b) The members of the council shall be appointed by the Minister from persons who, in his opinion, have expert or special knowledge or experience of social problems and who are able to make a substantial contribution to the combating of such problems.
[Para. (b) amended by s. 46 of Act 97/86]
- (3) (a) A member of the council shall be appointed for a period not exceeding three years subject to such conditions as the Minister may determine.
[Para. (a) amended by s. 46 of Act 97/86]

- (b) A member of the council whose period of office has expired shall be eligible for reappointment.
- (c) The period of office of a member of the council may be terminated at any time if, in the opinion of the Minister, there are good reasons for doing so.
[Para. (c) amended by s. 46 of Act 97/86]
- (4) If a member of the council dies or vacates his office before the termination of the period for which he has been appointed, the Minister shall appoint any other person to hold office for the unexpired portion of the period for which such member was appointed.
[Sub-s. (4) amended by s. 46 of Act 97/86]
- (5) The Minister shall designate one of the members of the council as president of the council and the members of the council shall elect one of its members as deputy-president.
[Sub-s. (5) amended by s. 46 of Act 97/86]
- (6) The council shall meet at least twice per annum at such times and places as may be determined by the president of the council with the approval of the Minister.
- (7) The quorum for and procedure at meetings of the council shall be as prescribed.
- (8) There may be paid to a member of the council who is not an officer in the public service, while he is engaged on work of the council, such fees and such travelling and subsistence allowances as may be determined by the Minister in consultation with the Minister of Finance.

3. Functions of council

- (1) The functions of the council shall be to advise the Government in relation to -
 - (a) the general policy which should be followed to promote and ensure the social stability of the inhabitants of the Republic and to prevent social decline;
 - (b) the measures generally necessary to combat or prevent social problems;
 - (c) the measures particularly necessary for stabilizing, protecting or promoting family life or married life or the welfare of the aged or children or physically or mentally handicapped persons or other groups of the population;
 - (d) the measures which should be taken in order to improve social welfare services in the Republic;
 - (e) the rendering of social welfare services by welfare and other organizations and matters connected therewith;
 - (f) any research which should be undertaken in connection with any social problem;
 - (g) any social welfare matter referred to the council by the Minister or about which the council deems it necessary or desirable to advise the Government,and to provide information and guidance to welfare organizations in connection with social welfare services.
- (2) The council may with the approval of the Minister arrange conferences in connection

with social problems or matters relating to its functions.

- (3) The council shall, at least twice during its term of office and at such other times as the Minister may determine, submit to the Government a report on the performance of the functions of the council.

4. Appointment of secretary to council

- (1) The Secretary shall appoint an officer in the public service as secretary of the council, who shall also perform the administrative work of the council.
- (2) The secretary of the council shall perform his functions under the supervision and guidance of the council and shall be subject to the administrative control of the Secretary.

CHAPTER 2

ESTABLISHMENT OF REGIONS AND REGIONAL WELFARE BOARDS

5. Establishment of regions

- (1) The Minister may by notice in the Provincial *Gazette* -
 - (a) establish regions, each of which shall consist of one or more magisterial districts, and determine the name by which such a region shall be known;
 - (b) increase or decrease the limits of any region or alter the name by which it is known or abolish any region or incorporate any region with any other region;
 - (c) amend or withdraw any notice under this section by similar notice.
[Sub-s. (1) amended by Proc. 7/96]
- (2) Every region which was established under subsection (1) and situated immediately prior to the date of assignment within more than one province, shall be disestablished with effect from that date.
[Sub-s. (2) added by Proc. 7/96]

6. Establishment of regional welfare boards

- (1) The Minister shall by notice in the Provincial *Gazette* establish a regional welfare board for each region.
[Sub-s. (1) amended by Proc. 7/96]
- (2) Any regional welfare board established for a region referred to in [section 5](#) (2) shall be abolished with effect from the date of assignment.
[Sub-s. (2) added by Proc. 7/96]

7. Constitution of regional welfare boards

- (1) A regional welfare board shall consist of so many members, but not exceeding fifteen and not less than eleven, as the Minister may from time to time determine.
- (2) The members of a regional welfare board shall be appointed by the Minister and at least three-fourths of such members shall be persons whose names appear on the nomination list for the region concerned.

- (3) The Minister shall designate one of the members as chairman and another member as deputy chairman of the regional welfare board.

8. Period of office of members of regional welfare boards

- (1) A member of a regional welfare board shall be appointed for a period of three years subject to such conditions as the Minister may determine.
- (2) If a member of a regional welfare board dies or vacates his office before the termination of the period for which he has been appointed, the Minister shall, with due regard to the provisions of this Act, appoint any other person to hold office for the unexpired portion of the period for which such member was appointed.
- (3) A member of a regional welfare board whose period of office has expired shall be eligible for reappointment.
- (4) The period of Office of a member of a regional welfare board may be terminated by the Minister at any time if, in the opinion of the Minister, there are good reasons for doing so.

9. Meetings, and quorum for and procedure at meetings, of regional welfare boards and executive committees.

- (1) A regional welfare board and its executive committee shall meet at such times and places as may be prescribed.
- (2) The quorum for and procedure at meetings of a regional welfare board and its executive committee shall be as prescribed.
- (3) The chairman of a regional welfare board shall preside at the meetings of the board, and of its executive committee at which he is present, and in the absence of the chairman at any meeting the deputy chairman shall preside at the meeting.

10. Preparation of nomination lists

- (1) The Minister shall as soon as practicable after the commencement of this section prepare in respect of each region a list of the names of persons resident or employed in the region who have been nominated in terms of subsection (2) to serve on the regional welfare board for that region.
- (2) The Minister shall, for the purposes of subsection (1), by such public notice as he may deem fit, request the nomination college of each region to submit to him the names of persons who are competent and willing to serve on the regional welfare board for the region concerned.
- (3) (a) The nomination college of any region shall consist of -
 - (i) the management of each welfare organization, and of each branch of a welfare organization, which is registered or is deemed to be registered in respect of the region concerned;
 - (ii) the management of each national council;
 - (iii) the executive authority of each training institution in the region concerned;

- (iv) the management of each professional association of social workers in the region concerned.
- (b) Each management or executive authority referred to in paragraph (a) may submit the names of not more than five persons referred to in subsection (1), and each name thus submitted shall be placed on the nomination list for the region in which such person is resident or employed, unless his name already appears on the list.
- (c) A national council shall not submit any name in respect of a region for which it has not been established as a national council.
- (4) (a) Nomination lists shall be revised by regional welfare boards every twelve months as from the date of the notice referred to in subsection (2) and such a board may on such revision recommend to the Minister that the name of any person who is no longer available or competent to serve on the board be removed from the list, and submit to the Minister the name of any other person in substitution of any name so removed.
- (b) A nomination college may submit to the regional welfare board the names of competent persons to replace persons whose names are removed in terms of paragraph (a).
- (5) Any person who is a member, or who is in the service, of a welfare organization or any branch of such an organization, or who is engaged in the training of persons in social work at a training institution, or who is a social worker or who is participating in the functions or activities of a welfare organization, may be nominated under subsection (2) if he is resident or employed in the region in respect of which he is nominated.
- (6) Nomination lists shall, subject to the provisions of subsection (4), remain in force for a period of three years as from the date of the notice referred to in subsection (2), or for such shorter period as the Minister may determine, after which fresh lists shall be prepared in accordance with the provisions of subsection (1).
- (7) For the purposes of this section, "training institution" shall mean a training institution as referred to in section 15 (4) of the Social Work Act, 1978 (Act No. 110 of 1978).

[Sub-s. (7) substituted by Proc. 7/96]

11. Powers and functions of regional welfare boards and appointment of executive committees and welfare committees

- (1) The powers and functions of a regional welfare board shall be -
 - (a) to investigate the social problems which occur in its region, and to consider, plan and propose measures for the solution thereof;
 - (b) to determine of its own accord or at the request of the Secretary or otherwise, the existing or future welfare needs of the inhabitants of its region or any part thereof;
 - (c) to plan and prepare a welfare programme with a view to the future development or provision of the social welfare services or facilities which are likely to be necessary to satisfy the welfare needs referred to in paragraph (b), and to recommend the order of priority in which such services or facilities should be accorded;
 - (d) to obtain the co-operation of welfare organizations in order to ensure efficient and

co-ordinated action by such organizations during emergencies;

- (e) to encourage, promote and co-ordinate the rendering of social welfare services by welfare organizations in its region and, without curtailing the right of such welfare organizations to self-determination, to stimulate the development of such services in a manner calculated to ensure an efficient, purposeful and fully co-ordinated social welfare service for its region;
 - (f) to regulate the registration of welfare organizations and matters relating thereto;
 - (g) to consult with other regional welfare boards on any matter in connection with social welfare or the rendering or provision of social welfare services or facilities;
 - (h) to advise the Secretary in regard to any matter relating to its functions;
 - (i) to perform such other functions as may be imposed upon it by or in terms of this Act or by the Minister or the Secretary.
- (2) A regional welfare board may, with the approval of the Secretary, arrange for discussions and conferences in connection with any matter relating to its functions.
- (3) A regional welfare board shall report to the Minister on its activities annually or in respect of such other periods as the Minister may determine.
- (4) (a) A regional welfare board may appoint an executive committee which shall consist of the chairman, the deputy chairman and three other members of the board.
- (b) The executive committee shall perform the functions assigned to it by the regional welfare board which appointed it.
- (5) (a) Subject to the provisions of this Act, any regional welfare board may, with the approval of the Secretary, appoint welfare committees for any area determined by the board within its region, to perform within such area such functions of the board, other than the functions referred to in subsection (1) (f) and (g), as the board may assign to it, and to advise the board on social welfare services and facilities for such area.
- (b) A welfare committee shall consist of not more than seven members.
- (c) A regional welfare board shall designate one of the members of a welfare committee as the chairman thereof.
- (d) Subject to the provisions of paragraph (e), a welfare committee shall be appointed for such period as may be determined by the regional welfare board.
- (e) A member of a welfare committee shall not be appointed for a period which exceeds the period for which the members of the regional welfare board concerned have been appointed.
- (f) The appointment of a member of a welfare committee may for good reasons be terminated by the regional welfare board which appointed it.
- (g) The quorum for and procedure at meetings of a welfare committee shall be as prescribed.

- (h) Any welfare committee appointed by a regional welfare board referred to in [section 6 \(2\)](#), shall cease to exist with effect from the date of assignment.

[Para. (h) added by Proc. 7/96]

- (6) The administrative functions of a regional welfare board shall be performed by an officer in the public service designated by the Secretary and who shall be known as the secretary of the board concerned.

12. Welfare programme

- (1) Every regional welfare board shall as soon as practicable after the commencement of this section, and thereafter at the prescribed times or whenever it deems it necessary or is requested thereto by the Minister or the Secretary -
- (a) determine the existing and future welfare needs of the inhabitants or any particular section of the inhabitants of its region or any part thereof, and for this purpose investigate and consider any representations received in this connection;
- (b) plan and prepare in the prescribed manner a welfare programme, and make the recommendation, referred to in [section 11 \(1\) \(c\)](#), for the purpose of providing in any welfare needs determined under paragraph (a) of this subsection.
- (2) A regional welfare board shall as soon as possible furnish any welfare organization or body which, or any person who, to the knowledge of the board, has a substantial and direct interest in the rendering or provision of any social welfare service or facility referred to in a welfare programme prepared by the board, or from which or from whom any representations have been received in connection with such service or facility, with the particulars which have been included in such programme with regard to such service or facility.
- (3) Every welfare programme prepared by a regional welfare board shall, together with any representations received in connection therewith and any comment which the regional welfare board may desire to make thereon, be submitted for consideration and approval to the Minister at the prescribed times.
- (4) A regional welfare board may at any time prior to such submission amend any welfare programme prepared by it.
- (5) (a) The Minister may approve or reject, or partly approve and partly reject, any welfare programme submitted to him or refer it back to the regional welfare board concerned for further investigation or consideration or such other action as he may deem fit.
- (b) If the Minister approves or partly approves a welfare programme, he may impose such conditions in connection with the implementation of the programme or any part thereof as he may deem fit.
- (6) If at any time after the approval of a welfare programme it is in the opinion of the Minister necessary or desirable to amend or reconsider the programme, he may refer it back to the regional welfare board concerned for amendment or reconsideration.

CHAPTER 3

REGISTRATION OF WELFARE ORGANIZATIONS

13. Registration of welfare organizations

- (1) Subject to the provisions of this Act, a regional welfare board may, on the application of a fund-raising organization as defined in [section 1](#) of the Fund-raising Act, 1978, which is contemplating the rendering of social welfare services in the region for which the said board has been established, and if it is satisfied that such social welfare services will provide in the welfare needs of the community or a specified part of the community of its region and that the organization will probably be capable of complying with the prescribed requirements which apply in the case of a welfare organization, register the fund-raising organization as a welfare organization for the said region subject to the prescribed conditions and any other conditions, and with the objects, specified by the regional welfare board, and issue a registration certificate containing the prescribed particulars of the fund-raising organization.
- (2) The regional welfare board which issues the registration certificate under subsection (1) may at any time record on the registration certificate the prescribed particulars of any registered branch of the welfare organization concerned, which renders social welfare services in the region in question, or classify in the prescribed manner such welfare organization or branch and record the classification on the registration certificate.
- (3) The regional welfare board with which an application under subsection (1) is lodged, may require the fund-raising organization concerned to furnish such further information with reference to the application as the board may consider necessary or expedient, and may cause the application to be investigated in order to obtain such further information relating to the application as may be necessary.
- (4) Notwithstanding the provisions of [sections 5](#) (2) and [6](#) (2), any welfare organization registered immediately prior to the date of assignment in terms of this section for a region which was situated within more than one province shall, for a period of not more than five years after that date, be deemed to be registered in terms of this section in every such province in respect of that part of the said region which was situated within the province concerned: Provided that -
 - (a) the Minister concerned may exercise the powers conferred upon a regional welfare board under [section 14](#) in respect of such a welfare organization during the said period; and
 - (b) such a welfare organization may at any time apply to an appropriate regional welfare board for registration in terms of this section, and if such a welfare organization is registered in terms of this section during the said period, the provisions of this subsection shall cease to apply in respect of such a welfare organization.

[Sub-s. (4) substituted by Proc. 7/96]

14. Amendment, suspension or withdrawal of registration certificate

- (1) A regional welfare board may at any time amend any registration certificate in order to correct any error therein and may at the request of any organization to which a registration certificate has been issued, vary, substitute or withdraw any condition attached thereto or add any condition thereto, and may, after enquiry in the prescribed manner, at discretion, amend such registration certificate for any reason other than the afore-mentioned reasons or substitute therefor a fresh registration certificate.
- (2) If any organization to which a registration certificate has been issued, refuses or fails, after a written request by the secretary of the regional welfare board concerned, to return

the registration certificate, for the amendment thereof in terms of subsection (1), to the board within a period of fourteen days after such request, the board may withdraw the registration certificate without further notice.

- (3) A regional welfare board may at any time at the request of any welfare organization to which a registration certificate has been issued, withdraw the registration certificate, or may, after enquiry in the prescribed manner, withdraw the registration certificate if it is satisfied -
- (a) that such welfare organization or any branch mentioned in its registration certificate has refused or failed to comply with any provision or condition of the registration certificate;
 - (b) that such welfare organization has wilfully made a false or misleading statement, or furnished false or misleading information, in or in connection with any application in terms of this Act;
 - (c) that such welfare organization has been lawfully dissolved or that it has not, for a period of one year, functioned in furtherance of its objects; or
 - (d) that such welfare organization does not pursue its objects effectively or that no substantial need exists for the social welfare services rendered by it.
- (4) A regional welfare board holding an enquiry in terms of subsection (3) may direct that the management of the welfare organization concerned shall appear at such enquiry, or that the management of any other welfare organization registered by such board or of any organization which has applied to such board for registration in terms of this Act and which is rendering social welfare services that are essentially similar to the social welfare services rendered by such first-mentioned welfare organization or which is pursuing objects essentially similar to the objects of such first-mentioned welfare organization, shall appear before such board, to reply to the questions or to discuss any matter relating to the subject of such enquiry which the board may raise.
- (5) A regional welfare board may, in lieu of withdrawing any registration certificate for any reason referred to in subsection (3) (a), (b) or (c), suspend, except in the case of a welfare organization which has been lawfully dissolved, the registration certificate for such period and on such conditions as it may deem fit.
- (6) (a) Subject to the provisions of paragraph (b), the amendment, suspension or withdrawal of any registration certificate in terms of this section shall come into operation on the date on which a written notice of the amendment, suspension or withdrawal is served in the prescribed manner by the secretary of the regional welfare board concerned on the welfare organization to which the registration certificate was issued.
- (b) If the service of the notice referred to in paragraph (a) is, in the opinion of the said secretary, not practicable in any particular case, he may cause a prescribed notice of the amendment, suspension or withdrawal to be published in the *Provincial Gazette*, whereupon such amendment, suspension or withdrawal shall be deemed to come into operation on the date on which the notice is so published.

[Para. (b) amended by Proc. 7/96]

15. Appeal against decisions of regional welfare board

- (1) A welfare organization or other organization which is aggrieved by a decision of a

regional welfare board relating to the rejection of an application under [section 13](#) or to the amendment, suspension or withdrawal of a registration certificate, may, in the prescribed manner, appeal against the decision to an appeal committee constituted by the Minister for the particular case.

- (2) The commencement of an amendment, a suspension or a withdrawal of a registration certificate shall be postponed by the noting of an appeal in terms of subsection (1) until the date on which the appeal is withdrawn or is disposed of by the appeal committee.
- (3) Such appeal committee shall consist of -
 - (a) a magistrate with at least ten years' experience as magistrate, who shall be the chairman; and
 - (b) two persons who are not members of the regional welfare board concerned or of a committee of that board and who, in the opinion of the Minister, have experience and knowledge of the functions of welfare organizations and who have no direct interest in the affairs of the appellant and are not in the employ of the appellant or in the public service.
- (4) The appellant may appear before the appeal committee by a member of its management or by counsel or an attorney or may submit written statements or arguments in support of its appeal.
- (5) The procedure to be followed in connection with the noting and prosecution of an appeal lodged in terms of this section, shall be as prescribed.
- (6) The appeal committee may confirm or set aside the decision of the regional welfare board concerned or give the decision which such board, in the opinion of the appeal committee, should have given, and may direct such board to do everything necessary to give effect to the decision of the appeal committee.
- (7) A person who is appointed to an appeal committee in terms of subsection (3) (b), may be paid such remuneration and allowances as the Minister may determine in consultation with the Minister of Finance.

16. Period of validity of registration certificate

A registration certificate issued under [section 13](#) shall remain in force until withdrawn or substituted under this Act.

17. Organization whose certificate has been withdrawn may again be registered

A regional welfare board may, upon the application of the management of any organization whose certificate of registration has been withdrawn under this Act, and after the expiry of a period which the board may deem fit, issue a fresh registration certificate in respect of such organization, and the provisions of [section 13](#) shall *mutatis mutandis* apply in relation to such application.

CHAPTER 4

GENERAL

18. Delegation of powers

- (1) The Minister may delegate to the Secretary or any other officer of the department or the component, as the case may be, of which the Secretary is the head, any power conferred upon the Minister by this Act, except a power referred to in [section 5](#), [6](#), [7](#) or [21](#).
- (2) The Secretary may with the approval of the Minister authorize any other officer of the department or the component, as the case may be, of which the Secretary is the head, to exercise any power conferred upon the Secretary by this Act.

[S. 18 amended by Proc. 7/96]

19. Allowances to members of, and payment of expenditure incurred by, regional welfare boards and committees

- (1) There may be paid to any member of a regional welfare board or an executive committee or a welfare committee, who is not in the full-time service of the state, while he is engaged on work connected with the business of such board or such committee, such fees and travelling and subsistence allowances as may be determined by the Minister in consultation with the Minister of Finance.
- (2) The expenditure incurred by any regional welfare board, executive committee or welfare committee in the performance of its functions shall be paid by the Minister in consultation with the Minister of Finance out of moneys appropriated by the Provincial Legislature concerned for the purpose.

[Sub-s. (2) amended by Proc. 7/96]

20. Financial aid to national councils

- (1) The Minister may, after consultation with the Premier of each province and with the concurrence of the Minister of Finance, out of moneys appropriated by Parliament for the purpose, make grants to any national council in so far as such a council organizes and represents welfare organizations on a national basis.
- (2) A grant made in terms of subsection (1) shall be subject to the prescribed conditions and to such other conditions as the Minister may, with the concurrence of the Minister of Finance, determine.

[S. 20 substituted by Proc. 7/96]

21. Regulations

- (1) The Minister may make regulations with regard to -
 - (a) the form of any application, certificate, notice, register or summons which is required to be, or may be, made, granted, given, issued or kept under this Act, and any other form required for the administration of the provisions of this Act;
 - (b) the registration of welfare organizations;
 - (c) the records and registers to be kept by regional welfare boards, welfare organizations and branches and committees of such organizations and welfare committees and the manner in which and places where the records and registers shall be kept and be dealt with and the returns and reports which shall be furnished;
 - (d) the circumstances under which, the purposes for which and the conditions subject to which the expenditure referred to in [sections 2](#) (8) and [19](#) (1) shall be paid, and the manner in which any moneys paid thereunder shall be accounted for;

- (e) the functions which may be performed by executive committees and welfare committees;
- (f) the procedure which shall be followed in connection with the noting and prosecution of an appeal in terms of [section 15](#);
- (g) any other matter which is required to be, or may be, prescribed under any provision of this Act, or which the Minister considers necessary or expedient to prescribe in order that the objects of this Act may be achieved.

22.

[S. 22 repealed by Proc. 40/94]

22A. Repeal of Act 104 of 1987

- (1) Subject to the provisions of subsection (2), the Community Welfare Act (House of Representatives), 1987 (Act No. 104 of 1987), is hereby repealed.
- (2) Notwithstanding the repeal of the said Act -
 - (a) any agreement which was concluded under [section 14](#) (1) of the said Act for the implementation of a service programme and binding between the parties concerned immediately prior to the date of the assignment, shall continue to exist until it is amended or terminated by the Director-General: Welfare;
 - (b) the Minister may, with the concurrence of the Minister of Finance, out of moneys appropriated by Parliament for that purpose, make grants to organizations or branches relating to such service programme on such conditions as the Minister may, with the concurrence of the Minister of Finance, determine; and
 - (c) any regulation which was made under [section 21](#) of the said Act and in force immediately prior to the date of assignment, shall remain of force until it is amended or repealed under [section 44](#) of the Health Act, 1977 (Act No. 63 of 1977).

[S. 22A inserted by Proc. 7/96]

23. Repeal of laws

The National Welfare Act, 1965 (Act No. 79 of 1965), the National Welfare Amendment Act, 1971 (Act No. 13 of 1971), and the National Welfare Amendment Act, 1976 (Act No. 44 of 1976), are hereby repealed in so far as they relate to the establishment and functions of the National Welfare Board, the commissions of the National Welfare Board and regional welfare boards and to the registration and control of welfare organizations referred to in the said Acts.

24. Short title and commencement

- (1) This Act shall be called the National Welfare Act, 1978, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.
- (2) Different dates may be fixed under section (1) in respect of different provisions of this Act.